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THE

STATUTES

OF

THE UNITED KINGDOM

OF

GREAT BRITAIN AND IRELAND.

WITH NOTES AND REFERENCES

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By N. SIMONS, of Lincoln's Inn, Esq.
BARRISTER AT LAW.

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TABLE

Containing the TITLES of all

THE STATUTES

Passed in the FOURTH Session of the FOURTEENTH Parliament

OF

The United Kingdom of *Great Britain* and *Ireland;*

7° & 8° VICTORIÆ.

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AND TO BE JUDICIALLY NOTICED.

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xxviii. An Act for making a Harbour and Dock near to *Hartlepool* in the County of *Durham*. *Ibid.*

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xxx. An Act for granting certain Powers to "The New *British* Iron Company." *Ibid.*

xxxi. An Act for enabling the Northern Coal Mining Company to raise Money for paying off existing Debts of the Company. *Ibid.*

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xxxiii. An Act for opening certain Streets and otherwise improving the Town of *Salford*; and for amending an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, for better cleansing and improving the said Town of *Salford* in the County Palatine of *Lancaster*. 485

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lvii. An Act for amending the Provisions of an Act for forming a Canal and other Works within and near certain Lands called the *West Croft*, in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham;* and for making certain Improvements within the said Town. 487
lviii. An Act to authorize an Extension of the *Edinburgh and Glasgow* Railway, and to amend and enlarge the Provisions of the Acts relating to such Railway. *Ibid.*
lix. An Act for making a Railway from *Leeds* to *Bradford*, with a Branch to the *North Midland* Railway. *Page* 487
lx. An Act for making a Railway from the *Manchester and Bolton* Railway in the Parish of *Eccles* to the Parish of *Whalley*, all in the County Palatine of *Lancaster*, to be called The *Manchester, Bury, and Rossendale* Railway. *Ibid.*
lxi. An Act for enabling the *York and North Midland* Railway Company to make a Railway from *York* to *Scarborough*, with a Branch to *Pickering*. *Ibid.*
lxii. An Act to enable the *Eastern Counties* Railway Company to make a Railway from the *Northern and Eastern* Railway at *Newport*, by *Cambridge*, to *Ely*, and from thence Eastward to *Brandon* and Westward to *Peterborough*. *Ibid.*
lxiii. An Act to make a Branch Railway from the *London and South-western* Railway to *Salisbury*. *Ibid.*
lxiv. An Act for making a Railway from the Town and Port of *Whitehaven* to the Town and Port of *Maryport* in the County of *Cumberland*. *Ibid.*
lxv. An Act for making a Railway from *Chester* to *Holyhead*. *Ibid.*
lxvi. An Act for making a Railway from the City of *Edinburgh* to the Town of *Berwick-upon-Tweed*, with a Branch to the Town of *Haddington*. *Ibid.*
lxvii. An Act for making a Railway from the *Shoreham* Branch of the *London and Brighton* Railway to *Chichester*. *Ibid.*
lxviii. An Act for making a Railway from *Exeter* to *Plymouth*, to be called "The *South Devon* Railway." *Ibid.*
lxix. An Act to enable the *South-eastern* Railway Company to complete and maintain a Branch Railway and Approach to the Harbour of *Folkestone*, and to construct other Works in connexion with the said Harbour, and also to effect certain Alterations and Extensions of the Works of the *Maidstone* Branch of the said *South-eastern* Railway; and to amend the Acts relating to the said Company. *Ibid.*
lxx. An Act for making a Railway to connect the *Edinburgh and Glasgow* and *Slamannan* Railways. *Ibid.*
lxxi. An Act for making a Junction Railway from the *Eastern Counties* Railway at *Stratford* in the County of *Essex* to the River *Thames*, with a Branch Railway therefrom; and for constructing a Pier in the River *Thames*. 488
lxxii. An Act for repairing, maintaining, and improving the Road from *Flint Lane* to *Holmfrith*, and thence to the *Huddersfield* and *Woodhead* Turnpike Road, and for making and maintaining a new Line of Road from the said Road at a Place called *Bents* to or near *Dunford Bridge*, all in the West Riding of the County of *York*. *Ibid.*
lxxiii. An Act for more effectually repairing the Road from *Market Harborough* in the County of *Leicester* to the City of *Coventry*. *Ibid.*
lxxiv. An Act for uniting the *York* Gas Light Company and the *York* Union Gas Light Company, and for more effectually lighting with Gas the City of *York* and the Suburbs and Vicinity thereof, in the County of *York*. *Ibid.*
lxxv. An Act for paving, lighting, draining, cleansing, and otherwise improving the Town of *Southampton*, and for removing and preventing Nuisances and Annoyances therein. *Ibid.*
lxxvi. An Act for enabling the Mayor, Aldermen, and Burgesses of the City of *Coventry* to make certain Im-

provements, to provide a Residence for the Judges during the Assizes in the said City, and to establish a Cemetery for the Dead near the said City. *Page* 488

lxxvii. An Act for making a Landing Place at or near *Hythe* in the Parish of *Fawley* and extra-parochial Places adjoining thereto in the County of *Southampton*. *Ibid.*

lxxviii. An Act for authorizing the *Newport* Dock Company to raise further Monies, and to make Sale of the Docks and Works; and for amending certain Acts relating to the said Dock. *Ibid.*

lxxix. An Act for constructing Tidal Basins, a Dock, and other Works at *Birkenhead* in the County of *Chester*; and for other Purposes. *Ibid.*

lxxx. An Act for enabling the Trustees of the *Liverpool* Docks to construct additional Wet Docks and other Works, and to raise a further Sum of Money; and for amending and extending the Acts relating to the Docks and Harbour of *Liverpool*. *Ibid.*

lxxxi. An Act to alter, explain, revive, and continue the Powers and Provisions of the Acts relating to the *Edinburgh, Leith, and Newhaven* Railway, and to make Two Branch Railways therefrom. 489

lxxxii. An Act for making a Railway from the *Manchester and Leeds* Railway to the Towns of *Ashton-under-Lyne* and *Staly Bridge*. *Ibid.*

lxxxiii. An Act to enable the *Sheffield, Ashton-under-Lyne, and Manchester* Railway Company to make a Branch Railway to *Ashton-under-Lyne* and *Stalybridge*; and to alter and enlarge the Powers of the said Company. *Ibid.*

lxxxiv. An Act to amend the Acts relating to the *Taff Vale* Railway; to authorize the Alteration of certain Works thereby authorized, and the Formation of additional Works; and to enlarge the Powers of the Company. *Ibid.*

lxxxv. An Act for making a Railway from *Colchester* to *Ipswich*. *Ibid.*

lxxxvi. An Act to amend the Acts relating to the *London and South-western* Railway, and to authorize an Extension of the said Railway and other Works at or near the *Nine Elms* Station. *Ibid.*

lxxxvii. An Act to extend the Line of the *Garnkirk and Glasgow* Railway; to enable the Company to raise a further Sum of Money; and to alter and amend the Acts relating to the said Railway. *Ibid.*

lxxxviii. An Act for making a Railway from *Mellorn* in the Parish of *Minster* to *Black Rock* in the Parish of *Saint Michæl* in *Saint Minver Lowlands* in the County of *Cornwall*. *Ibid.*

lxxxix. An Act to remedy certain Defects in the Apportionment of the Rent-charge in lieu of Tithes in the Parish of *Necton* in the County of *Norfolk*. *Ibid.*

xc. An Act to confirm and extend the Provisions of an Act of the Provincial Parliament of *Canada*, passed in the Seventh Year of the Reign of Her present Majesty, for incorporating the *Gaspé* Fishery and Coal Mining Company. *Ibid.*

xci. An Act for making a Railway from the *London and Brighton* Railway to *Lewes* and *Hastings*, with a Branch therefrom, all in the County of *Sussex*. *Ibid.*

xcii. An Act for making a Railway from the *London and Croydon* Railway at *Croydon* to *Epsom*. *Page* 489

xciii. An Act for improving the Harbour and Quay of *Wells* in the County of *Norfolk*; and for extending and altering some of the Provisions of the Act relating to the said Harbour and Quay. *Ibid.*

xciv. An Act for lighting, paving, cleansing, widening, and improving the Streets of the Town or Parish of *Wells* in the County of *Norfolk*; for removing and preventing Nuisances therein; and for making new Streets or Roadways. 490

xcv. An Act for incorporating the *London* Gas Light Company. *Ibid.*

xcvi. An Act for regulating legal Proceedings by or against the Mariners and General Life Assurance Company, and for granting certain Powers to the said Company. *Ibid.*

xcvii. An Act to continue and extend the Powers of "The *London and Croydon* Railway Company." *Ibid.*

xcviii. An Act to alter, amend, enlarge, and in part repeal the Acts relating to the *Wishaw and Coltness* Railway. *Ibid.*

xcix. An Act for making a Railway from the River *Dee* in the County of the City of *Chester* to *Wrexham* in the County of *Denbigh*, to be called "The *North Wales* Mineral Railway." *Ibid.*

c. An Act for making and maintaining a Railway from the City of *Dublin* to the Town of *Cashel*, with a Branch to the Town of *Carlow*. *Ibid.*

ci. An Act for widening, repairing, and maintaining the Bridge of *Ayr*, commonly called the *New Bridge*, leading across the River of *Ayr* at the Royal Burgh or Town of *Ayr* in the County of *Ayr*; and for other Purposes in relation thereto. *Ibid.*

cii. An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town and Borough of *Swansea* in the County of *Glamorgan*, and for removing and preventing Nuisances and Annoyances therein. *Ibid.*

ciii. An Act for making new Docks, and other Works connected therewith, in addition to the present Docks at *Kingston-upon-Hull*; and for amending the Acts relating to such last-mentioned Docks. *Ibid.*

civ. An Act for better lighting, paving, cleansing, watching, regulating, and improving the Town of *Rochdale* and the Environs thereof, in the County Palatine of *Lancaster*. *Ibid.*

cv. An Act for better paving, lighting, cleansing, and otherwise improving Part of the Parish of *Newchurch* in the *Isle of Wight*, called *Ventnor*, and for establishing a Market therein. *Ibid.*

cvi. An Act for improving the Drainage and Navigation of the Middle Level of the Fens. *Page* 491

cvii. An Act for the better supplying and lighting with Gas or other illuminating Power Parts of the Abbey Parish of *Paisley*, and certain Towns or Villages and Places adjacent; and for other Purposes relating thereto. *Ibid.*

cviii. An Act to authorize the Division of the Parish and Vicarage of *Leeds* in the County of *York* into several Parishes and Vicarages. *Ibid.*

The TITLES of the STATUTES,

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for inclosing Lands in the Parish of *Bury* in the County of *Huntingdon*. *Page* 492
2. An Act for inclosing Lands in the Parish of *Ramsey* in the County of *Huntingdon*. *Ibid.*
3. An Act to enable the Rector, Churchwardens, and Overseers of the Poor of the Parish of *Bow Brickhill* in the County of *Buckingham* to sell certain Parcels of Land in the said Parish which were allotted to them under the Award of the Commissioners made in pursuance of the *Bow Brickhill* and *Fenny Stratford* Inclosure Act, passed in the Thirtieth Year of King *George* the Third. *Ibid.*
4. An Act for inclosing Lands in the Parish of *Brandes Burton* in the County of *York*. *Ibid.*
5. An Act for inclosing Lands in the Township of *Haltwhistle* in the Parish of *Haltwhistle* in the County of *Northumberland*. *Ibid.*
6. An Act for inclosing Lands in the Manors or Lordships of *Farrington* and *Cwmgilla* in the Parish of *Knighton* in the County of *Radnor*. *Ibid.*
7. An Act for altering and amending an Act passed in the Third Year of the Reign of Her present Majesty, for inclosing certain Lands in the Town and County of the Town of *Nottingham*. 493
8. An Act for inclosing Lands in the Parishes of *Bleddfa* and *Llangunllo* in the County of *Radnor*. *Ibid.*
9. An Act for enabling *George Edwards* and *Walter Colbourn*, the Committees of the Estate of *William Beckett Neachell*, a Person of unsound Mind, to make Conveyances for carrying into execution an Agreement for the Partition or Division of the Real Estates of *William Orme* deceased, pursuant to an Order of the High Court of Chancery. *Ibid.*
10. An Act for authorizing a new Entail to be made of those Parts of the Lands and Estate of *Blythswood* which lie in the County of *Lanark*; and for enabling *Archibald Campbell* Esquire, of *Blythswood*, the Heir in possession of the said Estate, and his Successors, with Consent of Trustees, to sell or grant Feus of certain Parts thereof; and for other Purposes therein expressed. *Ibid.*
11. An Act to enable *Archibald* Marquess of *Ailsa* to borrow a certain Sum of Money upon the Security of his entailed Estates of *Cassillis* and *Culzean*, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates. *Ibid.*
12. An Act to authorize the Sale of the Fee Simple of the Estates of *Francis Hale Rigby* of *Mistley* in the County of *Essex*, Esquire, deceased, as devised by his Will, and for laying out the Monies to arise by such Sale. *Ibid.*
13. An Act for selling the entailed Estate of *Schivas* in the County of *Aberdeen*, belonging to *Alexander Forbes Irvine* Esquire, and for investing the Price thereof in the Purchase of other Lands to be entailed in lieu of the said Estate. *Ibid.*
14. An Act for carrying into effect a Contract between *Edward Gresley Stone* and *Thomas Fulljames* Esquires for the Sale to the said *Thomas Fulljames* of an Estate in the Parishes of *Hasfield*, *Ashleworth*, and *Corse*, in the County of *Gloucester*, Part of the Estates devised by the Will of *John Stone* Esquire, deceased, and for investing the Purchase Money in other Estates, to be settled to the same Uses; and for vesting certain other detached Estates in the Counties of *Gloucester* and *Worcester*, devised by the same Will, in Trustees, for Sale, and for investing the Monies arising therefrom in the Purchase of more convenient Estates to be settled to the same Uses. *Page* 493
15. An Act to authorize the Sale of a certain Leasehold Estate in the County of *Kent*, Part of the settled Estate of the Earl of *Guilford*. *Ibid.*
16. An Act to enable Sir *James John Randoll Mackenzie* of *Scatwell*, Baronet, to add certain Lands and Estates belonging to him in Fee Simple to his entailed Estate, upon certain Terms and Conditions, and to borrow certain Sums of Money upon the Security of his entailed Estate, for Repayment of certain Claims for Money laid out and to be laid out in Improvements upon the said Estate. *Ibid.*
17. An Act for vesting in Trustees certain Parts of the entailed Estate of *Seaforth*, to be sold, and the Price applied in Payment of the Entailer's Debts, and the Surplus to be laid out in the Purchase of other Lands; for enabling the Heiress in possession to borrow a Sum of Money on the Credit of the said entailed Estates; and for other Purposes connected therewith. *Ibid.*
18. An Act for authorizing the Sale of certain Estates in the Counties of *Meath* and *Cavan*, limited by the Settlement executed on the Marriage of *Pierce Morton* and *Louisa Morton* otherwise *Somerville*, his Wife, and for applying the Monies thence arising in Payment of Incumbrances affecting the said Estates prior to said Settlement. 494
19. An Act to authorize the Sale of certain Estates and Mines belonging to the Chapel of *Willenhall* in the Parish of *Wolverhampton* in the County of *Stafford*; and to provide a Residence for the Incumbent of the Chapel. *Ibid.*
20. An Act to enable the Guardian of *Henry Peach Keighley Peach*, an Infant, to sell the next Presentation to the Rectory and Parish Church of *Idlicote* in the County of *Warwick*. *Ibid.*
21. An Act for enlarging the Powers contained in the Will of Sir *John Ramsden* Baronet, deceased, to grant Leases of the Hereditaments in the Townships of *Huddersfield*, *Honley*, *Dalton*, and *Aldmondbury*, devised by such Will; and for other Purposes. *Ibid.*
22. An Act for enabling the Trustees under the Will of the late Mr. *Jonathan Passingham* to grant Leases of the devised Estates, with Licences to dig Brick Earth; and to raise Monies upon Parts of the said Estates; and for the Purchase of an adjoining Property; and for other Purposes. *Ibid.*
23. An Act for enabling the Trustees under the Marriage Settlement of *William Henry Bowen Jordan Wilson* Esquire to sell the Estates comprised in the same Settle-

ment, and for laying out the Monies arising from such Sales in the Purchase of other Lands, to be settled to the same Uses. *Page* 494

24. An Act for enabling Trustees to sell the Estates devised by and settled to the Uses of the Will of *William Harris* Esquire, deceased, and for authorizing the laying out of the Monies arising therefrom in the Purchase of other Estates, to be settled to the same Uses. *Ibid.*

25. An Act for carrying into effect a Compromise of a Suit for raising Portions for the younger Children of the Right Honourable *Thomas* Lord *Le Despencer* deceased, out of the settled Estates of the said *Thomas* Lord *Le Despencer* deceased at *Mereworth* in the County of *Kent* and elsewhere in the said County; and also for authorizing the Sale and Exchange of certain Parts of the said settled Estates. *Ibid.*

26. An Act to enable *Thomas Alexander* Baron *Lovat* to borrow a certain Sum of Money upon the Security of his entailed Estates, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates. *Ibid.*

27. An Act to enable the Trustees of the Will of Sir *George William Tapps Gervis* Baronet, deceased, to convey a Church at *Bournemouth* in the County of *Southampton* to Her Majesty's Commissioners for building new Churches, and to endow the same. *Ibid.*

28. An Act for enabling the Trustees of the Will of *William Atkins Bowyer* Esquire deceased, to grant building, improving, and other Leases of certain Estates at *Clapham* in the County of *Surrey*, devised by the said Will and the Second Codicil thereto to the Trustees therein named. *Ibid.*

29. An Act for effecting an Exchange of the entailed Estate of *Rosehall*, belonging to the Right Honourable *James Edward* Lord *Cranstoun*, situated in the County of *Sutherland*, for certain Lands in the County of *Kincardine* belonging to *James Matheson* Esquire, of *Achany*. *Ibid.*

30. An Act for confirming and carrying into execution certain Articles of Agreement made and entered into between *Charles James* Lord Bishop of *London*, *Thomas Thistlethwayte* Esquire, *Thomas Somers Cocks* Esquire *Christopher Hodgson* Esquire, the Company of Proprietors of the Grand Junction Canal, and the Grand Junction Waterworks Company; and for other Purposes therein mentioned. *Page* 494

31. An Act for vesting Parts of the Estates of *William Devaynes* Esquire, deceased, in Trustees, upon trust to be sold; and for paying off a Mortgage Debt of Eight thousand two hundred Pounds due to *James Parkinson* Esquire, out of the first Purchase Monies; and for laying out the Residue of the Purchase Monies, under the Direction of the Court of Chancery, in the Purchase of other Estates to be settled to the same Uses. 495

32. An Act for annexing to the united Bishopricks of *Down*, *Connor*, and *Dromore* the House known as *Down and Connor House*, with the Appurtenances; and for other Purposes. *Ibid.*

33. An Act to confirm certain Contracts for Leases made and entered into by *James Weller Ladbroke* Esquire of Lands and Premises at or near *Notting Hill* in the County of *Middlesex*; and to alter and enlarge the Powers of an Act passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth intituled *An Act to enable* James Weller Ladbroke *Esquire and others to grant Building Leases of Lands in* Kensington, Paddington, Notting Barns, *and* Westborne, *in the County of* Middlesex; and for other Purposes relating thereto. *Ibid.*

34. An Act to explain an Act passed in the First Year of Her present Majesty, intituled *An Act for authorizing the Sale and Exchange of the Real Estate devised by the Will of the Right Honourable* William Henry *Earl of* Rochford *deceased, and for the Application of the Produce thereof; and for authorizing the granting of Leases of the same Estate; and for other Purposes*; and for extending the Operation of such Act to certain Parties whose Consent thereto was required. *Ibid.*

PRIVATE ACTS,

NOT PRINTED.

35. An Act for naturalizing *John Frederick Sang.*

36. An Act for naturalizing *Samuel Schuster.*

37. An Act for naturalizing Dame *Susan Victoria Regina*, Widow of Sir *James Nugent* Baronet, deceased.

38. An Act for naturalizing *Antonio Lascaridi.*

39. An Act for naturalizing *Michael Spartali.*

40. An Act for naturalizing *Paul Cababé.*

41. An Act for naturalizing *Frederick Figge.*

42. An Act for naturalizing *Henri Victor Malan.*

43. An Act to enable *Mary Bean* Widow, and her Issue, and *Edward Whitley* Esquire and *Charlotte* his Wife, and the Issue of the said *Charlotte Whitley*, respectively to take the Surname and use the Arms of *Rodbard.*

44. An Act for naturalizing *Dionysius Onufri Marianski.*

45. An Act to dissolve the Marriage of *Samuel Archbutt* the younger, Gentleman, with *Mary Amelia* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

46. An Act for authorizing the Endowment of the Curacies of *Werrington* and *Saint Giles-in-the-Heath* in the County of *Devon*, and the Alienation and Conveyance of the Rights of Patronage of the same Curacies respectively to Persons who shall further endow the same; and for other Purposes relating thereto.

47. An Act to dissolve the Marriage of *John Cheape* Esquire, a Lieutenant Colonel in the Military Service of the Honourable *East India* Company, with *Amelia Frances Chicheley Cheape* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

48. An Act to dissolve the Marriage of *William Hough*, a Major in the Military Service of the Honourable *East India* Company, with *Sophia* his now Wife, and to enable him to marry again; and for other Purposes.

49. An Act to dissolve the Marriage of *Thomas Foreman Gape* with *Fanny Louisa* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

A

TABLE

Containing the TITLES of all

THE STATUTES

Passed in the FIFTH Session of the FOURTEENTH Parliament

OF

The United Kingdom of *Great Britain* and *Ireland;*

8° & 9° VICTORIÆ.

PUBLIC GENERAL ACTS.

1. AN Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-five. *Page* 501
2. An Act to continue for Three Years the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and to make Regulations for collecting and managing the same, until the Tenth Day of *October* One thousand eight hundred and forty-five. *Ibid.*
3. An Act for the Appointment of Constables or other Officers for keeping the Peace near public Works in *Scotland.* 502
4. An Act to continue for Three Years the Duties on Profits arising from Property, Professions, Trades, and Offices. *Ibid.*
5. An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-six, certain Duties on Sugar imported into the United Kingdom. 503
6. An Act to repeal the Duties and Laws of Excise on Glass. 506
7. An Act to repeal the Duties of Customs due upon the Exportation of certain Goods from the United Kingdom. 507
8. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. 508
9. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. 514
10. An Act to make certain Provisions for Proceedings in Bastardy. 519
11. An Act for assigning Sheriffs in *Wales.* 531
12. An Act to alter and amend certain Duties of Customs. *Ibid.*
13. An Act to repeal the Duties of Excise on Sugar manufactured in the United Kingdom, and to impose other Duties in lieu thereof. 536
14. An Act to exempt Ships carrying Passengers to *North America* from the Obligation of having on board a Physician, Surgeon, or Apothecary. *Page* 537
15. An Act to repeal the Duties of Excise on Sales by Auction, and to impose a new Duty on the Licence to be taken out by all Auctioneers in the United Kingdom. *Ibid.*
16. An Act for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature. 540
17. An Act for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature in *Scotland.* 558
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21. An Act to amend an Act of the Fifty-third of *George* the Third, for appointing a Stipendiary Magistrate for the Townships of *Manchester* and *Salford;* and to provide a Stipendiary Magistrate for the Division of *Manchester.* 642
22. An Act to enable the Commissioners of *Greenwich* Hospital to widen and improve *Fisher Lane* in *Greenwich;* and for other Purposes connected with the Estates of the said Commissioners. 648
23. An Act for raising the Sum of Nine millions three hundred and seventy-nine thousand six hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and forty-five. 659

24. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-six. *Page* 659
25. An Act to amend Two Acts passed in *Ireland* for the better Education of Persons professing the Roman Catholic Religion, and for the better Government of the College established at *Maynooth* for the Education of such Persons, and also an Act passed in the Parliament of the United Kingdom for amending the said Two Acts. *Ibid.*
26. An Act to prevent fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in *Scotland.* 663
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28. An Act to empower Canal Companies and the Commissioners of Navigable Rivers to vary their Tolls, Rates, and Charges on different Parts of their Navigations. 665
29. An Act to regulate the Labour of Children, young Persons, and Women, in Print Works. 667
30. An Act to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council.* 679
31. An Act to facilitate the Transmission and Extinction of Heritable Securities for Debt in *Scotland.* 680
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38. An Act to regulate the Issue of Bank Notes in *Scotland.* 727
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40. An Act for amending an Act for making Provision for Parish Schoolmasters in *Scotland.* *Ibid.*
41. An Act for amending the Laws concerning Highways, Bridges, and Ferries in *Scotland,* and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money. 734
42. An Act to enable Canal Companies to become Carriers of Goods upon their Canals. 742
43. An Act for encouraging the Establishment of Museums in large Towns. 744
44. An Act for the better Protection of Works of Art, and Scientific and Literary Collections. 745
45. An Act to make perpetual and amend an Act of the Fifth and Sixth Years of Her present Majesty, for preventing Ships clearing out from any Port in *British North America* or in the Settlement of *Honduras* from loading any Part of their Cargo of Timber upon Deck. *Page* 745
46. An Act for the Appointment of additional Constables for keeping the Peace near Public Works in *Ireland.* 746
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49. An Act to settle an Annuity on Sir *Henry Pottinger* Baronet, in consideration of his eminent Services. 749
50. An Act to facilitate the Recovery of Loans made by the *West India* Relief Commissioners. *Ibid.*
51. An Act to enable Archbishops and Bishops in *Ireland* to charge their Sees with the Costs incurred by them in defence of their Rights of Patronage, in certain Cases; and also to enable Tenants for Life and other Persons having limited Interests in Estates in *Ireland* to charge said Estates with the Costs incurred by them in asserting their Rights to Ecclesiastical Patronage, in certain Cases. 751
52. An Act for the Relief of Persons of the Jewish Religion elected to Municipal Offices. 755
53. An Act to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, certain Turnpike Acts. *Ibid.*
54. An Act to amend the Laws in force in *Ireland* for Unions and Divisions of Parishes; for the Settlement of the Patronage thereof, and the Celebration of Marriages in the same. *Ibid.*
55. An Act to continue for Two Years, and to the End of the then next Session of Parliament, and to amend, an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in* Ireland. 757
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58. An Act to suspend until the First Day of *October* One thousand eight hundred and forty-six the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. *Ibid.*
59. An Act to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads. *Ibid.*
60. An Act to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, the Act to amend the Laws relating to Loan Societies. *Ibid.*
61. An Act to make certain further Provisions for the Consolidation of Turnpike Trusts in *South Wales.* *Ibid.*

62. An Act to make further Provisions as to Stock and Dividends unclaimed. *Page* 763
63. An Act to facilitate the Completion of a Geological Survey of *Great Britain* and *Ireland*, under the Direction of the First Commissioner for the Time being of Her Majesty's Woods and Works. 765
64. An Act to amend certain Regulations respecting the Retail of Spirits in *Ireland*. 766
65. An Act to determine the countervailing Duties payable on Spirits of the Nature of plain *British* Spirits, the Manufacture of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, imported into the United Kingdom; and to prohibit the Importation of rectified or compound Spirits from the said Islands. 768
66. An Act to enable Her Majesty to endow new Colleges for the Advancement of Learning in *Ireland*. 769
67. An Act for making further Regulations for more effectually securing the Correctness of the Jurors Books in *Ireland*. 773
68. An Act to stay Execution of Judgment for Misdemeanors upon giving Bail in Error. 774
69. An Act to amend an Act of the Sixth Year of Her present Majesty, for promoting the Drainage of Lands, Improvement of Navigation and Water Power in connexion with such Drainage, in *Ireland*. 775
70. An Act for the further Amendment of the Church Building Acts. 779
71. An Act to extend certain Provisions in the Act for consolidating and amending the Laws relating to Highways in *England*. 786
72. An Act to render it unnecessary to keep up *Rothwell* Gaol, in the Honor of *Pontefract*, in the West Riding of the County of *York*. *Ibid.*
73. An Act to enable the Commissioners of Her Majesty's Woods and Works to apply certain Monies now in their Hands towards discharging the Incumbrances affecting the *Shrewsbury* and *Holyhead* Road. 788
74. An Act to amend an Act of the Seventh Year of King *William* the Fourth, for preventing the advertising of Foreign and other illegal Lotteries; and to discontinue certain Actions commenced under the Provisions of the said Act. *Ibid.*
75. An Act to amend an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law respecting defamatory Words and Libel*. 790
76. An Act to increase the Stamp Duty on Licences to Appraisers; to reduce the Stamp Duties on Registry Searches in *Ireland*; to amend the Law relating to the Duties on Legacies; and also to amend an Act of the last Session of Parliament, for regulating the Issue of Bank Notes in *England*. *Ibid.*
77. An Act to make further Regulations respecting the Tickets of Work to be delivered to Persons employed in the Manufacture of Hosiery, in certain Cases. 792
78. An Act to provide for the Payment of Compensation Allowances to certain Persons connected with the Courts of Law in *England*, for Loss of Fees and Emoluments. 794
79. An Act to continue until the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then Session of Parliament, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor. 795
80. An Act for regulating the Criminal Jurisdiction of Assistant Barristers as to certain Counties of Cities and Counties of Towns in *Ireland*. *Page* 795
81. An Act to amend an Act of the last Session, for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of *Dublin*. 796
82. An Act to defray until the First Day of *August* One thousand eight hundred and forty-six the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers. 798
83. An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in *Scotland*. *Ibid.*
84. An Act to repeal the several Laws relating to the Customs. 813
85. An Act for the Management of the Customs. 814
86. An Act for the general Regulation of the Customs. 822
87. An Act for the Prevention of Smuggling. 848
88. An Act for the Encouragement of *British* Shipping and Navigation. 869
89. An Act for the registering of *British* Vessels. 872
90. An Act for granting Duties of Customs. 884
91. An Act for the warehousing of Goods. 916
92. An Act to grant certain Bounties and Allowances of Customs. 923
93. An Act to regulate the Trade of *British* Possessions abroad. 924
94. An Act for the regulating the Trade of the *Isle of Man*. 942
95. An Act to exempt *Van Diemen's Land* from the Provisions of an Act, intituled *An Act for regulating the Sale of Waste Land belonging to the Crown in the* Australian *Colonies*. 947
96. An Act to restrict the Powers of selling or leasing Railways contained in certain Acts of Parliament relating to such Railways. *Ibid.*
97. An Act to amend the Law respecting Testamentary Dispositions of Property in the Public Funds, and to authorize the Payment of Dividends on Letters of Attorney in certain Cases. 948
98. An Act for facilitating the winding up the Affairs of Joint Stock Companies in *Ireland* unable to meet their pecuniary Engagements. 949
99. An Act to amend an Act of the Tenth Year of His late Majesty King *George* the Fourth, for consolidating and amending the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; and for other Purposes relating to the said Land Revenue. 955
100. An Act for the Regulation of the Care and Treatment of Lunatics. 960
101. An Act to continue until the Fifth Day of *July* One thousand eight hundred and sixty-two the Acts for regulating the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties; and to alter and amend the said Acts. 985
102. An Act to continue until the First Day of *January* One thousand eight hundred and fifty-one an Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury. 987

103. An Act to continue until the Thirty-first Day of *August* One thousand eight hundred and forty-eight, and to the End of the next Session of Parliament, and to amend, an Act of the Fifth and Sixth Years of Her present Majesty, for permitting Wheat to be delivered from the Warehouse or the Vessel Duty-free, upon the previous Substitution of an equivalent Quantity of Flour or Biscuit in the Warehouse. *Page* 987
104. An Act to empower the Commissioners of Her Majesty's Woods to appropriate to Building Purposes the Area of *Darby Court*, in the Parish of *Saint James Westminster*. 988
105. An Act for amending certain Acts of the Fourth and Fifth Years of the Reign of Her Majesty, for facilitating the Administration of Justice in the Court of Chancery; and for providing for the Discharge of the Duties of the Subpœna Office after the Death, Resignation, or Removal of the present Patentee of that Office. 989
106. An Act to amend the Law of Real Property. 990
107. An Act for the Establishment of a Central Asylum for Insane Persons charged with Offences in *Ireland*; and to amend the Act relating to the Prevention of Offences by Insane Persons, and the Acts respecting Asylums for the Insane Poor in *Ireland*; and for appropriating the Lunatic Asylum in the City of *Cork* to the Purposes of a District Lunatic Asylum. 991
108. An Act for the further Amendment of an Act of the Sixth Year of Her present Majesty, for regulating the *Irish* Fisheries. 999
109. An Act to amend the Law concerning Games and Wagers. 1005
110. An Act for the better collecting Borough and Watch Rates in certain Places. 1010
111. An Act to amend the Laws relating to the assessing of County Rates. 1012
112. An Act to render the Assignment of satisfied Terms unnecessary. 1016
113. An Act to facilitate the Admission in Evidence of certain official and other Documents. 1017
114. An Act for the Abolition of certain Fees in Criminal Proceedings. 1018
115. An Act for the Appointment of a Taxing Master for the High Court of Chancery in *Ireland*. *Ibid.*
116. An Act for the Protection of Seamen entering on board Merchant Ships. 1020
117. An Act to amend the Laws relating to the Removal of poor Persons born in *Scotland*, *Ireland*, the Islands of *Man*, *Scilly*, *Jersey*, or *Guernsey*, and chargeable in *England*. 1022
118. An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands; to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of general and local Inclosure Acts; and to provide for the Revival of such Powers in certain Cases. *Page* 1024
119. An Act to facilitate the Conveyance of Real Property. 1062
120. An Act for facilitating Execution of the Treaties with *France* and the United States of *America* for the Apprehension of certain Offenders. 1065
121. An Act to amend and explain certain Provisions of an Act of the Third and Fourth Years of Her present Majesty, for annexing certain Parts of certain Counties of Cities to adjoining Counties, for making further Provision for Compensation of Officers in Boroughs, for limiting the Borough Rate, and for continuing an Act to restrain the Alienation of Corporate Property in *Ireland*. 1066
122. An Act to amend an Act, intituled *An Act to carry into execution a Convention between His Majesty and the Emperor of* Brazil, *for the Regulation and final Abolition of the* African *Slave Trade*. 1069
123. An Act to authorize until the End of the next Session of Parliament an Alteration of the Annuities and Premiums of the Naval Medical Supplemental Fund Society. 1071
124. An Act to facilitate the granting of certain Leases. *Ibid.*
125. An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-six, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*. 1074
126. An Act to amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics, in *England*. 1075
127. An Act for the better securing the Payment of Small Debts. 1102
128. An Act to make further Regulations respecting the Tickets of Work to be delivered to Silk Weavers in certain Cases. 1108
129. An Act for raising the Sum of Nine millions and twenty-four thousand nine hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-five. 1110
130. An Act to apply the Sum of Ten millions eight hundred sixty-nine thousand two hundred and thirty-nine Pounds One Shilling and Seven-pence out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-five, and to appropriate the Supplies granted in this Session of Parliament. *Ibid.*

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act to enable the Mayor and Commonalty and Citizens of the City of *London* to raise a Sum of Money at a reduced Rate of Interest, to pay off the Monies now charged on the Tolls and Duties payable by virtue of several Acts for improving the Navigation of the River *Thames* Westward of *London* Bridge, within the Liberties of the City of *London*; and to amend some of the said Acts. *Page* 1114

ii. An Act for uniting the *Birmingham* and *Liverpool* Junction Canal Navigation Company with the *Ellesmere* and *Chester* Canal Company. *Page* 1114

iii. An Act for altering and enlarging the Powers and Provisions of the Acts relating to the *Forth* and *Clyde* Navigation. *Ibid.*

iv. An Act for the Construction of a Dock, Wharf, Walls, and other Works, by the *Birkenhead* Dock Commissioners at *Birkenhead* in the County of *Chester*.

v. An Act for amending the Acts relating to the Docks at *Kingston-upon-Hull*, and for enlarging one of the said Docks. *Ibid.*

vi. An Act for paving, lighting, watching, cleansing, and otherwise improving the Parish of *Wallasey* in the County of *Chester*; and for establishing a Police, and also a Market, within the said Parish; and for other Purposes. *Ibid.*

vii. An Act to incorporate the Members of the Institution called "The *London* Orphan Asylum," and to enable them the better to carry on their charitable Designs. *Ibid.*

viii. An Act to enable the Corporation of the Amicable Society for a perpetual Assurance Office to lend Money upon Mortgage for the Purpose of Investment, and also to confer other Powers upon the said Society. *Ibid.*

ix. An Act for repairing the Road from the South End of *Sparrows Herne* on *Bushey Heath*, through *Watford*, *Berkhampstead Saint Peter*, and *Tring*, in the County of *Hertford*, into the Town of *Aylesbury* in the County of *Buckingham*. *Ibid.*

x. An Act for making and maintaining a Turnpike Road from the Turnpike Road leading from *Bromyard* to *Stourport*, at or near to *Stanford Bridge* in the Parish of *Stanford*, to the Turnpike Road leading from *Clifton* to *Worcester* at or near to *Ham Bridge* in the Parish of *Clifton-on-Teme* in the County of *Worcester*. 1115

xi. An Act to amend the Acts relating to the Docks and Harbour of *Liverpool*. *Ibid.*

xii. An Act to alter the Provisions of an Act for lighting with Gas the Town of *Bradford* and the Neighbourhood thereof, within the Parish of *Bradford* in the West Riding of the County of *York*. *Ibid.*

xiii. An Act for abolishing the *Sunday* Toll authorized by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for paving the Streets and Lanes in the Town and Borough of* Southwark, *and certain Parts adjacent in the County of* Surrey, *and for cleansing, lighting, and watching the same, and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances therein;* and for altering and amending the same Act; and for other Purposes. *Ibid.*

xiv. An Act for completing the Line of the *Glasgow*, *Parkend*, and *Woodend* Turnpike Roads, for incorporating the same with the Roads under the Charge of the *Glasgow* and *Shotts* Road Trustees, and for the further Improvement and Maintenance of the said several Roads. *Ibid.*

xv. An Act for the better paving, lighting, and improving the Borough of *Chester*, and for establishing new Market Places therein. *Ibid.*

xvi. An Act for establishing a Market in the Town and Borough of *Stoke-upon-Trent* in the County of *Stafford*. *Ibid.*

xvii. An Act for amending the Acts relating to the Street leading to *Clerkenwell Green*; and for extending such Street, and making new Streets out of the same. *Ibid.*

xviii. An Act for the better lighting the Town and Suburbs of *Paisley* with Gas. *Page* 1115

xix. An Act for granting more effectual Powers for supplying with Water the Inhabitants of the Town and County of the Town of *Nottingham*, and certain Places adjacent thereto, in the County of *Nottingham*. *Ibid.*

xx. An Act to authorize the Erection of Sea Walls and Works, and a Jetty, at the Town or Parish of *Cromer* in the County of *Norfolk*, and otherwise to provide for protecting the said Town and Parish from the further Encroachment of the Sea. *Ibid.*

xxi. An Act for the better ascertaining and collecting the Poor and other Rates in the Parish of *Battersea* in the County of *Surrey*. *Ibid.*

xxii. An Act to carry into effect an Arrangement between the Corporation of the Royal Naval School and the Committee for managing the Patriotic Fund for the Admission of Pupils into the said School. *Ibid.*

xxiii. An Act to alter and enlarge the Powers and Provisions of the Acts for making a Dock or Docks at *Southampton*. *Ibid.*

xxiv. An Act to amend the Acts for building a Bridge over the River *Avon*, from *Clifton* to the opposite Side of the River in the County of *Somerset*. 1116

xxv. An Act for improving and maintaining the Harbour or Port of *Boddam* in the County of *Aberdeen*. *Ibid.*

xxvi. An Act for enabling *William Jackson* Esquire to build and maintain a new Church in the Township of *Claughton-cum-Grange* in the County of *Chester*. *Ibid.*

xxvii. An Act for enabling *William Potter* Esquire to build and maintain a new Church in the Township of *Claughton-cum-Grange* in the County of *Chester*. *Ibid.*

xxviii. An Act to enable the North *British* Insurance Company to purchase Annuities, to take and hold Property, and to invest Money and Stock upon Mortgage; and for other Purposes relating to the said Company. *Ibid.*

xxix. An Act for the better Regulation and Management and for the Extension of the Slaughter Houses and Market Accommodation in the City of *Glasgow*; and for other Purposes in relation thereto. *Ibid.*

xxx. An Act for repairing certain Roads between *Stokenchurch* and the Borough of *New Woodstock* in the County of *Oxford*, and several other Roads communicating therewith. *Ibid.*

xxxi. An Act to enable the *Glasgow, Garnkirk, and Coatbridge* Railway Company to improve the Gauge of their Rails. *Ibid.*

xxxii. An Act for making a Railway from the *Lancaster and Carlisle* Railway to *Birthwaite* in the Parish of *Windermere*, to be called "The *Kendal and Windermere* Railway." *Ibid.*

xxxiii. An Act for completing the Line of the *Chester and Holyhead* Railway, and for amending the Act relating to the said Railway. *Ibid.*

xxxiv. An Act for enabling the *York and North Midland* Railway Company to alter the Line of the *York and Scarborough* Railway near the City of *York*. *Ibid.*

xxxv. An Act for extending the *Manchester, Bury, and Rossendale* Railway to the Towns of *Blackburn, Burnley, Accrington*, and *Colne*. *Ibid.*

xxxvi. An Act for making a Railway from *Leeds* by *Dewsbury* to *Huddersfield*, all in the West Riding of the County of *York*, and for improving the Communication by Railway between the Towns of *Leeds* and *Huddersfield* and the Town of *Manchester*. *Ibid.*

xxxvii. An Act for making a Railway from the Town of *Dunstable* to join the *London and Birmingham* Railway near *Leighton Buzzard* in the County of *Bedford.* *Page* 1116
xxxviii. An Act for enabling the *Leeds and Bradford* Railway Company to make a Railway from *Shipley* to *Colne,* with a Branch to *Haworth.* *Ibid.*
xxxix. An Act for making a Railway from *Huddersfield* in the West Riding of the County of *York* to or near *Penistone* in the same Riding, there to form a Junction with the *Sheffield, Ashton-under-Lyne, and Manchester* Railway, to be called "The *Huddersfield and Sheffield Junction* Railway." 1117
xl. An Act for making a Railway from the *Great Western* Railway at or near *Reading* to the Towns of *Newbury* and *Hungerford,* and also to join the *South-western* Railway at or near *Basingstoke.* *Ibid.*
xli. An Act for the Consolidation of the *Yarmouth and Norwich* and *Norwich and Brandon* Railway Companies, and for authorizing the Construction of certain Works at *Norwich* in connexion with the *Yarmouth and Norwich* Railway. *Ibid.*
xlii. An Act for making a Railway from *Shrewsbury* in the County of *Salop* to *Ruabon* in the County of *Denbigh,* to be called "The *Shrewsbury, Oswestry, and Chester Junction* Railway." *Ibid.*
xliii. An Act for making a Railway from the Town of *Bedford* to join the *London and Birmingham* Railway near *Bletchley* in the County of *Buckingham.* *Ibid.*
xliv. An Act for making a Railway from *Blackburn to Bolton* in the County of *Lancaster,* to be called "The *Blackburn, Darwen, and Bolton* Railway." *Ibid.*
xlv. An Act for making a Railway from *Lowestoft* in the County of *Suffolk* to the *Yarmouth and Norwich* Railway at *Reedham* in the County of *Norfolk,* and for improving the Harbour of *Lowestoft.* *Ibid.*
xlvi. An Act to enable the *Monkland and Kirkintilloch* Railway Company to improve the Gauge of their Rails. *Ibid.*
xlvii. An Act to authorize the *Newcastle-upon-Tyne and North Shields* Railway Company to make a Railway from *North Shields* to the Village of *Tynemouth,* and also a Branch from the present Line to the public Quay adjoining the River *Tyne* at *Newcastle.* *Ibid.*
xlviii. An Act for making a Railway from *Ely* to *Huntingdon.* *Ibid.*
xlix. An Act to empower the *Midland* Railway Company to extend the said Railway from *Nottingham* to *Newark* and *Lincoln.* *Ibid.*
l. An Act for making a Railway from a Place in the Parish of *Bole* in the County of *Nottingham,* near to the Town and Port of *Gainsborough,* to the Town and Port of *Great Grimsby* in the Parts of *Lindsey* in the County of *Lincoln,* with Branches to the District or Place called *New Holland,* and to the Town of *Market Rasen,* to be called "The *Great Grimsby and Sheffield Junction* Railway." *Ibid.*
li. An Act for making a Branch Railway from the *Hull and Selby* Railway to *Bridlington,* and for other Purposes relating to the *Hull and Selby* Railway. *Ibid.*
lii. An Act to enable the *Brighton, Lewes, and Hastings* Railway Company to make a Branch Railway from *Southover, Lewes,* to join the *London and Brighton* Railway at *Keymer.* *Ibid.*
liii. An Act for making a Railway from the *Great Western* Railway to the City of *Salisbury* and Town of *Weymouth,* with other Railways in connexion therewith, to be called "The *Wilts, Somerset, and Weymouth* Railway." *Page* 1117
liv. An Act for amending the Acts relating to the *Manchester and Leeds* Railway, and for making a Branch therefrom to *Burnley,* and for extending the *Oldham* and *Heywood* Branches. 1118
lv. An Act for making a Railway from *Lynn* to *Ely,* with Branches therefrom. *Ibid.*
lvi. An Act to empower the *Midland* Railway Company to make a Branch from the said Railway near *Syston* in the County of *Leicester* to the City of *Peterborough.* *Ibid.*
lvii. An Act for authorizing the Sale of the *Whitby and Pickering* Railway to the *York and North Midland* Railway Company, and for enabling the said Company to make certain Deviations or Alterations in the Line of the *Whitby and Pickering* Railway. *Ibid.*
lviii. An Act for enabling the *York and North Midland* Railway Company to make a Branch Railway from the Line of the *York and Scarborough* Railway, in the Township of *Seamer,* to *Bridlington.* *Ibid.*
lix. An Act for amending an Act of the Forty-first Year of the Reign of His Majesty King *George* the Third relating to the Port of *Newcastle-upon-Tyne;* and for granting further Powers and for establishing and maintaining an efficient River Police, and for regulating the said Port. *Ibid.*
lx. An Act for constructing Docks, Walls, Warehouses, and other Works in *Birkenhead.* *Ibid.*
lxi. An Act for constructing Docks at *Wexford,* to be called "The *Castle Hill* Docks," and for the Regulation and Management thereof. *Ibid.*
lxii. An Act to amend the Acts relating to the *Hungerford* and *Lambeth* Suspension Foot Bridge Company, hereafter to be called "The *Charing Cross Bridge* Company," and for granting further Powers to the said Company. *Ibid.*
lxiii. An Act for better supplying with Gas the Township of *Pudsey* and the Village of *Farsley,* and the Neighbourhood thereof, all in the Parish of *Calverley* in the West Riding of the County of *York.* *Ibid.*
lxiv. An Act for better supplying with Gas the Borough of *Devonport.* *Ibid.*
lxv. An Act for better supplying with Gas the Town and Neighbourhood of *Plymouth.* *Ibid.*
lxvi. An Act to enlarge the Powers of the *Birmingham* and *Staffordshire* Gas Light Company. *Ibid.*
lxvii. An Act for better supplying with Gas the Town and Neighbourhood of *Taunton* in the County of *Somerset.* *Ibid.*
lxviii. An Act for better supplying with Water the Towns of *Scarborough* and *Falsgrave* in the Parish of *Scarborough* in the County of *York.* *Ibid.*
lxix. An Act for uniting the *Vauxhall* and *Southwark* Water Companies into One Company, to be called The *Southwark* and *Vauxhall* Water Company, and for extending the Works of the said Company. 1119
lxx. An Act to alter, enlarge, and amend an Act for supplying with Water the Town and Neighbourhood of *Huddersfield* in the West Riding of the County of *York.* *Ibid.*
lxxi. An Act for supplying the Borough and County of *Newcastle-upon-Tyne* and the Borough of *Gateshead* in the County of *Durham,* and the Neighbourhoods thereof, with Water, from *Whittle Dean* in the Parish of *Ovingham,* and other Places in *Northumberland.* *Ibid.*

lxxii. An Act to enable the *Shaws Water* Joint Stock Company to increase the Supply of Water for driving Mills and Machinery near the Town of *Greenock*, and for the Use of the Inhabitants of the said Town and Harbours thereof. *Page* 1119

lxxiii. An Act to regulate the loading of Ships with Coals in the Port of *Newcastle-upon-Tyne*. *Ibid.*

lxxiv. An Act for better assessing and collecting the Poor Rates, Highway Rates, and Church Rates in the Parish of *Hemel Hempsted* in the County of *Hertford*. *Ibid.*

lxxv. An Act to alter and extend some of the Provisions contained in the Act of Parliament constituting "The Standard Life Assurance Company." *Ibid.*

lxxvi. An Act for conferring on the *Edinburgh* Life Assurance Company certain Privileges of a Corporate Body, and as such to sue and be sued, to hold Property, and for other Purposes relating thereto. *Ibid.*

lxxvii. An Act for amending the Act establishing "The West of *London* and *Westminster* Cemetery Company;" and for enabling the Company to raise a further Sum of Money. *Ibid.*

lxxviii. An Act to enable the Master, Wardens, and Commonalty of Watermen and Lightermen of the River *Thames* to invest their Poor's Fund and the Endowment Fund of the Free Watermen and Lightermen's Asylum in the Purchase of Land or on Mortgage, and to hold Lands for the Purposes of the said Funds. *Ibid.*

lxxix. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Crediton* in the County of *Devon*, and other Places in the same County. *Ibid.*

lxxx. An Act to authorize the *London and Greenwich* Railway Company to let on Lease the *London and Greenwich* Railway, and for amending the Acts relating to such Railway. *Ibid.*

lxxxi. An Act for making a Railway from *Belfast* to *Ballymena* in the County of *Antrim*, with Branches to *Carrickfergus* and *Randalstown*. *Ibid.*

lxxxii. An Act to empower the *North British* Railway Company to purchase the *Edinburgh and Dalkeith* Railway, and to alter Part of the Line of the said Railway and of the *North British* Railway, and to construct certain Branch Railways in connexion therewith. *Ibid.*

lxxxiii. An Act to enable the *Lancaster and Carlisle* Railway Company to alter the Line of such Railway, and to make a Branch therefrom; and for other Purposes relating thereto. 1120

lxxxiv. An Act for enabling the *York and North Midland* Railway Company to make a Railway from the Line of the *York and North Midland* Railway to *Harrogate*. *Ibid.*

lxxxv. An Act for making a Railway from the *Eastern Counties and Thames Junction* Railway, near the Mouth of the River *Lea*, to *North Woolwich*. *Ibid.*

lxxxvi. An Act for authorizing the Sale of the *Guildford Junction* Railway. *Ibid.*

lxxxvii. An Act for making a Railway from *Waterford* to *Kilkenny*, with a Branch to *Kells*, in the County of *Kilkenny*. *Ibid.*

lxxxviii. An Act for making a Railway from *Exeter* to *Crediton* in the County of *Devon*. *Ibid.*

lxxxix. An Act for improving the Navigation of the River and Bay leading to the Borough of *Bridgwater*; for maintaining the present Bridge, and extending the Quays within the Borough; and for forming a Communication by Road and by Railway between the Quays and the *Bristol and Exeter* Railway. *Ibid.*

xc. An Act for authorizing the Consolidation of the *Sheffield and Rotherham* Railway with the *Midland* Railways, and for making a Branch Railway from and other Works in connexion with the said *Sheffield and Rotherham* Railway. *Page* 1120

xci. An Act to amend the Acts relating to the *Edinburgh and Glasgow* Railway; and to authorize the Formation of additional Branches. *Ibid.*

xcii. An Act for enabling the *Newcastle and Darlington Junction* Railway Company to purchase the *Brandling Junction* Railway; and to enable the said Company to make certain Branch Railways, Stations, and Works; and for other Purposes. *Ibid.*

xciii. An Act for making a Railway from *Southampton* to *Dorchester*, with a Branch to the Town of *Poole*. *Ibid.*

xciv. An Act to amend the Act relating to the *Eastern Union* Railway Company, and to raise a further Sum of Money for the Purposes of the said Undertaking. *Ibid.*

xcv. An Act to authorize an Extension of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway to near *Cumnock;* and to amend the Acts relating to such Railway. *Ibid.*

xcvi. An Act for effecting a Railway Communication between *Dundalk* and *Enniskillen*. *Ibid.*

xcvii. An Act for making a Railway from the *Eastern Union* Railway at *Ipswich* to *Bury Saint Edmunds*. *Ibid.*

xcviii. An Act for making a Railway from *Londonderry* to *Enniskillen*. *Ibid.*

xcix. An Act to authorize the *Chester and Birkenhead* Railway Company to extend the said Railway from *Grange Lane* to *Bridge End*, all in *Birkenhead;* and to amend the Acts relating to the said Railway. 1121

c. An Act for making a Railway from *Whitehaven* in the County of *Cumberland* to a Point of Junction with the *Furness* Railway in the Parish of *Dalton* in the County Palatine of *Lancaster*, to be called "The *Whitehaven and Furness Junction* Railway." *Ibid.*

ci. An Act for amending the Act relating to the *Manchester, Bury, and Rossendale* Railway. *Ibid.*

cii. An Act to enable the *Great North of England* Railway Company to make a Branch Railway, to be called "The *Great North of England and Richmond* Railway," in the County of *York*. *Ibid.*

ciii. An Act for altering the Line of the *Blackburn and Preston* Railway; and for amending the Act relating thereto. *Ibid.*

civ. An Act for making a Railway from *Leeds* to *Thirsk*, with Branches therefrom. *Ibid.*

cv. An Act for making a Railway from the *Sheffield, Ashton-under-Lyne, and Manchester* Railway at *Stalybridge* to the *Manchester and Leeds* Railway at *Kirkheaton*, with a Branch therefrom; and for consolidating into One Undertaking the said proposed Railway and the *Huddersfield* Canal Navigation. *Ibid.*

cvi. An Act for making and maintaining a Railway from *Porth Dyllaen* in the Parish of *Edern* to *Bangor* in the County of *Carnarvon*, to be called "The *North Wales* Railway." *Ibid.*

cvii. An Act to amend the Act relating to the *Taw Vale* Railway and Dock. *Ibid.*

cviii. An Act for making a Railway to connect the *Manchester and Birmingham*, and *Sheffield, Ashton-under-Lyne, and Manchester* Railways, near *Guides Bridge;* and for other Purposes connected with the said *Manchester and Birmingham* Railway. *Ibid.*

cix. An Act for amending the Act relating to the *Ashton, Stalybridge, and Liverpool Junction* Railway, and for making a Branch therefrom to *Ardwick.* *Page* 1121

cx. An Act to enable the *Eastern Counties* Railway Company to make a Deviation from the Line of their authorized Railway between *Ely* and *Peterborough.* *Ibid.*

cxi. An Act for making a Railway to connect the *Manchester and Birmingham* and *Liverpool and Manchester* Railways in the Parish of *Manchester*, and also to *Altrincham* in the County of *Chester*, to be called "The *Manchester South Junction and Altrincham* Railway." *Ibid.*

cxii. An Act for making a Railway from *Stafford* to *Rugby.* *Ibid.*

cxiii. An Act for making a Branch Railway from the *London and Brighton* Railway to or near to the Town of *Horsham* in the County of *Sussex.* *Ibid.*

cxiv. An Act to amend the Act relating to the *Ulster* Railway Company; and to enable the said Company to make a Railway from *Portadown* to *Armagh.* *Ibid.*

cxv. An Act to authorize the *North Wales* Mineral Railway Company to extend their Line to *Ruabon*, and to make a Branch Railway from *Rhos Robin* to *Minera*, and to raise additional Capital for those Purposes. 1122

cxvi. An Act for enabling the *North Union* Railway Company and the *Ribble* Navigation Company to make a Branch or Connexion Railway from the *North Union* Railway to the *Victoria* Quay in *Preston;* and for amending and enlarging the Powers and Provisions of the several Acts relating to such Railway and Navigation respectively. *Ibid.*

cxvii. An Act for uniting the *Sankey Brook* Navigation with the *Saint Helens and Runcorn Gap* Railway; and for other Purposes. *Ibid.*

cxviii. An Act for enabling the *Great North of England, Clarence, and Hartlepool Junction* Railway Company to make a Branch Railway; and for amending the Acts relating to the said Railway. *Ibid.*

cxix. An Act for making a Railway from *Dublin* to *Mullingar* and *Longford*, to be called "The *Midland Great Western* Railway of *Ireland*." *Ibid.*

cxx. An Act for making a Railway from the Market Town of *Cockermouth* to the Port and Harbour of *Workington* in the County of *Cumberland.* *Ibid.*

cxxi. An Act for making a Railway from *Richmond* in the County of *Surrey* to the *South-western* Railway at *Battersea* in the same County, to be called "The *Richmond* Railway." *Ibid.*

cxxii. An Act for making a Railway from *Cork* to *Bandon.* *Ibid.*

cxxiii. An Act for enabling the *Liverpool and Manchester* Railway Company to extend and enlarge the said Railway, and to make certain Branch Railways, and for amending and enlarging the Powers of the several Acts relating to the said Railway. *Ibid.*

cxxiv. An Act to authorize the Extension of the *Great Southern and Western* Railway to the City of *Cork*, with a Branch Railway to the City of *Limerick.* *Ibid.*

cxxv. An Act to amend the several Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company; and to enable the said Company to make Three several Branch Railways. *Ibid.*

cxxvi. An Act for making a Railway from *Lynn* to *East Dereham.* *Ibid.*

cxxvii. An Act for making a Railway from *Middlesbro'* to or near the Town of *Redcar* in the North Riding of the County of *York*, to be called "The *Middlesbro' and Redcar* Railway." *Page* 1122

cxxviii. An Act to enable the *Dublin and Drogheda* Railway Company to make a Branch Railway to *Howth;* and to amend the Acts relating to such Company. *Ibid.*

cxxix. An Act for making a Railway from the Town of *Newry* to the Town of *Enniskillen.* *Ibid.*

cxxx. An Act for making a Railway from *Drogheda* to *Portadown*, with a Branch to *Navan.* *Ibid.*

cxxxi. An Act for making and maintaining a Railway from the City of *Waterford* to the City of *Limerick*, with Branches. 1123

cxxxii. An Act for lighting with Gas the Town and Township of *Glossop* in the County of *Derby.* *Ibid.*

cxxxiii. An Act for consolidating the Management of the Bridges over the *Clyde* at *Glasgow;* for rebuilding the Bridge over the said River opposite *Stockwell Street* in the City of *Glasgow;* for erecting a temporary Bridge for the Use of the Public; for erecting across the said River an Iron Bridge for Foot Passengers, on the existing Bridge opposite to *Portland Street* of *Laurieston* being taken down; and other Purposes. *Ibid.*

cxxxiv. An Act for improving the Markets in the Borough and Town of *Totnes* in the County of *Devon*, and for better supplying the Borough with Water. *Ibid.*

cxxxv. An Act for better supplying with Water the Town of *Wolverhampton* in the County of *Stafford.* *Ibid.*

cxxxvi. An Act for making Two new Streets, with Improvements and Waterworks, within the Town of *Lyme Regis* in the County of *Dorset*, and for watching and lighting the said Town. *Ibid.*

cxxxvii. An Act for supplying with Water the Royal Burgh of *Dundee* and Suburbs thereof. *Ibid.*

cxxxviii. An Act for better supplying with Water the Town and Township of *Blackburn* in the County Palatine of *Lancaster.* *Ibid.*

cxxxix. An Act for amending the Acts relative to the improving of the Pier and Port of *Hartlepool* in the County of *Durham.* *Ibid.*

cxl. An Act for making and maintaining Reservoirs in the Parish of *Kendal* in the County of *Westmorland.* *Ibid.*

cxli. An Act to effect Improvements in the Borough of *Manchester* for the Purpose of promoting the Health of the Inhabitants thereof. *Ibid.*

cxlii. An Act for the Improvement of the Borough of *Belfast.* *Ibid.*

cxliii. An Act for better paving, lighting, cleansing, regulating, and improving the Parish of *Saint Luke Chelsea* (exclusive of the District of *Hans Town*) in the County of *Middlesex.* *Ibid.*

cxliv. An Act to make Provision for the Payment of the Debts of the Mayor, Jurats, Bailiffs, and Burgesses of the Borough of *Quinborowe* in the County of *Kent;* and for other Purposes. *Ibid.*

cxlv. An Act for more effectually constituting and regulating the Court of Record within the Borough of *Manchester*, and for extending the Jurisdiction of the said Court. *Ibid.*

cxlvi. An Act for regulating legal Proceeding by and against "The Reversionary Interest Society," and for granting certain Powers to the said Society. *Ibid.*

cxlvii. An Act to facilitate the winding up of the Affairs of the Agricultural and Commercial Bank of *Ireland*. *Page* 1124

cxlviii. An Act for altering and amending certain Acts relating to the *Forth* and *Clyde* Navigation and the *Edinburgh* and *Glasgow* Union Canal, and for forming a Junction between the said Navigation and Canal. *Ibid.*

cxlix. An Act to amend an Act for draining the Low Grounds and Cars in the Parish of *Keyingham* and other Places in the East Riding of the County of *York*. *Ibid.*

cl. An Act for making and maintaining in repair a complete Line of Turnpike Road from *Shepley Lane Head* to the *Barnesley* and *Grange Moor* Turnpike Road at or near *Redbrooke* Plantation in the Parish of *Darton*, all in the West Riding of the County of *York*. *Ibid.*

cli. An Act for repairing and maintaining the Road from *Harwell* to *Streatley* in the County of *Berks*. *Ibid.*

clii. An Act for making a Railway, to be called "The *Wear Valley* Railway," from and out of the *Bishop Auckland and Weardale* Railway to *Frosterley*, with a Branch terminating at or near *Bishopley Crag* in *Stanhope in Weardale*, all in the County of *Durham*. *Ibid.*

cliii. An Act for making a Railway from *Aberdeen* to *Friockheim* and *Guthrie*, with Branch Lines to *Montrose* and *Brechin*, to be called "The *Aberdeen* Railway." *Ibid.*

cliv. An Act for altering the Line of the *Norwich and Brandon* Railway, and for making a Branch therefrom to *East Dereham* in the County of *Norfolk*. *Ibid.*

clv. An Act to amend the Acts relating to the *Bristol and Exeter* Railway, and to authorize the Formation of a Junction Railway and several Branch Railways connected with the same. *Ibid.*

clvi. An Act for enabling the *London and Birmingham* Railway Company to take a Lease of the *West London* Railway. *Ibid.*

clvii. An Act for making a Railway from the Royal Burgh of *Dundee* in the County of *Forfar* to the Royal Burgh or City of *Perth* in the County of *Perth*, to be called "The *Dundee and Perth* Railway." *Ibid.*

clviii. An Act for making a Railway from *Burntisland* in the County of *Fife* to the City of *Perth*, with certain Branches therefrom, to be called "The *Edinburgh and Northern* Railway." *Ibid.*

clix. An Act for making a Railway from the *Taff Vale* Railway near *Ynys Meyrick* to *Aberdare*, with a Branch therefrom, to be called "The *Aberdare* Railway." *Ibid.*

clx. An Act for making a Railway from the Termination of the *Polloc and Govan* Railway at *Rutherglen* to *Hamilton*, and to the *Wishaw and Coltness* Railway at *Motherwell*, to be called "The *Clydesdale* Junction Railway." *Ibid.*

clxi. An Act for making a Railway from the City of *Perth*, by *Stirling*, to the *Edinburgh and Glasgow* Railway, to be called The *Scottish Central* Railway. *Ibid.*

clxii. An Act for making a Railway from *Carlisle* to *Edinburgh* and *Glasgow* and the North of *Scotland*, to be called "The *Caledonian* Railway." 1125

clxiii. An Act for making a Railway from *Newcastle-upon-Tyne* to *Berwick-upon-Tweed*, with Branches therefrom, to be called "The *Newcastle and Berwick* Railway." *Ibid.*

clxiv. An Act for making a Railway from the *Edinburgh and Hawick* Railway to the Town of *Hawick* in the County of *Roxburgh*. *Ibid.*

clxv. An Act to amend the Acts relating to the *London and South-western* Railway, and to authorize Extensions thereof from the *Nine Elms* Terminus to a Point near to *Waterloo* and *Hungerford* Bridges in the Parish of *Saint Mary Lambeth*, and to the *Thames* at *Nine Elms* in the Parish of *Battersea*, all in the County of *Surrey*. *Page* 1125

clxvi. An Act for making a Railway from *Liverpool* to *Wigan*, *Bolton*, and *Bury*, with several Branches therefrom. *Ibid.*

clxvii. An Act to enable the *South-eastern* Railway Company to make or complete a Branch Railway from the *South-eastern* Railway at *Tunbridge* to *Tunbridge Wells*. *Ibid.*

clxviii. An Act to enable the Company of Proprietors of the *Thames* and *Medway* Canal to raise a further Sum of Money; and to amend the Acts relating to the said Company; and to enable the said Company to widen, extend, and maintain a Railway from *Gravesend* to *Rochester*. *Ibid.*

clxix. An Act to authorize the Company of Proprietors of the *Monmouthshire* Canal Navigation to make a Railway from *Newport* to *Ponty Pool*; and to enlarge the Powers of the several Acts relating to the said Company. *Ibid.*

clxx. An Act for making a Railway for the City or Royal Burgh of *Perth* to or near to the Town or Royal Burgh of *Forfar*. *Ibid.*

clxxi. An Act to enable the *Manchester and Leeds* Railway Company to raise an additional Sum of Money; and to amend the several Acts relating to the said Company. *Ibid.*

clxxii. An Act for making a Railway from the *Manchester and Leeds* Railway at *Wakefield* to the Towns of *Pontefract* and *Goole*, with certain Branches therefrom. *Ibid.*

clxxiii. An Act for deepening, regulating, and otherwise improving *Falmouth* Harbour in the County of *Cornwall*, and for forming Basins, Docks, and other Works in *Penryn Creek* in the aforesaid Harbour; and for other Purposes. *Ibid.*

clxxiv. An Act to alter and amend some of the Provisions of the Acts relating to the *Cromford* Canal. *Ibid.*

clxxv. An Act for better supplying with Water the Town and Parish of *Sheffield* in the County of *York*; and for amending the Act relating thereto. *Ibid.*

clxxvi. An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town of *Saint Helens* in the County Palatine of *Lancaster*, and for establishing and regulating a Market therein. *Ibid.*

clxxvii. An Act for more effectually paving, cleansing, lighting, and otherwise improving the Parish of *Saint Mary Magdalen Bermondsey* in the County of *Surrey*. 1126

clxxviii. An Act for improving Parts of the City of *Westminster*. *Ibid.*

clxxix. An Act for embanking and reclaiming from the Sea certain Lands now under Water or subject to be overflowed by the Tide in the Lake, Lough, or Estuary called *Tacumshin* otherwise *Tacumshin Lake*, in the County of *Wexford*. *Ibid.*

clxxx. An Act for extinguishing Garden Pennies, Small Tithes, and *Easter* Offerings within the Parish of *Saint Matthew Bethnal Green* in the County of *Middlesex*, and for providing a Fund for the Payment of the Stipend of the Rector of the said Parish. *Ibid.*

clxxxi. An Act to rectify a Mistake in an Act of the present Session relating to the *Leeds and Bradford* Railway. *Page* 1126
clxxxii. An Act for making a Railway to be called "The *Glasgow Junction* Railway," with Branches. *Ibid.*
clxxxiii. An Act to enable the *Birmingham and Gloucester* Railway Company to make Extension Lines at *Gloucester*, a Branch at *Stoke Prior*, and a Junction with the *Midland* Railway at *Aston juxta Birmingham*. *Ibid.*
clxxxiv. An Act for making a Railway from *Oxford* to *Worcester* and *Wolverhampton*. *Ibid.*
clxxxv. An Act to amend the Acts relating to the *London and South-western* Railway; and to authorize the *London and South-western* Railway Company to buy, and the *Guildford Junction* Railway Company to sell, the *Guildford Junction* Railway. *Ibid.*
clxxxvi. An Act to enable the *South-eastern* Railway Company to widen certain Parts of the *London and Greenwich* Railway. *Ibid.*
clxxxvii. An Act for making a Railway from *Londonderry* to *Coleraine*, with a Branch to *Newtown Limavady*. *Ibid.*
clxxxviii. An Act for making a Railway from the City of *Oxford* to the Town of *Rugby*. *Ibid.*
clxxxix. An Act for making a Railway from the *Midland* Railway in the Parish of *Sawley* in the County of *Derby* to the Parish of *Alfreton* in the same County, together with several Branch Railways communicating therewith, to be called "The *Erewash Valley* Railway." *Ibid.*
cxc. An Act for making a Railway to be called "The *South Wales* Railway." *Ibid.*
cxci. An Act for making a Railway from *Monmouth* to *Hereford*, with Branches therefrom to *Westbury*, and to join the *Forest of Dean* Railway. *Ibid.*
cxcii. An Act for making a Railway from *Glasgow* to *Crofthead* near the Town or Village of *Neilston*, to be called "The *Glasgow, Barrhead, and Neilston Direct* Railway." *Ibid.*
cxciii. An Act to amend the Acts for regulating the Pipe Water of the City of *Dublin*, and to enable the Lord Mayor, Aldermen, and Burgesses of the Borough of the City of *Dublin* to extend the Supply of Pipe Water to the several Parishes or Portion of Parishes situate in the City and County of *Dublin*, and adjoining to the Borough of the said City of *Dublin*, but outside the Boundary thereof. *Page* 1127
cxciv. An Act for lighting, draining, cleansing, and improving the Hamlets or Liberties of *Duddeston* and *Nechells* in the Parish of *Aston* near *Birmingham* in the County of *Warwick*. *Ibid.*
cxcv. An Act for more effectually maintaining, improving, and repairing the Road leading from the City of *Glasgow* to *Yoker Bridge*, and certain Roads communicating therewith. *Ibid.*
cxcvi. An Act to enable the *London and Croydon* Railway Company to widen and improve the *London and Croydon* Railway, and also a Portion of the *London and Greenwich* Railway. *Ibid.*
cxcvii. An Act to enable the *South-eastern* Railway Company to alter and extend the *Canterbury, Ramsgate*, and *Margate* Branch of the said *South-eastern* Railway, and to make a Branch therefrom to *Deal*, and to purchase the *Canterbury and Whitstable* Railway; and for other Purposes connected with the said Railway. *Ibid.*
cxcviii. An Act for consolidating the *Bolton and Leigh*, the *Kenyon and Leigh Junction*, the *Liverpool and Manchester*, and the *Grand Junction* Railway Companies. *Ibid.*
cxcix. An Act for making a Railway from the *Brighton and Chichester* Railway to *Portsmouth*, with a Branch to *Fareham*. *Ibid.*
cc. An Act to enable the *Brighton, Lewes, and Hastings* Railway Company to make a Railway from *Bulverhithe* in the County of *Sussex* to *Ashford* in the County of *Kent*. *Ibid.*
cci. An Act for enabling the *Eastern Counties* Railway Company to make a Railway from *Cambridge* to *Huntingdon*. *Ibid.*
ccii. An Act for making additional Docks and other Works at the Haven of the Town and Port of *Great Grimsby*; and for amending the Acts relating to the said Haven. *Ibid.*
cciii. An Act for making a Railway from the *London and Blackwall* Railway at *Stepney* to the *Eastern Counties* Railway. *Ibid.*
cciv. An Act for removing Doubts relating to the Collection of certain Portions of the Borough Rates of the City and County of *Bristol*. *Ibid.*

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for the disposing of Part of the Estates of the late *Charles Calvert* Esquire, in pursuance of the Directions of a certain Decree of the High Court of Chancery, and for confirming the Sale of such Parts thereof as have been sold. *Page* 1128
2. An Act for inclosing Lands in the Parish of *Foulmire* in the County of *Cambridge*. *Ibid.*
3. An Act to empower *John Douglas Edward Henry* Duke of *Argyll* to charge the Dukedom and Estate of *Argyll* with certain Provisions to the Marchioness of *Lorne*, and to the younger Children of the Marriage between her and the Marquis of *Lorne*. *Ibid.*
4. An Act for amending an Act of Parliament passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for confirming and carrying into effect a Partition and Division of the Real and Personal Estate of* William Molyneux *Esquire, deceased, and for other Purposes therein mentioned*. *Page* 1128
5. An Act for enabling the Honourable *Percy Barrington*, Second Son of the Right Honourable *William Keppel* Viscount *Barrington*, a Minor, and *Louisa Higgins*, Spinster, also a Minor, to execute Settlements of the Fortune of the said *Louisa Higgins*, prior to and in

contemplation of the Marriage between the said *Percy Barrington* and the said *Louisa Higgins*. *Page* 1128

6. An Act to repeal so much of an Act for inclosing Lands in the Parish of *Saint Mary* in or near the Borough of *Leicester* as relates to the Regulation and Management of the Freemen's Allotments; and to make other Provisions in lieu thereof. *Ibid.*

7. An Act for inclosing Lands in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*. *Ibid.*

8. An Act for inclosing Lands in the Townships of *Spoad, Treverward, Purlogue, Menutton, Pentrehodrey, Hobarris*, and *Hobendrid*, in the Parish of *Clun* within the Manor or Lordship of *Clun* in the County of *Salop*. 1129

9. An Act to amend an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for the Division of the Rectory of* Winwick *in the County Palatine of* Lancaster. *Ibid.*

10. An Act for authorizing Building Leases to be granted of Parts of the Estate devised by the Will of *William Turner* Esquire, deceased, the Investment of Monies bequeathed by the same Will in the Purchase or on Mortgage of Real Estates, and for other Purposes. *Ibid.*

11. An Act to alter and amend an Act of the Eleventh Year of King *George* the Fourth, for inclosing Lands in the Parishes of *Kidwelly, Saint Mary in Kidwelly, Saint Ishmael*, and *Pembrey*, in the County of *Carmarthen*. *Ibid.*

12. An Act to extend the Provisions of an Act of the Eleventh Year of King *George* the Third, Chapter Ten, relating to *Morden College*. *Ibid.*

13. An Act to authorize Grants in Fee and Leases for long Terms of Years for Building Purposes of the Settled Estate of *John Hawkins* Esquire, deceased, situate in *Cheetham* in the Parish of *Manchester* in the County of *Lancaster*. *Ibid.*

14. An Act to authorize the Sale of the Fee Simple of Part of the Settled Estates of Miss *Elizabeth Mainwaring Ellerker* and Miss *Harriet Mainwaring Ellerker* deceased, situate in the County of *York*, and for applying the Monies to arise by such Sale in Payment of Incumbrances affecting the said Estates, and laying out the Residue of such Monies in the Purchase of other Estates. *Ibid.*

15. An Act for granting Building and Farming Leases of the Estates in *Surrey* devised by the Will of the Right Honourable *Frederick John* Lord *Monson* deceased; and for other Purposes. *Ibid.*

16. An Act for vesting the Freehold and Copyhold Estates devised by the Wills of *Francis Gildart* and *John Gildart*, Esquires, deceased, in Trustees for Sale. *Ibid.*

17. An Act to enable the Trustees of Sir *Thomas White*'s Charity Estates in the City of *Coventry* to make Sale of Part of such Charity Estates; and for other Purposes. *Ibid.*

18. An Act for enabling *Richard Ellison* Esquire and his Trustees to grant Leases of the *Fossdyke* Navigation in the County of *Lincoln;* and for other Purposes. *Ibid.*

19. An Act to amend an Act of the Fourth Year of King *George* the Third, for enabling the Vicar of *Rochdale* in the County of *Lancaster* to grant a Lease or Leases of the Glebe Lands belonging to the Vicarage. *Ibid.*

20. An Act to enable the Warden and Scholars, Clerks of *Saint Mary College* of *Winchester* near *Winchester*, to carry into effect a Contract entered into by them for the Sale of certain Parts of the Estates belonging to the said College in the *Isle of Wight*, and to invest the Purchase Money in other Estates for the Benefit of the said College. *Page* 1130

21. An Act for vesting certain Lands and other Hereditaments devised by the Will of Sir *Thomas Coxhead* deceased in Trustees, upon trust to sell the same, and to grant Leases thereof for building and other Purposes. *Ibid.*

22. An Act to enable the Trustees of the Will of the late *William Henry Robinson* Esquire to raise Money by way of Mortgage of his Real Estates, for the Purposes therein mentioned. *Ibid.*

23. An Act to enable Sir *Robert Keith Dick* of *Prestonfield* Baronet, Heir of Entail in possession of the Entailed Estates of *Prestonfield* and *Corstorphine* in the County of *Edinburgh*, to feu and sell certain Parts of the said Estates, and to bear the Surname of *Cunyngham* and Arms of "*Cunyngham* of *Lamburghtoun*" alongst with the Surname and Arms of *Dick* of *Prestonfield*. *Ibid.*

24. An Act to enable the Assignees of the Estate of *Thomas Blayds Molyneux*, a Bankrupt, to sell his Real Estates, discharged from a Jointure, and certain Portions and Legacies charged thereon. *Ibid.*

25. An Act to revive and extend the Powers of Sale and Exchange, and the Powers to make Conveyances in Fee and Demises for Building Purposes, respectively contained in the Will of *John Rigby Fletcher* Esquire, deceased, and to enable the Trustees to grant Leases of Coal and other Mines under the Lands devised by his said Will; and to authorize the Appointment of new Trustees of the Settlement thereby made of the Testator's Real Estate; and for other Purposes. *Ibid.*

26. An Act for authorizing the Sale of certain Portions of the Real Estates devised by the Will and Codicils of *John Bowes* late Earl of *Strathmore*, and for authorizing the Purchase of other Real Estates, including Lands held for long Terms of Years, to be settled to the Uses of the said Will and Codicils, and for extending the Power of granting Mining Leases given by the said Will; and for other Purposes. *Ibid.*

27. An Act to vest the Estates and Property constituting the Trust Estate of the Blue-Coat Charity School in *Birmingham* in the County of *Warwick* in new Trustees upon consolidated Trusts, and to provide for the Management of the said Estates and Property, and for the good Government of the said School; and for other Purposes. *Ibid.*

28. An Act to carry into effect a Partition between *John Michael Severne* Esquire and *Anna Maria* his Wife, and others, of Estates in the Counties of *Worcester, Salop, Warwick, Oxford*, and *Leicester*. *Ibid.*

29. An Act to enable the Trustees of the Will of the Most Noble *Francis* late Duke of *Bridgewater* to carry into execution certain Articles of Agreement made and entered into by them with the Right Honourable *Francis Egerton* commonly called Lord *Francis Egerton*, and to raise Money for the Purposes expressed in the said Articles of Agreement; and for other Purposes. *Ibid.*

30. An Act for authorizing and enabling Sales to be made of Estates respectively situate in the Parishes of *Evercreech, East Pennard*, and in *Bruton*, and in other Parishes or Places in the County of *Somerset*, devised by the Will of *Thomas Sampson* Esquire, deceased; and for other Purposes. *Ibid.*

31. An Act to authorize the Sale of Settled Estates of the Most Honourable the Marquis of *Donegall* in

Ireland, in order to pay off Mortgage and other Incumbrances. *Page* 1130

32. An Act for carrying into effect a Contract between the Governors and Trustees of Sir *William Paston*'s Free School at *North Walsham* in the County of *Norfolk* and *Robert Rising* Esquire, for the Sale to the said *Robert Rising* of an Estate belonging to the said Governors and Trustees, and for applying Part of the Purchase Money in discharge of certain Debts due from them, and investing the Surplus in the Purchase of other Estates, to be settled to the same Trusts. *Page* 1131

33. An Act for enlarging the Powers contained in the Will of the Most Honourable *Robert* Marquess of *Westminster* deceased to grant Building Leases of the Estates devised by the said Will, in the Parishes of *Saint George Hanover Square* and *Saint John the Evangelist* within the Liberty of *Westminster* in the County of *Middlesex*; and for other Purposes. *Ibid.*

PRIVATE ACTS,

NOT PRINTED.

34. An Act to dissolve the Marriage of *Thomas Britten* with *Jane Britten* his now Wife, and to enable him to marry again; and for other Purposes.

35. An Act to dissolve the Marriage of *Richard Heaviside* Esquire with *Mary* his now Wife, and to enable him to marry again; and for other Purposes.

36. An Act to dissolve the Marriage of *Thomas Henry Shuldham* Esquire with *Frances Anne Hamilton Shuldham* his now Wife; and for other Purposes.

37. An Act to dissolve the Marriage of *Charles Lestock Boileau* Esquire with *Margaret Boileau* his now Wife, and to enable him to marry again; and for other Purposes.

THE

STATUTES at Large, &c.

Anno Regni VICTORIÆ, Britanniarum Reginæ, Septimo & Octavo.

'AT the Parliament begun and holden at *Westminster*, the Nineteenth Day of *August*, *Anno* '*Domini* 1841, in the Fifth Year of the Reign of our Sovereign Lady VICTORIA, by the Grace 'of God, Queen of the United Kingdom of *Great Britain* and *Ireland*, Defender of the Faith: 'And from thence continued, by several Prorogations, to the First Day of *February* 1844; being the 'Fourth Session of the Fourteenth Parliament of the United Kingdom of *Great Britain* and *Ireland*.'

CAP. I.

An Act to enlarge the Powers of an Act of the Fourth and Fifth Years of Her present Majesty, empowering the Commissioners of Her Majesty's Woods to raise Money for certain Improvements in the Metropolis, on the Security of the Land Revenues of the Crown within the County of *Middlesex* and City of *London*. [5th *March* 1844.]

'WHEREAS by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years 'of the Reign of Her present Majesty, intituled *An Act to empower the Commissioners of Her* 4 & 5 Vict. c. 40.
'*Majesty's Woods to raise Money for certain Improvements in the Metropolis, on the Security of the Land* '*Revenues of the Crown within the County of* Middlesex *and City of* London, it was enacted, that it 'should be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and 'Buildings for the Time being, and they were thereby authorized and empowered, by and with the Con- 'sent and Approbation in Writing of the Lord High Treasurer, or of the Commissioners for executing the 'Office of Lord High Treasurer of the United Kingdom, or any Three or more of them, notwithstanding 'any Provisions, Restrictions, or Clauses contained in any Act or Acts of Parliament relating to Her 'Majesty's Land Revenue, from Time to Time to borrow and take up at any Rate of Interest not exceed- 'ing Five Pounds *per Centum per Annum*, and on such Terms and Conditions as they should think proper, 'such Sum or Sums of Money as the said Commissioners, with such Consent and Approbation as afore- 'said, should judge necessary for the Purpose of carrying into effect and completing the several Improve- 'ments and new Streets authorized and directed to be made by them by the several Acts therein recited 'or referred to, on Mortgage of all or any Part or Parts of the Houses, Buildings, Lands, Tenements, 'and Hereditaments of or belonging to Her Majesty, Her Heirs, and Successors, within the County of '*Middlesex* and City of *London*, or either of them, (other than Royal Palaces and Parks,) and for 'securing the Repayment of the Sum or Sums so to be borrowed, or any Part or Parts thereof, with 'Interest for the same, with such Consent and Approbation as aforesaid, to grant, demise, or mortgage 'all or any Part or Parts of the same Houses, Buildings, Lands, Tenements, and Hereditaments respec- 'tively unto any Person or Persons, Body or Bodies Corporate, who should lend and advance such Sum 'or Sums of Money respectively, his, her, or their Heirs, Executors, or Administrators, Successors or 'Assigns, or to whom he or they or any such Body should appoint, for any Term of Years, so that every 'such Grant, Mortgage, or Security were made with a Proviso or Condition to cease and be void when 'such Sum or Sums of Money thereby to be secured, and the Interest thereof, should be fully paid and 'satisfied: And whereas Doubts are entertained whether the said recited Act extends to empower the 'Governor and Company of the Bank of *England* and certain other public Companies and Corporations 'to advance and lend Monies to the said Commissioners on the Security of the said Land Revenues of the 'Crown, the said Governor and Company of the Bank of *England* and other public Companies and 'Corporations not being expressly named and empowered in and by the said recited Act; and it would 'facilitate the raising of such Monies if such Doubts were removed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Tem-

The Bank of England and any other Persons or Corporations empowered to lend on Mortgage of the Land Revenues.

poral, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Governor and Company of the Bank of *England*, and for any Person whomsoever, and any Bodies Politic or Corporate or Companies whatsoever, to advance and lend from Time to Time to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, any Sum or Sums of Money, or any Part or Parts of the Capital or other Monies or Funds of or belonging to such Governor or Company, Person or Persons, Bodies Politic or Corporate, or Companies respectively, which the said Commissioners, by and with the Consent and Approbation in Writing of the Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer of the United Kingdom, or any Three or more of them, shall from Time to Time judge necessary, for the Purpose of carrying into effect and completing the several Improvements and new Streets authorized and directed to be made by them by the said several Acts in the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign recited or referred to, on Mortgage of all or any Part or Parts of the Houses, Buildings, Land, Tenements, and Hereditaments of or belonging to Her Majesty, Her Heirs and Successors, within the County of *Middlesex* and City of *London*, or either of them, (other than Royal Palaces and Parks,) so as that all such Loans be made with the Approbation of the said Lord High Treasurer, or Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, to be signified by his or their Warrant or Warrants for that Purpose, notwithstanding any thing contained to the contrary in an Act passed in the Fifth and Sixth Years of the Reign of Their late Majesties King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any other Act or Acts: Provided also, that the Sum to be advanced by the Bank of *England* under the Provisions of this Act shall not exceed in the whole the Sum of Two hundred and fifty thousand Pounds.

5 & 6 W. & M. c. 20.

Commissioners of Woods incorporated.

Powers of the recited Act extended to this Act.

II. And be it enacted, That the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be and they are hereby constituted a Corporation for the Purposes of this Act, as well as for the Purposes of the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, and may have such Seal as in the said recited Act is mentioned; and that all and singular the Powers, Provisions, Exemptions from Stamp Duties, and Enactments in the said recited Act contained with respect to Monies borrowed and Mortgages made under the Authority of the said recited Act, and the Application of such Monies, shall, so far as the same are applicable, extend to all Monies to be borrowed and Mortgages to be made under the Authority of this Act; and that all Sum and Sums of Money which by the said recited Act are made applicable to the Repayment of Monies borrowed on the Credit of the Land Revenues of the Crown, under the Powers and Provisions of the said recited Act, and the Interest thereof, shall equally be applicable and be applied in Repayment of any Sum or Sums of Money which may be borrowed on the Credit of the Land Revenues of the Crown under the Powers and Provisions of this Act, and the Interest thereof.

Commissioners of Woods empowered to lease, notwithstanding Mortgages.

III. Provided always, and be it enacted, That it shall and may be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings in all respects to make and grant such Leases and Agreements for Leases, and to accept a Surrender of any Lease or Leases granted or to be granted of any Hereditaments comprised in any Mortgage made or to be made in pursuance of the said recited Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty or of this Act, and on any such Surrender to grant any other Lease or separate Leases of the Hereditaments so to be surrendered, for any Term which they are or may be authorized to grant, in all respects whatsoever as they could have done if such Mortgage or Mortgages had not been made, and the said last-mentioned Act and this Act had not passed, so as the Rent to be reserved in respect of any Hereditaments to be comprised in any new Lease to be made in pursuance of any surrendered Lease be not less in Amount than the Rent which was reserved by the surrendered Lease, or when more than One Lease shall be granted of any Hereditaments comprised in a Lease which shall have been surrendered so as the aggregate Amount of Rents to be reserved by the separate Leases shall not be less in Amount than the Rent reserved by the Lease so surrendered.

Saving the Rights of Distress and Entry of Mortgagees.

IV. And be it enacted, That the Person or Persons, Bodies or Body, to whom any such Mortgage as aforesaid has been or shall be granted, shall (in respect of such Leases so to be granted, and during the Continuance of such Mortgage Securities,) have such and the same Powers of Distress, Entry, or otherwise, for the Recovery of the Rents by any such Leases so to be granted, reserved, and shall have the full Benefit of the Covenants in such Leases to be contained, and on the Part of the Lessees to be performed, as they would have had if they had been Parties to such Leases, and the Rents and Rights of Distress and Entry had been reserved to them, and the Covenants entered into with them in all respects whatsoever, but not so as to give any subsequent Mortgagee any Right or Priority over the prior Mortgagee.

Commissioners of Woods, &c. shall report annually to the Commons House of Parliament.

V. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall once in every Year, until the several Improvements and new Streets hereinbefore referred to are completed, report to the Commons House of Parliament the Progress made by the said Commissioners in the Execution of such Improvements and new Streets respectively, the Monies raised and received by them for the Purposes thereof, and the Expenditure of the same, and the Balance, if any, remaining unexpended at the Date of each Report, and also the Number and Extent of Houses

and

and other Property still remaining to be purchased in each Line of Improvement, and the estimated Cost thereof, and the Funds applicable to the Purchase of the same.

VI. And be it enacted, That this Act or any Part thereof may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

CAP. II.

An Act for the more speedy Trial of Offences committed on the High Seas. [5th *March* 1844.]

'WHEREAS by an Act passed in the Twenty-eighth Year of the Reign of King *Henry* the Eighth, intituled *For Pirates*, it was enacted, that all Treasons, Felonies, Robberies, Murders, and Confederacies thereafter to be committed in or upon the Sea, or in any other Haven, River, Creek, or Place where the Admiral or Admirals have or pretend to have Power, Authority, or Jurisdiction, should be inquired, tried, heard, determined, and judged in such Shires and Places in the Realm as should be limited by the King's Commission or Commissions to be directed for the same, in like Form and Condition as if any such Offence or Offences had been committed or done in or upon the Land; and such Commissions should be had under the King's Great Seal, directed to the Admiral or Admirals, or to his or their Lieutenant, Deputy and Deputies, and to Three or Four other substantial Persons as should be named or appointed by the Lord Chancellor of *England* for the Time being, from Time to Time and as often as need should require, to hear and determine such Offences after the common Course of the Laws of this Realm used for Treasons, Felonies, Murders, Robberies, and Confederacies of the same done and committed upon the Land within this Realm: And whereas it is expedient that Provision be made for the Trial of Persons charged with Offences so committed, without issuing any Special Commission in that Behalf;' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Her Majesty's Justices of Assize or others Her Majesty's Commissioners by whom any Court shall be holden under any of Her Majesty's Commissions of Oyer and Terminer or General Gaol Delivery shall have severally and jointly all the Powers which by any Act are given to the Commissioners named in any Commission of Oyer and Terminer for the trying of Offences committed within the Jurisdiction of the Admiralty of *England*, and that it shall be lawful for the first-mentioned Justices and Commissioners, or any One or more of them, to inquire of, hear, and determine all Offences alleged to have been committed on the High Seas and other Places within the Jurisdiction of the Admiralty of *England*, and to deliver the Gaol in every County and Franchise within the Limits of their several Commissions of any Person committed to or imprisoned therein for any Offence alleged to have been committed upon the High Seas and other Places within the Jurisdiction of the Admiralty of *England;* and all Indictments found, and Trials and other Proceedings had, by and before the said Justices and Commissioners shall be valid; and it shall be lawful for the Court to order the Payment of the Costs and Expences of the Prosecution of such Offences, in the Manner prescribed by an Act of the Seventh Year of King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in* England, in the Case of Felonies tried in the High Court of Admiralty.

28 H. 8. c. 15.

Justices of Oyer and Terminer may try Offences committed on the High Seas.

7 G. 4. c. 64.

II. And be it enacted, That in all Indictments preferred before the said Justices and Commissioners under this Act the Venue laid in the Margin shall be the same as if the Offence had been committed in the County where the Trial is had; and all material Facts which in other Indictments would be averred to have taken place in the County where the Trial is had shall in Indictments prepared and tried under this Act be averred to have taken place "on the High Seas."

Venue in Indictments.

III. And be it enacted, That the Justice or Justices by whom any Information shall be taken touching any Offence committed within the Jurisdiction of the Admiralty of *England* under the Provisions of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act to enable Commissioners for trying Offences upon the Sea, and Justices of the Peace, to take Examinations touching such Offences, and to commit to safe Custody Persons charged therewith*, if he or they shall see Cause thereupon to commit such Person to take his Trial for such Offence, shall commit him to the same Prison to which he would have been committed to take his Trial at the next Court of Oyer and Terminer and General Gaol Delivery if the Offence had been committed on Land within the Jurisdiction of the same Justice or Justices, and shall have Authority to bind by Recognizance all Persons who shall know or declare any thing material touching the said Offence to appear at the said next Court of Oyer and Terminer and General Gaol Delivery, then and there to prosecute or give Evidence against the Party accused, and shall return all such Informations and Recognizances to the proper Officer of the Court in which the Trial is to be, at or before the opening of the Court; and every such Offender shall be arraigned, tried, and sentenced as if the Offence had been committed within the County, Riding, or Division for which such Court shall be holden.

Where Offenders shall be tried.

7 G. 4. c. 38.

IV. Provided always, and be it declared and enacted, That nothing herein contained shall affect the Jurisdiction belonging to the Central Criminal Court for the Trial of Persons charged with Offences committed on the High Seas and other Places within the Jurisdiction of the Admiralty of *England*, or to restrain the Issue of any Special Commission under the first-recited Act for the Trial of such Offenders, if need shall be.

Not to affect Central Criminal Court or Special Commissions.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. III.

An Act to stay Proceedings for Three Calendar Months, and till the End of the present Session of Parliament, in certain Actions under the Provisions of several Statutes for the Prevention of excessive Gaming, and to prevent any Proceedings being taken under those Statutes during such limited Time.* [5th *March* 1844.]

9 Anne, c. 14. ‘WHEREAS by an Act passed in the Ninth Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act for the better preventing of excessive and deceitful Gaming*, it is among other things enacted, that from and after the said First Day of *May* One thousand seven hundred and eleven any Person or Persons whatsoever who shall at any Time or Sitting, by playing at Cards, Dice, Tables, or other Game or Games whatsoever, or by betting on the Sides or Hands of such as do play at any of the Games aforesaid, lose to any One or more Person or Persons so playing or betting, in the whole, the Sum or Value of Ten Pounds, and shall pay or deliver the same or any Part thereof, the Person or Persons so losing and paying or delivering the same shall be at liberty, within Three Months then next, to sue for and recover the Money or Goods so lost and paid or delivered, or any Part thereof, from the respective Winner and Winners thereof, with Costs of Suit, by Action of Debt founded on this Act, to be prosecuted in any of Her Majesty's Courts of Record, in which Actions or Suits no Essoign, Protection, Wager of Law, Privilege of Parliament, or more than One Imparlance shall be allowed; in which Actions it shall be sufficient for the Plaintiff to allege that the Defendant or Defendants are indebted to the Plaintiffs or received to the Plaintiffs Use the Monies so lost and paid, or converted the Goods won of the Plaintiffs to the Defendants Use, whereby the Plaintiffs Action accrued to him, according to the Form of this Statute, without setting forth the special Matter; and in case the Person or Persons who shall lose such Money or other Thing as aforesaid shall not within the Time aforesaid really and *bonâ fide*, and without Covin or Collusion, sue and with effect prosecute for the Money or other Thing so by him or them lost, and paid or delivered as aforesaid, it shall and may be lawful to and for any Person or Persons, by any such Action or Suit as aforesaid, to sue for and recover the same and treble the Value thereof, with Costs of Suit, against such Winner or Winners as aforesaid; the one Moiety thereof to the Use of the Person or Persons that will sue for the same, and the other Moiety to the Use of the Poor of the Parish where the Offence shall be com-

11 Ann. (I.) mitted: And whereas similar Provisions are contained in an Act similarly intituled, passed in the Parliament of *Ireland* in the Eleventh Year of the Reign of Her said Majesty: And whereas by an Act passed in the Sixteenth Year of the Reign of His Majesty King *Charles* the Second, intituled

16 Car. 2. c. 7. *An Act against deceitful, disorderly, and excessive Gaming*, it is amongst other things enacted, that if any Person or Persons shall play at any of the Games in the said Act enumerated and set forth, or any other Pastime, Game or Games whatsoever (other than with and for ready Money), or shall bet on the Sides or Hands of such as do or shall play thereat, and shall lose any Sum or Sums of Money or other Thing or Things so played for exceeding the Sum of One hundred Pounds at any one Time or Meeting, upon Ticket or Credit, or otherwise, and shall not pay down the same at the Time when he or they shall so lose the same, the Party and Parties who loseth or shall lose the said Monies or other Thing or Things so played or to be played for above the said Sum of One hundred Pounds shall not in that Case be bound or compelled or compellable to pay or make good the same, but the Contract and Contracts for the same and for every Part thereof, and all and singular Judgments, Statutes, Recognizances, Mortgages, Conveyances, Assurances, Bonds, Bills, Specialties, Promises, Covenants, Agreements, and other Acts, Deeds, and Securities whatsoever which shall be obtained, made, given, acknowledged, or entered into for Security or Satisfaction of or for the same or any Part thereof, shall be utterly void and of none Effect, and that the said Person or Persons so winning the said Monies or other Things shall forfeit and lose treble the Value of all such Sum and Sums of Money or other Thing or Things which he shall so win, gain, obtain, or acquire above the said Sum of One hundred Pounds, the one Moiety thereof to our said Sovereign Lord the King, His Heirs and Successors, and the other Moiety thereof to such Person or Persons as shall prosecute or sue for the same within One Year next after the Time of such Offence committed, and to be sued for by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law shall be allowed; and that every such Plaintiff or Plaintiffs, Informer or Informers, shall in every such Suit and Prosecution have and receive his treble Costs against the Person and Persons offending and forfeiting as aforesaid, any Law, Custom, or Usage to the contrary notwith-

10 W. 3. (I.) standing: And whereas Provisions nearly similar to those last above recited are contained in an Act similarly intituled, passed in the Parliament of *Ireland* in the Tenth Year of the Reign of His Majesty King *William* the Third: And whereas several Persons have been subjected to Proceedings at Law at the Suit of common Informers or Persons other than the actual Losers: And whereas it is expedient that such Proceedings as have already been commenced at the Suit of any common Informer, or such other Persons than the actual Losers, under the above-recited Provisions of the said Acts or any or either of them, for the Recovery of any Forfeiture or pecuniary Penalty incurred or supposed to have been incurred by playing at any of the Sports or Pastimes mentioned in the Schedule hereunto annexed, or by betting on the Sides or Hands of such as did play at the same, should be stayed and suspended for a limited Time, and that during such limited Time no Proceedings should for the

* *See post, Cap.* 7.

‘ future

'future be commenced in such Cases by any common Informer, or any Person other than the actual 'Loser:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That immediately after the passing of this Act it shall be lawful for any Person against whom any original Writ, Writ of Summons, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted by or at the Suit of any common Informer, or Person other than the actual Loser, on or before the Day of the passing of this Act, for the Recovery of any Forfeiture or pecuniary Penalty incurred or supposed to have been incurred under the said Provisions of the said Act passed in the Ninth Year of Her said Majesty Queen *Anne*, or of the said Act passed in the Sixteenth Year of His said Majesty King *Charles* the Second, or of any other Act, by playing at any of the said Sports or Pastimes mentioned in the Schedule hereunto annexed, and any *bonâ fide* Variety of any of the said Sports, Pastimes, or Games, and any Sport, Pastime, or Game of a like or similar Description to any of the said Sports, Pastimes, or Games to which a different Name may, by general or local Usage, be appropriated, or by betting on the Sides or Hands of such as did play thereat, such playing or betting being alleged to have taken place previously to the First Day of *June* One thousand eight hundred and forty-four, to apply to the Court in which such original Writ, Writ of Summons, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, or to any Judge of either of the Superior Courts at *Westminster*, for an Order that Proceedings shall be stayed for Three Calendar Months and till the End of the present Session of Parliament; and every such Court or Judge, as the Case may be, is hereby authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Informer, or to his Attorney, of the Application, and upon being satisfied by Affidavit or otherwise that such Proceedings have been commenced for the Recovery of such Forfeiture or pecuniary Penalty as aforesaid, to make such Order as aforesaid; and upon the making such Order aforesaid all further Proceedings on such Writ, Writ of Summons, Suit, Action, Bill, Plaint, or Information shall be forthwith stayed and suspended as aforesaid.

Proceedings commenced by common Informers, or Persons other than the actual Losers, for Penalties incurred by playing at or betting on certain Games to be stayed on Application to the Court in which they were commenced or to a Judge.

II. And be it enacted, That immediately after the passing of this Act it shall be lawful for any Person against whom any Proceeding or Proceedings shall have been commenced or prosecuted by or at the Suit of any common Informer in *Ireland* on or before the Day of the passing of this Act, for the Recovery of any Forfeiture or pecuniary Penalty incurred or supposed to have been incurred under the said Provisions of the said Act passed in the Eleventh Year of Her said Majesty Queen *Anne*, or of the said Act passed in the Tenth Year of His said Majesty King *William* the Third, or of any other Act, by playing at any of the said Sports or Pastimes, or by betting on the Sides or Hands of such as did play at the same, such playing or betting being alleged to have taken place previously to the First Day of *June* One thousand eight hundred and forty-four, to apply to the Court or a Judge in *Dublin* in like Manner, and such Court or Judge shall proceed in like Manner and make such Order therein as is herein-before directed to be done in the like Proceedings commenced by any common Informer in *England*.

The like Remedy in Cases where Penalties may have been incurred under the Irish Acts.

III. And be it enacted, That from and after the passing of this Act no Proceeding or Proceedings whatever shall be commenced or prosecuted by any common Informer, or Person other than the actual Loser, his Executors or Administrators, in the United Kingdom of *Great Britain* and *Ireland*, under the said above-recited Provisions of the said Acts, or any or either of them, or of any other Act, for any Forfeiture or pecuniary Penalty incurred or supposed to be incurred by playing at any of the said Sports or Pastimes, or by betting on the Sides or Hands of such as do play at the same, before the First Day of *June* One thousand eight hundred and forty-four.

Restricting Proceedings by Informers, &c. under any of the above Provisions after the passing of this Act.

IV. And be it enacted, That no Indictment or other criminal Proceeding whatsoever shall be presented or prosecuted against any Person for winning or losing by playing or betting at or on any of the said Sports or Pastimes, or for betting on the Sides or Hands of such as do play thereat, without the Consent of Her Majesty's Attorney General for the Time being, under his Hand in Writing first had and obtained.

Actions not to be brought without Consent of Attorney General.

V. Provided always, and be it enacted, That the Operation of this Act shall not extend beyond the last Day of the present Session of Parliament; and that nothing herein contained shall extend or be construed to extend to authorize the staying or suspending any Proceedings which may be commenced after the last-mentioned Day.

Limiting the Duration of this Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

SCHEDULE referred to in the above Act.

HORSE RACES.
FOOT RACES.
BOAT RACES.
REGATTAS.
ROWING MATCHES.
SAILING MATCHES.
COURSING MATCHES.
FENCING MATCHES.
GOLF.
WRESTLING MATCHES.
CRICKET.
TENNIS.
FIVES.
RACQUETS.
BOWLS.
QUOITS.
CURLING.
PUTTING STONE.
FOOT BALL.

CAP. IV.

An Act for transferring Three Pounds Ten Shillings *per Centum per Annum* Annuities One thousand eight hundred and eighteen into Annuities of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities.

[22d *March* 1844.]

'Most Gracious Sovereign,

'WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, having taken into our serious Consideration the present State of the National Debt, and being desirous of lessening the Charge thereof, have resolved that all and every Person and Persons, Bodies Politic and Corporate, who now is or are or hereafter may be interested in or entitled unto any Part of the National Debt redeemable by Law which now carries an Interest after the Rate of Three Pounds Ten Shillings *per Centum per Annum*, and is usually known by the Name of "Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen," the Dividends of which are payable at the Bank of *England* on the Fifth Day of *April* and Tenth Day of *October* in each Year, and who shall not signify his, her, or their Assent to accept Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, upon the Terms and in the Manner herein-after mentioned, shall on the Tenth Day of *October* One thousand eight hundred and forty-four receive, the Sum of One hundred Pounds for every One hundred Pounds of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen which may be then standing in his, her, or their Name or Names, and the said Amount of Capital of such Annuities shall from the said Tenth Day of *October* One thousand eight hundred and forty-four be considered as cancelled and paid off, and no Interest shall from thenceforth accrue or become payable thereon: And have also resolved, that Provision shall be made by this House for paying off such Proprietor or Proprietors of the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen as shall not signify his, her, or their Assent to accept and receive a Share in Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities in lieu thereof: And have also resolved, that all and every Person or Persons, Bodies Politic or Corporate, who shall hold or be possessed of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and who shall on or before *Saturday* the Twentieth Day of *April* One thousand eight hundred and forty-four signify, in the Manner herein-after directed, his, her, or their Assent to accept and receive Three Pounds Five Shillings *per Centum* Annuities in lieu of his, her, or their respective Share or Shares in the said Three Pounds Ten Shillings *per Centum* Annuities, shall for every One hundred Pounds of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen receive One hundred Pounds Capital Stock in a new Stock to be called Three Pounds Five Shillings *per Centum* Annuities, which said Annuities shall continue to be paid at the Rate of Three Pounds Five Shillings *per Centum per Annum* until the Tenth Day of *October* One thousand eight hundred and fifty-four, and from and after that Date the said Annuities shall carry Interest at the Rate of Three Pounds *per Centum per Annum*, and shall be called "New Three Pounds *per Centum* Annuities;" which said last-mentioned Annuities shall not be subject to Reduction until from and after the Tenth Day of *October* One thousand eight hundred and seventy-four; and the said Three Pounds Five Shillings *per Centum* Annuities and the New Three Pounds *per Centum* Annuities respectively shall be free from all Taxes, Charges, and Impositions, in the like Manner as the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen; and the Dividends or Interest of the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall be paid and payable at the Bank of *England* or at the Bank of *Ireland* on the Fifth Day of *April* and Tenth Day of *October* in each and every Year, and the first half-yearly Dividend on the said Three Pounds Five Shillings *per Centum* Annuities shall be payable on the Fifth Day of *April* One thousand eight hundred and forty-five: And have also resolved, that all and every Person or Persons, Bodies Politic or Corporate, possessed of any Part of the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and who shall desire to signify his, her, or their Assent to receive Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities in lieu thereof, shall on or before the Twentieth Day of *April* One thousand eight hundred and forty-four, but within the usual Hours of transacting Business at the Bank of *England*, by themselves, or some Agent or Agents for that Purpose duly authorized, signify to the Governor and Company of the Bank of *England* such Assent in Writing under his, her, or their Hand or Hands, or the Hand or Hands of his, her, or their Agent or Agents, together with the Amount of his, her, or their respective Share or Shares in the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and which said Assent shall be entered in a Book or Books to be opened and kept by the said Governor and Company for that Purpose; and in case of any Transfer of such Share or Shares of such Annuities or any Part or Parts thereof, after such Assent, the Part or Parts of such Annuities so transferred shall be entered in the said Book or Books of the said Governor and Company separately from the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen in respect of which no such Assent shall be signified; and every Person or Persons so assenting, or his, her, or their Assigns, or the Executors or Administrators of such Assigns, under any such Transfer,

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'shall from the Tenth Day of *October* One thousand eight hundred and forty-four be entitled to One 'hundred Pounds of such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds 'per *Centum* Annuities, in lieu of every One hundred Pounds of their said Three Pounds Ten Shillings 'per *Centum* Annuities One thousand eight hundred and eighteen Capital Stock; provided always, that 'if any Person or Persons holding any such Three Pounds Ten Shillings *per Centum* Annuities One 'thousand eight hundred and eighteen shall not be within the Limits of the United Kingdom at any 'Time between the Eleventh and Twenty-third Day of *March* One thousand eight hundred and forty-'four, both inclusive, but shall be in any other Part of *Europe*, it shall be lawful for such Person or 'Persons to signify such Assent at any Time before the First Day of *July* One thousand eight hundred 'and forty-four; and if any such Person or Persons shall not at any Time between the Eleventh Day of 'March One thousand eight hundred and forty-four and the First Day of *July* One thousand eight 'hundred and forty-four be within any Part of *Europe*, it shall be lawful for him, her, or them to signify 'such Assent at any Time before the First Day of *February* One thousand eight hundred and forty-'five, such Person or Persons proving, to the Satisfaction of the Governor or Deputy Governor of the 'Bank of *England*, his, her, or their Absence from the United Kingdom or out of *Europe*, as above 'specified, and that his, her, or their Share or Shares of such Three Pounds Ten Shillings *per Centum* 'Annuities One thousand eight hundred and eighteen stood in his, her, or their Name or Names respec-'tively, or in the Name or Names of any One or more Trustee or Trustees on his, her, or their Behalf, 'in the Books of the Governor and Company, of the Bank of *England*, on the Twenty-third Day of 'March One thousand eight hundred and forty-four; provided also, that such Person or Persons so 'absent from the United Kingdom or out of *Europe* shall signify such his, her, or their Assent within Ten 'Days after his, her, or their Return to the United Kingdom: And have also resolved, that the Interest 'and Dividends payable in respect of the said Three Pounds Five Shillings *per Centum* Annuities and 'New Three Pounds *per Centum* Annuities shall be charged and chargeable upon and shall be issued 'and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* on the 'Fifth Day of *April* and the Tenth Day of *October* in every Year, and that every Proprietor of the said 'Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen shall 'receive the Dividends of the said Annuities due thereon on the Tenth Day of *October* One thousand 'eight hundred and forty-four, and no longer: And have also resolved, that it shall be lawful for the 'Accountant General of the Courts of Chancery in *England* and *Ireland* respectively, and also for 'the Accountant General of the Court of Exchequer in *Ireland*, and for the Accountant in Bankruptcy 'in *England*, at any Time before the Eighth Day of *July* One thousand eight hundred and forty-four, to 'signify to the Governor and Company of the Bank of *England*, on behalf of any Suitor or Suitors or 'others interested in any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight 'hundred and eighteen standing in the Names of such Accountants General and Accountant respectively, 'their Assent to accept and receive Shares in the said Three Pounds Five Shillings *per Centum* 'Annuities and New Three Pounds *per Centum* Annuities, in lieu of all such Three Pounds Ten 'Shillings *per Centum* Annuities One thousand eight hundred and eighteen standing in their Names 'respectively; and the said Accountants General and Accountant respectively shall be fully indemnified 'against all Actions, Suits, and Proceedings for and in respect of any Action, Matter, or Thing done by 'them respectively in pursuance thereof: And have also resolved, that all Executors, Administrators, 'Guardians, and Trustees may signify such Assent at any Time before the Twentieth Day of *April* 'One thousand eight hundred and forty-four, in respect of such Shares of any of the said Three Pounds 'Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen for the holding of which 'their Names shall be made use of respectively, and shall be indemnified for giving such Assent in respect 'thereof; and all Executors, Administrators, Guardians, and Trustees not signifying such Assent, shall 'be deemed not to have assented as aforesaid, and shall be paid off accordingly:' We, Your Majesty's most faithful Commons, do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons, Bodies Politic and Corporate, who, on behalf of themselves or in trust for others, now is or are or hereafter may be interested in or entitled unto any Part of the National Debt redeemable by Law which now carries an Interest after the Rate of Three Pounds Ten Shillings *per Centum per Annum*, and is usually known by the Name of the "Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen," the Dividends of which are payable at the Bank of *England* on the Fifth Day of *April* and Tenth Day of *October* in each Year, and who shall not signify his, her, or their Assent to accept Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, upon the Terms and in the Manner herein-after mentioned, shall, on the Tenth Day of *October* One thousand eight hundred and forty-four, receive the Sum of One hundred Pounds for every One hundred Pounds of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and so in proportion for any greater or less Amount of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen which may be then standing in his, her, or their Name or Names; and the said Amount of Capital of such Annuities shall, from the said Tenth Day of *October* One thousand eight hundred and forty-four, be considered as cancelled and paid off, and no Interest shall from thenceforth accrue or become payable thereon: Provided always, that the Payment at the Bank of the said One hundred Pounds, for the Use of the Person or Persons entitled thereto, shall be and be deemed to be a full Discharge of the Amount

Persons entitled to 100*l.* 3*l.* 10*s.* per Cents 1818 who shall not assent to receive 3*l.* 5*s.* and New 3*l.* per Cents to receive on 10th October 1844 100*l.* in discharge of 100*l.* 3*l.* 10*s.* per Cents 1818.

so paid, and that the Proprietors or their Agents duly authorized shall be at liberty to demand and receive Payment from the Bank, upon Application for that Purpose, at any Time after the Tenth Day of *October* One thousand eight hundred and forty-four, of the Sum so paid, for the Use of the Proprietor or Proprietors entitled thereto.

Proprietors of 3*l.* 10*s.* per Cents 1818, on signifying their Assent on or before 20th April 1844, may receive Annuities carrying 3*l.* 5*s.* Interest until October 1854, and then 3*l.* per Cent. Interest.

II. And be it enacted, That all and every Person or Persons, Bodies Politic or Corporate, who shall hold or be possessed of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and who shall on or before the Twentieth Day of *April* One thousand eight hundred and forty-four signify in the Manner herein-after directed his, her, or their Assent to accept and receive Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities in lieu of his, her, or their respective Share or Shares in the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, shall for every One hundred Pounds of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen receive One hundred Pounds Capital Stock in a new Stock to be created and denominated "Three Pounds Five Shillings *per Centum* Annuities," and so in proportion for any greater or less Amount, the Dividends or Interest of which shall be paid and payable at the Bank of *England* or at the Bank of *Ireland* on the Fifth Day of *April* and Tenth Day of *October* in each and every Year, and the First Payment of which shall be made on the Fifth Day of *April* One thousand eight hundred and forty-five, and the said Annuities shall continue to be paid at the Rate of Three Pounds Five Shillings *per Centum per Annum* until the Tenth Day of *October* One thousand eight hundred and fifty-four, and from and after that Date the said Annuities shall carry Interest at the Rate of Three Pounds *per Centum per Annum;* which said last-mentioned Annuities shall be subject and liable to Redemption at any Time from and after the Tenth Day of *October* One thousand eight hundred and seventy-four, and not before that Period.

New 3*l.* per Cents to be redeemable after 10th Oct. 1874.

Assents to be signified at the Bank in manner herein mentioned.

III. And be it enacted, That all and every Person or Persons, Bodies Politic or Corporate, possessed of any Part of the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and who shall desire to signify his, her, or their Assent to receive Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities in lieu thereof, shall on or before the said Twentieth Day of *April* One thousand eight hundred and forty-four, but within the usual Hours of transacting Business at the Bank of *England*, by themselves, or some Agent or Agents for that Purpose duly authorized, signify to the Governor and Company of the Bank of *England* such Assent in Writing under his, her, or their Hand or Hands, or the Hand or Hands of his, her, or their Agent or Agents, together with the Amount of his, her, or their respective Share or Shares in the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and which said Assent shall be entered in a Book or Books to be opened and kept by the said Governor and Company for that Purpose; and in case of any Transfer of such Share or Shares of such Annuities or any Part or Parts thereof, after such Assent, the Part or Parts of such Annuities so transferred shall be entered in the said Book or Books of the said Governor and Company separately from the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen in respect of which no such Assent shall be signified; and every Person or Persons so assenting, or his, her, or their Assigns, or the Executors or Administrators of such Assigns, under any such Transfer, shall from the Tenth Day of *October* One thousand eight hundred and forty-four be entitled to One hundred Pounds of such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities in lieu of every One hundred Pounds of their said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen Capital Stock.

Persons out of the Kingdom allowed further Time to signify Assents.

IV. Provided always, and be it enacted, That if any Person or Persons holding any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen shall not be within the Limits of the United Kingdom at any Time between *Monday* the Eleventh Day of *March* One thousand eight hundred and forty-four and *Saturday* the Twenty-third Day of *March* One thousand eight hundred and forty-four, both Days inclusive, but shall be in any other Part of *Europe*, it shall be lawful for such Person or Persons to signify such Assent at any Time before the First Day of *July* One thousand eight hundred and forty-four; and if any such Person or Persons shall not at any Time between the Eleventh Day of *March* One thousand eight hundred and forty-four and the First Day of *July* One thousand eight hundred and forty-four be within any Part of *Europe* it shall be lawful for him, her, or them to signify such Assent at any Time before the First Day of *February* One thousand eight hundred and forty-five, such Person or Persons proving to the Satisfaction of the Governor or Deputy Governor of the Bank of *England* his, her, or their Absence from the United Kingdom or being out of *Europe*, as above specified, and that his, her, or their Share or Shares of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen stood in his, her, or their Name or Names respectively, or in the Name or Names of any One or more Trustee or Trustees on his, her, or their Behalf, in the Books of the Governor and Company of the Bank of *England* on the Twenty-third Day of *March* One thousand eight hundred and forty-four: Provided also, that such Person or Persons so absent from the United Kingdom or out of *Europe* shall signify such his, her, or their Assent within Ten Days after his, her, or their Return to the United Kingdom.

Interest of 3*l.* 5*s.* per Cents and New 3*l.* per Cents to be charged on the

V. And be it enacted, That the Interest and Dividends payable in respect of the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall be charged and chargeable upon and shall be issued and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in the same Manner as the Interest and Dividends of the said Three Pounds

Ten

Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen now stand charged on the said Fund. Consolidated Fund.

VI. And be it enacted, That every Proprietor or Proprietors of the Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen aforesaid shall receive the Dividends on the said Annuities due thereon on the Tenth Day of *October* One thousand eight hundred and forty-four, and no longer. Dividends on 3*l.* 10*s.* per Cents paid to 10th Oct. 1844.

VII. And be it enacted, That every Transfer of any of the said Annuities One thousand eight hundred and eighteen at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, which may have taken place from the Books of the Governor and Company of the Bank of *England* to the Books of the Governor and Company of the Bank of *Ireland* at any Time from and after the Sixth Day of *March* One thousand eight hundred and forty-four, shall be and the same is hereby declared to be null and void. Transfers of 3*l.*10*s.* per Cents from Bank of England to Bank of Ireland after 6th March 1844 void.

VIII. And be it enacted, That it shall be lawful for the Accountant General of the Courts of Chancery in *England* and *Ireland* respectively, and also for the Accountant General of the Court of Exchequer in *Ireland*, and for the Accountant in Bankruptcy in *England*, at any Time before the Eighth Day of *July* One thousand eight hundred and forty-four, to signify to the Governor and Company of the Bank of *England*, on behalf of any Suitor or Suitors or others interested in any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, standing in the Names of such Accountants General and Accountant respectively, their Assent to accept and receive Shares in the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, in lieu of all such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen standing in their Names respectively; and the said Accountants General and Accountant respectively shall be fully indemnified against all Actions, Suits, or Proceedings for or in respect of any Action, Matter, or Thing done by them respectively in pursuance thereof. Accountants General of Chancery and Exchequer, and Accountant in Bankruptcy, may assent.

IX. And be it enacted, That all Executors, Administrators, Guardians, and Trustees of or for any Person or Persons, and all Committees of the Estates of Idiots and Lunatics, who as such shall have the Control over any Share or Shares of the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen standing either in their own Name or Names, or in the Name or Names of any Testator or Intestate, or of any Infant or Infants, or Idiots or Lunatics, or other Person or Persons, may signify such Assent as aforesaid at any Time before the Twentieth Day of *April* One thousand eight hundred and forty-four; and if either or any Two or more of such Executors, Administrators, Guardians, Trustees, and Committees shall reside out of the United Kingdom, the Period within which such Assent may be signified shall be regulated by the Residence of the most distant of such Executors, Administrators, Guardians, Trustees, and Committees in each Case; and all Executors, Administrators, Guardians, Trustees, and Committees signifying such Assent shall be severally and respectively indemnified in respect thereof: Provided always, that an Assent for the Purposes aforesaid, signed by One of such Executors, Administrators, Guardians, Trustees, or Committees, for and on behalf of himself and the others or other of them, shall be sufficient, and shall be binding and conclusive upon the others and other of them, and shall be acted upon by the said Governor and Company as if the same had been signed by the whole of such Executors, Administrators, Guardians, Trustees, and Committees, unless some One or more of them shall give Notice to the said Governor and Company, previous to the Expiration of the Time hereby given for signifying such Assent, of his, her, or their Dissent thereto. Executors, &c. may assent.

X. And be it enacted, That it shall and may be lawful for the said Governor and Company of the Bank of *England*, at any Time on or before the Twentieth Day of *April* One thousand eight hundred and forty-four, to open Books for writing up and receiving the Entry into the Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities of any of the Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen before described belonging to any Proprietor or Proprietors who may have expressed his, her, or their Assent to receive such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, and who may thereby have converted his, her, or their Three Pounds Ten Shillings *per Centum* Annuities into the said Annuities at the Rate of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities; but the Dividend or Dividends of the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen which would become due on the Tenth Day of *October* One thousand eight hundred and forty-four shall be paid and payable to the Person or Persons in whose Name the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities may stand on the Tenth Day of *October* One thousand eight hundred and forty-four. Books to be opened at the Bank of England for receiving the Entry of the 3*l.* 5*s.* per Cents, and New 3*l.* per Cents. Payment of Dividends of 3*l.* 10*s.* per Cents 1818, due in October 1844.

XI. And for the more easy and sure Payment of the Annuities established by this Act, it is hereby enacted, That the said Governor and Company of the Bank of *England*, and the Governor and Company of the Bank of *Ireland* respectively, and their Successors, shall from Time to Time appoint and employ One or more sufficient Person or Persons within their Office to be their Chief or First Cashier or Cashiers, and One other sufficient Person within the same Office to be their Accountant General; and that the Monies from Time to Time and at any Time being in the Receipt of the Exchequer, hereby made applicable to the Payment of the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, shall, by Order of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer for the Time being, without any further or other Warrant to be sued for, had, or Bank to appoin a Cashier and an Accountant General.

obtained in that Behalf, be issued and paid at the said Receipt of Exchequer to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England* or Bank of *Ireland* respectively, and their Successors for the Time being, by way of Imprest and upon Account for the Payment of the said Annuities; and that such Cashier or Cashiers to whom the said Monies shall from Time to Time be issued shall from Time to Time, without Delay, apply and pay the same accordingly, and render his or their Accounts thereof according to the due Course of the Exchequer.

Accountant General to examine Receipts and Payments.

XII. And it is hereby also enacted, That the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereunto, in order to prevent any Fraud, Negligence, or Delay.

All the Stock created by this Act, and by another Act of this Session, to be One Joint Stock.

XIII. And be it enacted, That all the Annuities created by virtue of this Act, and also by virtue of another Act passed in this present Session of Parliament, intituled *An Act for transferring certain Annuities of Three Pounds Ten Shillings* per Centum per Annum *and Government Debentures into Annuities of Three Pounds Five Shillings* per Centum per Annum *and New Three Pounds* per Centum per Annum *Annuities*, shall be deemed, reputed, and taken to be One Capital or Joint Stock; and that all and every Person and Persons, and Bodies Politic and Corporate whatsoever, shall have and be deemed to have a proportional Interest and Share in the said Stock, and in the Annuities attending the same, and that the said whole Capital or Joint Stock, or any Share or Interest therein, and the proportional Annuity attending the same, shall be assignable and transferable as this Act directs, and not otherwise; and that there shall be constantly kept in the Office of the said Accountants General for the Time being a Book or Books wherein all Assignments or Transfers of the said Capital or Joint Stock, or any Part thereof, and the proportional Annuity attending the same, shall be entered and registered, which Entries shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if any such Party or Parties be absent, by his, her, or their Attorney or Attornies thereunto lawfully authorized by Writing under his, her, or their Hands and Seals, to be attested by Two or more credible Witnesses, and that the Person or Persons to whom such Transfer or Transfers shall be made may respectively underwrite his, her, or their Acceptance thereof; and that no other Method of assigning or transferring the said Stock, and the Annuities attending the same, or any Part thereof, or any Interest therein, shall be good and available in Law; and that no Stamp Duties whatsoever shall be charged on the said Transfers, or any of them.

Annuities to be Personal Estate.

XIV. And be it enacted, That all Persons and Corporations entitled to any such Annuity or Annuities of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities, created by this Act, and his, her, or their Administrators, Successors, and Assigns respectively, and all Persons and Corporations lawfully claiming under him, her, or them, shall have good, sure, absolute, and indefeasible Estates and Interests in the said respective Annuities, according to the true Tenor and Meaning of this Act, and shall be possessed thereof as of a Personal Estate, devisable as such, and which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise, any Law, Custom, or Usage to the contrary notwithstanding; but no Payment shall be made or Transfer allowed upon any Devise until such Devise shall have been duly entered at the said Bank of *England* or *Ireland* respectively.

Certificates of Amount of Stock exchanged or paid off, &c. to be sent to Commissioners for Reduction of the National Debt.

XV. And be it enacted, That as soon after the Expiration of the respective Periods allowed by this Act for signifying Assent under this Act as the same can be done, Certificates shall be from Time to Time made out and transmitted to the Commissioners for the Reduction of the National Debt, by the proper Officer or Officers of the Bank of *England*, of the Amount of Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, which shall have been exchanged into such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, or paid off under the Provisions of this Act, and of the annual Interest which shall have ceased thereby, and also of the Capital Amount of such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created by such Exchange, and of the annual Interest thereon.

Bonds or Contracts to transfer 3*l.* 10*s.* per Cents 1818 to be deemed satisfied by Transfer of 3*l.* 5*s.* per Cents and New 3*l.* per Cents.

The like as to Payment of Dividends.

XVI. And be it enacted, That in every Case in which any Person or Persons shall at the Time of the passing of this Act be or remain bound by the Condition of any Bond or Obligation, or by the Terms of any Instrument in Writing, or by any Agreement or Contract, to transfer any Amount of Capital Stock in the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen respectively, the Condition of every such Bond or Obligation, or the Terms of any such Instrument in Writing, or Agreement or Contract, shall be deemed in Law and Equity to be satisfied by making a Transfer of an equal Amount of Capital Stock in the Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities; and that where any Party is by the Condition of any such Bond or Obligation, or the Terms of any such Instrument in Writing, or Agreement or Contract, bound or required to pay half-yearly Sums equal to the Dividends, on any specified Amount of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen respectively, every such Bond, Obligation, Instrument, Agreement, or Contract shall be satisfied by the Payment of half-yearly Sums equal to the Dividends of or upon the same Amount of the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities.

Lenders of 3*l.* 10*s.* per Cents 1818, on Contract to replace, may demand 100*l.*

XVII. Provided always, and be it enacted, That in every Case in which any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen respectively shall have been transferred in the way of Loan, upon any Condition in any Bond or Instrument, or under or upon any Agreement or Contract for the Repayment of such Loan, by the replacing the Amount of Stock so transferred, it shall be lawful for the Person or Persons who shall have made any such Loan, or their Executors,

Executors, Administrators, or Assigns, to declare an Option, and give Notice thereof in Writing, and thereby require the Repayment of One hundred Pounds of lawful Money of *Great Britain* for every One hundred Pounds Capital Stock of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, transferable at the Bank of *England*, so transferred in the way of Loan as aforesaid, and so in proportion for any greater or less Amount; and every Bond, Obligation, Instrument, Agreement, or Contract given, entered into, or made upon any such Loan or Contract shall be deemed in every such Case in Law and in Equity to entitle the Person or Persons, his, her, or their Executors, Administrators, or Assigns, to such Repayment in Money, and to demand and recover the same in any Court in which any Action, Suit, Process, or Proceeding may be brought, instituted, or carried on upon any such Bond, Obligation, Instrument, Agreement, or Contract; any thing in any such Bond or Obligation, Instrument, Agreement, or Contract to the contrary notwithstanding.

Money for every 100*l.* Stock.

XVIII. And be it enacted, That every Power of Attorney in force at the Time of passing this Act for the Sale or Transfer of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, in respect of which an Assent to accept Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities may not have been signified under the Provisions of this Act, shall remain and continue in full Force, unless legally revoked, for the Purpose of enabling the Attorney or Attornies therein named to give a legal Discharge for the Principal and Dividend of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, when paid off under the Provisions of this Act, or to assent to receive Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, in lieu of the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen.

Powers of Attorney to continue in force for Sale or Transfer of 3*l.* 10*s.* per Cent. Annuities 1818 unless legally revoked.

XIX. And be it enacted, That all Powers of Attorney which may have been or hereafter may be granted, and which would have remained in force if this Act had not passed, for the Receipt of Dividends, or for Sale or Transfer of any Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen transferable at the Bank of *England*, and which under or by virtue of this Act have been or shall be converted into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, shall continue and remain in full Force and Effect for receiving the Dividends which shall become due on the Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created in lieu thereof, or for selling or transferring any such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, and also for receiving Dividends on any further Sum of such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, which the Parties by whom such Letters of Attorney were given may hereafter purchase or acquire, until such Powers are revoked or otherwise determined.

Powers of Attorney for receiving Dividends on Transfer of the 3*l.* 10*s.* per Cents 1818 to remain in force for receiving Dividends, or for transferring Stock of 3*l.* 5*s.* per Cents and New 3*l.* per Cents.

XX. And be it enacted, That all Trusts, whether created by Will or otherwise, and which existed either in the whole or in part, and all Directions contained in any Will or Devise or testamentary Paper which remain unexecuted at the Time of the passing of this Act, as to any Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen which may under this Act be converted into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, or as to the Payment or Distribution of any Dividends thereon, or as to the Transfer of any such Annuities in any Events specified in any such Trusts or Will or testamentary Paper, shall extend, and be deemed and construed in all Cases and in all Courts of Law and Equity in the United Kingdom, or elsewhere in any Dominions or Territories belonging to Her Majesty, to extend and to apply to all such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created in lieu of any Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, subject to or affected by any such Trusts or Devises or Wills or testamentary Papers, for all Purposes and in all Cases in which such Trusts or to which any such Directions can be made applicable: Provided always, that in all Cases in which any Proportions or Parts of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen are required to be transferred under any such Trusts, or under the Provisions of or Directions contained in any Will, Devise, or testamentary Paper, or any Proportion or Part of any Dividends arising from and out of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, are required to be paid or distributed, the Transfer of a like Amount of Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, and the Payment and Distribution of Dividends at the Rate of Three Pounds Five Shillings *per Centum* and New Three Pounds *per Centum* instead of Three Pounds Ten Shillings *per Centum* upon the Capital, shall be and be deemed and taken in all Courts and for all Purposes to be a due Execution of such Trusts, or of the Directions contained in any Will or testamentary Paper, and shall fully discharge the Trustee or Executor or Executors making the same, who are hereby declared to be and are hereby fully indemnified in respect of such Execution of any such Trusts and Executorship as aforesaid.

Trusts as to 3*l.* 10*s.* per Cents 1818 shall extend to 3*l.* 5*s.* per Cents and New 3*l.* per Cents, and Directions as to the Application of 3*l.* 10*s.* per Cents 1818 shall be carried into effect by the Application of the 3*l.* 5*s.* per Cents and New 3*l.* per Cents.

XXI. And be it enacted, That in every Case in which any Question may have arisen or may arise upon the Execution of any Trusts or upon any Distributions which may have been or may be made or may remain to be made by any Trustees, Executors, or Administrators of or in relation to or arising out of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, or of any Parts or Proportions of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, which may have been vested in any Trustees, or which may have been distributable by any Executors or Administrators, or as to the Application of any Residue thereof,

Questions as to Trusts in the 3*l.* 10*s.* per Cents 1818 may be decided by Courts of Chancery or Exchequer, or by the Court of Session.

thereof, or as to the Distribution or Application of any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, transferred under the Provisions of this Act, in lieu of any Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, whether as to the Powers or Authorities of any such Trustees, Executors, or Administrators, or as to the relative Interest of any Persons entitled under any such Trusts or under Wills to receive any Annuities charged upon or arising or payable out of the Proceeds of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and of any Persons interested in any Residue of any of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, whether under any specific Provision relating to any such Trusts, or contained in any Wills, or arising out of the Execution of any Wills by any Executors, or the Distribution of any Estates by any Administrators, and in all other Cases whatsoever in which any Question may arise in consequence of the Transfer of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, it shall be lawful for any such Trustees, Executors, or Administrators, and for Persons entitled to or interested in any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, or any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created in lieu thereof, or in any Proceeds of any such Annuities, whether in reversion or otherwise, to make Application to the High Court of Chancery in *England*, or to the High Court of Chancery or the Court of Exchequer in *Ireland* respectively, or to the Court of Session in *Scotland*, in a summary Way, either by Motion or Petition; and it shall be lawful for the said High Courts of Chancery or Court of Exchequer in *England* or *Ireland* respectively, or for the Court of Session in *Scotland*, to make general Orders in relation to any such Question, or special Orders in a summary Way, upon any such Application, or as to any other Matter or Thing relating to any such Annuities, or to any Dividends thereof, or to any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities which may be created in lieu thereof, or to the Application of any such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, or any Dividends thereof; and no Application, Petition, or Affidavit made by or on behalf of any Trustees, Executors, or Administrators, or Trustee, Executor, or Administrator, or other Person or Persons interested in any of such Annuities or any Dividends thereof respectively, nor any Order or Report made or other Proceeding had in any or either of the said Courts respectively, in consequence of any Question which may arise out of any of the Provisions of this Act, in relation to the Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, or any Part or Share or Shares thereof, or in relation to any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities which may be created under this Act in lieu of the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, or the Dividends of such respective Annuities, nor any Copy or Copies of such Application, Petition, Affidavit, Order, Report, or other Proceeding, shall be subject or liable to be stamped, or charged or chargeable with any Stamp Duties whatever, any thing in any Act or Acts of Parliament to the contrary notwithstanding; and all Trustees, Executors, Administrators, and other Persons acting under any Orders made by any or either of such Courts respectively, or whose Acts shall be confirmed by any or either of such Courts respectively, if done before any Application made to any or either of the said Courts respectively, shall be and are hereby fully indemnified against all Actions, Suits, or Proceeding for or in respect of any Act, Matter, or Thing done by them respectively in pursuance of or under any such Order, or which shall be confirmed by any such Order; and in case any Action, Suit, or other Proceeding be commenced or instituted against any such Trustee, Executor, Administrator, or other Person, for or in respect of any such Act, Matter, or Thing, it shall be lawful for the Court in which such Action, Suit, or Proceeding shall be commenced, or shall be pending, upon summary Application, to stay, and such Court is hereby required to stay, such Action, Suit, or Proceeding, and to make such Order relative to the Costs thereof as such Court shall think expedient.

3l. 5s. per Cents and New *3l.* per Centum Annuities may be accepted by the Commissioners for Annuities for Lives and for Terms of Years.

XXII. And be it enacted, That it shall be lawful for the Commissioners for the Reduction of the National Debt, and they are hereby empowered and required, to accept and receive Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created by this Act as the Consideration for the Purchase of Life Annuities and Annuities for a certain Term of Years; and for the Purpose of ascertaining the Price of such Stock or Annuities the Cashier or Cashiers of the Bank of *England* shall and they are hereby required, on every Day on which any of the said Annuities shall have been bought at the Bank of *England*, to cause an Account to be made out of the average Price thereof, according to the Regulations prescribed by any Act or Acts now in force for ascertaining the average Price of Three Pounds *per Centum* Bank Annuities, for enabling the Purchase of Life Annuities and Annuities for a certain Term of Years, which said Account shall be transmitted to the Officer appointed by the said Commissioners, to enable him to ascertain the respective Amounts of the like Annuities which may be purchased by the Transfer of such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities as aforesaid.

Mode of computing *3l. 5s.* per Cents and New *3l.* per Cents for Pur-

XXIII. And be it enacted, That when any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall be transferred to the said Commissioners for the Purchase of Life Annuities, or for Annuities for a certain Term of Years, that such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall be first converted by

by the Computation of the said Officers into Three Pounds *per Centum* Consolidated or Reduced Bank Annuities, according to the average Price of those Stocks, to be ascertained as herein-before directed; and the Life Annuities and Annuities for a certain Term of Years to be granted thereon shall be calculated and ascertained upon the Amount of Three Pounds *per Centum* Bank Annuities including Fractions (if any) produced by such Conversion, according to the Provisions, Rules, and Regulations prescribed by any Act or Acts now in force enabling the said Commissioners to grant Life Annuities and Annuities for a certain Term of Years.

chase of Annuities for Lives or for Terms of Years.

XXIV. And be it enacted, That it shall and may be lawful for any Person who shall at any Time hold any Stock in the Three Pounds Five Shillings *per Centum* Annuities, or in the New Three Pounds *per Centum* Annuities created by this Act, transferable at the Bank of *Ireland*, to transfer or cause to be transferred any such Annuities respectively, for the Purpose of having corresponding Sums written into and consolidated with and made Part of the Capital of the like Annuities respectively transferable at the Bank of *England*; and in like Manner it shall be lawful for any Person who shall at any Time hold any Stock in the said Three Pounds Five Shillings *per Centum* Annuities or in the New Three Pounds *per Centum* Annuities created by this Act, transferable at the Bank of *England*, to transfer or cause to be transferred any such Annuities respectively, for the Purpose of having corresponding Sums written into and consolidated with and made Part of the Capital of the like Annuities respectively transferable at the Bank of *Ireland*; and all such Transfers shall be made on the Terms and Conditions and subject to all the Clauses, Directions, and Regulations contained in an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to permit the mutual Transfer of Capital in certain Public Stock or Funds transferable at the Banks of* England *and* Ireland *respectively*, as the same is altered or affected by an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to provide for the Assimilation of the Currency and Monies of Account throughout the United Kingdom of* Great Britain *and* Ireland; and all Clauses and Provisions of the said Acts relating to any Funds, Stocks, or Annuities shall extend and be construed to extend to the Annuities created by this Act, in like Manner as if the said Annuities had been specified in the said recited Acts or either of them.

New Stock transferable at Banks of England and Ireland may be mutually transferred conformably to Directions of 5 G. 4. c. 53. as altered by 6 G. 4. c. 79.

XXV. And be it enacted, That this Act shall be and is hereby declared to be a full and complete Indemnity and Discharge to the said Governor and Company of the Bank of *England*, and the Governor and Company of the Bank of *Ireland*, their Officers and Servants, and every of them, for all Things done or permitted to be done pursuant thereto, and that the same shall not be questioned or impeached in any Court of Law or Equity whatsoever to their Prejudice or Detriment.

Indemnifying the Bank of England for Acts done by their Officers under this Act.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. V.

An Act for transferring certain Annuities of Three Pounds Ten Shillings *per Centum per Annum* and Government Debentures into Annuities of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities. [22d *March* 1844.]

'Most Gracious Sovereign,

'WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, having taken into our serious Consideration the 'present State of the National Debt, and being desirous of lessening the Charge thereof, have resolved, 'that all and every Person and Persons, Bodies Politic and Corporate, who now is or hereafter may 'be interested in or entitled unto any Part of the National Debt redeemable by Law which now carries 'an Interest after the Rate of Three Pounds Ten Shillings *per Centum per Annum*, and known in 'Ireland by the several Names of Three Pounds Ten Shillings *per Centum* Old Stock and Government 'Debentures, *Irish* Three Pounds Ten Shillings *per Centum* Reduced Annuities, and New Three 'Pounds Ten Shillings *per Centum* Annuities and Government Debentures, and known in *Great* 'Britain by the several Names of Three Pounds Ten Shillings *per Centum* Reduced Annuities, and 'New Three Pounds Ten Shillings *per Centum* Annuities, the Dividends of which are paid either at 'the Bank of *England* or at the Bank of *Ireland* respectively, and who shall not signify his, her, or 'their Dissent in the Manner herein-after mentioned, shall for every One hundred Pounds of such 'Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures receive for every One 'hundred Pounds of such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures 'One hundred Pounds in a new Stock to be called "Three Pounds Five Shillings *per Centum* Annuities," 'which said Annuities shall continue to be paid at the Rate of Three Pounds Five Shillings *per Centum* 'per Annum until the Tenth Day of *October* One thousand eight hundred and fifty-four, and from and 'after that Date the said Annuities shall carry Interest at the Rate of Three Pounds *per* 'Centum per Annum; which said last-mentioned Annuities shall not be subject to Reduction until 'from and after the Tenth Day of *October* One thousand eight hundred and seventy-four; and the 'Dividends or Interest of the said Three Pounds Five Shillings *per Centum* Annuities and New Three 'Pounds *per Centum* Annuities shall be paid and payable at the Bank of *England* or at the Bank of 'Ireland on the Fifth Day of *April* and the Tenth Day of *October* in each and every Year; the first 'half-yearly Dividend on the said Three Pounds Five Shillings *per Centum* Annuities shall be payable 'on the Fifth Day of *April* One thousand eight hundred and forty-five; and that the said Three

'Pounds

'Pounds Five Shillings *per Centum* Annuities and the New Three Pounds *per Centum* Annuities 'respectively shall be free from all Taxes, Charges, and Impositions, in the like Manner as the said 'Three Pounds Ten Shillings *per Centum* Annuities: And have also resolved, that the Interest and 'Dividends payable in respect of the said Three Pounds Five Shillings *per Centum* Annuities and New 'Three Pounds *per Centum* Annuities shall be charged and chargeable upon the Consolidated Fund of 'the United Kingdom of *Great Britain* and *Ireland:* And have also resolved, that all and every 'Person and Persons, Bodies Politic or Corporate, who shall not within the Period commencing on '*Monday* the Eleventh Day of *March* One thousand eight hundred and forty-four and ending on *Saturday* the Twenty-third Day of *March* One thousand eight hundred and forty-four, both Days inclusive, 'signify his, her, or their Dissent from accepting and receiving a Share in the said Three Pounds Five 'Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, in lieu of his, her, or 'their respective Shares in the before-mentioned Three Pounds Ten Shillings *per Centum* Annuities or 'Government Debentures, in the Manner herein-after directed, shall be deemed and taken to have consented to accept and receive the same; provided always, that if any Proprietor or Proprietors of the said 'Three Pounds Ten Shillings *per Centum* Annuities shall not be within the Limits of the United 'Kingdom at any Time between *Monday* the Eleventh Day of *March* One thousand eight hundred and 'forty-four and *Saturday* the Twenty-third Day of *March* One thousand eight hundred and forty-four, 'both Days inclusive, but shall be in any other Part of *Europe*, it shall be lawful for such Proprietor 'or Proprietors to signify such Dissent at any Time before the Second Day of *June* One thousand eight 'hundred and forty-four; and if any such Proprietor or Proprietors shall not, at any Time between the 'Eleventh Day of *March* One thousand eight hundred and forty-four and the Second Day of *June* One 'thousand eight hundred and forty-four, be within any Part of *Europe*, it shall be lawful for him, her, or 'them to signify such Dissent at any Time before the First Day of *February* One thousand eight hundred 'and forty-five, such Proprietor or Proprietors proving to the Satisfaction of the Governor or Deputy 'Governor of the Bank of *England*, or to the Governor or Deputy Governor of the Bank of *Ireland*, according to the Bank in which his Annuities of Three Pounds Ten Shillings *per Centum* may be placed and 'the Dividends and Interest payable, his, her, or their Absence from the United Kingdom or out of *Europe* 'as above specified, and that his, her, or their Share or Shares of such Three Pounds Ten Shillings *per Centum* Annuities stood in his, her, or their Name or Names respectively on the Twenty-third Day of 'March One thousand eight hundred and forty-four in the Books of the Governor and Company of the 'Bank to which he shall signify his Dissent; provided that such Proprietor or Proprietors so absent 'from the United Kingdom or out of *Europe* shall signify such his, her, or their Dissent within Ten 'Days after his, her, or their Return to the United Kingdom: And have also resolved, that Provision 'shall be made for paying off such Proprietor or Proprietors of any of the said Three Pounds Ten 'Shillings *per Centum* Annuities before mentioned as shall signify his, her, or their Dissent from 'accepting and receiving any Share in the said Three Pounds Five Shillings *per Centum* Annuities and 'New Three Pounds *per Centum* Annuities in lieu thereof: And have also resolved, that all Persons, 'Bodies Politic and Corporate, possessed of any Part of the before-mentioned Three Pounds Ten 'Shillings *per Centum* Annuities, and who shall desire to signify such Dissent as aforesaid, shall, 'between the Eleventh Day of *March* One thousand eight hundred and forty-four and the Twenty-third 'Day of *March* One thousand eight hundred and forty-four, both inclusive, by themselves, or some Agent 'or Agents for that Purpose duly authorized, signify to the Governor and Company of the Bank of '*England* or to the Governor and Company of the Bank of *Ireland* respectively in which their Capital 'Stock of Three Pounds Ten Shillings *per Centum* Annuities may be placed such Dissent in Writing 'under his, her, or their Hand or Hands, together with the Amount of his, her, or their respective 'Shares in the said Three Pounds Ten Shillings *per Centum* Annuities, and which said Dissent shall be 'entered in a Book or Books to be opened and kept by the said Governor and Company of each of the 'said Banks for that Purpose, and numbered in the Order in which his, her, or their Dissent shall be 'received by the said Governor and Company of either of the said Banks; and in case of any Transfer 'of such Shares, or any Part or Parts thereof, after such Dissent, the Part or Parts so transferred shall 'be entered in the said Books under the same Numbers as were fixed to such Shares when the Dissent 'was so signified; and every such dissentient Proprietor or Proprietors, or his, her, or their Assigns under 'such Transfer, shall be paid off in such Order and at such Periods and in such Manner as Parliament 'may direct: And have also resolved, that every Proprietor or Proprietors of the said Three Pounds 'Ten Shillings *per Centum* Annuities the Dividends and Interest on which are payable the Fifth Day of '*April* and the Tenth Day of *October* shall receive the Dividend due thereupon for the Half Year up to 'the Tenth Day of *October* One thousand eight hundred and forty-four, and no longer; and every Proprietor or Proprietors of the said Three Pounds Ten Shillings *per Centum* Annuities the Dividends 'and Interest on which are payable on the Fifth Day of *January* and the Fifth Day of *July* shall 'receive the Dividend due thereupon for the Half Year up to the Fifth Day of *July* One thousand eight 'hundred and forty-four, and shall also receive One Quarter's Dividend thereon up to the Tenth Day of '*October* One thousand eight hundred and forty-four, and no longer; and the several before-mentioned 'Three Pounds Ten Shillings *per Centum* Annuities shall be paid off or converted into Three Pounds 'Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities in manner 'aforesaid from and after the Tenth Day of *October* One thousand eight hundred and forty-four; and no 'Transfer of any of the before-mentioned Three Pounds Ten Shillings *per Centum* Annuities to or from 'the Books of the Governor and Company of the Bank of *England*, or to or from the Books of the

'Governor

'Governor and Company of the Bank of *Ireland*, shall take place from and after the Sixth Day of '*March* One thousand eight hundred and forty-four: And have also resolved, that all Executors, 'Administrators, Guardians, and Trustees may signify such Dissent in respect of such Shares of any of 'the said Three Pounds Ten Shillings *per Centum* Annuities, for the holding of which their Names are 'made use of respectively; and all Executors, Administrators, Guardians, and Trustees not signifying 'such Dissent shall be deemed to have assented as aforesaid, and shall be indemnified in respect thereof:' We, Your Majesty's most faithful Commons, do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons, Bodies Politic and Corporate, who now is or are or hereafter may be interested in or entitled unto any Part of the National Debt, redeemable by Law, which now carries an Interest after the Rate of Three Pounds Ten Shillings *per Centum per Annum*, and known in *Ireland* by the several Names of Three Pounds Ten Shillings *per Centum* Old Stock and Government Debentures, *Irish* Three Pounds Ten Shillings *per Centum* Reduced Annuities, and New Three Pounds Ten Shillings *per Centum* Annuities and Government Debentures, and known in *Great Britain* by the several Names of Three Pounds Ten Shillings *per Centum* Reduced Annuities and New Three Pounds Ten Shillings *per Centum* Annuities, payable at the Bank of *England* and at the Bank of *Ireland* respectively, and who shall not signify his, her, or their Dissent in manner herein-after mentioned, shall, in lieu of every One hundred Pounds of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures respectively, and so in proportion for any greater or less Amount, receive and be entitled to the Sum of One hundred Pounds in a new Stock, to be called "Three Pounds Five Shillings *per Centum* Annuities," which said Annuities shall continue to be paid at the Rate of Three Pounds Five Shillings *per Centum per Annum* until the Tenth Day of *October* One thousand eight hundred and fifty-four, and from and after that Date the said Annuities shall carry Interest at the Rate of Three Pounds *per Centum per Annum*; which said last-mentioned Annuities shall be subject and liable to Redemption at any Time after the Tenth Day of *October* One thousand eight hundred and seventy-four, and not before that Period, and the Dividends thereof shall be payable half-yearly at the Bank of *England* and at the Bank of *Ireland* on the Fifth Day of *April* and the Tenth Day of *October* in each and every Year; the first half-yearly Dividend on the said "Three Pounds Five Shillings *per Centum* Annuities" shall be payable at the Bank of *England* and at the Bank of *Ireland* on the Fifth Day of *April* One thousand eight hundred and forty-five; and that the said Three Pounds Five Shillings *per Centum* Annuities and the New Three Pounds *per Centum* Annuities shall be free from all Taxes, Charges, and Impositions, in the like Manner as the aforesaid Three Pounds Ten Shillings *per Centum* Annuities.

Every Person entitled to 100*l.* 3*l.* 10*s.* per Cents, and not dissenting, shall receive Annuities carrying 3*l.* 5*s.* per Cent Interest until October 1854, and then 3*l.* per Cent. Interest.

New 3l. per Cents. to be redeemable after 10th Oct. 1874.

Dividends to be paid half-yearly.

II. And be it enacted, That the Interest and Dividends payable in respect of the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall be charged and chargeable upon and shall be issued and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in the same Manner as the Interest and Dividends of the said Three Pounds Ten Shillings *per Centum* Annuities and Government Debentures respectively now stand charged on the said Fund.

Interest to be charged on Consolidated Fund.

III. And be it enacted, That all and every Person and Persons, Bodies Politic or Corporate, who shall not, on or before the Twenty-third Day of *March* One thousand eight hundred and forty-four, signify his, her, or their Dissent from accepting and receiving a Share in the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, in lieu of his, her, or their respective Shares in the said respective Three Pounds Ten Shillings *per Centum* Annuities and Government Debentures, or for any Part of such respective Shares in such last-mentioned Annuities and Government Debentures, in the Manner herein-after directed, shall be deemed and taken to have consented to accept and receive the same: Provided always, that if any Proprietor or Proprietors of the said respective Three Pounds Ten Shillings *per Centum* Annuities and Government Debentures shall not be within the Limits of the United Kingdom at any Time between *Monday* the Eleventh Day of *March* One thousand eight hundred and forty-four and *Saturday* the Twenty-third Day of *March* One thousand eight hundred and forty-four, both Days inclusive, but shall be in any other Part of *Europe*, it shall be lawful for such Proprietor or Proprietors to signify such Dissent at any Time before the Second Day of *June* One thousand eight hundred and forty-four; and if any such Proprietor or Proprietors shall not, at any Time between the Eleventh Day of *March* One thousand eight hundred and forty-four and the Second Day of *June* One thousand eight hundred and forty-four, have been within any Part of *Europe*, it shall be lawful for him, her, or them to signify such Dissent at any Time before the First Day of *February* One thousand eight hundred and forty-five; such Proprietor or Proprietors proving, to the Satisfaction of the Governor or Deputy Governor of the Bank of *England* or Bank of *Ireland* respectively, according to the Bank in which the said Annuities of Three Pounds Ten Shillings *per Centum* and Government Debentures may be placed, his, her, or their Absence from the United Kingdom or out of *Europe*, as the Case shall happen, and that his, her, or their Share or Shares of such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures stood in his, her, or their Name or Names respectively, or in the Name or Names of any One or more Trustee or Trustees on his, her, or their Behalf, on the Twenty-third Day of *March* One thousand eight hundred and forty-four, in the Books of the Governor and Company of the Bank of *England* or Bank of *Ireland* respectively: Provided also, that such Proprietor or Proprietors so absent from the United Kingdom or out of *Europe*

Persons not dissenting from receiving New 3*l.* 5*s.* and New 3*l.* per Cent. Annuities by 25th March shall be deemed assenting.

Further Time allowed to Persons out of the Kingdom for dissenting.

Europe shall signify his, her, or their Dissent within Ten Days after his, her, or their Return to the United Kingdom.

Persons dissenting shall signify the same to the Governor and Company of the Bank of England or Ireland respectively.

IV. And be it enacted, That all Persons and Bodies Politic or Corporate possessed of any Part of the respective Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, and who shall desire to signify such Dissent as aforesaid, shall, on or before the Twenty-third Day of *March* One thousand eight hundred and forty-four, by themselves or some Agent or Agents for that Purpose duly authorized, signify such Dissent to the Governor and Company of the Bank of *England* or to the Governor and Company of the Bank of *Ireland* respectively, in Writing under his, her, or their Hand or Hands, or the Hand or Hands of his, her, or their Agent or Agents authorized as aforesaid, together with the Amount of his, her, or their respective Shares in the said Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, and which said Dissents shall be entered in a Book or Books to be opened and kept by the Governor and Company of the said Banks respectively for that Purpose, and shall be numbered in the Order in which such Dissent shall be received by such Governor and Company; and in case of any Transfer of such Shares or any Part or Parts thereof, after such Dissent, the Part or Parts so transferred shall be entered in the Books of such Governor and Company under the same Numbers as were fixed to such Shares when the Dissent was so signified; and every such dissentient Proprietor or Proprietors, or his, her, or their Assigns, or the Executors or Administrators of such Assigns, under any such Transfer, shall be paid off in such Order and at such Periods and in such Manner as Parliament may direct.

Paying off Dissentients.

Dissents of the Accountants General in Chancery, and Accountant General of Exchequer in Ireland, and Accountant in Bankruptcy in England, may be signified within a certain Time; and no Order made in relation thereto shall be subject to Stamp Duties.

V. Provided always, and be it enacted, That it shall be lawful for the Accountants General of the Courts of Chancery in *England* and *Ireland* respectively, and also for the Accountant General of the Court of Exchequer in *Ireland*, and for the Accountant in Bankruptcy in *England*, at any Time before the Eighth Day of *July* One thousand eight hundred and forty-four, to signify to the Governor and Company of the Bank of *England* or *Ireland* respectively, on behalf of any Suitors or others interested in any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures standing in the Names of such Accountants General and Accountant respectively, their Dissent under this Act in respect of any of such Annuities or Government Debentures; and general or special Orders may be made in a summary Way, either upon Application by Motion or Petition of Suitors or Persons interested, or upon Motion by Her Majesty's Attorney General, or otherwise, by the said Courts respectively, in respect of any such Annuities or Government Debentures, either as to signifying or not signifying any such Dissents, or as to any other Matter or Thing relating to any such Annuities or Government Debentures, or the Dividends thereof, or to any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities which may be created in lieu thereof, or to the Application of any such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, or the Dividends thereof; and no Application, Petition, or Affidavit made by or on behalf of any Suitor or other Person interested in any of such Annuities or the Dividends thereof respectively, or Order or Report made or other Proceeding had in either of the said Courts respectively, in consequence of this Act, or which may arise out of any of the Provisions of this Act, in relation to the said Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures respectively, or any Part or Share or Shares thereof, standing in the Names of the said Accountants General of the said Courts and Accountant respectively, or in relation to any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities which may be created under this Act, and hereafter stand in the Names of the said Accountants General and Accountant respectively, in lieu of the said Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures before standing in their Names respectively, or the Dividends of such respective Annuities or Government Debentures, nor any Copy or Copies of such Application, Petition, Affidavit, Order, Report, or other Proceeding, shall be subject or liable to be stamped, or charged or chargeable with any Stamp Duties whatever, any thing in any Act or Acts of Parliament to the contrary notwithstanding; and the said Accountants General and Accountant respectively shall be deemed and taken to have consented to accept and receive Shares in the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities in lieu of all such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures standing in their Names respectively as to which no such Dissent shall have been signified by them respectively as aforesaid; and the said Accountants General and Accountant respectively shall be and are hereby fully indemnified against all Actions, Suits, or Proceedings for or in respect of any Act, Matter, or Thing done by them respectively in pursuance of or under any of the Provisions of this Act, and also for and in respect of their respectively not signifying in any Case such their Dissent as aforesaid; and in case any Action, Suit, or other Proceeding be commenced or instituted against the said Accountants General and Accountant, or either of them, for or in respect of any such Act, Matter, or Thing, or not signifying any Dissent as aforesaid, it shall and may be lawful for the Court in which such Action, Suit, or Proceeding shall be commenced or shall be pending, upon summary Application, to stay, and such Court is hereby required to stay, such Action, Suit, or Proceeding, and to make such Order relative to the Costs thereof as such Court shall think expedient.

Indemnity for Accountants General and Accountant.

Executors, Trustees, &c. may dissent.

VI. And be it enacted, That all Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots and Lunatics, who as such shall have the Control over any Shares of the said respective Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures standing either in their own Names or in the Name or Names of any Testator or Intestate, or of any Infant or Infants or Idiot or Lunatic, may, if residing within the United Kingdom, signify such Dissent as aforesaid to the

Governor

Governor and Company of the Bank of *England* or to the Governor and Company of the Bank of *Ireland* respectively at any Time before the Twentieth Day of *April* One thousand eight hundred and forty-four; and if either of any Two or more of any such Executors, Administrators, Guardians, Trustees, or Committees shall reside out of the United Kingdom the Period within which such Dissent may be signified shall be regulated by the Residence of the most distant of such Executors, Administrators, Guardians, Trustees, or Committees, in each Case; and all Executors, Administrators, Guardians, Trustees, and Committees not signifying such Dissent within the Periods specified in this Act, according to such Residence, shall be deemed and taken to have assented to accept and receive a Share in the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, and they are hereby severally and respectively indemnified for not signifying such Dissent under this Act.

Indemnity for such Executors.

VII. And be it enacted, That every Person who shall be entitled to receive the Dividends upon any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures transferable at the Bank of *England* or *Ireland* the Dividends and Interest on which are payable on the Fifth Day of *April* and the Tenth Day of *October* shall receive the Dividends due thereupon for the Half Year up to the Tenth Day of *October* One thousand eight hundred and forty-four, and no longer; and every Person who shall be entitled to receive the Dividends upon any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures the Dividends and Interest on which are payable on the Fifth Day of *January* and the Fifth Day of *July* shall receive the Dividend due thereupon for the Half Year up to the Fifth Day of *July* One thousand eight hundred and forty-four, and shall also receive One Quarter's Dividend thereon up to the Tenth Day of *October* One thousand eight hundred and forty-four, and no longer; and the said respective Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures shall be paid off or converted into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities in manner aforesaid from and after the Tenth Day of *October* One thousand eight hundred and forty-four; and every Transfer of any of the said Annuities at the Rate of Three Pounds Ten Shillings *per Centum per Annum* which may have taken place to or from the Books of the Governor and Company of the Bank of *England* from or to the Books of the Governor and Company of the Bank of *Ireland* at any Time from and after the Sixth Day of *March* One thousand eight hundred and forty-four shall be and the same is hereby declared to be null and void.

Payments of Dividends on 3*l.* 10*s.* per Cents and Government Debentures.

Time of paying off or Conversion.

Transfers of 3*l.* 10*s.* per Cents after 6th March 1844 void.

VIII. And be it enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* or *Ireland* respectively, at any Time on or before the Twentieth Day of *April* One thousand eight hundred and forty-four, to open Books for writing up and receiving the Entry into the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities of any of the Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures before described, belonging to any Proprietor or Proprietors who may not have expressed his, her, or their Dissent from receiving such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, and who may be desirous of converting his, her, or their Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures into the said Annuities at the Rate of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum* Annuities; but the Dividend or Dividends of the said Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures which would become due on the Fifth Day of *July* One thousand eight hundred and forty-four or on the Tenth Day of *October* One thousand eight hundred and forty-four, at the Banks of *England* and *Ireland* respectively, shall be paid and payable to the Person or Persons in whose Name such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures stood immediately before they were so converted into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities; and the first half-yearly Dividend of such Three Pounds Five Shillings *per Centum* Annuities shall not become due until the Fifth Day of *April* One thousand eight hundred and forty-five.

Books to be opened at the Bank of England or Ireland for receiving the Entry of the 3*l.* 5*s.* and New 3*l.* per Cent. Annuities.

Payment of Dividends of 3*l.* 10*s.* per Cents due on 5th July or 10th October.

IX. And for the more easy and sure Payment of the Annuities established by this Act, be it enacted, That the Governor and Company of the Bank of *England* and the Governor and Company of the Bank of *Ireland* respectively, and their Successors, shall from Time to Time employ their Chief or First Cashier or Cashiers and their Accountant General in the Execution of this Act; and the Monies from Time to Time necessary for the Payment of the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall, by Order of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer for the Time being, without any further Warrant to be sued for, had, or obtained in that Behalf, be issued and paid at the Receipt of the Exchequer in *England* or *Ireland* to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England* or of the Bank of *Ireland*, and their Successors for the Time being, by way of Imprest and upon Account for the Payment of the said Annuities; and every such Cashier or Cashiers to whom the said Monies shall from Time to Time be issued shall from Time to Time, without Delay, apply and pay the same accordingly, and render his or their Accounts thereof according to the due Course of the Exchequer in *England* and *Ireland* respectively.

Banks of England and Ireland shall employ their Cashier and Accountant General.

X. And be it enacted, That the Accountant General for the Time being of the Bank of *England* or Bank of *Ireland* respectively shall from Time to Time inspect and examine all Receipts and Payments of the Cashier or Cashiers of the said Banks respectively, and the Vouchers relating thereunto, in order to prevent any Fraud, Negligence, or Delay.

Accountant General shall examine Receipts, &c.

XI. And be it enacted, That the said several Annuities after the Rate of Three Pounds Five Shillings *per Centum* created by virtue of this Act, and also by virtue of another Act passed in this present Session

The several Annuities under this Act shall

be One Joint Stock.

Session of Parliament, intituled *An Act for transferring Three Pounds Ten Shillings* per Centum per Annum *Annuities One thousand eight hundred and eighteen into Annuities of Three Pounds Five Shillings* per Centum per Annum *and New Three Pounds* per Centum per Annum *Annuities*, shall be deemed, reputed, and taken to be One Capital or Joint Stock; and that all and every Person and Persons, and Bodies Politic and Corporate, whatsoever, shall have and be deemed to have a proportional Interest and Share in such Stock, and in the Annuity attending the same respectively, at the Rates aforesaid; and that such Capital or Joint Stock, or any Share or Interest therein, and the proportional Annuity attending the same respectively, shall be assignable and transferable as this Act directs, and not otherwise; and that there shall constantly be kept in the Office of the Accountant General for the Time being of the Banks of *England* and *Ireland* respectively a Book or Books wherein all Assignments or Transfers of such Capital or Joint Stock, or any Part thereof, and the proportional Annuity attending the same, at the Rates aforesaid, shall be respectively entered and registered; which Entries shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if any such Party or Parties be absent, by his, her, or their Attorney or Attornies thereunto lawfully authorized by Writing under his, her, or their Hands and Seals, to be attested by Two or more credible Witnesses; and that any Person or Persons to whom such Transfer or Transfers shall be made may respectively underwrite his, her, or their Acceptance thereof; and that no other Method of assigning or transferring any such Stock, and the Annuities attending the same, or any Part thereof, or any Interest therein, shall be good and available in Law; and that no Stamp Duties whatsoever shall be charged on the said Transfers or any of them.

Annuities to be Personal Estate.

XII. And be it enacted, That all Persons and Corporations entitled to any such Annuity or Annuities of Three Pounds Five Shillings *per Centum* and New Three Pounds *per Centum* Annuities created by this Act, and their Administrators, Successors, and Assigns respectively, and all Persons and Corporations lawfully claiming under them, shall have good, sure, absolute, and indefeasible Estates and Interests in the said respective Annuities, according to the true Tenor and Meaning of this Act, and shall be possessed thereof as of a Personal Estate, devisable as such, and which shall not be descendible to Heirs, nor liable to any Foreign Attachment, by the Custom of *London* or otherwise; any Law, Custom, or Usage to the contrary notwithstanding; but no Payment shall be made nor any Transfer allowed upon any Devise until such Devise shall have been duly entered at the Bank of *England* or Bank of *Ireland* respectively, as the Case may require.

Powers of Attorney for Receipt of Dividends or for Sale or Transfer of 3*l.* 10*s.* per Cents shall remain in force for 3*l.* 5*s.* and New 3*l.* per Cents.

XIII. And be it enacted, That all Powers of Attorney which shall be in force at the Time of passing this Act, and which would have remained in force if this Act had not passed, for the Receipt of Dividends, or for Sale or Transfer of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures which shall under or by virtue of this Act be converted into the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, shall continue and remain in full Force and Effect for receiving the Dividends which shall become due on the Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created by this Act in lieu thereof, or for selling or transferring any such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, and also for receiving Dividends on any further Sum of such Three Pounds Five Shillings and New Three Pounds *per Centum* Annuities which the Parties by whom such Letters of Attorney were given may hereafter purchase or acquire, until such Powers are revoked or otherwise determined.

Certificates of Amount of Stock exchanged or paid off, &c. shall be sent to Commissioners for Reduction of the National Debt.

XIV. And be it enacted, That as soon after the Expiration of the respective Periods allowed by this Act for signifying any Dissent under this Act as the same can be done Certificates shall be from Time to Time made out, and transmitted to the Commissioners for the Reduction of the National Debt in *London*, by the proper Officer or Officers of the Bank of *England* and Bank of *Ireland* respectively, of the Amount of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures which shall have been exchanged into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, or paid off under the Provisions of this Act, and of the annual Interest which shall have ceased thereby, and also of the Capital Amount of such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created by such Exchange, and of the annual Interest thereon.

Bonds or Contracts to transfer 3*l.* 10*s.* per Cents to be deemed satisfied by a Transfer of 3*l.* 5*s.* and New 3*l.* per Cents.

The like as to Payment of Dividends.

XV. And be it enacted, That in every Case in which any Person or Persons shall at the Time of the passing of this Act be or remain bound by the Condition of any Bond or Obligation, or by the Terms of any Instrument in Writing, or by any Agreement or Contract, to transfer any Amount of Capital Stock in the said Three Pounds Ten Shillings *per Centum* Annuities, the Condition of every such Bond or Obligation, or the Terms of any such Instrument in Writing, or Agreement or Contract, shall be deemed in Law and Equity to be satisfied by making a Transfer of an equal Amount of Capital Stock in the Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities; and that where any Party is by the Condition of any such Bond or Obligation, or the Terms of any such Instrument in Writing, or Agreement or Contract, bound or required to pay half-yearly Sums equal to the Dividends on any specified Amount of any such Three Pounds Ten Shillings *per Centum* Annuities respectively, every such Bond, Obligation, Instrument, Agreement, or Contract shall be satisfied by the Payment of half-yearly Sums equal to the Dividends of or upon the same Amount of the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities.

Lenders of 3*l.* 10*s.* per

XVI. Provided always, and be it enacted, That in every Case in which any such Three Pounds Ten Shillings *per Centum* Annuities respectively shall have been transferred in the Way of Loan upon any Condition

Condition in any Bond or Instrument or under or upon any Agreement or Contract for the Repayment of such Loan by the replacing the Amount of Stock so transferred, it shall be lawful for the Person or Persons who shall have made any such Loan, or their Executors, Administrators, or Assigns, to declare an Option, and give Notice thereof in Writing, and thereby require the Repayment of One hundred Pounds of lawful Money of the United Kingdom for every One hundred Pounds Capital Stock of such Three Pounds Ten Shillings *per Centum* Annuities, transferable at the Bank of *England* or Bank of *Ireland*, so transferred in the Way of Loan as aforesaid, and so in proportion for any greater or less Amount; and every Bond, Obligation, Instrument, Agreement, or Contract, given, entered into, or made upon any such Loan or Contract, shall be deemed in every such Case, in Law and in Equity, to entitle the Person or Persons, his, her, or their Executors, Administrators, or Assigns, to such Repayment in Money, and to demand and recover the same in any Court in which any Action, Suit, Process, or Proceeding may be brought, instituted, or carried on, upon any such Bond, Obligation, Instrument, Agreement, or Contract; any thing in any such Bond or Obligation, Instrument, Agreement, or Contract, to the contrary notwithstanding.

Cents on Contract to replace may demand 100*l.* in Money for every 100*l.* in Stock.

XVII. And be it enacted, That all Trusts, whether created by Will or otherwise, and which existed either in the whole or in part, and all Directions contained in any Will or Devise or testamentary Paper, which remain unexecuted at the Time of the passing of this Act, as to any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures which may under this Act be converted into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, or as to the Payment or Distribution of any Dividends thereon, or as to the Transfer of any such Annuities or Government Debentures, in any Events specified in any such Trusts or Will or testamentary Paper, shall extend, and be deemed and construed in all Cases, and in all Courts of Law and Equity in the United Kingdom, or elsewhere in any Dominions or Territories belonging to Her Majesty, to extend and to apply to all such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created in lieu of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, subject to or affected by any such Trusts or Devises, or Wills or testamentary Papers, for all Purposes and in all Cases in which such Trusts or to which any such Directions can be made applicable: Provided always, that in all Cases in which any Proportions or Parts of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures are required to be transferred under any such Trusts, or under the Provisions of or Directions contained in any Will, Devise, or testamentary Paper, or any Proportion or Part of any Dividends arising from and out of any such Three Pounds Ten Shillings *per Centum* Annuities or Goverment Debentures are required to be paid or distributed, the Transfer of a like Amount of Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, and the Payment and Distribution of the Dividends at the Rate of Three Pounds Five Shillings *per Centum* and Three Pounds *per Centum* instead of Three Pounds Ten Shillings *per Centum* upon the Capital, shall be and be deemed and taken in all Courts and for all Purposes to be a due Execution of such Trusts, or of the Directions contained in any Will or testamentary Paper, and shall fully discharge the Trustee or Executor or Executors making the same, who are hereby declared to be and are hereby fully indemnified in respect of such Execution of any such Trusts and Executorship as aforesaid.

Trusts as to 3*l.* 10*s.* per Cents shall extend to 3*l.* 5*s.* and New 3*l.* per Cents, and Directions to the Application of 3*l.* 10*s.* per Cents shall be carried into effect by the Application of the 3*l.* 5*s.* and New 3*l.* per Cents.

XVIII. And be it enacted, That in every Case in which any Question may have arisen or may arise upon the Execution of any Trusts, or upon any Distributions which may have been or may be made or may remain to be made, by any Trustees, Executors, or Administrators, of or in relation to or arising out of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, or of any Parts or Proportions of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures which may have been vested in any Trustees, or which may have been distributable by any Executors or Administrators, or as to the Application of any Residue thereof, or as to the Distribution or Application of any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities transferred under the Provisions of this Act, in lieu of any Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, whether as to the Powers or Authorities of any such Trustees, Executors, or Administrators, or as to the relative Interest of any Persons entitled under any such Trust or under Wills to receive any Annuities charged upon or arising or payable out of the Proceeds of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, and of any Persons interested in any Residue of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, whether under any specific Provision relating to any such Trusts, or contained in any Wills, or arising out of the Execution of any Wills by any Executors, or the Distribution of any Estates by any Administrators, and in all other Cases whatsoever in which any Question may arise in consequence of the Transfer of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, it shall be lawful for any such Trustees, Executors, or Administrators, and for Persons entitled to or interested in any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, or any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created in lieu thereof, or in any Proceeds of any such Annuities, whether in reversion or otherwise, to make Application to the High Court of Chancery in *England* or to the High Court of Chancery or Court of Exchequer in *Ireland* respectively, or the Court of Session in *Scotland*, in a summary Way, either by Motion or Petition; and it shall be lawful for the said High Courts of Chancery or Court of Exchequer in *England* or *Ireland* respectively, or for the Court of Session in *Scotland*,

Questions as to Trusts in the 3*l.* 10*s.* per Cents may be decided by the Courts of Chancery or Exchequer or by the Court of Session.

Scotland, to make General Orders in relation to any such Question or Special Orders in a summary Way, upon any such Application, or as to any other Matter or Thing relating to any such Annuities, or to any Dividends thereof, or to any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities which may be created in lieu thereof, or to the Application of any such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, or any Dividends thereof; and no Application, Petition, or Affidavit made by or on behalf of any Trustees, Executors, or Administrators, or Trustee, Executor, or Administrator, or other Person or Persons interested in any of such Annuities, or any Dividends thereof respectively, nor any Order or Report made or other Proceeding had in any or either of the said Courts respectively, in consequence of any Question which may arise out of any of the Provisions of this Act in relation to the Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, or any Part or Share or Shares thereof, or in relation to any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities which may be created under this Act in lieu of the said Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, or the Dividends of such respective Annuities, nor any Copy or Copies of such Application, Petition, Affidavit, Order, Report, or other Proceeding shall be subject or liable to be stamped, or charged or chargeable with any Stamp Duties whatever, any thing in any Act or Acts of Parliament to the contrary notwithstanding; and all Trustees, Executors, Administrators, and other Persons acting under any Orders made by any or either of such Courts respectively, or whose Acts shall be confirmed by any or either of such Courts respectively, if done before any Application made to any or either of the said Courts respectively, shall be and are hereby fully indemnified against all Actions, Suits, or Proceedings for or in respect of any Act, Matter, or Thing done by them respectively in pursuance of or under any such Order, or which shall be confirmed by any such Order; and in case any Action, Suit, or other Proceeding be commenced or instituted against any such Trustee, Executor, Administrator, or other Person, for or in respect of any such Act, Matter, or Thing, it shall be lawful for the Court in which such Action, Suit, or Proceeding shall be commenced or shall be pending, upon summary Application, to stay, and such Court is hereby required to stay, such Action, Suit, or Proceeding, and to make such Order relative to the Costs thereof as such Court shall think expedient.

3l. 5s. per Cents and New *3l.* per Cents may be accepted by Commissioners for Life Annuities, &c.

XIX. And be it enacted, That it shall be lawful for the Commissioners for the Reduction of the National Debt and they are hereby empowered and required to accept and receive Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created by this Act as the Consideration for the Purchase of Life Annuities and Annuities for a certain Term of Years respectively; and for the Purpose of ascertaining the Price of such Stock or Annuities the Cashier or Cashiers of the Bank of *England* shall and they are hereby required, on every Day on which any of the said Annuities shall have been bought at the Bank of *England*, to cause an Account to be made out of the average Price thereof according to the Regulations prescribed by any Act or Acts now in force for ascertaining the average Price of Three Pounds *per Centum* Bank Annuities for enabling the Purchase of Life Annuities and Annuities for a certain Term of Years, which said Account shall be transmitted to the Officer appointed by the said Commissioners, to enable him to ascertain the respective Amounts of the like Annuities which may be purchased by the Transfer of such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities as aforesaid.

Mode of computing *3l. 5s.* and New *3l.* per Cents for Purchase of Annuities for Lives or for Terms of Years.

XX. And be it enacted, That when any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall be transferred to the said Commissioners, for the Purchase of Life Annuities or for Annuities for a certain Term of Years, that such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall be first converted, by the Computation of the said Officers, into Three Pounds *per Centum* Consolidated or Reduced Bank Annuities, according to the average Price of those Stocks, to be ascertained as herein-before directed; and the Life Annuities and Annuities for a certain Term of Years to be granted thereon shall be calculated and ascertained upon the Amount of Three Pounds *per Centum* Bank Annuities, including Fractions (if any), produced by such Conversion, according to the Provisions, Rules, and Regulations prescribed by any Act or Acts now in force enabling the said Commissioners to grant Life Annuities and Annuities for a certain Term of Years.

Indemnifying the Bank of England and Ireland for Acts done by their Officers.

XXI. And be it enacted, That this Act shall be and the same is hereby declared to be a full and complete Indemnity and Discharge to the Governor and Company of the Bank of *England*, and to the Governor and Company of the Bank of *Ireland*, their Officers and Servants, and every of them, for all Things done or permitted to be done pursuant thereto, and that the same shall not be questioned or impeached in any Court of Law or Equity whatsoever to their Prejudice or Detriment.

New Stock transferable at Banks of England and Ireland may be mutually transferred, conformably to Directions of *5 G. 4. c. 53.* as altered by *6 G. 4. c. 79.*

XXII. And be it enacted, That it shall and may be lawful for any Person who shall at any Time hold any Stock in the Three Pounds Five Shillings *per Centum* Annuities or in the New Three Pounds *per Centum* Annuities created by this Act, transferable at the Bank of *Ireland*, to transfer or cause to be transferred any such Annuities respectively, for the Purpose of having corresponding Sums written into and consolidated with and made Part of the Capital of the like Annuities respectively transferable at the Bank of *England*; and in like Manner it shall be lawful for any Person who shall at any Time hold any Stock in the said Three Pounds Five Shillings *per Centum* Annuities or in the New Three Pounds *per Centum* Annuities created by this Act, transferable at the Bank of *England*, to transfer or cause to be transferred any such Annuities respectively, for the Purpose of having corresponding Sums written into and consolidated with and made Part of the Capital of the like Annuities respectively transferable at the Bank

Bank of *Ireland*; and all such Transfers shall be made on the Terms and Conditions, and subject to all the Clauses, Directions, and Regulations contained in an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to permit the mutual Transfer of Capital in certain public Stock or Funds transferable at the Banks of* England *and* Ireland *respectively*, as the same is altered or affected by an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to provide for the Assimilation of the Currency and Monies of Account throughout the United Kingdom of* Great Britain *and* Ireland; and all Clauses and Provisions of the said Acts relating to any Funds, Stocks, or Annuities shall extend and be construed to extend to the Annuities created by this Act, in like Manner as if the said Annuities had been specified in the said recited Acts or either of them.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. VI.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-four. [22d *March* 1844.]

CAP. VII.

An Act to indemnify Witnesses who may give Evidence during this Session before either House of Parliament touching Gaming Transactions.* [22d *March* 1844.]

'WHEREAS a Select Committee of the Lords House of Parliament was appointed, on the Fifth Day of *February* in this Year, to inquire into the Laws respecting Gaming: And whereas it is expedient 'to enable the said Committee, or any other Committee of either House of Parliament which has been or 'may be appointed in this Session of Parliament, or either of the said Houses of Parliament, at its Bar, 'to examine Witnesses in proof of the Operation of the Laws touching Gaming, and to indemnify such 'Persons upon their making such true and faithful Disclosure and Discovery as herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for the more effectually prosecuting any such Inquiry every Person who may have been implicated or engaged in any Gaming Transaction, or any Transaction connected with Gaming, and who during this Session of Parliament shall be examined as a Witness at the Bar, or before any Select Committee of the Lords Spiritual and Temporal, or of the Commons, touching such Transaction, and who shall upon such Examination make a true and faithful Discovery and Disclosure, to the best of his or her Knowledge, touching all Acts, Matters, and Things to which he or she shall be so examined, shall be by virtue of this Act freed, indemnified, and discharged of, from, and against all penal Actions, Forfeitures, Punishments, Disabilities, and Incapacities, and all Criminal Prosecutions, which he or she may have been or may become liable or subject to, or which he or she may have incurred or may incur, at the Suit of Her Majesty, Her Heirs or Successors, or any other Person, for or by reason or means of or in relation to any Act, Matter, or Thing done or committed by such Person or Persons in respect of such alleged Transaction, save and except any penal Action or Criminal Prosecution which was commenced before the said Fifth Day of *February*, and the Forfeitures, Punishments, Disabilities, and Incapacities consequent upon any Judgment given in any such penal Action or Criminal Prosecution as last aforesaid. All Persons implicated in Gaming Transactions, who may be examined before any Select Committee of the Lords or Commons, and shall make a faithful Disclosure, indemnified.

II. Provided also, and be it enacted, That no such Witness shall be indemnified under this Act unless he or she shall receive from the Lord Chancellor or the Speaker of the House of Commons, or the Chairman of such Committee, a Certificate in Writing stating that such Witness has, upon his or her Examination, made a true and faithful Disclosure touching all Acts and Matters to which he or she has been so examined, which said Certificates the Lord Chancellor or the Speaker or the Chairman of such Committee shall be authorized to give; and if any Action, Information, or Indictment shall at any Time be pending in any Court, in respect of such Transaction, against any Person or Persons who shall have been so examined as a Witness or Witnesses in manner above mentioned, such Court shall, on the Production and Proof of such Certificate or Certificates, stay the Proceedings in any such Action, Indictment, or Information, and may, in its Discretion, award to any such Person or Persons such Costs as he, she, or they may have been put to by such Action, Information, or Indictment. Witnesses not to be indemnified unless they shall have a Certificate of having made a faithful Disclosure.

III. And be it enacted, That this Act may be altered or amended by any Act to be passed during this present Session of Parliament. Act may be amended, &c.

CAP. VIII.

An Act to facilitate the Recovery, by summary Process, of small Sums due to the Teachers of Schools in *Ireland*. [22d *March* 1844.]

'WHEREAS by an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal the several Laws for Recovery of small Sums due for Wages in* Ireland, *and to make other Provisions for Recovery of such Wages*, Justices of the 54 G. 3. c. 116.

* *See ante, Cap.* 3.

'Peace

'Peace and Chief Magistrates, within their respective Jurisdictions, are authorized to hear Complaints 'respecting the Nonpayment of Wages not exceeding Six Pounds, and to adjudicate thereon by summary 'Process: And whereas Doubts have been entertained how far the Sums recoverable by Teachers of 'Schools in *Ireland* come within the Provisions of the said Act, and can be so recovered; and it 'is expedient that such Doubts be removed:' Now be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Sums due, agreed to be paid, or payable to any Teacher of a School for Instruction given therein shall be recoverable in the same Way, by summary Process, in the same Manner and subject to the same Conditions and Limitations as are contained in the said herein-before recited Act in respect to Wages.

Sums due to Teachers of Schools recoverable as Wages under recited Act.

II. And be it enacted, That this Act shall apply only to that Part of the United Kingdom called *Ireland*.

Act to extend only to Ireland.

CAP. IX.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [2d *April* 1844.]

[*Number of Forces*, 100,295. *This Act is the same, except as to Dates and the Sections here inserted, as 6 & 7 Vict. c.* 3.]

II. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects, which is punishable by the known Laws of the Land, or shall wilfully neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in *London*; provided that no Person, being acquitted or convicted of any Capital Crime, Violence or Offence by the Civil Magistrate or by the Verdict of a Jury, shall be liable to be punished by martial for the same otherwise than by cashiering; and whenever any Officer or Soldier shall have been tried before a Court of ordinary criminal Jurisdiction the Clerk of the Court, or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment to which such Officer or Soldier belongs, transmit to him a Certificate, containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, or Acquittal of such Officer or Soldier; and shall be allowed for such Certificate a Fee of Three Shillings.

The ordinary Course of Law not to be interfered with.

VI. And be it enacted, That a General Court-martial convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, and the Settlements on the Coast of *China* excepted,) or in the Settlements of the *East India* Company, shall consist of not less than Thirteen Commissioned Officers; if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or out of the Queen's Dominions, excepting *Saint Helena*, *Africa*, *Honduras*, the *Australian* Colonies, and the Settlements on the Coast of *China*, shall consist of not less than Seven, and in *Saint Helena*, *Africa*, *Honduras*, the *Australian* Colonies, and the Settlements on the Coast of *China* of not less than Five Commissioned Officers; and no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Officers present; and the President shall in no Case be the Officer commanding in chief, or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Composition of General Courts-martial.

VII. And be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Twenty-eight Days at a Time, nor Eighty-four Days in any One Year with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement, or may sentence any Soldier to corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, and Neglect of Duty; and a General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment such Court-martial may, instead of awarding a corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct; provided that in all Cases where a Capital Punishment

Powers of General Courts-martial.

ment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

Trial by General Court-martial for Embezzlement.

VIII. And be it enacted, That every Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage, of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces or for Her Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where a Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Powers of District or Garrison Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Twenty-eight Days at a Time, nor Eighty-four Days in any One Year with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement, or may sentence any Soldier to corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Soldier at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service:

In tampering with his Eyes:

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure:

In purloining or selling Government Stores:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess:

In producing false or fraudulent Accounts or Returns:

In embezzling or fraudulently misapplying Public Money entrusted to him:

Or in committing any Petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind:

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to corporal Punishment; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to pass any Sentence of Death or Transportation; and the President of every Court-martial other than a General Court-martial shall be appointed by the Officer convening such Court-martial, and shall not be under the Rank of a Captain, save in the Case of a Detachment Court-martial holden out of Her

Her Majesty's Dominions, or holden on board a Transport Ship, Troop Ship, Convict Ship, or Merchant Vessel.

Regimental Courts-martial.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, or on board any Transport Ship, Troop Ship, Convict Ship, or Merchant Vessel, the Offence may be tried by a Regimental Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award; and a Regimental Court-martial may try any Soldier for habitual Drunkenness, and may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, or to solitary Confinement for any Period not exceeding Twenty Days, or may sentence a Soldier to Imprisonment, Part thereof to be with or without hard Labour, and Part thereof in solitary Confinement: Provided always, that when such Court shall direct the Imprisonment to be part in solitary Confinement and part otherwise, the whole Period of such Imprisonment shall not exceed Twenty Days, and the Part thereof in solitary Confinement shall not exceed Ten Days; and a Regimental Court-martial may sentence any Soldier for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days in addition to any other Punishment which such Court may award; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay for such Period, not exceeding Six Months, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct.

Forfeiture of Pay and Pension by Desertion or Felony; and marking a Deserter.

XI. And be it enacted, That every Soldier who shall be found guilty of Desertion by a General, or District, or Garrison Court-martial, where such Findings shall be duly approved, or of Felony, in any Court of Civil Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award; and in addition to any other Punishment it shall be lawful for a District or Garrison Court-martial to sentence a Soldier convicted of Desertion to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might accrue from future Service; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, on the first and on every subsequent Conviction of Desertion, to direct, if it shall think fit, that, in addition to any other Punishment, the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Appeal.

XVI. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, except in the Cases in which an Appeal from a Regimental to a General Court-martial is expressly given by any of Her Majesty's Articles of War; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Fraudulent Confession of Desertion.

XXIII. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any of Her Majesty's Forces, as Her Majesty shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not; and in case such Person shall not be a Deserter from the Regiment stated in such Confession he shall, on Conviction thereof before Two Justices of the Peace, be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*; and such Person, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition, and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Second

Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of Her Majesty's Forces, he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Soldiers sentenced to Imprisonment to undergo Sentence in such Prison as the Officer commanding the District, &c. may direct. Proviso for Removal of Prisoners.

XXVII. And be it enacted, That any Soldier sentenced by a Court-martial to Imprisonment, with or without hard Labour, whether directed to be kept in solitary Confinement for the whole or any Portion or Portions of such Imprisonment or not, shall undergo such Sentence in such public Prison or other Place as may in each Case by a General Court-martial be appointed by the Officer commanding the District, Garrison, Island, or Colony, and as may in each Case of any Court-martial other than a General Court-martial be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of Appointment by any such Officer, then in such public Prison or Place as may be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached: Provided always, that it shall be lawful for the Officer commanding the Regiment or Corps, in the Case of a Prisoner undergoing the Sentence of a Regimental Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, to give at any Period of any such Imprisonment, and as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be removed, in Military Custody, to some other public Prison or Place of Confinement, there to undergo the Remainder or any Part of his Sentence; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered up for Removal, and be removed, as the Case may be; provided also, that the Time of Removal from one public Prison or Place of Confinement to another shall be reckoned as Imprisonment under his Sentence.

Secretary at War may set apart Forts, Barracks, &c. as Military Prisons, and appoint Officers, and make Rules and Regulations for Government of the same.

XXVIII. And be it enacted, That it shall be lawful for the Secretary at War to set apart any Forts, Barracks, or other Buildings now erected or which may hereafter be erected, or any Part or Parts thereof, as Places where the Sentences of Courts-martial may be carried into execution, and as Military Prisons, and to declare that Two or more separate and detached Buildings shall be, and thenceforth such Buildings shall be deemed and taken to be, One Military Prison for the Purpose of carrying Sentences of Courts-martial into execution, and for all other Purposes whatsoever; and every Military Prison now existing, or which may hereafter be established or so as aforesaid set apart or declared, shall be deemed to be a public Prison within the Meaning of this Act; and it shall be lawful for the Secretary at War from Time to Time to appoint a Governor or Provost Marshal, and all other necessary Officers and Servants, for any Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer or Servant, of any Military Prison; and the General or other Officer commanding any District within which may be a Military Prison, or such General or other Officer, and such other Person and Persons as the Secretary at War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and every Visitor and Governor of a Military Prison respectively shall, subject to such Rules and Regulations as may from Time to Time be made by the Secretary at War, have and exercise in respect of such Prison, and of the Governors, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Visiting Justice or Governor of a County Gaol and House of Correction may respectively exercise as such; and it shall be lawful for the Secretary at War from Time to Time to make, alter, and repeal Rules and Regulations for the due Government and Superintendence of any Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of Offenders confined therein; and the Visitor or Visitors of every Military Prison shall, on or before the First Day of *July* in every Year, transmit to the Secretary at War Copies of all Rules and Regulations in force on the Twenty-fifth Day of *May* in such Year, for the Government of such Prison, together with Copies of any new or additional Rules and Regulations which he or they may propose for the Government thereof; and the Secretary at War, on or before the First Day of *August* in each Year, shall transmit to the Visitor or Visitors a Copy, subscribed by him, of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such Prison; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction, which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State, shall, with respect to Military Prisons, belong to and may be exercised by the Secretary at War.

Custody of Offenders under a Military Sentence.

XXIX. And be it enacted, That in all Cases the Term of Imprisonment under the Sentence, whether original or revised, of a Court-martial, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings of the Court-martial shall be signed by the President; and that every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or House of Correction in every Part of Her Majesty's Dominions shall receive into his Custody any Soldier under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which

Order shall specify the Period of Imprisonment which the Prisoner is to undergo; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Soldier in a proper Place of Confinement, with or without hard Labour, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered up before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or Lock-up House shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon his being furnished with a written Order to that Effect from the Officer commanding the Troops or Detachment to which the Soldier belongs; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine or to deliver up any Soldier in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Notice of Expiration of Imprisonment.

XXXI. And be it enacted, That every Gaoler to whom any Notice shall have been given, or who shall have reason to believe or to know, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall give One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice then the longest practicable Notice thereof, to the Secretary at War.

Enlisting and swearing of Recruits.

XXXVI. And be it enacted, That every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, an attested Soldier, or a Staff Serjeant from the Out-Pension of *Chelsea* Hospital authorized to enlist Recruits, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billetted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall, within Four Days (any intervening *Sunday* not included) but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, or, in *Scotland*, before any Baillie of a Royal Burgh, residing within the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over to such Recruit, the First and Second Articles of the Second Section of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, for limited or unlimited Service, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Offences connected with Enlistment.

XXXVIII. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary at War, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally

finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, or into Her Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices, when any such Recruit shall be brought, and shall be proved, upon Oath before them, to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmity, or to have designedly made any false Representation upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds; and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service or any other Money, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith;* and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith;* and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Ordnance, Navy, or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary at War by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Acknowledgment of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted; provided that every such Person shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland*, in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Penalty on Officers offending against Laws regarding Enlistment.

XXXIX. And be it enacted, That every Military Officer, who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service or for the Service of the *East India* Company, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Issue of Pay of the Army.

L. And be it enacted, That no Secretary at War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and forty-four, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary at War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay, who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demand it, shall be discharged from any further Service; provided that it shall be lawful for Her Majesty's Secretary at War to give Orders

for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty; or in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until Her Majesty's Orders shall have been signified by the Secretary at War.

Definition of Terms.

LVI. And be it enacted, That all the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed;* and all Powers and Provisions relating to the *British* Isles shall be construed to extend to *Guernsey, Jersey, Alderney, Sark,* and *Man,* and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billetting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland,* and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland,* who shall act in the Execution of this Act in relation to billetting; and all Provisions for billetting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland;* and in *Ireland,* when there shall not be found sufficient Room in such Houses, then to billetting Soldiers in such Manner as has been heretofore customary; provided that no Officer or Soldier shall be billetted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Powers and Regulations as to Billets.

Exemptions from Billets.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LXIV. And be it enacted, That if any Constable or other Person, who by virtue of this Act shall be employed in billetting any Officers or Soldiers in any Part of the United Kingdom, shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; such Constable, Victualler, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Appropriation of Penalties.

LXXVIII. And be it enacted, That One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or where the Offence shall be proved by the Person who shall inform, the Whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London,* to be at the Disposal of the Secretary at War, any thing in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations*

5 & 6 W. 4. c. 76.

porations in England *and* Wales, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary at War.

SCHEDULES to which this Act refers.

FORM of OATH of a JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

QUESTIONS to be put separately by the JUSTICE to a RECRUIT.

Enlisting for unlimited Service.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of until you shall legally be discharged?
9. On what Day, at what Hour, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the *East India* Company?
13. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the *East India* Company?
14. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the *East India* Company, upon any prior Enlistment?

* *Note.*—The Justice is directed in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

CAP. X.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-five.

[2d *April* 1844.]

[*This Act is the same as* 6 & 7 *Vict. c.* 9. *except as to Dates, and except that the Sections of that Act relating to Clerks to Solicitors and Attornies are omitted in this Act.*]

CAP. XI.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

[2d *April* 1844.]

[*This Act is the same, except as to Dates and the Sections here inserted, as* 6 & 7 *Vict. c.* 4.]

The ordinary Course of Law not to be interfered with.

II. Provided always, and be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law for Crimes thereby cognizable; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine charged with any Capital Crime, or with any Violence or Offence against the Person or Property of any of Her Majesty's Subjects punishable by the known Laws of the Land, or who shall wilfully neglect or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty: Provided always, that no Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial otherwise than by cashiering; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court, or other Officer having the Custody of the Records of such Court,

Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings.

Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial, convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, and the Settlements on the Coast of *China* excepted,) or in the Settlements of the *East India* Company, or elsewhere, shall consist of not less than Thirteen Commissioned Officers, and if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or out of the Queen's Dominions (excepting *Saint Helena*, *Africa*, *Honduras*, the *Australian* Colonies, and the Settlements on the Coast of *China*,) shall have not less than Seven, and in *Saint Helena*, *Africa*, *Honduras*, the *Australian* Colonies, and the Settlements on the Coast of *China* not less than Five Commissioned Officers; and in all Cases no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Members present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

General Courts-martial may sentence Offenders to Imprisonment, &c.

X. And be it enacted, That a General Court-martial may sentence any Marine to Imprisonment, solitary or otherwise, and with or without hard Labour, or to Corporal Punishment not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; but no such solitary Confinement shall exceed Twenty-eight Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement; and a General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for any certain Term of Years, or to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall be pleased to direct, or if such Offender shall have enlisted for any limited Term, may sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall be pleased to direct: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as to Her Majesty shall seem meet.

District or Garrison Courts-martial.

XI. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers; and that it shall be lawful for such Court, whether assembled under the Authority of this Act, or of an Act of the present Session of Parliament for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any Offence committed by any of them while serving in conjunction with Her Majesty's Land Forces or otherwise, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, or to Corporal Punishment not extending to Life or Limb, for any such Offence; but no such solitary Confinement shall exceed Twenty-eight Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement, and such Court may, in addition to either of the said Punishments, sentence a Marine to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct in wilfully maiming or injuring himself, or any other Marine at the Instance of such Marine, with Intent to render himself or such other Marine unfit for the Service; in tampering with his Eyes; in malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure; in purloining or selling Government Stores; in stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military, Divisional, or Regimental Mess; in producing false or fraudulent Accounts or Returns; in embezzling or fraudulently misapplying Public Money intrusted to him; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural, felonious, or fraudulent Nature; and such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Liquor, or of his Allowance in lieu of Beer or Liquor, or of any Proportion thereof, or of any Portion of additional or daily Pay, for any Period not

not exceeding Two Years, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the aforegoing Cases the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to pass any Sentence of Death or Transportation; and the President of every Court-martial other than a General Court-martial shall be appointed by the Officer convening such Court-martial, and shall not be under the Rank of a Captain, save in the Case of a Detachment Court-martial holden out of Her Majesty's Dominions, or holden on board a Transport Ship, Troop Ship, Convict Ship, or Merchant Vessel.

Divisional Courts-martial.

XIII. And be it enacted, That in Cases of Mutiny and gross Insubordination, or of any Offences committed on the Line of March, or on board any Transport Ship, Troop Ship, Convict Ship, or Merchant Vessel, the Offence may be tried by a Divisional Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award; and a Divisional Court-martial may try any Marine for habitual Drunkenness, and may sentence any Marine to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, or to solitary Confinement not exceeding Twenty Days, or may sentence a Marine to Imprisonment, Part thereof to be with or without hard Labour, and Part thereof in solitary Confinement: Provided also, that when the Imprisonment so to be adjudged shall be Part in solitary Confinement and Part otherwise, the whole Period shall not exceed Twenty Days, and the Part thereof in solitary Confinement shall not exceed Ten Days; and a Divisional Court-martial may sentence any Marine, for being drunk when on or for Duty or Parade or on the Line of March, to be deprived of a Penny a Day of his Pay, for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award; and any such Court shall deprive a Marine convicted of habitual Drunkenness of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Six Months, as may accord with the Articles of War, subject to Restoration on good Conduct.

Marking a Deserter.

XV. And be it enacted, That every Marine convicted of Desertion by any General, District, or Garrison Court-martial, or of Felony in any Court of Criminal Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any other Punishment which such Court may award; and in addition to any other Punishment it shall be lawful for a District or Garrison Court-martial to sentence a Marine convicted of Desertion to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might accrue from future Service; and it shall be lawful for any General or District or Garrison Court-martial assembled to try the Crime of Desertion, on the first and on every subsequent Conviction of Desertion, to direct, if it shall think fit, that, in addition to any other Punishment such Court may award, the Offender to be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D., such Letter not to be less than an Inch long, and to be marked on the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Trial and Punishment for Embezzlement.

XVI. And be it enacted, That every Officer and other Person employed in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces, or for their Use, who shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall wilfully suffer any Money, Provisions, Forage, Arms, Clothes, Ammunition, or other Military or Royal Marine Stores to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by a General Court-martial, which is hereby empowered to adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service with Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and that such Person shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage thereby sustained, to be ascertained by such Court-martial, which shall have Power to sentence the Offender to be imprisoned until the same, and any Fine which may be imposed, be paid and satisfied to Her Majesty; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Marines sentenced to Imprisonment to undergo Sentence in such Prison as the Court, &c. shall appoint.

Discharge or Removal of Prisoners.

XX. And be it enacted, That any Marine sentenced by a Court-martial to Imprisonment with or without hard Labour, whether directed to be kept in solitary Confinement for the whole or any Portion or Portions of such Imprisonment or not, shall undergo such Sentence in such public Prison or other Place as may in each Case be appointed by the Court, or the Commissioners for the Time being for executing the Office of Lord High Admiral of the United Kingdom, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony: Provided always, that it shall be lawful for the Officer commanding the Division, in the Case of a Prisoner undergoing the Sentence of a Divisional Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, to give

give at any Period of any such Imprisonment, and as often as Occasion may arise, an Order in Writing, directing that the Prisoner may be discharged, or be removed in Military Custody to some other public Prison or Place of Confinement, there to undergo the Remainder or any Part of his Sentence; and such Prisoner shall accordingly, on the Production of such Order, be discharged, or delivered up for Removal and be removed, as the Case may be: Provided also, that the Time of Removal from one public Prison or Place of Confinement to another shall be reckoned as Imprisonment under his Sentence.

Military Prisons established under Act for punishing Mutiny and Desertion to be deemed public Prisons.

XXI. And be it enacted, That every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters shall be deemed to be a public Prison within the Meaning of any Act now in force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and that any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

Term of Imprisonment of Offenders.

XXII. And be it enacted, That in all Cases the Term of Imprisonment under the Sentence, whether original or revised, of a Court-martial shall be reckoned as commencing on the Day on which the original Sentence and Proceedings of the Court-martial shall be signed by the President, and that every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or House of Correction in every Part of Her Majesty's Dominions shall receive into his Custody any Marine under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing on that Behalf from the Commanding Officer of the Division to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Prisoner is to undergo; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Marine in a proper Place of Confinement, with or without hard Labour, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged, or delivered up before the Expiration of that Time under an Order duly made for that Purpose; and whenever Marines are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or Lock-up House shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon his being furnished with a written Order to that Effect from the Officer commanding the Detachment to which the Marine belongs; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Lock-up House, or other Place of Confinement who shall refuse to receive and to confine or to deliver up any Marine in the Manner herein-before prescribed shall forfeit for every such Offence the Sum of One hundred Pounds.

Appeal.

Revision of Sentence.

XXV. And be it enacted, That no Person who shall have been acquitted or convicted of any Offence at any Court-martial shall be liable to be tried a Second Time for the same Offence, except in the Cases in which an Appeal from a Divisional to a General Court-martial against a Conviction is expressly given by any of the Articles of War to be made in pursuance of this Act; and that no Sentence of any Court-martial, signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Forfeiture of Pay.

XXVI. And be it enacted, That no Marine who shall absent himself without Leave, or shall desert, shall be entitled to receive any Pay for the Time during which he shall have been absent from his Duty without due Authority; nor shall any Marine be entitled to Pay, or to reckon Service towards Pay or Pension, for any Period during which he shall be in Confinement under the Sentence of any Court, or shall be absent on any Charge cognizable by any Justice of the Peace or by any Court of Criminal Judicature, or by reason of any Arrest for Debt, or while he shall be in Confinement or absent as a Prisoner of War; but if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for such Absence to the Satisfaction of his Commanding Officer, it shall be lawful for such Officer, if he shall think fit, in addition to such other Punishment as he has Authority to inflict, to deprive any such Marine of his Pay for the Days on which he shall have been so absent, and thereupon such Pay shall be forfeited; in which Case such Marine shall not be liable to be afterwards tried by a Court-martial for such Absence: Provided always, that any Marine so deprived of his Pay shall have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture, and if acquitted of the Offence for which he shall have been in Confinement shall, upon his Return to his Duty, be allowed to receive the Arrears of Pay, and to reckon Service for the Time he shall have been so absent; and when a Marine shall rejoin Her Majesty's Service upon his Release from Confinement as a Prisoner of War due Inquiry shall be made by a Court-martial into the Circumstances of his Case, and if it shall be proved to the Satisfaction of such Court that such Marine became a Prisoner without wilful Neglect or Fault on his Part, and that he hath not served with or in any Manner aided the Enemy, and that he hath returned as soon as he possibly could to Her Majesty's Service, he may thereupon be recommended by such Court to the said Commissioners to receive the Whole or any Proportion of his Pay, and to reckon Service for the Time he shall have been so absent; and provided also, that it shall be lawful for the said Commissioners to order or withhold the Payment of the Pay of any Officer or Marine for the Period during which he shall have been absent from any of the Causes aforesaid.

Apprehension of Deserters.

XXIX. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with to secure him, then for any Officer, Marine, or other Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and cause him to be brought

brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who shall examine such suspected Person; and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that any Person brought before him is a Marine unlawfully absent from his Duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient public Prison in the same or any next adjoining County, and shall transmit an Account thereof, in the Form prescribed for that Purpose in the Schedule annexed to this Act, to the Secretary of the Admiralty, with a Description of the Person of such Deserter, and the Name of the Division to which he shall belong, and also certifying the Names of the Persons by whom the Deserter was apprehended; and if the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall be satisfied such last-mentioned Persons are justly entitled to a Reward for such Apprehension, the said Secretary shall in return transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Persons so certified to be entitled thereto; which Reward shall be paid and charged against the Pay and Subsistence of any such Deserter, and stopped out of the same; or if such Deserter shall be apprehended by any Soldier or Party of Soldiers of his own or any other Corps, or shall be apprehended in the Vicinity of the Head Quarters of the Corps to which he shall belong, then such Justice shall deliver such Deserter to the Party of his Corps, or may order him to be taken to the Head Quarters of the Corps, instead of committing him to Prison; and for every such Information, Commitment, and Report as aforesaid the Clerk of the said Justice may be entitled to a Fee of Two Shillings and no more; and every Gaoler or other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, notify the Fact to the said Secretary, and transmit also to the said Secretary a Copy of the Commitment.

Fraudulent Confession of Desertion.

XXX. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from Her Majesty's Royal Marine Forces, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; and in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps as unserviceable or by Sentence of Court-martial, or shall be incapable of Service, he shall on Conviction thereof before Two Justices of the Peace be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith;* and such Person, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former Offence purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Notice of Expiration of Imprisonment.

XXXIV. And be it enacted, That every Gaoler having Notice, or who shall have reason to believe or to know, that any Person in his Custody is a Marine, liable to serve Her Majesty, shall, on receiving him into Custody, and also previous to the Expiration of the Period of the Imprisonment of such Marine, give One Month's Notice, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary of the Admiralty.

Offences connected with Enlistment.

XL. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before a Justice, or shall absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or

for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Fact of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Royal Marine Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into a Garrison or Veteran or Invalid Battalion, and shall be entitled to receive such Proportion or Residue of Bounty only as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may allow in that Behalf instead of the Bounty upon which such Man shall have been enlisted, any Act or any Rules and Regulations to the contrary notwithstanding; and it shall be lawful for any Two Justices when any such Recruit shall be brought, and shall be proved upon Oath before them to have wilfully concealed his having been a Marine or Soldier and discharged, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity, or designedly made any false Representation upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall thereby obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*; and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his having been attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marines, or Ordnance, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man who having been enrolled to serve in the Militia, and who at the Time of offering to enlist into the Marines shall deny that he is a Militia Man, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Acknowledgment of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Division of Her Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Rates for Carriages.

LI. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses,

Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England* for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices at Sessions or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and one other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher: Provided always, that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable: Provided also, that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion out of the licensed Cars and Drays, and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatsoever.

Providing for Supply of Carriages, &c. in Cases of Emergency.

LII. And be it enacted, That it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition to such Justice by any Officer of the Corps ordered to be conveyed such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provi-

sions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

Justices of Peace to direct Payment of Sums expended for Carriages, &c.

LIII. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the public Stock of the County or Riding, or if such public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Lord Lieutenant of Ireland may depute Persons to sign Routes.

LIV. And be it enacted, That it shall be lawful for the said Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency for the marching of any of Her Majesty's Royal Marine Forces in *Ireland* in the Name of such Lord Lieutenant or Chief Governor.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LVI. And be it enacted, That if any Constable or other Person who by virtue of this Act shall be employed in billetting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty for purchasing Clothes, &c. from any Marine.

LVIII. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the Conviction certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description herein-before described on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law.

LXVII. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed;* and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables, and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland;* and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers, and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland,* who shall act in the Execution of this Act; and all Provisions for billetting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland;* and in *Ireland,* when there shall not be found sufficient Room in such Houses, then Marines may be billetted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billetted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly credited as such.

Definition of Terms.

Marines not to be billetted in private Houses, &c.

SCHEDULE to which this Act refers.

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces until you shall be legally discharged?
9. On what Day, at what Hour of the Day, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
13. Have you served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
14. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Justice is directed first to ascertain that Twenty-four Hours have elapsed since the Enlistment took place, and in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

CAP. XII.

An Act to amend the Law relating to International Copyright. [10th *May* 1844.]

'WHEREAS by an Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for securing to Authors in certain Cases the Benefit of International Copyright* (and which Act is herein-after, for the sake of Perspicuity, designated as "the International Copyright Act"), Her Majesty was empowered by Order in Council to direct that the Authors of Books which should after a future Time, to be specified in such Order in Council, be published in any Foreign Country, to be specified in such Order in Council, and their Executors, Adminis- 1 & 2 Vict. c. 59.

'Administrators, and Assigns, should have the sole Liberty of printing and reprinting such Books within 'the *British* Dominions for such Term as Her Majesty should by such Order in Council direct, not 'exceeding the Term which Authors, being *British* Subjects, were then, (that is to say) at the Time of 'passing the said Act, entitled to in respect of Books first published in the United Kingdom; and the 'said Act contains divers Enactments securing to Authors and their Representatives the Copyright in 'the Books to which any such Order in Council should extend: And whereas an Act was passed in the 'Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled
5 & 6 Vict. c. 45. '*An Act to amend the Law of Copyright* (and which Act is herein-after, for the sake of Perspicuity, 'designated as "the Copyright Amendment Act"), repealing various Acts therein mentioned relating 'to the Copyright of printed Books, and extending, defining, and securing to Authors and their Repre- 'sentatives the Copyright of Books: And whereas an Act was passed in the Session of Parliament held
& 4 W. 4. c. 15. 'in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An* 'Act to amend the Laws relating to Dramatic Literary Property (and which Act is herein-after, for the 'sake of Perspicuity, designated as "the Dramatic Literary Property Act"), whereby the sole Liberty of 'representing or causing to be represented any Dramatic Piece in any Place of Dramatic Entertainment 'in any Part of the *British* Dominions, which should be composed and not printed or published by the 'Author thereof or his Assignee, was secured to such Author or his Assignee; and by the said Act it 'was enacted, that the Author of any such Production which should thereafter be printed and published, 'or his Assignee, should have the like sole Liberty of Representation until the End of Twenty-eight 'Years from the first Publication thereof: And whereas by the said Copyright Amendment Act the 'Provisions of the said Dramatic Literary Property Act and of the said Copyright Amendment Act 'were made applicable to Musical Compositions; and it was thereby also enacted, that the sole Liberty 'of representing or performing, or causing or permitting to be represented or performed, in any Part of 'the *British* Dominions, any Dramatic Piece or Musical Composition, should endure and be the Property 'of the Author thereof and his Assigns for the Term in the said Copyright Amendment Act provided 'for the Duration of the Copyright in Books, and that the Provisions therein enacted in respect of the 'Property of such Copyright should apply to the Liberty of representing or performing any Dramatic 'Piece or Musical Composition: And whereas under or by virtue of the Four several Acts next herein- 'after mentioned; (that is to say,) an Act passed in the Eighth Year of the Reign of His late Majesty
8 G. 2. c. 13. 'King *George* the Second, intituled *An Act for the Encouragement of the Arts of designing, engraving,* 'and etching historical and other Prints, by vesting the Properties thereof in the Inventors or Engravers 'during the Time therein mentioned; an Act passed in the Seventh Year of His late Majesty King
7 G. 3. c. 38. '*George* the Third, intituled *An Act to amend and render more effectual an Act made in the Eighth* 'Year of the Reign of King George the Second, for Encouragement of the Arts of designing, engraving, 'and etching historical and other Prints; and for vesting in and securing to Jane Hogarth, *Widow, the* 'Property in certain Prints; an Act passed in the Seventeenth Year of the Reign of His late Majesty
17 G. 3. c. 57. 'King *George* the Third, intituled *An Act for more effectually securing the Property of Prints to* 'Inventors and Engravers, by enabling them to sue for and recover Penalties in certain Cases; and an 'Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late
6 & 7 W. 4. c. 59. 'Majesty King *William* the Fourth, intituled *An Act to extend the Protection of Copyright in Prints* 'and Engravings to Ireland; (and which said Four several Acts are herein-after, for the sake of Per- 'spicuity, designated as the Engraving Copyright Acts;) every Person who invents or designs, engraves, 'etches, or works in Mezzotinto or Chiaro-oscuro, or from his own Work, Design, or Invention causes 'or procures to be designed, engraved, etched, or worked in Mezzotinto or Chiaro-oscuro, any historical 'Print or Prints, or any Print or Prints of any Portrait, Conversation, Landscape, or Architecture, 'Map, Chart, or Plan, or any other Print or Prints whatsoever, and every Person who engraves, etches, 'or works in Mezzotinto or Chiaro-oscuro, or causes to be engraved, etched, or worked, any Print taken 'from any Picture, Drawing, Model, or Sculpture, either ancient or modern, notwithstanding such Print 'shall not have been graven or drawn from the original Design of such Graver, Etcher, or Draftsman, 'is entitled to the Copyright of such Print for the Term of Twenty-eight Years from the first publishing 'thereof; and by the said several Engraving Copyright Acts it is provided that the Name of the 'Proprietor shall be truly engraved on each Plate, and printed on every such Print, and Remedies are 'provided for the Infringement of such Copyright: And whereas under and by virtue of an Act passed
38 G. 3. c. 71. 'in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An* 'Act for encouraging the Art of making new Models and Casts of Busts and other Things therein 'mentioned, and of an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George*
54 G. 3. c. 56. 'the Third, intituled *An Act to amend and render more effectual an Act of His present Majesty, for* 'encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned, 'and for giving further Encouragement to such Arts, (and which said Acts are, for the sake of Per- 'spicuity, herein-after designated as the Sculpture Copyright Acts,) every Person who makes or causes 'to be made any new and original Sculpture, or Model or Copy or Cast of the Human Figure, any Bust 'or Part of the Human Figure clothed in Drapery or otherwise, any Animal or Part of any Animal 'combined with the Human Figure or otherwise, any Subject, being Matter of Invention in Sculpture, 'any Alto or Basso Relievo, representing any of the Matters aforesaid, or any Cast from Nature of the 'Human Figure or Part thereof, or of any Animal or Part thereof, or of any such Subject representing 'any of the Matters aforesaid, whether separate or combined, is entitled to the Copyright in such new 'and original Sculpture, Model, Copy, and Cast, for Fourteen Years from first putting forth and pub-

'lishing

'lishing the same, and for an additional Period of Fourteen Years in case the original Maker is living 'at the End of the first Period; and by the said Acts it is provided that the Name of the Proprietor, 'with the Date of the Publication thereof, is to be put on all such Sculptures, Models, Copies, and Casts, 'and Remedies are provided for the Infringement of such Copyright: And whereas the Powers vested 'in Her Majesty by the said International Copyright Act are insufficient to enable Her Majesty to 'confer upon Authors of Books first published in Foreign Countries Copyright of the like Duration, and 'with the like Remedies for the Infringement thereof, which are conferred and provided by the said 'Copyright Amendment Act with respect to Authors of Books first published in the *British* Dominions; 'and the said International Copyright Act does not empower Her Majesty to confer any exclusive Right 'of representing or performing Dramatic Pieces or Musical Compositions first published in Foreign 'Countries upon the Authors thereof, nor to extend the Privilege of Copyright to Prints and Sculpture 'first published abroad; and it is expedient to vest increased Powers in Her Majesty in this respect, and 'for that Purpose to repeal the said International Copyright Act, and to give such other Powers to Her 'Majesty, and to make such further Provisions, as are herein-after contained:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act herein designated as the International Copyright Act shall be and the same is hereby repealed.

Repeal of International Copyright Act.

II. And be it enacted, That it shall be lawful for Her Majesty, by any Order of Her Majesty in Council, to direct that, as respects all or any particular Class or Classes of the following Works, (namely,) Books, Prints, Articles of Sculpture, and other Works of Art, to be defined in such Order, which shall after a future Time, to be specified in such Order, be first published in any Foreign Country to be named in such Order, the Authors, Inventors, Designers, Engravers, and Makers thereof respectively, their respective Executors, Administrators, and Assigns, shall have the Privilege of Copyright therein during such Period or respective Periods as shall be defined in such Order, not exceeding, however, as to any of the above-mentioned Works, the Term of Copyright which Authors, Inventors, Designers, Engravers, and Makers of the like Works respectively first published in the United Kingdom may be then entitled to under the herein-before recited Acts respectively, or under any Acts which may hereafter be passed in that Behalf.

Her Majesty, by Order in Council, may direct that Authors, &c. of Works first published in Foreign Countries shall have Copyright therein within Her Dominions.

III. And be it enacted, That in case any such Order shall apply to Books, all and singular the Enactments of the said Copyright Amendment Act, and of any other Act for the Time being in force with relation to the Copyright in Books first published in this Country, shall, from and after the Time so to be specified in that Behalf in such Order, and subject to such Limitation as to the Duration of the Copyright as shall be therein contained, apply to and be in force in respect of the Books to which such Order shall extend, and which shall have been registered as herein-after is provided, in such and the same Manner as if such Books were first published in the United Kingdom, save and except such of the said Enactments, or such Parts thereof, as shall be excepted in such Order, and save and except such of the said Enactments as relate to the Delivery of Copies of Books at the *British Museum*, and to or for the Use of the other Libraries mentioned in the said Copyright Amendment Act.

If the Order applies to Books, the Copyright Law as to Books first published in this Country shall apply to those to which the Order relates, with certain Exceptions.

IV. And be it enacted, That in case any such Order shall apply to Prints, Articles of Sculpture, or to any such other Works of Art as aforesaid, all and singular the Enactments of the said Engraving Copyright Acts and the said Sculpture Copyright Acts, or of any other Act for the Time being in force with relation to the Copyright in Prints or Articles of Sculpture first published in this Country, and of any Act for the Time being in force with relation to the Copyright in any similar Works of Art first published in this Country, shall, from and after the Time so to be specified in that Behalf in such Order, and subject to such Limitation as to the Duration of the Copyright as shall be therein contained respectively, apply to and be in force in respect of the Prints, Articles of Sculpture, and other Works of Art to which such Order shall extend, and which shall have been registered as herein-after is provided, in such and the same Manner as if such Articles and other Works of Art were first published in the United Kingdom, save and except such of the said Enactments or such Parts thereof as shall be excepted in such Order.

If the Order applies to Prints, Sculptures, &c., the Copyright Law as to Prints or Sculptures first published in this Country shall apply to those to which such Order relates.

V. And be it enacted, That it shall be lawful for Her Majesty, by any Order of Her Majesty in Council, to direct that the Authors of Dramatic Pieces and Musical Compositions which shall after a future Time, to be specified in such Order, be first publicly represented or performed in any Foreign Country to be named in such Order, shall have the sole Liberty of representing or performing in any Part of the *British* Dominions such Dramatic Pieces or Musical Compositions during such Period as shall be defined in such Order, not exceeding the Period during which Authors of Dramatic Pieces and Musical Compositions first publicly represented or performed in the United Kingdom may for the Time be entitled by Law to the sole Liberty of representing and performing the same; and from and after the Time so specified in any such last-mentioned Order the Enactments of the said Dramatic Literary Property Act and of the said Copyright Amendment Act, and of any other Act for the Time being in force with relation to the Liberty of publicly representing and performing Dramatic Pieces or Musical Compositions, shall, subject to such Limitation as to the Duration of the Right conferred by any such Order as shall be therein contained, apply to and be in force in respect of the Dramatic Pieces and Musical Compositions to which such Order shall extend, and which shall have been registered as herein-after is provided, in such and the same Manner as if such Dramatic Pieces and Musical Compositions had been first publicly represented and performed in the *British* Dominions, save and except such of the said Enactments or such Parts thereof as shall be excepted in such Order.

Her Majesty, may, by Order in Council, direct that Authors and Composers of Dramatic Pieces and Musical Compositions first publicly represented and performed in Foreign Countries shall have similar Rights in the British Dominions.

VI. Pro-

Particulars to be observed as to Registry and to Delivery of Copies.

VI. Provided always, and be it enacted, That no Author of any Book, Dramatic Piece, or Musical Composition, or his Executors, Administrators, or Assigns, and no Inventor, Designer, or Engraver of any Print, or Maker of any Article of Sculpture, or other Work of Art, his Executors, Administrators, or Assigns, shall be entitled to the Benefit of this Act, or of any Order in Council to be issued in pursuance thereof, unless, within a Time or Times to be in that Behalf prescribed in each such Order in Council, such Book, Dramatic Piece, Musical Composition, Print, Article of Sculpture, or other Work of Art, shall have been so registered, and such Copy thereof shall have been so delivered as herein-after is mentioned; (that is to say,) as regards such Book, and also such Dramatic Piece or Musical Composition, (in the event of the same having been printed,) the Title to the Copy thereof, the Name and Place of Abode of the Author or Composer thereof, the Name and Place of Abode of the Proprietor of the Copyright thereof, the Time and Place of the first Publication, Representation, or Performance thereof, as the Case may be, in the Foreign Country named in the Order in Council under which the Benefits of this Act shall be claimed, shall be entered in the Register Book of the Company of Stationers in *London*, and One printed Copy of the whole of such Book, and of such Dramatic Piece or Musical Composition, in the event of the same having been printed, and of every Volume thereof, upon the best Paper upon which the largest Number or Impression of the Book, Dramatic Piece, or Musical Composition shall have been printed for Sale, together with all Maps and Prints relating thereto, shall be delivered to the Officer of the Company of Stationers at the Hall of the said Company; and as regards Dramatic Pieces and Musical Compositions in Manuscript, the Title to the same, the Name and Place of Abode of the Author or Composer thereof, the Name and Place of Abode of the Proprietor of the Right of representing or performing the same, and the Time and Place of the first Representation or Performance thereof in the Country named in the Order in Council under which the Benefit of the Act shall be claimed, shall be entered in the said Register Book of the said Company of Stationers in *London;* and as regards Prints, the Title thereof, the Name and Place of Abode of the Inventor, Designer, or Engraver thereof, the Name of the Proprietor of the Copyright therein, and the Time and Place of the first Publication thereof in the Foreign Country named in the Order in Council under which the Benefits of the Act shall be claimed, shall be entered in the said Register Book of the said Company of Stationers in *London*, and a Copy of such Print, upon the best Paper upon which the largest Number or Impressions of the Print shall have been printed for Sale, shall be delivered to the Officer of the Company of Stationers at the Hall of the said Company; and as regards any such Article of Sculpture, or any such other Work of Art as aforesaid, a descriptive Title thereof, the Name and Place of Abode of the Maker thereof, the Name of the Proprietor of the Copyright therein, and the Time and Place of its first Publication in the Foreign Country named in the Order in Council under which the Benefit of this Act shall be claimed shall be entered in the said Register Book of the said Company of Stationers in *London;* and the Officer of the said Company of Stationers receiving such Copies so to be delivered as aforesaid shall give a Receipt in Writing for the same, and such Delivery shall to all Intents and Purposes be a sufficient Delivery under the Provisions of this Act.

In case of Books published anonymously, Name of Publisher to be sufficient.

VII. Provided always, and be it enacted, That if a Book be published anonymously it shall be sufficient to insert in the Entry thereof in such Register Book the Name and Place of Abode of the first Publisher thereof, instead of the Name and Place of Abode of the Author thereof, together with a Declaration that such Entry is made either on behalf of the Author or on behalf of such first Publisher, as the Case may require.

The Provisions of the Copyright Amendment Act as regards Entries in the Register Book of the Company of Stationers, &c. to apply to Entries under this Act.

VIII. And be it enacted, That the several Enactments in the said Copyright Amendment Act contained with relation to keeping the said Register Book, and the Inspection thereof, the Searches therein, and the Delivery of certified and stamped Copies thereof, the Reception of such Copies in Evidence, the making of false Entries in the said Book, and the Production in Evidence of Papers falsely purporting to be Copies of Entries in the said Book, the Applications to the Courts and Judges by Persons aggrieved by Entries in the said Book, and the expunging and varying such Entries, shall apply to the Books, Dramatic Pieces, and Musical Compositions, Prints, Articles of Sculpture, and other Works of Art, to which any Order in Council issued in pursuance of this Act shall extend, and to the Entries and Assignments of Copyright and Proprietorship therein, in such and the same Manner as if such Enactments were here expressly enacted in relation thereto, save and except that the Forms of Entry prescribed by the said Copyright Amendment Act may be varied to meet the Circumstances of the Case, and that the Sum to be demanded by the Officer of the said Company of Stationers for making any Entry required by this Act shall be One Shilling only.

As to expunging or varying Entry grounded in wrongful first Publication.

IX. And be it enacted, That every Entry made in pursuance of this Act of a first Publication shall be *primâ facie* Proof of a rightful first Publication; but if there be a wrongful first Publication, and any Party have availed himself thereof to obtain an Entry of a spurious Work, no Order for expunging or varying such Entry shall be made unless it be proved to the Satisfaction of the Court or of the Judge taking cognizance of the Application for expunging or varying such Entry, first, with respect to a wrongful Publication in a Country to which the Author or first Publisher does not belong, and in regard to which there does not subsist with this Country any Treaty of International Copyright, that the Party making the Application was the Author or first Publisher, as the Case requires; second, with respect to a wrongful first Publication either in the Country where a rightful first Publication has taken place, or in regard to which there subsists with this Country a Treaty of International Copyright, that a Court of competent Jurisdiction in any such Country where such wrongful first Publication has taken place has given Judgment in favour of the Right of the Party claiming to be the Author or first Publisher.

X. And

X. And be it enacted, That all Copies of Books wherein there shall be any subsisting Copyright under or by virtue of this Act, or of any Order in Council made in pursuance thereof, printed or reprinted in any Foreign Country except that in which such Books were first published, shall be and the same are hereby absolutely prohibited to be imported into any Part of the *British* Dominions, except by or with the Consent of the registered Proprietor of the Copyright thereof, or his Agent authorized in Writing, and if imported contrary to this Prohibition the same and the Importers thereof shall be subject to the Enactments in force relating to Goods prohibited to be imported by any Act relating to the Customs; and as respects any such Copies so prohibited to be imported, and also as respects any Copies unlawfully printed in any Place whatsoever of any Books wherein there shall be any such subsisting Copyright as aforesaid, any Person who shall in any Part of the *British* Dominions import such prohibited or unlawfully printed Copies, or who, knowing such Copies to be so unlawfully imported or unlawfully printed, shall sell, publish, or expose to sale or hire, or shall cause to be sold, published, or exposed to sale or hire, or have in his Possession for sale or hire, any such Copies so unlawfully imported or unlawfully printed, such Offender shall be liable to a special Action on the Case at the Suit of the Proprietor of such Copyright, to be brought and prosecuted in the same Courts and in the same Manner, and with the like Restrictions upon the Proceedings of the Defendant, as are respectively prescribed in the said Copyright Amendment Act with relation to Actions thereby authorized to be brought by Proprietors of Copyright against Persons importing or selling Books unlawfully printed in the *British* Dominions.

Copies of Books wherein Copyright is subsisting under this Act printed in Foreign Countries other than those wherein the Book was first published prohibited to be imported.

XI. And be it enacted, That the said Officer of the said Company of Stationers shall receive at the Hall of the said Company every Book, Volume, or Print so to be delivered as aforesaid, and within One Calendar Month after receiving such Book, Volume, or Print shall deposit the same in the Library of the *British Museum*.

Books, &c. to be deposited in the British Museum.

XII. Provided always, and be it enacted, That it shall not be requisite to deliver to the said Officer of the said Stationers Company any printed Copy of the Second or of any subsequent Edition of any Book or Books so delivered as aforesaid, unless the same shall contain Additions or Alterations.

Second or subsequent Editions.

XIII. And be it enacted, That the respective Terms to be specified by such Orders in Council respectively for the Continuance of the Privilege to be granted in respect of Works to be first published in Foreign Countries may be different for Works first published in different Foreign Countries and for different Classes of such Works; and that the Times to be prescribed for the Entries to be made in the Register Book of the Stationers Company, and for the Deliveries of the Books and other Articles to the said Officer of the Stationers Company, as herein-before is mentioned, may be different for different Foreign Countries and for different Classes of Books or other Articles.

Orders in Council may specify different Periods for different Countries and Classes of Works.

XIV. Provided always, and be it enacted, That no such Order in Council shall have any Effect unless it shall be therein stated, as the Ground for issuing the same, that due Protection has been secured by the Foreign Power so named in such Order in Council for the Benefit of Parties interested in Works first published in the Dominions of Her Majesty similar to those comprised in such Order.

No Order to have Effect unless it states that reciprocal Protection is secured.

XV. And be it enacted, That every Order in Council to be made under the Authority of this Act shall as soon as may be after the making thereof by Her Majesty in Council be published in the *London Gazette*, and from the Time of such Publication shall have the same Effect as if every Part thereof were included in this Act.

Orders to be published in Gazette, &c.

XVI. And be it enacted, That a Copy of every Order of Her Majesty in Council made under this Act shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

To be laid before Parliament.

XVII. And be it enacted, That it shall be lawful for Her Majesty by an Order in Council from Time to Time to revoke or alter any Order in Council previously made under the Authority of this Act, but nevertheless without Prejudice to any Rights acquired previously to such Revocation or Alteration.

May be revoked.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to prevent the printing, Publication, or Sale of any Translation of any Book the Author whereof and his Assigns may be entitled to the Benefit of this Act.

Translations.

XIX. And be it enacted, That neither the Author of any Book, nor the Author or Composer of any Dramatic Piece or Musical Composition, nor the Inventor, Designer, or Engraver of any Print, nor the Maker of any Article of Sculpture, or of such other Work of Art as aforesaid, which shall after the passing of this Act be first published out of Her Majesty's Dominions, shall have any Copyright therein respectively, or any exclusive Right to the public Representation or Performance thereof, otherwise than such (if any) as he may become entitled to under this Act.

Authors of Works first published in Foreign Countries not entitled except under this Act.

XX. And be it enacted, That in the Construction of this Act the Word "Book" shall be construed to include "Volume," "Pamphlet," "Sheet of Letter-press," "Sheet of Music," "Map," "Chart," or "Plan;" and the Expression "Articles of Sculpture" shall mean all such Sculptures, Models, Copies, and Casts as are described in the said Sculpture Copyright Acts, and in respect of which the Privileges of Copyright are thereby conferred; and the Words "printing" and "re-printing" shall include engraving and any other Method of multiplying Copies; and the Expression "Her Majesty" shall include the Heirs and Successors of Her Majesty; and the Expressions "Order of Her Majesty in Council," "Order in Council," and "Order," shall respectively mean Order of Her Majesty acting by and with the Advice of Her Majesty's Most Honourable Privy Council; and the Expression "Officer of the Company of Stationers" shall mean the Officer appointed by the said Company of Stationers for the Purposes of the said Copyright Amendment Act; and in describing any Persons or Things any Word importing the

Interpretation Clause.

Plural Number shall mean also One Person or Thing, and any Word importing the Singular Number shall include several Persons or Things, and any Word importing the Masculine shall include also the Feminine Gender; unless in any of such Cases there shall be something in the Subject or Context repugnant to such Construction.

Act may be amended, &c.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XIII.

An Act to extend until the First Day of *January* One thousand eight hundred and forty-five, and to the End of the then next Session of Parliament, the Time within which Conveyances may be made on behalf of the Crown of and Disputes settled with regard to Encroachments in the Forest of *Dean*. [10th *May* 1844.]

1 & 2 Vict. c. 42.

'WHEREAS an Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to confirm the Titles to and to grant Leases of Encroachments in the Forest of* Dean *in the County of* Gloucester, and under the Powers and subject to the Provisions of the said Act the Titles to many Encroachments in the said Forest have been confirmed by the said Commissioners on behalf of Her Majesty; but the Time limited for granting Conveyances of Encroachments having expired on the Twenty-seventh Day of *July* One thousand eight hundred and forty-three, and many Applications having been since received by the said Commissioners, which cannot be complied with unless further Time be given for granting such Conveyances,' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, as regards the said Encroachments coloured Blue and Yellow in the said recited Act mentioned, the Time within which Conveyances thereof may be granted by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, upon the Terms in the said recited Act mentioned, shall be and is hereby extended from the said Twenty-seventh Day of *July* One thousand eight hundred and forty-three to the First Day of *January* One thousand eight hundred and forty-five, and from thence to the End of the then next Session of Parliament.

The Time for granting certain Conveyances of Encroachments extended to 1st Jan. 1845.

Conveyances already granted confirmed.

II. And be it enacted, That as regards Conveyances already granted or purported to be granted by the said Commissioners under the Powers of the said recited Act, such Conveyances shall be and are hereby severally ratified and confirmed.

Disputes now pending or which may arise respecting Rights to Leases, &c. of Encroachments to be settled by the Verderors.

III. And be it enacted, That as regards any Disputes or Questions now pending, or which during the Continuance of this Act may arise, between Two or more Persons as to their Rights or Claims to have a Lease or Conveyance of any of the before-mentioned Encroachments granted to them in pursuance of this or the said recited Act, it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to refer such Disputes or Questions to the Verderors of the said Forest; and the said Verderors are hereby authorized to inquire and determine, by such Means and in such Manner as they shall think fit, who in the Opinion of the said Verderors is or are best entitled to have a Lease or Conveyance of the Encroachment or Encroachments in dispute; and the Report in Writing of the said Verderors, or any Two of them, made to the said Commissioners, shall be final and conclusive as to the Rights of the disputing Parties.

Powers of recited Act extended to this Act.

IV. And be it enacted, That all the Powers and Provisions of the said recited Act, in so far as they are not inconsistent with or repugnant to the Provisions of this Act, shall be deemed and construed to extend to this Act, and as if the Powers and Provisions of the said recited Act were herein severally and at length repeated, and as if the Time within which Conveyances of Encroachments might be made by the said Commissioners under the Powers of the said recited Act had been thereby extended as provided and declared by this Act.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XIV.

An Act for raising the Sum of Eighteen Millions four hundred and seven thousand three hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and forty-four. [10th *May* 1844.]

CAP. XV.

An Act to amend the Laws relating to Labour in Factories. [6th *June* 1844.]

'WHEREAS the Laws relating to Labour in Factories require to be amended:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall take effect from and after the First Day of *October* in the Year One thousand eight hundred and forty-four, except any Provisions for the taking effect of which any other Time shall be herein-after specially limited, all which last-mentioned Provisions shall take effect from and after such Time as shall be herein-after specially mentioned in that Behalf.

Commencement of Act.

II. And

Restriction on Power of Inspectors and Sub-Inspectors. 3&4 W. 4. c. 103.

II. And be it enacted, That after the passing of this Act no Inspector of Factories shall have Power in that Capacity to act as a Magistrate, or to make Rules, Regulations, and Orders as authorized by an Act, herein-after called "the Factory Act," passed in the Fourth Year of the Reign of His late Majesty, and intituled *An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom*, except as herein-after mentioned; and that no Inspector or Person appointed to superintend the Execution of the Provisions of the Factory Act and of this Act, under the Direction of an Inspector, herein-after called a Sub-Inspector, shall be liable to serve upon any Jury, or to serve any Parochial or Municipal Office, so long as he shall continue to hold the Office of Inspector or Sub-Inspector.

Their Exemption from certain Duties.

Power of Inspectors and Sub-Inspectors.

III. And be it enacted, That every Inspector and Sub-Inspector shall have Power to enter every Part of any Factory at any Time, by Day or by Night, when any Person shall be employed therein, and to enter by Day any Place which he shall have Reason to believe to be a Factory, and to enter any School in which Children employed in Factories are educated, and at all Times to take with him into any Factory the certifying Surgeon of the District herein-after mentioned, and any Constable or other Peace Officer whom he may need to assist him, and shall have Power to examine, either alone or in the Presence of any other Person, as he shall think fit, every Person whom he shall find in a Factory or in such a School, or whom he shall have Reason to believe to be or to have been employed in a Factory within Two Months next preceding the Time when he shall require him to be examined touching any Matter within the Provisions of this Act, and the Inspector or Sub-Inspector may, if he shall see fit, require such Person to make and sign a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined; and every Inspector and Sub-Inspector shall have Power to examine the Registers, Certificates, Notices, and other Documents kept in pursuance of this Act; and every Person who shall refuse to be examined as aforesaid, or who shall refuse to sign his Name or affix his Mark to a Declaration of the Truth of the Matters respecting which he shall have been examined, or who shall in any Manner attempt to conceal or otherwise prevent any Child or other Person from appearing before or being examined by an Inspector or Sub-Inspector, or who shall prevent or knowingly delay the Admission of an Inspector or Sub-Inspector to any Part of a Factory or School, or shall prevent an Inspector or Sub-Inspector from examining any Register, Certificate, Notice, or other Document kept in pursuance of this Act, shall be deemed guilty of wilfully obstructing the Inspector or Sub-Inspector in the Execution of the Powers intrusted to him.

Protection of Inspectors and Sub-Inspectors. 24 G. 2. c. 44.

IV. And be it enacted, That the Provisions of an Act passed in the Twenty-fourth Year of the Reign of King *George* the Second, intituled *An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants*, as amended by any subsequent Act, so far as they relate to rendering Justices of the Peace more safe in the Execution of their Office, shall extend to protect the Inspectors and Sub-Inspectors in the Exercise of their Duties under this Act.

Office of Factory Inspectors.

V. And be it enacted, That a proper Office, to be called "The Office of the Factory Inspectors," shall be provided in *London* or *Westminster* for the Use of the Inspectors, and for the Preservation of the Factory Records, and all Documents relating to the several Proceedings under this Act; and One of Her Majesty's Principal Secretaries of State shall appoint from Time to Time such Clerks and Servants as may be deemed necessary to carry on the Business of the said Office, and may at pleasure remove them or any of them; and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall fix the Salaries of the Clerks and Servants in fit Proportion according to the Duties they may have to perform.

Management of the Office, and regulating the Duties of the Inspectors, &c.

VI. And be it enacted, That One of Her Majesty's Principal Secretaries of State, or the Inspectors, with the Approval of such Principal Secretary, from Time to Time may make Regulations for the Management of the said Office, and for regulating the Duties of the several Inspectors and Sub-Inspectors, and of the Clerks and Servants of the said Office, in the Execution of this Act, so that they be not contrary to the Provisions herein contained; and the Regulations so made and approved shall be binding on the said Inspectors and Sub-Inspectors, Clerks, and Servants respectively.

Persons beginning to occupy a Factory to send Notice to Office of Inspectors.

VII. And be it enacted, That after the passing of this Act every Person, on beginning to occupy a Factory, shall within One Month send, addressed "To the Office of the Factory Inspectors, *London*," a written Notice, containing the Name of the Factory, the Place, Township, Parish, and County where it is situated, the Post Office to which he desires his Letters to be addressed, the Nature of the Work, the Nature and Amount of the moving Power, and the Name of the Firm under which the Business of the Factory is to be carried on.

Certifying Surgeons to be appointed by an Inspector.

VIII. And be it enacted, That after the passing of this Act any Inspector shall have Power to appoint a sufficient Number of Persons practising Surgery or Medicine to be certifying Surgeons, for the Purpose of examining Persons who shall be brought before them to obtain the Surgical Certificates of Age required by the Factory Act and by this Act, and of giving the said Certificates, and shall from Time to Time make Regulations for their Guidance, and shall in every such Appointment specify the Factories or District for which each Surgeon is appointed, and may from Time to Time annul any such Appointment, and in like Manner make another or others; but every Appointment of a certifying Surgeon, and every Order annulling such Appointment, may be revoked by the Secretary of State, on Appeal made to him for either Purpose; and the Inspector of the District shall make known the Name of the certifying Surgeons so from Time to Time appointed or discontinued to the Occupiers of the Factories in that

District in such Manner as to him shall seem fit; but no Surgeon, being the Occupier of a Factory, or having a beneficial Interest in any Factory, shall be a certifying Surgeon.

Form of Surgical Certificate.

IX. And be it enacted, That the Certificates of Age required by the Factory Act or by this Act, herein called Surgical Certificates, shall be given according to the Form and Directions contained in the Schedule (A.) annexed to this Act; and the Certificates given by any such certifying Surgeon shall be as valid as if countersigned by an Inspector, Justice of the Peace, or Burgh Magistrate; and the Name of every Person for whom a Certificate of Age is required by the Factory Act or by this Act, and the Date of the First Day of Employment or Re-employment of such Person, shall be registered in the Form and according to the Directions given in the Schedule (B.) annexed to this Act, before it shall be lawful to employ such Person in a Factory: Provided always, that no Surgical Certificate shall be required for any young Person above the Age of Sixteen Years.

Certificates not given by certifying Surgeon must be by Persons duly authorized, and countersigned by a Magistrate.

X. And be it enacted, That no such Surgical Certificate given by any Person who is not an appointed certifying Surgeon shall be of any Force, unless it is given by a Person duly authorized by an University or College, or other public Body having Authority in that Behalf, to practise Surgery or Medicine, and countersigned, according to the Form and Directions given in the Schedule (A.) to this Act annexed, by some Justice of the Peace, not being the Occupier of a Factory, and not being the Father, Son, or Brother of the Occupier of a Factory; and no Person shall countersign any such Surgical Certificate in the Absence of the Person named therein, or without Proof that the Person brought before him is the same to whom the Certificate was granted.

Surgical Certificates to be given at the Factory.

XI. And be it enacted, That no Person shall grant any Surgical Certificate required by the Factory Act or by this Act, except upon personal Inspection of the Person named therein; and no certifying Surgeon shall examine any Person for the Purposes of this Act, or sign or issue any such Surgical Certificate, elsewhere than at the Factory where such Person is to be employed, unless for special Cause to be allowed by an Inspector; and if a certifying Surgeon shall refuse to grant a Certificate of Age for any Person presented to him for such Examination, he shall give, when required, instead of such Certificate, a Paper specifying under his Hand the Reasons for such Refusal, in the Form and Directions given in the Schedule (A.) to this Act annexed.

Agreement between Mill Occupier and certifying Surgeon.

XII. And be it enacted, That if the Occupier of a Factory shall agree in Writing with the certifying Surgeon of a District for the Payment to be made by the Occupier of the Factory to the certifying Surgeon for the Examination of Persons for whom Surgical Certificates are required by the Factory Act or by this Act, and if the Terms of such Agreement shall be in conformity with such Regulations for the Guidance of the Surgeons as shall be made by the Inspector of the District, and shall be countersigned by the Inspector in token of such Conformity, all Penalties which may be incurred by any Party for Breach of such Agreement may be recovered as other Penalties under this Act may be recovered, and shall be applied as other Penalties under this Act are directed to be applied, and no such Agreement shall be liable to any Stamp Duty.

Inspector may fix Surgeon's Fees.

XIII. And be it enacted, That an Inspector shall fix the Amount of Fees to be paid by the Occupier of a Factory, and the Times when such Fees shall be paid to the certifying Surgeon, and also the Times when such certifying Surgeon shall visit a Factory, provided he shall be required to fix such Fees and Visits by the Occupier of a Factory; and the Fees so to be fixed by the Inspector shall not in any Case where the Surgeon shall examine more than One Person exceed One Shilling for each Person who shall be presented to him at the Factory by the Mill Owner or his Agent to be examined, together with Sixpence for every Half Mile that the Distance of the Factory from the Residence of such Surgeon shall exceed One Mile; and such Fees, including Mileage, shall not be less than One Shilling and shall in no Case exceed Five Shillings for any One Visit, except when upon such Visit the certifying Surgeon shall examine for the said Certificates of Age more than Ten Persons who may be brought before him as aforesaid, in which Case he shall receive Sixpence for each Person that he may so examine, instead of all other Fees; and in any Case where a Factory is situated within the Distance of One Mile from the Residence of a certifying Surgeon the Fee for such Factory shall not exceed Two Shillings and Sixpence for each Visit, except when at any One Visit he shall examine for the said Certificates of Age more than Five Persons who may be brought before him as aforesaid, in which Case he shall receive Sixpence for each Person that he may so examine, instead of all other Fees; and no certifying Surgeon shall receive more than Sixpence for any Certificate which he may be allowed by an Inspector, as herein-before provided, to sign or issue otherwise than at the Factory where the Person is to be employed; and the Occupier of any Factory shall pay such Fees to the certifying Surgeon at the Time of signing such Certificates, or at any other Time when he may be directed by the Inspector to do so; and the Occupier of such Factory may deduct the Fee or any Part thereof, not exceeding in any One Case the Sum of Three-pence, from the Wages of the Person for whom the Certificate may have been granted; but in any Case where such Agreement as aforesaid has been executed between an Occupier of a Factory and the certifying Surgeon the Amount named in such Agreement shall be instead of the Fees fixed by any Inspector in virtue of this Act: Provided always, that no certifying Surgeon shall be required to visit any Factory situated within Three Miles of his Residence oftener than once in each Week, or to visit any Factory situated at a greater Distance than Three Miles oftener than once in every Fortnight, unless with the Consent of the Occupier of the Factory.

New Surgical Certificate not

XIV. And be it enacted, That no Person who shall be employed in a Factory at the Time when this Act shall come into force under a Surgical Certificate granted under the Factory Act shall be required to have

have a new Surgical Certificate, in the Form and Manner provided by this Act, so long as he shall continue in the same Factory; but every Inspector and Sub-Inspector may annul any Surgical Certificate granted under this Act, and any Surgical Certificate granted before the passing of this Act, by writing across the Surgical Certificate the Word "Annulled," with his Name, and the Date of annulling such Certificate; provided that in either Case he shall have Reason to believe the real Age of the Person mentioned therein to be less than that mentioned in the Certificate, or provided the certifying Surgeon of the District shall, upon Reference made to him, deem such Person to be then of deficient Health or Strength, or by Disease or bodily Infirmity incapacitated for Labour, or liable to be injured by continued Employment; and no Certificate so annulled shall be valid in respect of the Person named therein for the Purposes of this Act from the Day when the Certificate shall have been so annulled; and the Production of the Certificate shall be Evidence that the Certificate was annulled on the Day so stated.

required for Persons at present employed.

Inspectors and Sub-Inspectors may annul Certificates.

XV. And be it enacted, That in case any Person shall be desirous of proving the real Age of any Person for whom a certifying Surgeon shall have refused to grant a Certificate of Age for the Purposes of this Act, or whose Surgical Certificate any Inspector or Sub-Inspector shall have annulled, the Inspector or Sub-Inspector shall, on Demand, give to such Person a Requisition under his Hand, in a Form to be approved of by the Inspectors and by the Registrar General, for the Production of a duly certified Copy of the Entry of the Birth or Baptism of such Person; provided the Party demanding the same shall declare the Names of such Person and of his Parents, with the Place where and the Year in which he was born or baptized, which Particulars shall be set forth in the Requisition; and every Party to whom such Requisition shall have been given shall be entitled, upon Payment of One Shilling, to receive, on personal Application, or on Application in Writing, in such Form and under such Regulations as shall be approved of by the Inspectors and Registrar General, from any Minister, Registrar, or other Person having the Care of any Register of Births or Baptisms in which the Birth or Baptism of such Person is entered, a duly certified Copy of the Entry in such Register, which shall be indorsed on the aforesaid Requisition, and shall be signed by the Minister, Registrar, or other Person having Charge of such Register; and such Payment of One Shilling shall be instead of all other Fees or Payments to which such Minister, Registrar, or other Person shall be entitled; and if the said certified Copy proving the Age of the Person named therein to be such as to entitle him to have the Surgical Certificate required shall be produced to the certifying Surgeon of the District, he shall examine the same, and if it shall appear to him that the said certified Copy has not been altered or falsified in any Manner, the certifying Surgeon shall thereupon, without further Fee or Reward, give a Surgical Certificate in the Form provided for that Case in Schedule (A.) to this Act annexed, and shall write the Word "Examined" upon the certified Copy of the Entry of the Birth or Baptism which he shall have received, with his Signature, and the Date of such Signature, and shall send such certified Copy by the Post to the Sub-Inspector of the District, who shall send a Receipt for the same by Post to the said Surgeon, and shall keep such certified Copy of the Entry of the Birth or Baptism, for future Reference, if necessary; and if any Inspector of Factories shall require a certified Copy of the Entry of the Birth of any Person employed in any Factory from the Office of the Registrar General, he, or any Person deputed by him, shall, on producing a Requisition in the Form herein-before provided, be entitled to examine the Indexes to the Registers in the General Register Office, and to receive such certified Copy endorsed on the Requisition without the Payment of any Fee; but no certified Copy of the Entry of any Birth or Baptism issued in consequence of any such Requisition herein-before provided shall be admissible in Evidence in any Court or for any Purpose, save for the Purposes of this Act: Provided always, that in those Cases in which a Surgical Certificate shall have been refused or annulled in consequence of deficient Health or Strength, or by reason of Disease or bodily Infirmity, the Inspector or Sub-Inspector shall not sign the Requisition herein-before mentioned, and such Person shall not be employed on Proof of real Age only.

Certificates of real Age may be obtained.

XVI. And be it enacted, That before employing any Person requiring a Surgical Certificate under the Factory Act as amended by this Act the Occupier of the Factory shall obtain the Surgical Certificate, save as herein-after excepted, and shall keep, and be bound to produce every such Certificate, when required, to the Inspector or Sub-Inspector; and no Surgical Certificate shall be valid except for Employment at the Factory for which it was originally granted, or, if granted by a certifying Surgeon, at any other Factory in the Occupation of the same Person who is Occupier of the Factory for which the Certificate was originally granted, provided such other Factory be in the District of the certifying Surgeon who granted the Certificate, and the Certificate be produced in the Factory where the Person named in the Certificate is at work; and the certifying Surgeon, as often as he shall visit a Factory for the Purpose of granting Certificates, shall enter in the Register of Workers the Date of his Visit, and the other Particulars set forth in the Form and according to the Directions given in Schedule (B.) to this Act annexed.

Certificate to be obtained before the Person is employed, and to serve only for One Factory.

XVII. Provided always, and be it enacted, That no Occupier of any Factory shall be liable to any Penalty for employing any Person in any Manner not contrary to the other Provisions of the Factory Act as amended by this Act, without a Surgical Certificate, for any Time not exceeding Seven working Days, or, when the certifying Surgeon shall reside more than Three Miles from the Factory, for any Time not exceeding Thirteen working Days, provided all Surgical Certificates for that Factory be granted only by the certifying Surgeon appointed for that Factory; but this Enactment shall not be construed to dispense with the Certificate of School Attendance, or to authorize the Employment of any Person in respect of whom the certifying Surgeon shall have refused to grant such Surgical Certificate.

Surgical Certificates may be dispensed with for Seven or Thirteen Days.

XVIII. And

Lime-washing and other washing of the Interior of Factories.

XVIII. And be it enacted, That after the passing of this Act it shall not be necessary to limewash the Walls of any Mill, Factory, or Building, or to whitewash the Ceilings of any Rooms therein otherwise than is herein-after provided; and that all the inside Walls, Ceilings, or Tops of Rooms, whether plastered or not, and all the Passages and Staircases of every Factory, which shall not have been painted with Oil once at least within Seven Years, shall be limewashed once at least within every successive Period of Fourteen Months, to date from the Period when last whitewashed; and all the inside Walls and Ceilings or Tops of Rooms in which Children or young Persons are employed, and which are painted with Oil, shall be washed with hot Water and Soap once at least within every successive Period of Fourteen Months, as aforesaid.

Protection of Workers in wet-spinning Flax Mills.

XIX. And be it enacted, That after the Expiration of Six Months from the Date of this Act coming into operation no Child or young Person shall be employed in any Part of a Factory in which the wet-spinning of Flax, Hemp, Jute, or Tow is carried on, unless sufficient Means shall be employed and continued for protecting the Workers from being wetted, and, where hot Water is used, for preventing the Escape of Steam into the Room occupied by the Workers.

Mill-gearing not to be cleaned while in Motion.

XX. And be it enacted, That no Child or young Person shall be allowed to clean any Part of the Mill-gearing in a Factory while the same is in motion for the Purpose of propelling any Part of the manufacturing Machinery; and no Child or young Person shall be allowed to work between the fixed and traversing Part of any self-acting Machine while the latter is in motion by the Action of the Steam Engine, Water-wheel, or other mechanical Power.

Machinery to be guarded.

XXI. And be it enacted, That every Fly-wheel directly connected with the Steam Engine or Water-wheel or other mechanical Power, whether in the Engine House or not, and every Part of a Steam Engine and Water-wheel, and every Hoist or Teagle, near to which Children or young Persons are liable to pass or be employed, and all Parts of the Mill-gearing in a Factory, shall be securely fenced; and every Wheel-race not otherwise secured shall be fenced close to the Edge of the Wheel-race; and the said Protection to each Part shall not be removed while the Parts required to be fenced are in motion by the Action of the Steam Engine, Water-wheel, or other mechanical Power for any manufacturing Process.

Notice to be given of Accidents causing bodily Injury.

XXII. And be it enacted, That if any Accident shall occur in a Factory which shall cause any bodily Injury to any Person employed therein which shall have been of such a Nature as to prevent the Person so injured from returning to his Work in the Factory before Nine of the Clock of the following Morning, the Occupier of the Factory, or in his Absence his principal Agent, shall within Twenty-four Hours of such Absence send a Notice thereof in Writing to the Surgeon appointed to grant Certificates of Age for the District in which the Factory is situated, in which Notice the Place of Residence of the Person injured, or the Place to which he may have been removed, shall be stated; and the Surgeon shall send a Copy of such Notice to the Sub-Inspector of the District by the first Post after the Receipt thereof.

Certifying Surgeon to examine into the Causes and Extent of Accidents, and report thereon.

XXIII. And be it enacted, That if a certifying Surgeon shall receive Notice as aforesaid that an Accident has occurred which has caused bodily Injury to any Person employed in a Factory for which he has been appointed to grant Certificates of Age, and that it has been of such a Nature as to have prevented the Person so injured from returning to his Work in the Factory the following Morning, he shall with the least possible Delay proceed to the said Factory, and make a full Investigation as to the Nature and Cause of such bodily Injury, and shall within the next Twenty-four Hours send to the Inspector of the District a Report thereof, a Copy of which Report, together with any other Information which he may receive respecting the said Accident, the Inspector of the District shall send to the Office of the Factory Inspectors as soon as conveniently may be; and the certifying Surgeon, for the Purpose of such Investigations only, shall have the same Power, Authority, and Protection as an Inspector, and shall also have Power to enter any Room in any Building to which the injured Person may have been removed; and for such Investigation the said Surgeon shall receive a Fee not exceeding Ten Shillings, or such Part thereof, not being less than Three Shillings, as the Inspector of the District may consider a reasonable Remuneration to the Surgeon for his Trouble, which Fee shall be paid as other Expences incurred under this Act.

Prosecution for Compensation by an Inspector.

XXIV. And be it enacted, That One of Her Majesty's Principal Secretaries of State, on the Report and Recommendation of an Inspector, may empower such Inspector to direct One or more Actions to be brought in the Name and on behalf of any Person who shall be reported by such Inspector to have received any bodily Injury from the Machinery of any Factory, for the Recovery of Damages for and on behalf of such Person.

Application of Compensation when recovered.

XXV. And be it enacted, That any Damages which shall be recovered in any Action so directed to be brought shall be paid, as soon after they are received as conveniently may be, to the Person in whose Behalf they have been recovered, or shall be otherwise settled for the Use and Benefit of the said Person in such Manner as shall be approved of by the Secretary of State; and in case a Verdict shall be found for the Defendant, or Judgment shall be recovered against the Plaintiff, or the Plaintiff shall be non-suited, the Defendant shall have the like Remedies for his Costs against the Inspector as he might have had against the Plaintiff; and all Charges and Expences incurred in bringing any such Action, beyond what are recovered from the Defendant, and not otherwise provided for, shall be paid as other Expences incurred under this Act are to be paid.

For ensuring Regularity in the Observance of Time.

XXVI. And be it enacted, That the Hours of the Work of Children and young Persons in every Factory shall be reckoned from the Time when any Child or young Person shall first begin to work in the Morning in such Factory, and shall be regulated by a public Clock, or by some other Clock open to the public

public View, to be approved of in either Case in Writing under the Hand of the Inspector or Sub-Inspector of the District.

Registers to be kept in every Factory.

XXVII. And be it enacted, That Registers shall be kept in the Factory to which they relate, by the Occupier of every Factory, according to the Forms and Directions given in Schedule (B.) to this Act annexed; and every Inspector shall have Power to require such Occupier to send to him, in such Manner as may be directed in the Requisition, any Extracts from such Registers, and any other Information with relation to the Persons employed in the Factory, which may be requisite to facilitate the Performance of the Duties of such Inspector in any Inquiry made under the Authority of the Factory Act or of this Act; but no Information so sent by the Occupier of any Factory which is not contained in the Registers, Certificates, and other Documents required by this Act to be received or kept shall be admissible in Evidence in any Proceeding against him for the Recovery of any Penalty; and the Registers, Certificates, and other Documents required by this Act to be received or kept shall be forthwith produced to the Inspector or Sub-Inspector, on his demanding to examine the same at any Time when the Factory is at work.

An Abstract of this Act, and certain Notices, to be hung up in every Factory.

XXVIII. And be it enacted, That it shall not be necessary to hang up in any Mill or Factory any Copy of any Abstract of the Factory Act, or of any Regulations made in pursuance of the said Act, other than is herein-after provided; and that such Abstract of the Factory Act as amended by this Act as shall be directed by One of Her Majesty's Principal Secretaries of State shall be fixed on a moveable Board, and be hung up as soon as received by the Occupier of the Factory or his Agent in the Entrance of the Factory, and in such other Places as the Inspector or Sub-Inspector of the District may direct; and Notices of the Names and Addresses of the Inspector and Sub-Inspector of the District in which the Factory is situated, of the Name and Address of the Surgeon who grants Certificates of Age for the Factory, of the Clock by which the Hours of Work in the Factory are regulated, of the Times of beginning and ending daily Work of all Persons employed in the Factory, and any Alteration thereof, of the Times of the Day and Amount of Time allowed for their several Meals, of all Time lost which is intended to be recovered, and of all Time which shall be recovered, together with every other Notice required by this Act, written or printed in legible Characters, and fixed on moveable Boards, (each particular Notice being signed by the Occupier of every Factory or his Agent,) shall be hung up in the Entrance of the Factory, where they may be easily read by the Persons employed in the Factory, and in such other Places as the Inspector or Sub-Inspector of the District may direct, and whence they shall not be removed while the Factory is at work; and in case any such Abstract of the Factory Act as amended by this Act, or Notice, shall become illegible in any Part, the Occupier of the Factory shall cause a new Copy thereof to be provided and hung up as aforesaid; but the Notice of lost Time need not remain after the whole of the lost Time intended to be recovered shall have been recovered; and every Notice required to be hung up shall be in the Forms and according to the Directions given in the Schedule (C.) hereunto annexed.

Children may be employed in Factories at Eight Years of Age.

XXIX. And be it enacted, That every Child who shall have completed his Eighth Year, and shall have obtained the Surgical Certificate required by this Act of having completed his Eighth Year, may be employed in a Factory in the same Manner and under the same Regulations as Children who have completed their Ninth Year; but no Child under Eight Years of Age shall be employed in any Factory.

Time of Children's Work.

XXX. And be it enacted, That no Child shall be employed in any Factory more than Six Hours and Thirty Minutes in any One Day, save as herein-after excepted, unless the Dinner Time of the young Persons in such Factory shall begin at One of the Clock, in which Case Children beginning to work in the Morning may work for Seven Hours in One Day; and no Child who shall have been employed in a Factory before Noon of any Day shall be employed in the same or any other Factory, either for the Purpose of recovering lost Time or otherwise, after One of the Clock in the Afternoon of the same Day, save in the Cases when Children may work on alternate Days, or in Silk Factories more than Seven Hours in any One Day, as herein-after provided.

How Children may be employed on Three alternate Days of the Week.

XXXI. And be it enacted, That in any Factory in which the Labour of young Persons is restricted to Ten Hours in any One Day it shall be lawful to employ any Child Ten Hours in any One Day on Three alternate Days of every Week, provided that such Child shall not be employed in any Manner in the same or in any other Factory on Two successive Days, nor after Half past Four of the Clock in the Afternoon of any *Saturday:* Provided always, that the Parent or Person having direct Benefit from the Wages of any Child so employed shall cause such Child to attend some School for at least Five Hours between the Hours of Eight of the Clock in the Morning and Six of the Clock in the Afternoon of the same Day on each Week Day preceding each Day of Employment in the Factory, unless such preceding Day shall be a *Saturday*, when no School Attendance of such Child shall be required: Provided also, that on *Monday* in every Week after that in which such Child began to work in the Factory, or any other Day appointed for that Purpose by the Inspector of the District, the Occupier of the Factory shall obtain a Certificate from a Schoolmaster, according to the Form and Directions given in the Schedule (A.) to this Act annexed, that such Child has attended School as required by this Act; but it shall not be lawful to employ any Child in a Factory more than Seven Hours in any One Day, until the Owner of the Factory shall have sent a Notice in Writing to the Inspector of the District of his Intention to restrict the Hours of Labour of young Persons in the Factory to Ten Hours a Day, and to employ Children Ten Hours a Day; and if such Occupier of a Factory shall at any Time cease so to employ

Children

Children Ten Hours a Day he shall not again employ any Child in his Factory more than Seven Hours in any One Day until he shall have sent a further Notice to the Inspector in the Manner herein-before provided.

Women to be employed as young Persons.

XXXII. And be it enacted, That no Female above the Age of Eighteen Years shall be employed in any Factory save for the same Time and in the same Manner as young Persons may be employed in Factories; and that any Person who shall be convicted of employing a Female above the Age of Eighteen Years for any longer Time or in any other Manner shall for every such Offence be adjudged to pay the same Penalty as is provided in the like Case for employing a young Person contrary to Law: Provided always, that nothing herein or in the Factory Act contained as to Certificates of Age shall be taken to apply to Females above the Age of Eighteen Years.

Provision for recovering lost Time by Stoppage of the Machinery.

XXXIII. And be it enacted, That no Time lost by Accident or otherwise in any Factory shall be made good or worked up by Extension of ordinary Hours of Labour, save as is herein-after provided; and that in any Factory in which any Part of the Machinery is moved by the Power of Water the Time which shall have been lost by Stoppages from Want of Water, or from too much Water, may be recovered in manner following, within Six Months next after the Stoppage, between the Hours specified in the Factory Act as those within which Time lost by Drought or Excess of Water may be recovered; and in order to recover Time so lost any Child or young Person may be employed One Hour in each Day more than the Time to which the ordinary daily Labour of Children and young Persons respectively is restricted by Law, except on *Saturday;* but it shall not be lawful so to recover any lost Time until a Notice shall have been sent by Post to the Sub-Inspector of the District in which the Factory is situated, stating the Intention so to recover Time that has been lost, nor unless a Notice according to the Form and Directions given in the Schedule (C.) to this Act annexed shall have been previously fixed up in the Entrance of the Factory, and in such other Places as an Inspector or Sub-Inspector may direct; and such Notice shall be kept so fixed up during the whole Time while the lost Time is in course of being recovered; and such Notice shall be kept in a Book as directed in the said Schedule (C.); nor shall lost Time be so recovered on Two successive Days, unless the Amount of Time recovered on any One Day shall be inserted before Nine of the Clock in the Morning of the following Day in the last-mentioned Notice.

Provision for recovering Time lost by partial Stoppages.

XXXIV. And be it enacted, That in any Factory in which any Part of the Machinery is moved by the Power of Water, when the Stream is so diminished by Drought or swollen by Flood during any Part of the Day that any Part of the manufacturing Machinery driven by the Water-wheel has been stopped by reason of such Drought or Flood, the young Persons who would have been employed at such Machinery may recover such lost Time during the Night next following the said Day, unless the said Day be *Saturday:* Provided always, that no such young Person shall be employed during any Twenty-four consecutive Hours for a greater Number of Hours than that to which the ordinary daily Labour of such young Persons in Factories is otherwise restricted by Law; and that no young Person so employed in the Night shall work more than Five Hours, without an entire Cessation from Work of at least Thirty Minutes; but it shall not be lawful to recover any such lost Time unless a Notice according to the Form and Directions given in the Schedule (C.) to this Act annexed shall have been previously fixed up in the Entrance of the Factory, and in such other Places as an Inspector or Sub-Inspector may direct, and unless such Notice be kept so fixed up during the whole Time while the lost Time is in course of being recovered; and such Notice shall be kept in a Book as directed in the said Schedule (C.)

Work to cease on Saturday at Half past Four.

XXXV. And be it enacted, That no Child or young Person shall be employed in a Factory, either to recover lost Time or for any other Purpose, on any *Saturday* after Half past Four of the Clock in the Afternoon.

Additional Regulations as to Meal Times.

XXXVI. And be it enacted, That the Times allowed for Meal Times as provided by the Factory Act shall be taken between the Hours of Half past Seven in the Morning and Half past Seven in the Evening of every Day, and One Hour thereof at the least shall be given, either the whole at one Time or at different Times, before Three of the Clock in the Afternoon; and no Child or young Person shall be employed more than Five Hours before One of the Clock in the Afternoon of any Day without an Interval for Meal Time of at least Thirty Minutes; and during any Meal Time which shall form any Part of the Hour and a Half allowed for Meals no Child or young Person shall be employed or allowed to remain in any Room in which any manufacturing Process is then carried on; and all the young Persons employed in a Factory shall have the Time for Meals at the same Period of the Day, unless some Alteration for special Cause shall be allowed in Writing by an Inspector.

Additional Regulations as to Holidays.

XXXVII. And be it enacted, That each of the Half Holidays required by the Factory Act to be given shall comprise not less than One Half of the Day, and during such Time no young Person shall be employed in the Factory; and that at least Four of such Half Holidays shall be given between the Fifteenth Day of *March* and the First Day of *October* in each Year to every young Person who shall be employed in the Factory during the whole of such Period; but no Cessation from Work shall be deemed a Half Holiday, unless Notice of such Half Holiday, and of the Time of such Cessation from Work, shall have been fixed up on the preceding Day in the Entrance of the Factory, and in any other Place that the Inspector or Sub-Inspector may direct; and that in addition to such Eight Half Days no Child or young Person shall be allowed to work in any Factory on *Christmas Day* or *Good Friday*, in *England* or *Ireland;* and in *Scotland* no Child or young Person shall be allowed to work on any Day the whole of which is set apart by the Church of *Scotland* for the Observance of the Sacramental Fast in the Parish in which the Factory is situated.

XXXVIII. And

Additional Regulations for the Attendance of Children at School.

XXXVIII. And be it enacted, That, save as herein otherwise provided, the Parent or Person having any direct Benefit from the Wages of any Child employed in a Factory shall cause such Child to attend some School on the Day after the first Employment of such Child, and thenceforth on each working Day of every Week during any Part of which the said Child shall continue in such Employment; so that on every such Day, except in the Cases herein-after provided, such Child shall attend School during at least Three Hours after the Hour of Eight of the Clock in the Morning and before the Hour of Six of the Clock in the Evening: Provided always, that any Child attending School after One of the Clock in the Afternoon shall not be required to remain in School more than Two Hours and a Half on any One Day between the First Day of *November* and the last Day of *February*, and no Child shall be required to attend School on any *Saturday*, and the Nonattendance of every such Child shall be excused on every Day on which such Child shall be certified by the Schoolmaster to have been prevented by Sickness or other unavoidable Cause from attending the School, and during any Holiday or Half Holiday authorized by this Act, or by Consent in Writing of the Inspector of the District in which the Factory is situated, or, where the School-room is situated within the outer Boundary of the Factory at which such Child is employed, on every Day on which the School shall be closed in consequence of the said Factory ceasing to be at work during the whole Day.

Occupier of Factory to obtain School Certificate, and to pay School Fees.

XXXIX. And be it enacted, That no Schoolmaster's Tickets or Vouchers shall be required or valid other than is herein-after provided, and that the Occupier of every Factory in which a Child is employed shall on *Monday* in every Week after the First Week in which such Child began to work in the Factory, or on any other Day appointed for that Purpose by an Inspector, obtain a Certificate from a Schoolmaster, according to the Form and Directions given in the Schedule (A.) to this Act annexed, that such Child has attended School as required by this Act during the foregone Week; and such Occupier shall keep such Certificate for Six Months after the Date thereof, and shall produce the same to any Inspector or Sub-Inspector when required during such Period, and shall, when required by the Inspector for the District, pay to the Schoolmaster of such Child, or to such other Person as the said Inspector may direct, towards the Expences of educating such Child, such Sum as the Inspector may require, not exceeding Two-pence *per* Week, and shall be entitled to deduct from the Wages payable to such Child any such Sum as he shall have been required to pay for such Expences, not exceeding the Rate of One Twelfth Part of the weekly Wages of such Child: Provided always, that if an Inspector, on his personal Examination, or on the Report of a Sub-Inspector, shall be of opinion that any Schoolmaster who grants Certificates of the School Attendance of Children employed in a Factory is unfit to instruct Children, by reason of his Incapacity to teach them to read and write, from his gross Ignorance, or from his not having the Books and Materials necessary to teach them Reading and Writing, or because of his immoral Conduct, or of his continued Neglect to fill up and sign the Certificates of School Attendance required by this Act, the Inspector of the District may annul any Certificate granted by such disqualified Schoolmaster, by a Notice in Writing addressed to the Occupier of the Factory in which the Children named in the Certificate are employed, or his principal Agent, setting forth the Grounds on which he deems such Schoolmaster to be unfit; and after the Date of such Notice no Certificate of School Attendance granted by such Schoolmaster shall be valid for the Purposes of this Act, unless with the Consent in Writing of the Inspector of the District; but no Inspector shall annul any such Certificate unless in the aforesaid Notice he shall name some other School situated within Two Miles of the Factory where the Children named in the Certificate are employed: Provided also, that any Schoolmaster whose Certificate shall have been annulled, or the Occupier of the Factory in which the Children named in the said Certificate are employed on behalf of the Schoolmaster, may appeal to the Secretary of State against such Decisions of the Inspector, and the Secretary of State may, if he think fit, rescind such Decision: Provided also, that every Inspector shall in his annual Report to the Secretary of State for the Home Department state the Instances (if any) in which he shall have had Occasion to annul any such Certificate, together with the Reasons which he has in each Case assigned for so doing.

Inspector may, by Notice, annul the Certificate of any Schoolmaster found unfit.

Appeal.

Repeal of Part of 3 & 4 W. 4. c. 103.

XL. And be it enacted, That so much of the Factory Act as limits the Time for preferring Complaints for Offences against the said Act, and as requires any written Notice to be given of the Intention to prefer any Complaint for such Offence, and as fixes any Penalty or Punishment for Offences against the said Act, and as relates to the Procedure for convicting any Person of any Offence against the said Act, and for levying or inflicting the Penalty or Punishment imposed, and for appealing against any such Conviction, and as specifies the Circumstances under which any Penalties and Punishments shall not be levied or inflicted, and as relates to the Application of Penalties, shall be repealed.

Occupier of the Factory to be liable for Offences against this Act in the first instance.

XLI. And be it enacted, That the Occupier of any Factory in which any Offence against this Act has been proved to have been committed, and for which a pecuniary Penalty may be imposed, shall in every Case (save as herein-after provided) be deemed in the first instance to have committed the Offence, and shall be liable to pay the Penalty; but any Occupier who shall have been proceeded against by any Inspector or Sub-Inspector shall be entitled, upon Complaint or Information duly made by such Occupier, to have any Agent, Servant, or Workman whom he shall charge as the actual Offender brought by Summons before the Justices at the Time appointed for hearing the Complaint made against him by the Inspector or Sub-Inspector; and if after the Commission of the Offence has been proved the Occupier of the Factory shall prove, to the Satisfaction of the Justices, that he had used due Diligence to enforce the Execution of the Act, and that the said Agent, Servant, or Workman had committed the Offence in question, without his Knowledge, Consent, or Connivance, the said Agent, Servant, or Workman shall be convicted of such Offence, and shall pay the Penalty instead of the Occupier of the Factory; and the

Payment of such Penalty and Costs shall be enforced against the Agent, Servant, or Workman in like Manner as Penalties are made recoverable by this Act: Provided always, that when it shall be made to appear to the Satisfaction of the Inspector or Sub-Inspector, at the Time of discovering the Offence, that the Occupier of the Factory had used all due Diligence to enforce the Execution of this Act, and also by what Person such Offence had been committed, and also that it had been committed without the personal Consent, Connivance, or Knowledge of the Occupier, and in contravention of his Orders, then the Inspector or Sub-Inspector shall proceed against the Person whom he shall believe to be the actual Offender in the first instance, without first proceeding against the Occupier of the Factory.

Notice of Complaints of unguarded Machinery.

XLII. And be it enacted, That Notice in Writing of an Intention to prefer a Complaint that a Child or young Person had been employed in a Factory in which sufficient Means had not been employed or continued for protecting the Workers from being wetted, or for preventing the Escape of Steam into the Room occupied by the Workers, or that any Part of the aforesaid Machinery, Hoist or Teagle, or Wheel-race, has not been securely fenced, shall be given Four Days at least previous to the Day fixed for hearing the Complaint; and if the Party complained against intend to bring forward any Millwright or other Person skilled in the Construction of the aforesaid Machinery as a Witness at the hearing of the Case, he shall give Notice in Writing of such Intention to the Inspector or Sub-Inspector who shall be the Complainant Forty-eight Hours previous to the Day fixed for hearing the Case.

Inspector or Sub-Inspector to give Notice of dangerous Machinery.

XLIII. And be it enacted, That if an Inspector or Sub-Inspector shall observe in a Factory any Part of the Machinery of any Kind or Description, or any Driving Strap or Band, not securely fenced, which he shall deem likely to cause bodily Injury to any Person employed in such Factory, he shall give Notice in Writing to the Occupier of such Factory or his Agent of such Part of the Machinery, or such Strap or Band, as he shall deem to be dangerous, according to the Form and Directions given in Schedule (D.) to this Act annexed; and the Occupier of the Factory, or his Agent, shall sign a Duplicate Copy of such Notice in acknowledgment of his having received it: Provided always, that upon an Application, in Writing made by the Occupier of the Factory, within Fourteen Days after he shall have received such Notice, Two Arbitrators skilled in the Construction of the Kind of Machinery to which such Notice refers shall be appointed, one of whom shall be named by the Occupier of the Factory in the aforesaid Application, and the other by the Inspector of the District, with the least possible Delay after he shall have received such Application; and the said Arbitrators shall proceed to examine the Machinery alleged to be dangerous within Fourteen Days of the Appointment of the Arbitrator named by the Inspector; and if the Arbitrators so appointed shall not agree in opinion the said Arbitrators shall choose a Third Arbitrator possessing a similar Knowledge of Machinery; and if the said Arbitrators, or any Two of them, shall sign an Opinion in Writing addressed to the Inspector of the District, that it is unnecessary or impossible to fence the Machinery, or Strap or Band, alleged in the Notice to be dangerous, the Inspector of the District on Receipt of the same shall cancel the said Notice; and if the Decision of the Arbitrators shall be that it is unnecessary or impossible to fence the Machinery so alleged to be dangerous the Expence of such Reference shall be paid as other Expences under this Act, but if the Decision of the Arbitrators shall be that it is necessary and possible to fence the said Machinery, then the Expences of the Reference shall be paid by the Occupier of the Factory, and shall be recoverable as the Penalties under this Act are recoverable.

Upon Application by the Occupier Arbitrators may be appointed to examine the Machinery.

Complaints to be preferred within Two Months.

XLIV. And be it enacted, That all Complaints for Offences against this Act shall be preferred within Two Months next after the Commission of the Offence, except in the Case of Complaints for Offences punishable at Discretion by Fine or Imprisonment, or for working on *Christmas Day*, *Good Friday*, or the Sacramental Fast Days, or for not giving all or any of the Eight Half Days for Holidays required to be given, in each of which Cases the Complaints may be preferred within Three Months next after the Commission of the Offence; and no Person shall be liable to a larger Amount of Penalties for any Repetition from Day to Day of the same Kind of Offence than the highest Penalty herein-after named for such Offence, unless such Repetition of Offence shall have been committed after a Complaint shall have been made for the previous Offence, and except also for Offences of employing Two or more Children or young Persons contrary to Law.

Proceedings under this Act may be had before any Justices.

Penalties may be recovered as in 5 G. 4. c. 18.

XLV. And be it enacted, That all Complaints for the Enforcement of any Penalty under this Act shall be heard and determined by Two or more Justices of the Peace acting for the County or other Jurisdiction wherein the Offence was committed, or for any adjoining County or Jurisdiction, with the like Authority as though the Cause of Complaint had arisen within such adjoining County or Jurisdiction, provided that the Place of hearing the Complaint in such other County or Jurisdiction be not more than Five Miles from the Place where the Offence was committed; and the Justices by whom any Person shall be fined for any Offence against this Act may order that such Person shall pay the Penalty, and also the reasonable Costs and Charges of such Proceedings and Conviction, either immediately or within such Time as the said Justices shall think fit; and in default of Payment thereof any Justice may cause the same to be levied by Distress and Sale of the Goods and Chattels of the Party convicted, together with the reasonable Costs and Charges of such Conviction, Distress and Sale, by Warrant under the Hand and Seal of any such Justice; and where the Warrant of Distress is directed against the Goods and Chattels of any Person being the Occupier of a Factory it shall be lawful under such Warrant to distrain any Goods and Chattels found in the said Factory which would be liable to be distrained for Rent in arrear.

Power of distraining Goods in Factory.

Issue of Summons for Offences against Act.

XLVI. And be it enacted, That in *England* and *Ireland* a Summons for an Offence against this Act shall be issued by any Justice, upon Complaint being made to him in Writing by an Inspector or Sub-Inspector, or upon Oath before him by any other Person, that to the best of the Knowledge and Belief of the

the Inspector, Sub-Inspector, or such other Person such an Offence has been committed, and in *Scotland* a Summons for an Offence against this Act shall be issued by any Justice upon Complaint being made to him in Writing by an Inspector or Sub-Inspector, or by the Procurator Fiscal, or by any Person having a Title and Interest to prosecute with the Concurrence of the Procurator Fiscal, that to the best of the Knowledge and Belief of such Inspector, Sub-Inspector, Procurator Fiscal, or other Person such an Offence has been committed; and in every such Prosecution in *Scotland* the Proceedings shall be summary, and it shall not be necessary to take down in Writing more than the Substance of the Evidence; and no higher or other Fees shall be allowed in *Scotland* to the Clerk of Court or Constables than are allowed to be paid to the Sheriff Clerk and Sheriff Officers in Causes and Prosecutions under the Authority of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for the more effectual Recovery of Small Debts, and for diminishing the Expences of Litigation in Causes of small Amount in the Sheriff Courts in* Scotland. 10 G. 4. c. 55.

Compelling Parties to appear and bring Register.

XLVII. And be it enacted, That every Person who shall be summoned to answer any Complaint shall be bound to appear at the Time and Place mentioned in the Summons, and to produce before the Justices then and there present every Register or other Account, Paper, or Notice required by Law to be kept by him or his Agent, which shall be mentioned in the Summons; and if he shall not appear accordingly then (upon Proof of due Service of the Summons) the Justices may either hear and determine the Case in his Absence, or issue their Warrant, as herein-after provided, for enforcing his Attendance, and the Attendance of any Witness who shall refuse or neglect to appear.

Inspectors, &c. competent Witnesses.

XLVIII. And be it declared and enacted, That it shall be no Objection to the Competency of any Inspector or Sub-Inspector to give Evidence as a Witness in any Prosecution under this Act that it is brought at the Instance of such Inspector or Sub-Inspector.

Justice may enforce Attendance of Witnesses.

XLIX. And be it enacted, That any Justice of the Peace, upon any Complaint under this Act, may summon any Witness to appear and give Evidence at a Time and Place appointed for hearing such Complaint, and by Warrant under his Hand and Seal may require any Person to be brought before the Justices by whom the Complaint shall be heard who shall neglect or refuse to appear at the Time and Place appointed in any Summons, Proof upon Oath being first given of personal Service of the Summons upon the Person against whom such Warrant shall be granted, and may commit any Person coming or brought before such Justices who shall refuse to give Evidence to the County Prison or Prison of the Place where such Offence was committed, there to remain for any Time not exceeding One Month, or until such Person shall sooner submit himself to be examined; and in case of such Submission the Order of any Justice shall be a sufficient Warrant to any Gaoler or Prison Keeper for the Discharge of such Person.

Inspectors and Sub-Inspectors may summon Offenders and Witnesses.

L. And be it enacted, That every Inspector and Sub-Inspector shall be empowered to summon any Person whom he shall charge with having offended against this Act, and also all Witnesses who may be needed to give Evidence concerning the Charge; and every such Summons shall be of the same Effect as if issued by a Justice of the Peace after Complaint upon Oath before him, and shall be enforced in like Manner, and the like Proceedings may be had thereupon, as if Complaint upon Oath had been made before such Justice for such Offence; and every Constable and other Peace Officer to whom any such Summons shall be directed shall be bound to take charge of and to serve such Summons, and in default thereof shall be liable to be punished as if the Summons had been issued by a Justice of the Peace; and every such Summons of an Offender or Witness may be in the Form provided in each Case, and given in the Schedule (D.) hereunto annexed; and when an Inspector or Sub-Inspector shall summon an Offender he shall give to the same Constable or Peace Officer a Statement of the Offence alleged to have been committed, who shall deliver it to a Justice of the Peace usually acting for the Division in which the Case is to be heard, or to the Clerk of any such Justice, at least Twenty-four Hours before the Period named in the Summons for the Appearance of the Party charged with such Offence.

In case of Partnership, One Name sufficient for Summons.

LI. And be it enacted, That it shall be sufficient, in any Information, Complaint, or other Proceeding under this Act, to set forth the Name of the ostensible Occupier or Title of the Firm by which the Occupier employing the Workpeople of the Factory may be usually known; and the Service of any Summons, Order, or Notice required by this Act, or issued under the Authority of this Act, and not expressly directed to be personal Service, may be made by leaving the same at the Dwelling House of the Person to whom the same shall be addressed, or, in the Case of summoning or giving an Order or Notice to the Occupier of a Factory or to a Schoolmaster, by giving a Copy thereof in Writing to the Agent of such Occupier, or by sending a Copy thereof by the Post directed to the Occupier of the Factory at the Factory, or to the Schoolmaster at his School.

Evidence of Employment.

LII. And be it enacted, That in any Complaint of the Employment of any Person in a Factory otherwise than is allowed by this Act the Time of beginning Work in the Morning which shall be stated in any Notice fixed up in the Factory, signed by the Occupier or his Agent, shall be taken to be the Time when all Persons in the Factory, except Children beginning to work in the Afternoon, began work on any Day subsequent to the Date of such Notice, so long as the same continued fixed up in the Factory; and if any Person shall be allowed to enter or be in any Factory, except at Meal Times, or during the Stoppage of the whole Machinery of the Factory, or for the sole Purpose of bringing Tea or other Articles of Food to the Workers in a Factory, between the Hours of Four and Five of the Clock in the Afternoon, it shall be Evidence, unless the contrary shall be proved, that such Person was then employed in that Factory; but Yards, Play Grounds, and Places open to the public View, Schoolrooms, Waiting Rooms,

and other Rooms belonging to the Factory, in which no Machinery is used or manufacturing Process carried on, shall not be taken to be any Part of the Factory, with reference to this Enactment.

Surgical Certificates to be Proof of Age.

LIII. And be it enacted, That every Surgical Certificate given under this Act, or which has been granted conformably to the Factory Act, and which shall not have been annulled, shall be Evidence in the first instance of the Age of the Person named therein, but shall not protect any Person, knowing such Person to be of less than the Age certified, from any Penalty for employing or conniving at the Employment of such Person otherwise than is allowed by this Act; and in every Proceeding on any Information or Complaint for employing any Person contrary to this Act a Declaration in Writing by the certifying Surgeon of the District that he has personally examined such Person, and believes him to be under such Age as shall be set forth in such Declaration, shall be Evidence, in the first instance, until the contrary shall be made to appear, that such Person is under the Age mentioned in such Declaration.

Proof of Age of Persons alleged to be Sixteen.

LIV. And be it enacted, That if any Inspector or Sub-Inspector shall make a Complaint before a Justice of the Peace that the real Age of any Person who is employed in a Factory without a Surgical Certificate is less than Sixteen, the Occupier of the Factory in which such Person is employed shall be liable to the Penalties for employing Persons for whom a Surgical Certificate is required by Law without the proper Surgical Certificate, unless, upon the Proceeding for the Enforcement of such Penalties, he shall prove, by an Extract from a legal Register of Birth or Baptism, that the said Person had completed his Sixteenth Year of Age.

Proof of Age of Persons alleged to be Eighteen.

LV. And be it enacted, That if an Inspector or Sub-Inspector shall make a Complaint before a Justice of the Peace that the real Age of any Person employed in a Factory in a Manner contrary to Law is less than Eighteen, the Occupier of the Factory in which such Person is employed shall, save in the Cases herein-after excepted, be liable to the Penalty for employing such Person, unless upon the Proceeding for the Enforcement of such Penalties he shall prove that the said Person had completed his Eighteenth Year.

Penalties for employing Children and young Persons longer than allowed by the Act.

LVI. And be it enacted, That any Person who shall be convicted of having employed any Person in any Manner contrary to the Provisions of the Factory Act as amended by this Act, or for employing a Child without having obtained a Certificate from a Schoolmaster where such Certificate is required by Law, such Person not being the Parent nor having any direct Benefit from the Wages of such Child, shall for every such Offence be adjudged to pay a Penalty of not less than Twenty Shillings and not more than Three Pounds for each Child or young Person so illegally employed: Provided always, that if it shall be proved that such Offence was committed during the Night the Penalty shall not be less than Forty Shillings nor more than Five Pounds.

Penalty on Parents for Children employed contrary to this Act or neglecting to attend School.

LVII. And be it enacted, That the Parent and every Person having any direct Benefit from the Wages of any Child or young Person employed in any Manner forbidden by the Factory Act as amended by this Act, or who shall neglect to cause such Child to attend School as herein-before provided, shall be liable to a Penalty of not less than Five Shillings and not more than Twenty Shillings for each Offence, unless it shall appear to the Justices before whom the Complaint is preferred that such Offence has been committed without the Consent, Connivance, or wilful Default of such Parent or Person so benefited.

Penalty for not lime-washing or otherwise washing the Interior of the Factory

LVIII. And be it enacted, That the Penalty for not lime-washing the Walls, Passages, Staircases, and Ceilings or Tops of Rooms of a Factory, within the Period prescribed by this Act, or for not washing, as herein-before provided, the inside Walls and Ceilings or Tops of Rooms which are painted with Oil, shall not be less than Three nor more than Ten Pounds, and not less than Two Pounds additional Penalty for every Month during which the Occupier shall allow any of the said Walls, Passages, Staircases, or Ceilings or Tops of Rooms to remain without being lime-washed or washed as aforesaid, after being convicted of this Offence.

Penalty for not fencing Machinery.

LIX. And be it enacted, That the Penalty for not fencing the several Parts of the Machinery, Hoist or Teagle, and Wheel-race, required by this Act to be fenced, shall be not less than Five Pounds and not more than Twenty Pounds.

Penalty for not fencing dangerous Machinery after Notice.

LX. And be it enacted, That if any Person shall suffer any bodily Injury in consequence of the Occupier of a Factory having neglected to fence any Part of the Machinery, or any Hoist or Teagle, or any Wheel-race, required by this Act to be securely fenced, or having neglected to fence any Part of the Machinery, or any Driving Strap or Band, in the Factory, of which he shall have received Notice in Writing from an Inspector or Sub-Inspector, as herein-before provided, that the same was deemed to be dangerous, the Occupier of such Factory shall pay a Penalty not less than Ten Pounds and not more than One hundred Pounds; and the Whole or any Part of such Penalty may be applied for the Benefit of the injured Person, or otherwise as the Secretary of State shall determine; and so much of such Penalty as shall not be applied as aforesaid shall be applied as other Penalties under this Act: Provided always, that the Occupier of the Factory shall not be liable to any such Penalty if the Notice which he shall have received from an Inspector or Sub-Inspector shall have been cancelled as herein-before provided, or that in any Proceeding against an Occupier of a Factory for not securely fencing that Part of the Machinery, Hoist, Teagle, or Wheel-race by which such bodily Injury was inflicted the Complaint shall have been heard and dismissed previous to the Time when such bodily Injury was inflicted.

Penalty for obstructing Inspectors or Sub-Inspectors.

LXI. And be it enacted, That every Person convicted of wilfully obstructing an Inspector or Sub-Inspector in the Execution of any of the Powers intrusted to him by the Factory Act as amended by this Act shall be liable for each Offence to a Penalty not less than Three Pounds and not more than Ten Pounds.

LXII. And

LXII. And be it enacted, That every Occupier of a Factory in which an Inspector or Sub-Inspector shall be obstructed in the Night by any Attempt to prevent his making a full and complete Examination of all Parts of the Factory, and of every Person employed therein, shall be liable to a Penalty not less than Twenty Pounds and not more than Fifty Pounds. Penalty for obstructing Inspectors, &c. in the Night.

LXIII. And be it enacted, That every Person convicted of making, giving, signing, countersigning, counterfeiting, or making use of any Certificate authorized or required by the Factory Act or by this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at the making any false or counterfeited Certificate, or any false Entry in any Register, or any other Account, Paper, or Notice required by this Act, and also every Person convicted of wilfully making and signing a false Declaration on any Proceedings under this Act, shall be liable to a Penalty not less than Five Pounds, and not more than Twenty Pounds, or to be imprisoned for any Time not more than Six Months in the House of Correction in the County, Town, or Place where the Offence was committed. Offences which shall be punishable by Fine or Imprisonment.

LXIV. And be it enacted, That the Penalty for any Offence against the Factory Act as amended by this Act, for which no specific Penalty is herein-before provided, shall be any Sum not less than Two Pounds and not more than Five Pounds. Penalty for Offences not otherwise specified.

LXV. And be it enacted, That every Person who shall be convicted twice within Twelve Months for an Offence of the same Kind against the Factory Act as amended by this Act shall pay for his Second Offence any Sum not less than One Half of the highest Penalty for that Offence, and if convicted Three Times within Twelve Months for an Offence of the same Kind he shall pay not less than Two Thirds of the highest Penalty, and if convicted more than Three Times within Twenty-four Months for an Offence of the same Kind he shall pay the highest Penalty; but a Repetition of the same Kind of Offence shall not be considered as the Second or subsequent Offences referred to in this Enactment, unless such Second or subsequent Offences shall have been committed after a Complaint has been made for the previous Offences; and in any Case in which a Person shall be convicted at any One Time for Offences against the Factory Act as amended by this Act, so that the Penalties amount in the whole to more than One hundred Pounds, the Sum of One hundred Pounds, together with all the reasonable Costs and Charges of such Proceedings and Convictions, may be paid instead of the Penalties for all the Offences committed by him before the Day on which the last Summons was taken out against him. Penalty in case of Second and subsequent Convictions.

LXVI. And be it enacted, That all Penalties for any Offence against the Factory Act which shall not have been otherwise appropriated at the Time when this Act shall come into force, and every Penalty imposed under this Act, shall be applied under the Direction of One of Her Majesty's Principal Secretaries of State, and shall be paid, on account of the Inspector for the District in which the Penalty was imposed, to such Banker as shall be appointed by such Inspector to receive the same; and every Person to whom any such Penalty shall be paid shall pay over the Amount thereof to the Banker so appointed within Fourteen Days of receiving the same; and it shall be lawful for the Secretary of State to remit the Whole or any Part of such Penalty; and so much thereof as shall not be so remitted, and not otherwise especially appropriated by this Act, shall be applied by such Inspector, under the Direction of One of Her Majesty's Principal Secretaries of State, in such Manner as shall appear best for the Establishment or Support of Day Schools for the Education of Children employed in Factories; and so much of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Corporations in* England *and* Wales, as provides that certain Penalties and Forfeitures, if recovered before any Justice of any Borough having a separate Court of Quarter Sessions of the Peace, shall be recovered for and adjudged to be paid to the Treasurer of such Borough, shall be repealed as to the Penalties imposed under this Act. Application of Penalties. 5 & 6 W. 4. c. 76.

LXVII. And be it enacted, That whenever any Person shall be convicted of any Offence against the Factory Act as amended by this Act the Clerk of the Peace where such Conviction shall have been filed shall, upon the Request in Writing of any Inspector or Sub-Inspector, deliver or cause to be delivered to him a Copy of the Conviction, certified under his Hand to be a true Copy; and every such Copy shall be received as Evidence of such Conviction upon any future Proceeding under this Act; and for every such Copy the Clerk shall be entitled to have a Fee of One Shilling, and no more. How former Conviction may be proved.

LXVIII. And be it enacted, That every Conviction under this Act may be in the Form given in the Schedule (D.) to this Act annexed, or in any other Form more suitable to the Case, and shall be certified in *England* and *Ireland* to the next General or Quarter Session of the Peace, and in *Scotland* to the Clerk of the Justices of the Peace, there to be filed amongst the Records of the County, Riding, Division, Stewartry, Town, or Place. Convictions to be filed amongst the Records of the County.

LXIX. And be it enacted, That no Appeal shall be allowed against any Conviction under this Act, except for an Offence punishable at Discretion by Fine or Imprisonment, or when the Penalty awarded shall be more than Three Pounds; neither shall any Conviction, except as aforesaid, be removeable by Certiorari or Bill of Advocation into any Court whatever; and no Information, Conviction, or other Proceeding on any Complaint for an Offence against this Act shall be quashed or deemed illegal for Matter of Form, or for the Want of any Averment unnecessary to be proved, or the Omission of any Word, or for the Insertion of any Word, in any Case in which such Omission or such Insertion respectively do not affect the Essence of the Offence, nor for the wrong Designation of a Name, or Time or Place, where the Person, Time, and Place intended shall have been so stated as to have been, in the Opinion of the Justices by whom the Complaint shall have been heard, clearly understood by the Person charged with such Offence; and it shall not be necessary, in any Information, Conviction, or other Proceeding under this Act, to define the Processes carried on in such Factory, or Nature of the Power No Appeal from Convictions, except in certain Cases.

Power by which the Machinery of such Factory is moved, or to set out that the Factory or Process or Employment referred to is not within any of the Cases excepted, provided that it be therein stated that such Factory is a Factory within this Act; and the Proof of being within any such excepted Case shall lie upon the Party claiming the Benefit of such Exception.

Appeal.

LXX. And be it enacted, That any Person aggrieved by any such Conviction for which an Appeal is allowed by this Act may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of the Conviction for the County or other Jurisdiction wherein the Cause of Complaint shall have arisen; provided that the Person so intending to appeal shall give to the Inspector or Sub-Inspector of the District Notice in Writing of such Appeal, and of the Cause or Matter thereof, within Three Days after the Conviction or Order, and Seven clear Days at the least before such Session, and shall also enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace for the County or other Jurisdiction, Seven clear Days at the least before such Session, conditioned personally to appear at the said Session, and to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as shall be by the Court awarded; and the Court at such Session shall hear and determine the Matter of Appeal, and shall make such Order thereon as to the Court shall seem meet; and in case of the Dismissal of the Appeal or the Affirmance of the Conviction or Order the Court shall adjudge and order the Party to be punished according to the Conviction or to obey the Order appealed against, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

Who are to exercise the Powers of Justices.

LXXI. And be it enacted, That in all Cases in which a Justice of the Peace is required or empowered to do any thing under the Factory Act as amended by this Act, or is named therein, a Burgh Magistrate shall have within his Jurisdiction the same Powers and Duties as are herein given to such Justice, and shall exercise the same in *Scotland;* but no Complaint preferred for any Offence against this Act committed in a Factory shall be heard by a Justice of the Peace or Burgh Magistrate, being an Occupier of the Factory, or being the Father, Son, or Brother of the Occupier of the Factory in which the Offence set forth in the Complaint shall have been committed.

Exemptions of Silk Factories.

LXXII. Provided always, and be it enacted, That any Child above Eleven Years of Age employed solely in the winding and throwing of raw Silk, and who shall have obtained the Surgical Certificate required by this Act of his having completed his Eleventh Year, may work, without any Proof of having attended a School, for any Time not exceeding Ten Hours on any working Day, but not after Half past Four of the Clock of the Afternoon of any *Saturday*.

Interpretation Clause.

LXXIII. And be it enacted, That the Factory Act as amended by this Act, and this Act, shall be construed together as One Act, and that so much of the Factory Act, and of any Rule or Regulation heretofore made by any Inspector, as is inconsistent with this Act, shall be taken to be repealed; and that in this Act, unless another Sense shall be plainly shown by the Context, or by some positive Enactment to the contrary, the Word "Child" shall be taken to mean a Child under the Age of Thirteen Years; and the Words "young Person" shall be taken to mean a Person of the Age of Thirteen Years and under the Age of Eighteen Years; and the Word "Parent" shall be taken to mean Parent, Guardian, or Person having the legal Custody of any such Child or young Person; and any Person who shall work in any Factory, whether for Wages or not, or as a Learner or otherwise, either in any manufacturing Process, or in any Labour incident to any manufacturing Process, or in cleaning any Part of the Factory, or in cleaning or oiling any Part of the Machinery, or in any other Kind of Work whatsoever, save in the Cases herein-after excepted, shall be deemed, notwithstanding any other Description, Limitation, or Exception of Employment in the Factory Act, to be employed therein within the Meaning of this Act; and the Words "Inspector" and "Sub-Inspector" shall be taken to mean respectively an Inspector and a Sub-Inspector of Factories; and the Word "Agent" shall be taken to mean any Person having on behalf of the Occupier of any Factory the Care or Direction thereof or of any Part thereof, or of any Person employed therein; and the Word "Month" shall be taken to mean a Calendar Month; and the Words "Mill-gearing" shall be taken to comprehend every Shaft, whether upright, oblique, or horizontal, and every Wheel, Drum, or Pulley by which the Motion of the first moving Power is communicated to any Machine appertaining to the manufacturing Processes; and the Word "Factory," notwithstanding any Provision or Exemption in the Factory Act, shall be taken to mean all Buildings and Premises situated within any Part of the United Kingdom of *Great Britain* and *Ireland* wherein or within the Close or Curtilage of which Steam, Water, or any other mechanical Power shall be used to move or work any Machinery employed in preparing, manufacturing, or finishing, or in any Process incident to the Manufacture of Cotton, Wool, Hair, Silk, Flax, Hemp, Jute, or Tow, either separately or mixed together, or mixed with any other Material or any Fabric made thereof; and any Room situated within the outward Gate or Boundary of any Factory wherein Children or young Persons are employed in any Process incident to the Manufacture carried on in the Factory shall be taken to be a Part of the Factory, although it may not contain any Machinery; and any Part of such Factory may be taken to be a Factory within the Meaning of this Act; but this Enactment shall not extend to any Part of such Factory used solely for the Purposes of a Dwelling House, nor to any Part used solely for the Manufacture of Goods made entirely of any other Material than those herein enumerated, nor to any Factory or Part of a Factory used solely for the Manufacture of Lace, of Hats, or of Paper, or solely for bleaching, dyeing, printing, or calendering; and the Enactments of this Act respecting the Hours of Labour shall not apply to any young Person when employed solely in packing Goods in any Warehouse or Part of a Factory not used for

"Child."
"Young Person."
"Parent."
Employment.
"Inspector."
"Agent."
"Month."
"Mill-gearing."
"Factory."
Exception to the Term Factory.
Exemption when packing finished Goods.

for any manufacturing Process, or for any Labour incident to any manufacturing Process; and nothing in this Act contained shall extend to any young Person, being a Mechanic, Artisan, or Labourer working only in making and repairing the Machinery or any Part of the Factory. Exemption in favour of Mechanics.

LXXIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

CERTIFICATES.

(*To be written or printed on white Paper.*)

Factories Regulation Act, *Victoria, c.*

No.——. CERTIFICATE of AGE for a CHILD to be employed in the Factory of situated at in

I, of duly appointed a certifying Surgeon, do hereby certify, That Son [*or* Daughter] of and residing in has been personally examined by me this Day of One thousand eight hundred and and that the said Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and that I believe the real Age of the said Child to be at least Eight Years; and that the said Child is not incapacitated, by Disease or bodily Infirmity, from working daily in the above-named Factory for the Time allowed by this Act.

(Signed) Certifying Surgeon.

The Form of Surgical Certificate to be given to a Child who has obtained a Certificate of real Age shall be the same as above, omitting the Words "and that the said Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and that I believe the real Age of the said Child to be at least Eight Years," and substituting these Words in their Place: "and that a Certificate of the Birth [*or* Baptism] of the said Child has been produced to me in the Form required by this Act, proving that the real Age of such Child is at least Eight Years."

The Form of Surgical Certificate to be given to Children employed in Silk Mills in proof that a Child is Eleven Years of Age shall be the same as the above, substituting the Word "Eleven" for the Word "Eight."

(*To be written or printed on coloured Paper.*)

Factories Regulation Act, *Victoria, c.*

No.——. CERTIFICATE of AGE for a YOUNG PERSON to be employed in the Factory of situated at in

I, of duly appointed a certifying Surgeon, do hereby certify, That Son [*or* Daughter] of and residing in has been personally examined by me this Day of One thousand eight hundred and and that the said young Person has the ordinary Strength and Appearance of a young Person of at least Thirteen Years of Age, and that I believe the real Age of the said young Person to be at least Thirteen Years; and that the said young Person is not incapacitated, by Disease or bodily Infirmity, from working daily in the above-named Factory for the Time allowed by this Act.

(Signed) Certifying Surgeon.

The Form of Surgical Certificate to be given to a young Person who has obtained a Certificate of real Age shall be the same as above, omitting the Words, "and that the said young Person has the ordinary Strength and Appearance of a young Person of at least Thirteen Years of Age, and that I believe the real Age of the said young Person to be at least Thirteen Years," and substituting these Words in their Place, "and that a Certificate of the Birth [*or* Baptism] of the said young Person has been produced to me in the Form required by this Act, proving that the real Age of such young Person is at least Thirteen Years."

The Form of Surgical Certificate to be given in either Case by any Practitioner who is not a certifying Surgeon must be the same as the corresponding Form above given, omitting the Words "duly appointed a certifying Surgeon," and substituting the Words "duly authorized by the University [*or* College, *or other public Body having Authority in that Behalf*] of to practise Surgery [*or* Medicine]," and making the following Addition, which must be signed by a Justice of the Peace or Burgh Magistrate:—

The Child [*or* young Person] named in the above-written Certificate has been this Day brought before me; and the Appearance of the said Child [*or* young Person] agrees with the Description therein given; and I believe the real Age of the said Child [*or* young Person] to be at least [*here insert the Word "Eight" or "Eleven" in the Case of a Child, or "Thirteen" in the Case of a young Person,*] Years; and I declare that I have no beneficial Interest in and am not the Occupier of any Factory, and that I am not the Father, Son, or Brother of the Occupier of any Factory.

Dated this Day of One thousand eight hundred and

(Signed) *C.D.*, Justice,
[*or* Burgh Magistrate.]

In

In every Surgical Certificate of Age the Day of the Month on which it shall be granted shall be written in Words, and not in Figures.

So soon as any Certificates authorized by this Act to be received as Proof of the Age of any Persons shall be obtained by the Occupier of a Factory or his Agent, they shall be fixed in a Book, to be called "The Age Certificate Book," in the Order of the Dates at which they shall have been respectively received; and such Certificates shall be numbered in the Order in which they are so fixed in the Book; but the Certificates for Children shall be kept in a separate and distinct Place in the said Book, or in a separate Book, and shall be marked with a Series of running Numbers distinct from that of the Certificates for young Persons.

So soon as any Certificate of Age authorized by this Act shall be obtained the Number herein-before required to be set against each Certificate shall be set against the Name of the Child or young Person for whom such Certificate has been granted, in the First Column of the Register of the Persons employed required by this Act to be kept in each Factory. In any Silk Factory in which it shall be lawful to employ Children above Eleven Years of Age for Ten Hours a Day no Certificate shall be required in proof that such Children have attained the Age of Thirteen Years, so long as such Persons shall not work more than Ten Hours in any One Day.

If a Surgeon shall have refused to grant a Certificate of Age to any Child or young Person, the Word "Refused" shall be written in the Column of the Register where the Numbers of the Certificates are required to be inserted.

Factories Regulation Act, Victoria, c.

CERTIFICATE REFUSED.

I, of duly appointed a certifying Surgeon, do hereby declare, That Son [*or* Daughter] of residing in has been personally examined by me this Day of One thousand eight hundred and and that in my Opinion the said [Child *or* young Person] has not the ordinary Strength and Appearance [of a Child of at least Eight Years of Age (*or* of a young Person of at least Thirteen Years of Age) or (*or* and) is incapacitated by Disease and bodily Infirmity from working daily in a Factory for the Time allowed by this Act.]

(Signed) Certifying Surgeon.

N.B.—The Words within Brackets shall be in the Handwriting of the certifying Surgeon, who shall insert the Reason of his Refusal, to be either on account of deficient Age or bodily Infirmity, or both, as the Case may be.

Factories Regulation Act, Victoria, c.

SCHOOL CERTIFICATE.

I HEREBY certify, That the under-mentioned Child [*or* Children] employed in the Factory of situated in has [*or* have] attended the School kept by me at for the Number of Hours and at the Time on each Day specified in the Columns opposite to his [her *or* their] Name [*or* Names] during the Week ending on Saturday the Day of One thousand eight hundred and , and that the Causes of Absence stated are true, to the best of my Belief.

Name of Child.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Causes of Absence.
	Time.		Time.		Time.		Time.		Time.		
	From	To	From	To	From	To	From	To	From	To	

(Signed) Schoolmaster [*or* Schoolmistress].

the Day of 18 .

Under

Under the Column headed "Time" the Periods of the Day that each Child attends School shall be stated, as thus, from Nine to Twelve, or from Two to Five, or any other Time, as the Case may be; and all the Children employed in the same Factory who attend School before One of the Clock in the Afternoon shall be entered together, distinct from those who attend School after One of the Clock.

The Time when each Child attends School shall be stated in the Column for each Day, in the Handwriting of the Schoolmaster; and no Certificate shall be valid unless the Schoolmaster shall, in his own Handwriting, subscribe to it his Christian and Surname in full.

In the Case of any Child who has been absent from School, the Letter (A.) shall be inserted under the Day or Days of Absence, and the Cause of Absence shall be inserted in the Column headed "Causes of Absence," so far as the same can be ascertained; and when any Day has been a Holiday at the School the Word "Holiday" shall be entered in the Column of the Day.

All School Certificates, if given on loose Sheets, shall, as soon as received, be fixed in a Book, to be called "The School Certificate Book," in the Order of their respective Dates. Copies of the above Forms may be bound together in a Book for each Factory.

SCHEDULE (B.)

REGISTERS.

FORM FOR THE REGISTER OF YOUNG PERSONS.

List of young Persons employed in this Factory.

No. of Reference to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any Person ceases to be employed insert opposite the Name the Word "Left;" and when any Person completes his Eighteenth Year of Age, the Word "Eighteen."
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the Names of every young Person employed in the Factory, to be entered successively when engaged to work, whether for the first Time, or, after having left, when re-engaged to work.

At the Beginning of this Register shall be inserted—

1. The Name of the Occupier or Firm.
2. The Name of the Factory, the Place, Township, Parish, and County where it is situated, and the Post Office to which the Occupier desires his Letters to be directed.
3. The Nature of the Work carried on.
4. The Nature of the Moving Power, the whole Amount of Horse Power of the Steam Engine or Water-wheel, and also the Amount of Horse Power employed by the Occupier or Firm.
5. The Clock by which the Employment of the Workers in the Factory is regulated.

Every Alteration in any of the above Particulars shall be inserted immediately after the Alteration shall have been made.

6. The Holidays and Half Holidays which shall have been given in conformity with this Act shall be recorded together in a distinct Place in this Register.
7. The Dates when the whole of the Factory, if done at one Time, and the several Parts if done at different Times, shall have been limewashed or painted in Oil, and, when painted in Oil, the Dates of their having been washed as required by this Act, and the Names and Residences of the Persons by whom the Factory was limewashed or painted in Oil, shall be recorded in a distinct Place in this Register within Six Days after they have been so limewashed, painted, or washed; and this Declaration of the Times of limewashing, painting, and washing shall be signed by the Mill Occupier or his principal Agent.
8. The Visits of the certifying Surgeon to the Factory shall be recorded in this Register in the Manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
	*	†	

* If the Surgeon shall be told that there is no Child or young Person in the Factory to be examined at the Time of his Visit, he shall insert in this Column the Word "None."

† If none be granted, he shall insert the Word "None."

FORM FOR THE REGISTER OF CHILDREN.

To be kept in those Factories only where Children under Thirteen Years of Age are employed.

Names of the Children employed in this Factory before Twelve o'Clock at Noon, or the Morning Set.

No. of Reference to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the Word "Left;" or if transferred to the Afternoon Set, the Word "Changed;" or the Words "Young Person," when a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

Names of the Children employed in this Factory after One o'Clock in the Afternoon, or the Afternoon Set.

No. of Reference to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the Word "Left;" or if transferred to the Morning Set, the Word "Changed;" or the Words "Young Person," when a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the Names of every Child under Thirteen Years of Age employed in the Factory, to be entered successively when engaged to work, whether for the first Time, or, after having left, when re-engaged to work.

If any Child be removed from the Morning Set to the Afternoon Set, or vice versâ, the Name of such Child must be entered as a new Comer in the Register for the Set to which it is removed, and the Number of its Certificate of Age must be placed against its Name, but no new Certificate shall be required for such Child.

If the Mill Occupier desires to change the Time of working of the Two entire Sets of Children at stated Periods, (as for instance) to make a Change every Month, so that the Children who worked in the Morning one Month shall work in the Afternoon the next Month, and vice versâ for the other Children, alternately throughout the Year, it will not be necessary to enter the Names of the Children anew, but the Mill Occupier or his Agent shall only be required to make and sign the following Declaration, in addition to the other Details herein-before required:—

1. The Children entered in this Register as belonging to the Morning Set work in this Factory before Twelve o'Clock, and not after One o'Clock on and after the First Monday of the Months of—

   January, March, May, July, September, and November;

   and after One o'Clock, and not before Twelve o'Clock, on and after the First Monday of the Months of—

   February, April, June, August, October, and December.

2. The Children entered in this Register as belonging to the Afternoon Set work in this Factory after One o'Clock, and not before Twelve o'Clock, on and after the First Monday of the Months of—

   January, March, May, July, September, and November;

   and before Twelve o'Clock, and not after One o'Clock, on and after the First Monday of the Months of—

   February, April, June, August, October, and December.

Signature of

_____ Occupier or Agent.

When a Change in the Time of working of the Two entire Sets of Children is made at other stated Periods allowed by this Act the necessary Alterations shall be made in the above Declaration, to the Satisfaction of the Inspector or Sub-Inspector of the District.

In any Silk Factory in which Children above Eleven Years of Age are employed more than Seven Hours in any One Day a Register of the Names of such Children shall be kept in the above Form, distinct from the Register of the Names of the Children who are employed in Morning and Afternoon Sets.

In all Mills where more than Twenty Children or young Persons are employed an Alphabetical Index shall be kept, according to the first Letter of the Surname, of the Names of all the Children and young Persons employed in the Factory, adding to each Name the Number of the last Certificate under which the Age of the Child or young Person is employed, or if more than Sixteen Years of Age, the Letters XVI.

All the Forms contained in this Schedule (B.) which shall apply to any particular Factory may be bound together in One Book, except the Alphabetical Index of Reference herein-before referred to.

SCHEDULE (C.)

NOTICES TO BE FIXED UP IN THE FACTORY.

FORM for the NOTICE to be fixed up of the Names and Addresses of the Inspector and Sub-Inspector, the certifying Surgeon, the Clock for regulating the Factory, and the Hours of Work of all young Persons and Females employed in the Factory.

Name and Address of the Inspector of the District _____
Name and Address of the Sub-Inspector of the District _____
Name and Address of the Surgeon who grants Certificates of Age for the Factory - - - _____
Clock by which the Hours of Work are regulated - _____

The Hours of Work of all young Persons and Females above Eighteen Years of Age employed in this Factory.

Days of Week.	orning.		Forenoon.		Afternoon.		Evening.		Total Hours.
	From	To	From	To	From	To	From	To	

* In this Space the Days of the Week to which the Hours of Work refer shall be entered.

_____ Signature of the Occupier of the Factory or his Agent.

In every Silk Factory in which Children above Eleven Years of Age are employed more than Seven Hours in any One Day a separate Notice, in the above Form, shall be fixed up of the Hours such Children are employed.

FORM for the NOTICE to be fixed up of the Times allowed for Meals.

The Times allowed for Meals in this Factory.

Days of the Week.	Breakfast.		Dinner.		Tea.	
	From	To	From	To	From	To

* In this Space the Days to which the Meal Hours refer shall be entered.

_____ Signature of the Occupier of the Factory or his Agent.

These Notices of the regular Hours of Work fixed up in a Factory are not required to be altered when young Persons are only employed at other Hours for the Recovery of lost Time as authorized by this Act, provided the Notice required to be fixed up when recovering lost Time be fixed up, and provided on such Notice it is stated at what Time of the Day it is intended to recover the Time so lost.

FORM of the NOTICE to be fixed up when the Occupier of the Factory intends to recover all or any Part of the Time which has been lost by the Stoppage of the Machinery in the Factory, as allowed by this Act.

Account of Time lost and recovered.

TIME LOST.						TIME RECOVERED.				
Date.	Cause of Loss.	Time of Day when lost.	Amount lost.		Explanatory Remarks.	Date.	Time of Day when recovered.	Amount recovered.		Explanatory Remarks.
			Hours.	Minutes.				Hours.	Minutes.	

_____ { Signature of the Occupier of the Factory or his Agent.

No lost Time is required to be entered except such as it may be intended to recover.

The Entries of all the Details in this Notice relating to any Time lost or recovered shall be made in conformity with the Provisions in the Act.

FORM of the NOTICE to be fixed up when Time has been lost by partial Stoppage of the Machinery by Drought or Floods, and is intended to be recovered during the following Night.

Notice of Time lost and recovered.

TIME LOST.					TIME RECOVERED.		
Description of the Room where the Stoppage took place, and of the Machinery stopped.	Time of the Day when the Stoppage took place.	Amount of Time lost.		Signature of the Person taking Time.	Time of the Night when the young Persons are employed.	Amount of Time recovered.	
		Hours.	Minutes.			Hours.	Minutes.

NAMES of the FEMALES and YOUNG PERSONS who have lost Time by the Stoppage of the Machinery at the Dates affixed.

Date when Time was lost.	Surname.	Christian Name.	Date when Time was lost.	Surname.	Christian Name.

The Entries of Time lost, and of the Names of the Females and young Persons who have lost Time, shall be made in these Notices before any Part of the Time can be recovered.

All Notices of Time lost and recovered, except when they are kept hung up in the Factory, as required by this Act, shall be preserved in a Book in the Order of their respective Dates, and be open for the Examination of any Inspector or Sub-Inspector; and all such Notices shall be kept for Six Calendar Months after the lost Time entered therein shall have been recovered.

SCHEDULE (D.)

FORMS OF NOTICES, SUMMONSES, AND CONVICTION.

FORM of NOTICE to be given to the Occupier of a Factory, by an Inspector or Sub-Inspector, of such Part of the Machinery, or such Driving Strap or Band, in the Factory, as appears to him to be dangerous to the Workers.

To [*Name of Occupier*], Occupier of a [*Description of the Manufacture*] Factory, situated in the Parish of and County of

I hereby give you Notice, that the following Parts of the Machinery in your Factory, namely [*here enumerate the Parts*], appear to me to be dangerous, and likely to cause bodily Injury to the Workers employed in the Factory; and I am of opinion that they ought severally to be immediately well and securely fenced. And I hereby further give you Notice, that by the Act made in the Year of Her Majesty's Reign, intituled [*here set forth the Title of this Act*], it is provided, that if, after receiving this Notice, you shall neglect or fail to fence the above-enumerated Machinery, and if any Person shall suffer any bodily Injury in consequence of such Neglect or Failure, you will be liable to a Penalty of One hundred Pounds, over and above all Damages, Costs, and Charges to which you may be found liable in any Action brought against you by or on behalf of the Person so injured.

Given under my Hand, this Day of in the Year One thousand eight hundred and

(Signed) Inspector [*or* Sub-Inspector].

FORM of SUMMONS to be issued by an Inspector or Sub-Inspector against a Person who has committed an Offence.

County of
(*or* Borough of)

To the Constable of

WHEREAS it appeareth to me, *I.F.*, One of Her Majesty's Inspectors [*or* Sub-Inspector] of Factories, that *A.D.* of in the County [*or* Borough, *&c.*] of hath offended against the Act made in the Year of Her Majesty's Reign, intituled [*here set forth the Title of this Act*], forasmuch as he the said *A.D.*, on the Day of in the Year of our Lord at in the County [*or* Borough, *&c.*] of did [*here set forth the Substance of the Charge*]; these therefore are to require you forthwith to summon the said *A.D.* to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the County [*or* Borough, *&c.*] of who shall be present at in the County [*or* Borough, *&c.*] of on the Day of at the Hour of in the noon of the same Day, to answer to the said Charge, and to be further dealt with according to Law. And be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand, this Day of in the Year of our Lord

(Signed) *I.F.*, Inspector [*or* Sub-Inspector].

FORM of SUMMONS of a Witness to be issued by an Inspector or Sub-Inspector.

County of
(*or* Borough of)

To the Constable of

WHEREAS it appeareth to me *I.F.*, One of Her Majesty's Inspectors [*or* Sub-Inspector] of Factories, that *A.D.* of in the County [*or* Borough, *&c.*] of hath offended against the Act made in the Year of Her Majesty's Reign, intituled [*here set forth the Title of the Act*]; forasmuch as he the said *A.D.* on the Day of in the Year of our Lord at in the County [*or* Borough, *&c.*] of did [*here set forth the Substance of the Charge*], and that *B.P.* of in the County [*or* Borough, *&c.*] is a material Witness to be examined concerning the said Charge; these therefore are to require you forthwith to summon the said *B.P.* to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the County [*or* Borough, *&c.*] of as shall be present at in the County [*or* Borough, *&c.*] of on the Day of at the Hour of in the noon of the same Day, to testify his Knowledge concerning the Premises. And be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand, this Day of in the Year of our Lord .

(Signed) *I.F.*, Inspector [*or* Sub-Inspector].

FORM OF CONVICTION.

County of
[Liberty *or* Borough, *as the Case may be.*]

BE it remembered, That on the Day of in the Year One thousand eight hundred and *A.B.* [*describe the Offender*] is convicted before us, *J.P.* and *K.Q.*, Two of Her Majesty's Justices of the Peace for the County [Liberty *or* Borough, *as the Case may be,*] of in pursuance of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], for that he [*describe the Offence*].

Given under our Hands and Seals, the Day and Year above written.

J.P. L. S.

K.Q. L. S.

CAP. XVI.

An Act to amend the Laws relating to the Customs.* [6th *June* 1844.]

'WHEREAS several Acts were passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, for consolidating the Laws of the Customs: And whereas it has been found necessary from Time to Time by certain other Acts to make certain Alterations therein: And whereas certain further Alterations are now required:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Operation for the Purposes mentioned therein, except where any other Commencement is herein-after particularly directed.

Commencement of Act.

Regulation.

Ship not to be cleared until Coal Owner, &c. has delivered to Collecter Two Certificates, one to be retained and the other delivered to the Master for Production at Port of Delivery.

II. And be it enacted, That no Ship shall be cleared from any Port of the United Kingdom, either for a Coasting or a Foreign Voyage, laden with Coals or Culm or Cinders, which had not been previously brought coastwise into such Port, until the Fitter, or the Coal Owner or his Agent vending or shipping the same, shall have delivered to the Collector or Controller Two Certificates under his Hand, expressing the total Quantities of Coals, Culm, and Cinders respectively shipped or intended to be shipped by him in such Ship; and the Collector or Controller shall retain one of such Certificates, and shall deliver the other, signed by him, to the Master of the Ship; and every Fitter, Coal Owner, or Agent, who shall refuse to give such Certificates, or shall give a false Certificate, shall forfeit and pay the Sum of One hundred Pounds; and the Master of such Ship shall keep such Certificate, and produce the same to any Officer of Customs demanding such Production, and shall, before Bulk be broken, deliver such Certificate to the Collector or Controller of any Port in the United Kingdom to which such Coals, Culm, or Cinders shall be carried in such Ship.

Tobacco Stalks to be deemed Tobacco.

III. 'And whereas Doubts have arisen whether Tobacco Stalks are to be deemed and taken to be 'Tobacco, within the Meaning of the aforesaid Acts;' be it enacted and declared, That Tobacco Stalks shall be deemed and taken to be Tobacco, within the Meaning of the said Acts or any one of them, and shall be described as Tobacco in any Information for any Penalty or Forfeiture incurred or to be incurred under the said Acts or any one of them: Provided always, that nothing herein contained shall repeal any Part of any Act whereby the Importation of Tobacco Stalks is prohibited.

* *See post, Cap.* 25.

IV. And

Smuggling.

Persons on board Foreign Mail Packets, having contraband Goods on board, liable to Detention, and to a Penalty of 100*l.*

IV. And be it enacted, That every Person who shall be found or discovered to have been on board any Foreign Post Office Packet, being a national Vessel employed in conveying the Mails between any Foreign Country and the United Kingdom, such Packet being found or discovered to have been within any Port, Harbour, River, or Creek in the United Kingdom, not being driven thereinto by Stress of Weather or other unavoidable Accident, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits, not being in a Cask or Package, containing Twenty Gallons at the least, or any Tea exceeding Six Pounds Weight in the whole, or any Tobacco or Snuff, not being in a Cask or Package, containing Three hundred Pounds Weight at least, shall forfeit the Sum of One hundred Pounds; and it shall be lawful for any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on full Pay, or for any Officer or Officers of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and he and they is and are hereby authorized, empowered, and required to detain every such Person, and to carry and convey such Person before any Justice or Justices of the Peace, to be dealt with according to Law: Provided always, that no such Person shall be liable to be detained for any such Offence unless there shall be reasonable Ground to believe that such Person was the Owner of such Goods, or was concerned in bringing the same into such Ports and other Places as are herein-before mentioned, or in concealing the same.

Several Persons concerned in the same Offence may be sued by One Information.

V. And be it enacted, That where by any Act relating to the Customs a Penalty is imposed upon every Person committing or concerned in the Act by which such Penalty is incurred, and such Offence shall have been committed by several Persons jointly, or several Persons shall have been concerned in the same, such several Persons shall jointly and severally incur every such Penalty; and it shall be lawful to proceed against such Persons to recover such Penalties jointly by one Information, or severally by separate Informations, as the Attorney General or the Commissioners of Her Majesty's Customs respectively may deem expedient.

Persons having been before convicted of an Offence against the Customs may, upon a Verdict passing against them, be sentenced to hard Labour.

VI. And be it enacted, That where any Verdict shall hereafter pass against any Person in any of Her Majesty's Courts of Record for any Offence committed after the passing of this Act, for which Offence any pecuniary Penalty shall have been inflicted by any Act relating to the Customs, and such Person shall have before been duly convicted, either by Verdict in any of Her Majesty's Courts of Record or otherwise, of any such Offence, it shall and may be lawful for the Judges of the said Court in which such Person shall be so convicted to order and adjudge that such Person shall, in lieu of any Penalty, be imprisoned in any House of Correction for any Period not less than Six nor more than Twelve Calendar Months; and the Governor or Keeper of any House of Correction is hereby required to receive any Person committed under any such Order or Judgment.

Persons previously convicted held to Bail for Amount of Penalty.

VII. And be it enacted, That when any Writ of Capias shall hereafter issue against any Person for any such Offence as is herein-before lastly mentioned, and such Person shall before have been convicted of any such Offence, such Writ shall issue and such Person shall be held to Bail for the full Amount of the Penalty sought to be recovered against him.

Duties.

Alteration of certain Duties imposed by 5 & 6 Vict. c. 47.

VIII. 'And whereas by an Act passed in the Session of Parliament held in the Fifth and Sixth Years 'of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to amend the Laws relating to the 'Customs*, and by Table (A.) annexed to the said Act, certain Duties are imposed upon the Articles 'mentioned in the Table hereunto annexed: And whereas it is expedient to make certain Alterations in 'respect thereof;' be it therefore enacted, That instead of any Duties imposed by the said last-mentioned Act upon the Articles mentioned in the Table hereunto annexed the several Duties set forth in Figures in the said Table shall, in respect of such Articles as are mentioned therein, be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, in like Manner as if such Duties had been imposed in and by the said last-mentioned Act, and had been set forth in the said Table thereunto annexed.

Additional Duty of Five per Cent. upon Amount of Duties on Articles in the Table.

IX. And be it enacted, That there shall be charged, raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, in addition to the Duties mentioned in the said Table hereunto annexed, upon the several Articles enumerated therein, a further Duty of Five *per Centum* upon the Amount of the several Duties in and by the said Table respectively charged upon the said Articles, and each of them, except with regard to Cordials and Liqueurs, which shall be subject, in lieu of the further Duty of Five *per Centum*, to the further Duty of Four-pence *per* Gallon.

Vinegar or Acetous Acid to be charged with Duty according to Strength.

X. And be it enacted, That to prevent Vinegar or Acetous Acid of excessive Strength being brought into consumption upon Payment of Duty as common Vinegar or Acetous Acid, to the great Injury of Her Majesty's Revenue, all such Liquors as aforesaid subject and liable to the Duty imposed by this Act shall and may be tried and examined by any Officer or Officers of Customs with such Acetometer as shall and may be from Time to Time directed by the Commissioners of Customs, in order to ascertain the Strength thereof; and that whenever any such Liquors shall upon any such Trial be found by any Officer or Officers of Customs to be above Proof, as denoted by such Acetometer, (Proof being such Strength of Acetous Acid that One hundred Parts of the Liquor by Weight will saturate or neutralize Fourteen and a Half Parts by Weight of crystalized Sub-carbonate of Soda,) the Number of Gallons of such Liquors of which such Trial is made shall be deemed and computed by such Officer or Officers to be such Number as could be made from or with such Liquors if diluted by Water to the Strength of Proof denoted as aforesaid, and shall be chargeable and taken account of and charged by such Officer with Duty accordingly.

Repeal of Duty on Olive Oil Flasks.

XI. And be it enacted, That the Duty now chargeable upon Flasks in which Olive Oil is imported be repealed.

XII. And

Repeal of Duties on Alpaca and Llama Wool, &c.

XII. And be it enacted, That the Duties now chargeable upon the Importation of Sheep and Lambs Wool, and upon Wool of the Alpaca and the Llama Tribe, and upon Goats Wool or Hair, and upon the Exportation of Wools and Skins, and of "Manufactures or pretended Manufactures slightly wrought up, so as that the same may be reduced to and made use of as Wool again, and upon Mattresses or Beds stuffed with combed Wool, or Wool fit for combing or carding," be repealed.

Repeal of 5&6 W.4 c. 66. s. 2. respecting the Entry of Coffee the Produce of British Possessions in East Indies.

XIII. 'And whereas by an Act passed in the Session of Parliament held in the Fifth and Sixth Years 'of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating* 'to the Customs, it is enacted that no Coffee shall be entered as being the Produce of any *British* Possessions 'sion within the Limits of the *East India* Company's Charter unless the Master of the Ship importing 'the same shall have delivered to the Collector or Controller a Certificate under the Hand and Seal of the 'proper Officer at the Place where such Coffee was taken on board, testifying that a Declaration in 'Writing had been made and signed before him (the Contents of which he had examined, and believed 'to be true,) by the Shipper of such Coffee that the same was really and *bonâ fide* the Produce of some 'such *British* Possession, nor unless such Master shall also make and subscribe a Declaration before 'the Collector or Controller that such Certificate was received by him at the Place where such Coffee 'was taken on board, and that the Coffee so imported is the same as is mentioned therein: And 'whereas it is expedient that the same Enactment should be repealed;' be it therefore enacted, That so much of the said Act lastly herein-before recited as is herein-before mentioned shall be and the same is hereby repealed.

Act may be amended, &c.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

TABLE OF NEW DUTIES, 1844.

	£	s.	d.
Alganobilla Seed, the Cwt.	0	0	3
Lard Oil, for every £100 Value	20	0	0
Myrobolane Berries, the Ton	0	1	0
Vegetable Wax, the Cwt.	0	2	0
Colchicum Seed, the Cwt.	0	1	0
Kernels of Walnuts and Kernels of Peach Stones, commonly used for expressing Oil therefrom, the Ton	0	1	0
Croton Seed, commonly used for expressing Oil therefrom, the Quarter	0	0	1
Prussiate of Potash, the lb.	0	0	2
Tallow Greaves, the Ton	0	1	0
Scrap Steel, the Ton	0	5	0
Gallic Powder, the Ton	0	5	0
Cocoa, of or from Foreign Countries, the lb.	0	0	2
Coffee, of or from Foreign Countries, the lb.	0	0	6
Currants, the Cwt.	0	15	0
Confectionary, the lb.	0	0	6
Cordials and Liqueurs, except Rum Shrub, being the Produce of any British Possession in America, or of any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vic. c. 8. have or shall have been fulfilled, sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer, the Gallon	0	9	0
Bottles of Glass not otherwise enumerated or described, the Cwt.	1	0	0
—— and further on account of the Excise Duty, the Cwt.	0	7	0
Flint and Cut Glass, for every £100 Value	30	0	0
—— and further, on account of the Excise Duty, the Cwt.	0	7	0
Glass Manufactures, not otherwise enumerated or described, and old broken Glass fit only to be re-manufactured, the Cwt.	1	0	0
—— and further, on account of the Excise Duty, the Cwt.	0	7	0
Plums preserved in Sugar, the lb.	0	0	6
Vinegar, the Tun	4	4	0

CAP. XVII.

An Act for giving additional Powers to the Commissioners for the Relief of certain of Her Majesty's Colonies and Plantations in the *West Indies*. [6th *June* 1844.]

2&3W.4.c.125.

'WHEREAS by an Act passed in the Session of the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for enabling His Majesty to direct the* 'Issue of Exchequer Bills to a limited Amount, for the Purposes and in the Manner therein mentioned; 'and for giving Relief to Trinidad, British Guiana, *and* Saint Lucie, it was (amongst other things) 'enacted, that it should be lawful for the Commissioners thereby appointed, or other the Commissioners for

'for the Time being acting in the Execution of the said Act, or any Three of them, to advance and 'lend Exchequer Bills to the Amount and in the Proportions therein specified to the Owners of and 'Persons interested in Estates which had suffered Injuries from the Causes therein mentioned in the 'Islands of *Jamaica*, *Barbadoes*, *Saint Vincent*, and *Saint Lucie*, and that the said Commissioners, or 'any Three of them, as therein mentioned, should take such Security or Securities as therein mentioned 'for the Repayment of any Advances or Loans to be made under the said Act within Ten Years from 'the Time of such Advances respectively, with Interest for the same in the meantime after the Rate of 'Four Pounds *per Centum per Annum*, with Power to the said Commissioners, in default of Repayment 'of such Loans or Advances, to take possession of any of the mortgaged Premises, and to sell or mortgage 'the same as therein mentioned; and it was enacted that all Mortgages and other Securities to be made 'in pursuance of the said Act should have such Priority as therein is mentioned: And whereas by an 'Act passed in the Session of the Fifth and Sixth Years of the Reign of His said Majesty King *William* 'the Fourth, intituled *An Act for granting Relief to the Island of* Dominica; *and to amend an Act of* 5&6 W.4. c.51. '*the Second and Third Years of His present Majesty, for enabling His Majesty to direct the Issue of* 'Exchequer Bills to a limited Amount for the Purposes therein mentioned, it was (amongst other things) 'enacted, that it should be lawful for the Commissioners acting in the Execution of the said recited Act 'to advance Exchequer Bills to a certain Amount to the Owners of and Persons interested in the 'Property in the said Island of *Dominica* which had suffered Injury as therein mentioned, and that such 'Advances should be made in the same Manner in all respects as was provided by the said recited Act 'with regard to the Advances thereby authorized to be made: And whereas by an Act passed in the 'Session of the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to amend* 3&4 Vict. c.40. '*Two Acts of His late Majesty King* William *the Fourth, for the Relief of certain of Her Majesty's* 'Colonies and Plantations in the West Indies, it was (amongst other things) enacted, that it should be 'lawful for the Commissioners for the Time being acting in the Execution of the said therein and herein 'before recited Acts, or any Three of them, with the Consent in Writing of the Lord High Treasurer 'for the Time being, or any Three or more of the Commissioners of Her Majesty's Treasury of the United 'Kingdom of *Great Britain* and *Ireland* for the Time being, upon any Application made to them at any 'Time before the passing of the said Act, or upon any Application thereafter to be made to them, to 'grant any Extension or Enlargement of the Time limited for the Repayment of any Loan or Advance 'which should have been or should be made under the Provisions or Authority of the therein-before 'recited Acts, or any Part of such Loan or Advance, for any Period not exceeding Ten Years from the 'Day originally fixed for the Repayment thereof or the last Instalment thereof, together with Interest for 'the same as in the said Act now in recital is provided, and so that every such Extension of Time should 'be made on the Conditions in the said Act now in recital specified; and it was by the said Act 'provided, that every such Application should be made not less than One Year before such Time or 'Times so limited for the Repayment of such Loans should arrive: And whereas it is expedient that the 'Powers of granting such Extension of Time should be altered, and that the said Commissioners should 'be enabled to make such Transfers of the Securities made in pursuance of the said Acts, and the Monies 'thereby secured, in manner after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said last-recited Act as provides that every such Application for such Extension of Time for the Payment of any such Loan as aforesaid should be made within One Year before the Time or Times limited for the Payment of such Loans as aforesaid should arrive shall be and is hereby repealed; and that henceforth it shall and may be lawful for the said Commissioners acting in the Execution of the said recited Acts, or any Three of them, with such Consent and in all respects whatsoever as by the said lastly herein-before recited Act is provided, to grant such Extension of Time for the Repayment of such Loans as aforesaid in all respects as is by the said Act provided, and under and subject to the Conditions in the said last-recited Act specified, except that any such Extension of Time may be granted at any Time hereafter, and without regard to the Period at which the Application for the granting thereof shall be or shall have been made, and notwithstanding the Time originally fixed for the Repayment of such Loan shall have arrived, or that the Monies so secured as aforesaid shall be actually due; and any such Extension which shall be hereafter granted shall be taken to have been granted in pursuance of the Powers in the said recited Acts contained in all respects whatsoever, except as regards the hereby repealed Provision contained in the lastly herein-before recited Act.

Proviso in last-recited Act, limiting the Time for making Applications for Extension of Time for Repayment of Loans, repealed, and Commissioners enabled to grant such Extension.

II. And be it enacted, That it shall not be necessary to record, register, or enrol, in any Colonial Registry or elsewhere, any such Grant or Extension of Time, or any Power of Sale or Covenant to be entered into on the granting such Extension, which may already have been made or may hereafter be made in pursuance of the said recited Acts or of this Act; but that every such Grant of Extension, and other Instrument, Power of Sale, or Covenant, shall in all respects have the same Effect as if the same respectively had been duly registered, recorded, or enrolled on the Day of the Date thereof, in pursuance of any Law or Provision for the registering, recording, or enrolling of Instruments which may be subsisting in the Island or Colony wherein the Hereditaments to which such Instruments may relate are situate.

Grants for Extension of Time need not be recorded.

III. And be it enacted, That it shall be lawful for the said Commissioners acting in the Execution of the said recited Acts, or any Three of them, to make any Transfer of any Sum or Sums of Money secured to or owing to Her Majesty under or by virtue of any Security made in pursuance of the said recited

Commissioners may transfer Securities, &c.

Acts respectively, and either before or after such Sums shall be actually due, and any Interest thereon which may be due, and to convey and assure the Securities for the same unto or in trust for any Person or Persons who shall pay and discharge all Principal Monies due or secured by such Mortgage Security as aforesaid, and the Interest thereon, such Principal Monies and Interest to be paid into the Bank of *England*, and in all respects as by the said first-recited Act is provided with respect to the Repayment of the Monies to be secured by virtue of the Provisions of the said Act; and upon any such Transfer and Disposition so to be made as aforesaid the Person or Persons to whom such Transfer or Disposition shall be made, his, her, or their Heirs, Executors, Administrators, and Assigns respectively, shall have in all respects such and the same Priorities, Privileges, Powers, and Securities as by the said recited Acts or any of them are given to Her Majesty or the said Commissioners, or any of them, or which Her said Majesty, Her Heirs or Successors, or the said Commissioners acting in execution of the said recited Acts, would have had in case no such Transfer had been made.

Conveyances by Commissioners to have the same Effect as if executed by Her Majesty.

IV. And be it enacted, That every Conveyance, Transfer, and Assignment authorized by this Act may be made and executed by the Commissioners for the Time being acting in the Execution of the said recited Acts, or by any Three of them, or by any Attorney or Attornies by them or any Three of them appointed for that Purpose by Deed under their Hands and Seals; and every such Conveyance, Transfer, or Assignment so made and executed shall have the same Effect to all Intents and Purposes as if made and executed by Her said Majesty, Her Heirs or Successors.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XVIII.

An Act to remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the *East Indies*. [6th *June* 1844.]

'WHEREAS Doubts have arisen as to the proper Authority by which, in certain Cases, Courts-martial may be appointed and convened, and the Sentences thereof confirmed, in the *East Indies* and elsewhere; and it is important to the Maintenance of good Order and Military Discipline that such Doubts should be removed;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, any Law, Custom, Usage, Statute, Regulations, Articles of War, or Warrant to the contrary notwithstanding, any General or other Officer who may from Time to Time have Power to appoint or convene General or District or other Courts-martial for the Trial of Offences committed by any of the Officers or Soldiers in the Service of Her Majesty, or by any of the Officers, Soldiers, or Followers in the Service of the *East India* Company, not being Natives of the *East Indies* or other Places within the Limits of the said Company's Charter, or by any of the Officers, Soldiers, or Followers in the Service of the said Company, being Natives of the *East Indies* or other Places within the Limits aforesaid, shall, without any further or other Authority or Warrant, have Power and Authority to appoint or convene General or District or other Courts-martial (as the Case may be) to be holden for the Trial of Offences committed by any Officer, Soldier, or Follower in any of the said Services, who may be under the actual Command, or who may be or come within the local Limits of the Command of such General or other Officer, although the Power of such Officer as to appointing or convening Courts-martial might but for this Act extend to One or more of the said Services only, or to some only of the Forces belonging to any One or more of such Services; and that in like Manner any General or other Officer who may from Time to Time have Power to confirm Sentences of General or District or other Courts-martial for the Trial of Offences committed by any of the Officers or Soldiers in the Service of Her Majesty, or by any of the Officers, Soldiers, or Followers in the Service of the *East India* Company, not being Natives as aforesaid, or by any of the Officers, Soldiers, or Followers in the Service of the *East India* Company, being such Natives as aforesaid, shall, without any further or other Authority or Warrant, have Power and Authority to confirm Sentences of General or District or other Courts-martial (as the Case may be) held for the Trial of any Officer or Soldier or Follower in any of the said Services, who may be under the actual Command or who may be or come within the local Limits of the Command of such General or other Officer, although the Power of such Officer, as to confirming the Sentences of Courts-martial, might but for this Act extend to One or more of the said Services only, or to some only of the Forces belonging to any One or more of such Services.

Any Officer who may convene or confirm Courts-martial for the Queen's Troops, or for the East India Company's Troops, may convene or confirm Courts-martial for any Troops under his actual Command.

Offenders may be tried wheresoever they may be serving or the Offence may have been committed.

II. And be it enacted, That the said several Powers may be exercised as aforesaid to whichsoever of the Presidencies of *Fort William*, *Fort Saint George*, or *Bombay* the Offender may belong, or whether the General or other Officer appointing or convening the Court-martial, or confirming the Sentence, may be the Officer commanding in chief in *India*, or at the Presidency to which the Offender may belong, or at any other Presidency, or may hold his Command or his Power to appoint, convene, or confirm the Sentences of Courts-martial from or under the Officer commanding in chief in *India*, or at the Presidency to which the Offender may belong, or at any other Presidency, or may hold such Command or Power from or under any other Authority whatsoever, or whether the Offence shall have been committed before or after the Officer appointing or convening the Court or confirming the Sentence shall have taken the Command, or before or after the Offender shall have been under the Command of such Officer, or before or after the Offender shall have been or shall have come within the local Limits of the Command of such Officer, or wheresoever, whether within the Presidency to which the Offender may belong, or within

within any other Presidency, Possessions, or Territories under the Government of the said Company, or on the High Seas, or elsewhere, the Offender may be serving, or the Offence shall have been committed, or the Court-martial shall be appointed, convened, or held.

Her Majesty may authorize Commanders-in-Chief to delegate Power confirming Sentences of General Courts-martial.

III. And be it enacted, That, any Articles of War or Usage to the contrary notwithstanding, Her Majesty may grant Warrants under Her Sign Manual severally empowering the Officer commanding in chief the Forces in *India*, and the General or other Officer commanding the Forces at each or any of the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* for the Time being, to authorize any General or other Officer not below the Rank of a Field Officer, having the Command of any Body of the Troops of Her Majesty or of the said Company serving in the Possessions or Territories which are or may be under the Government of the said Company or elsewhere, to confirm the Sentences of General Courts-martial which shall be holden for the Trial of Offences committed by any Officer, Soldier, or Follower of or belonging to such Troops; and the Officer commanding in chief the Forces in *India*, or the General or other Officer commanding the Forces at any of the said Presidencies, being so empowered, may authorize any such General or other Officer to confirm such Classes of Sentences only, or Sentences passed for such Classes of Offences only, or on such Classes of Persons only, as he may think fit, reserving to himself the Power of confirming Sentences in all such Cases as such General or other Officer may not be authorized to confirm, or may think fit to send for the Decision of such Officer commanding in chief the Forces in *India*, or of such Officer commanding the Forces at one of the said Presidencies.

No other Confirmation necessary, except in certain Cases.

IV. And be it enacted, That when, by any Act of Parliament or Articles of War, the Sentence of a Court-martial is not to be carried into execution until confirmed by the General or other Officer commanding in chief at the Presidency in the Territories subordinate to which the Offender shall have been tried, with the Concurrence of the Governor General in Council, or Governor in Council, or Governor of such Presidency, it shall not be necessary, in any such Case, that a Sentence so confirmed, with such Concurrence, should, in addition, be reported to or approved or confirmed by the General or other Officer commanding in chief the Forces of the Presidency to which the Offender may belong; and the Officer confirming the Sentence, with such Concurrence, and in all other Cases the Officer authorized under the Provisions in this Act contained to confirm the Sentence of any Court-martial, shall have Power to cause the same to be put into execution, or to suspend, mitigate, or remit the same.

Confirmation of Sentence of Death on Commissioned Officers.

V. And be it enacted, That nothing in this Act contained shall empower any Person not otherwise duly authorized in that Behalf to confirm any Sentence of Death, Transportation, or Cashiering on any Commissioned Officer employed upon Her Majesty's Staff, or serving in any of Her Majesty's regular Regiments; and that nothing in this Act contained shall empower any Officer, other than those hereinafter mentioned, to confirm the Sentence of Death, Transportation, or Cashiering on a Commissioned Officer of the *East India* Company's Service; (that is to say,) the General or other Officer commanding in chief at the Presidency within which, or in Territories subordinate to which, the Offender shall have been tried, or the General commanding in chief the Army to which the Division, Brigade, or Party in which the Offender may be serving shall belong or be attached.

Act not otherwise to affect Laws now in force.

VI. Provided always, and be it enacted, That, save as herein-before is expressly provided, this Act shall not alter or affect the Laws, Statutes, Regulations, Articles of War, Usages, or Customs which now are or hereafter may be in force with respect to Her Majesty's Forces, or the Forces of the said *East India* Company, whether Natives or not of the *East Indies*, or other Places within the Limits of the said Company's Charter: Provided also, that this Act shall not be construed as declaring or interpreting the Extent of Her Majesty's Royal Prerogative, or the Meaning of any former Act or of any Article of War.

Act to extend only to the East Indies.

VII. And be it enacted, That the Provisions of this Act shall apply to all such Persons as may from Time to Time be liable to Martial Law under the Provisions of any Act of Parliament or Articles of War, and who may from Time to Time be serving or may be or come within the Limits of the Charter of the *East India* Company, construing the same as extending to all Places and Seas Eastward of the *Cape of Good Hope* to the *Straits of Magellan*.

Continuance of Act as to Her Majesty's Forces.

VIII. And be it enacted, That, so far as regards Officers and Soldiers in Her Majesty's Service, this Act shall continue in force so long only as there may be in force some Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

CAP. XIX.

An Act for regulating the Bailiffs of Inferior Courts. [6th *June* 1844.]

'WHEREAS Courts are holden in and for sundry Counties, Hundreds, and Wapentakes, Honours, Manors, and other Lordships, Liberties, and Franchises, having by Custom or Charter Jurisdiction for the Recovery of Debts and Damages in personal Actions, and in many Places great Extortion is practised under Colour of the Process of such Courts:' For Remedy thereof, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Judge of every such Court shall have Power to appoint a sufficient Number of proper and responsible Persons to act as Bailiffs of the said Court, and in the Execution of the Process thereof, and to suspend or dismiss any such Bailiff for Misconduct, and no Bailiff so dismissed shall be qualified to be reappointed; and the Bailiffs of the Court so appointed, and no other Persons, save as herein-after mentioned, shall serve all Summonses, and execute all Orders, Warrants, Precepts, Writs, and other

Bailiffs to be appointed by the Judge of the Court.

Processes issued out of the said Court; and a List containing the Name and Place of Abode of every such Bailiff shall be put up in a conspicuous Place in the said Court: Provided always, that this Act shall not extend to prevent any Process from being executed by any High Sheriff or High Bailiff, or any Officer appointed by Act of Parliament to perform the Duties of Sheriff with regard to the Execution of Process out of any such Court, or his or their bound Bailiffs or other Officers.

Bailiffs to give Security.

II. And be it enacted, That every Bailiff so appointed under this Act shall give to the said Judge Security, in such Sum and Manner and Form as he shall from Time to Time order, for the due Performance of his Office, and for Payment of all Monies received by him in the Execution of his Office.

Bailiffs taking Fees other than those allowed to be discharged.

III. And be it enacted, That every Bailiff authorized to execute the Process of any such Court who shall wilfully and corruptly exact, take, or accept any Fee or Reward whatsoever other than and except such Fees as shall be allowed by Law and declared by Order of the Court, which shall be put up in some conspicuous Place in the Court, shall, upon Proof thereof before the said Court, be for ever incapable of serving or being employed in any Office of Profit or Emolument of the said Court.

Remedies against Officers of the Court guilty of Extortion or Misconduct.

IV. And be it enacted, That if any Bailiff acting under Colour or Pretence of the Process of any such Court shall be guilty of Extortion or Misconduct, or shall not duly pay or account for any Money levied under Process of the said Court, it shall be lawful for the Judge to inquire into such Matter in a summary Way, and for that Purpose to summon and enforce the Attendance of all necessary Parties, and to make such Order thereupon for the Repayment of any Money extorted, or for the due Payment of any Money so levied as aforesaid, and for the Payment of such Damages and Costs to the Parties aggrieved, as he shall think just; and in default of Payment of any Money so ordered to be paid within the Time specified for the Payment thereof it shall be lawful for the Judge of the said Court, by Warrant under his Hand and Seal, to cause such Sum to be levied by Distress and Sale of the Goods of the Offender, together with the reasonable Charges of such Distress and Sale, and in default of such Distress to commit the Offender to the County Gaol or House of Correction for any Time not exceeding One Calendar Month.

Persons forging Process, &c. guilty of Felony.

V. And be it enacted, That for every such Court a Seal shall be made under the Direction of the Judge of such Court, and that all Summonses and other Process issuing out of the said Court shall be sealed or stamped with such Seal; and every Person who shall forge the Seal or any Process of the Court, or who shall serve or enforce any such forged Process, knowing the same to be forged, or deliver or cause to be delivered to any Person any Paper falsely purporting to be a Copy of any Summons or other Process of the said Court, knowing the same to be false, or who shall act or profess to act under or by the Authority of such Summons or Process, knowing the same to be false, or who shall take upon himself to act as a Bailiff of any such Court without lawful Authority, shall be guilty of Felony.

Sale not to be till Three Days after Execution.

VI. And be it enacted, That no Goods which shall be taken in Execution under any Process of any such Court shall be sold until the End of Three Days at least next following the Day on which such Goods shall have been so taken, unless such Goods be of a perishable Nature, or upon Request in Writing under the Hand of the Party whose Goods shall have been taken; and until such Sale the Goods so taken shall be in the Custody of the Bailiff to whom the Warrant of Execution shall have been directed.

Penalty for assaulting Bailiffs, or rescuing Persons or Goods taken in Execution.

VII. And be it enacted, That if any Bailiff of any such Court shall be assaulted while in the Execution of his Duty, or if any Rescue shall be made or attempted to be made of any Person or Goods taken or levied under Process of any such Court, the Person offending therein, on Conviction thereof before any Two Justices of the Peace, shall be imprisoned with or without hard Labour in the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, or shall forfeit and pay such Fine not exceeding Five Pounds as may be set upon him by the said Justices of the Peace; and every such Fine, with the Costs of Conviction, in case of Nonpayment thereof, shall be levied by Distress and Sale of the Goods of the Offender.

Limitation of Actions, &c.

VIII. And be it enacted, That all Actions and Prosecutions to be commenced against any Bailiff of any such Court for any thing done in pursuance of his Duty as such Bailiff, or for such Grievance, Misfeazance, or Nonfeazance as aforesaid, shall be laid and tried in the County where the Offence was committed, and shall be commenced within Three Calendar Months after the Fact committed, and not afterwards or otherwise; and Notice in Writing of such Action or Prosecution, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of such Action or Prosecution; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends, in the Opinion of the Judge who shall try such Action, shall have been made before Action brought, or if after Action brought a sufficient Sum of Money, in the Opinion of the Judge as aforesaid, with Costs, shall have been paid into Court, in satisfaction of such Action.

Meaning of "Judge."

IX. And be it enacted, That in this Act the Word "Judge" shall be construed to mean the County Clerk, Under Sheriff, Steward, or other Person by or before whom any such Court shall be holden.

Act may be amended, &c.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament,

CAP. XX.

An Act to amend an Act of the First and Second Years of Her present Majesty, for securing the Debt due by the City of *Edinburgh* to the Public. [6th *June* 1844.]

'WHEREAS an Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to regulate and secure the Debt due by the City of* Edinburgh *to the Public, to confirm an Agreement between the said City and its Creditors, and to effect a Settlement of the Affairs of the said City and the Town of* Leith: And whereas by the said Act the Port and Harbour of *Leith*, and Lands, Houses, and Areas, and other Properties connected therewith, and Rates and Duties payable thereat, as held by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, were vested in the Commissioners to be appointed and elected by virtue of the said Act for the Purpose (among other things) of regulating and securing the Debt due by the City of *Edinburgh* to the Public: And whereas it would occasion much Expence and Inconvenience were it necessary from Time to Time to renew the Rights and Investitures of the aforesaid Port and Harbour of *Leith*, and Property, in favour of such Commissioners as may be appointed and elected in the Room of those dying, resigning, or becoming disqualified, and it is expedient to prevent the same:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners for the Superintendence and Management of the Harbour and Docks of *Leith*, elected and appointed for the Time being in pursuance of the said recited Act, shall be and they are hereby declared to be one Body Politic and Corporate, for the Purposes set forth in the aforesaid Act, and the Acts therein referred to, and in this Act, by the Name and Style of "The Commissioners for the Harbour and Docks of *Leith*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall and may hold the aforesaid Port or Harbour of *Leith*, and the Rates and Duties payable thereat, and all Lands, Tenements, Heritages, and other Property, real and personal, of and belonging to the said Harbour and Docks of *Leith*, and may purchase or acquire other Lands, Tenements, or Heritages, or other Property, real or personal, to be held by them for the Use of the said Harbour and Docks of *Leith*, but for no other Use or Purpose, and may also sell or dispose of, with the Consent of the Commissioners of Her Majesty's Treasury, any Part of the said Real or Personal Property, if they shall deem it expedient, for the Use and Behoof of the said Harbour and Docks, the Price or Consideration Money obtained upon such Sales being always applied in repairing or ameliorating the other or remaining Property of or belonging to the said Harbour and Docks, or in the Purchase of other Lands, Tenements, or Heritages, to belong unto the said Commissioners.

1 & 2 Vict. c. 55.

Leith Harbour Commissioners incorporated.

II. And be it enacted, That the aforesaid Port and Harbour of *Leith*, and the Rates and Duties payable thereat, and all Lands, Tenements, Heritages, and other Property, real and personal, at present vested in the said Commissioners or their Predecessors in Office, shall be and the same are hereby vested in the said Commissioners for the Time being as a Body Corporate for the Purposes aforesaid, in like Manner and to the same End and Effect as if the Titles and Investitures were so expressed, and that without any new Conveyance or Investiture, whatever may be the Terms in which the Rights and Titles have been taken.

Vesting Harbour and Works in the Commissioners when incorporated.

III. And be it enacted, That every Security, Evident, and Deed shall be deemed and held to be the Security, Evident, and Deed of the said Commissioners, which shall be signed at and in Presence of a Meeting of the said Commissioners as follows; where the same consists of only One Page, by the Preses of the Meeting, and at least Four others of the said Commissioners present at the Time; and where the same shall consist of more than One Page, by the Preses of the Meeting upon each Page, and by at least Four others of the said Commissioners present at the Time upon the last Page; any Law or Practice to the contrary notwithstanding.

Securities and Deeds.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. XXI.

An Act to reduce the Stamp Duties on Policies of Sea Insurance and on certain other Instruments, and to repeal the Duties on certain Bonds, and the Law requiring Public Notaries in *Ireland* to deliver Accounts of Bills and Notes noted by them. [6th *June* 1844.]

'WHEREAS under and by virtue of an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies, and Successions to Personal Estate upon Intestacies, now payable in* Great Britain; *and for granting other Duties in lieu thereof*, certain Stamp Duties specified and contained in a Schedule to the said Act annexed were granted and made payable in *Great Britain* for and in respect of (amongst other things) Policies or other Instruments of Insurance, Agreements, and Letters or Powers of Attorney: And whereas by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to reduce the Stamp Duties on Advertisements and on certain Sea Insurances, to repeal the Stamp Duties on Pamphlets and on Receipts for Sums under Five Pounds, and to exempt Insurances on Farming Stock from Stamp Duties*, the Duties granted by the said

55 G. 3. c. 184.

3 & 4 W. 4. c. 23.

'said first-recited Act on certain Policies or other Instruments of Sea Insurance were repealed, and 'in lieu thereof other Stamp Duties were granted and made payable in *Great Britain* and *Ireland* 'respectively for and in respect of the same Policies or Instruments: And whereas under and by 5 & 6 Vict. c. 82. 'virtue of an Act passed in the Fifth and Sixth Years of Her present Majesty's Reign, intituled *An* 'Act to assimilate the Stamp Duties in Great Britain *and* Ireland, *and to make Regulations for collecting* 'and managing the same until the Tenth Day of October *One thousand eight hundred and forty-five*, 'the Stamp Duties granted and then payable in *England* under or by virtue of the said first-recited Act 'were extended to and made payable in *Ireland* in lieu of certain Stamp Duties repealed by the last-'recited Act: And whereas it is expedient to reduce the Stamp Duties now payable in *Great Britain* 'and *Ireland* respectively on Policies or other Instruments of Sea Insurance, and on certain Agreements, 'and also on certain Letters or Powers of Attorney or other Instruments for appointing Proxies:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Stamp Duties now payable in *Great Britain* and *Ireland* respectively, under or by virtue of the said several recited Acts or any of them, on the Policies or other Instruments of Sea Insurance, and on the Agreements, and also on the Letters or Powers of Attorney or other Instruments for appointing Proxies respectively mentioned and described in the Schedule hereunto annexed, and whereon other Duties are by this Act granted and imposed, shall respectively cease and determine, and shall be and the same are hereby repealed, save and except so much and such Part and Parts of the said Duties respectively as shall have accrued or been incurred before or upon the passing of this Act, and shall then or at any Time afterwards be or become due or payable, and remain in arrear and unpaid, all which said Duties so remaining in arrear and unpaid as aforesaid shall be recoverable by the same Ways and Means and with such and the same Penalties as if this Act had not been passed.

Stamp Duties on Policies of Sea Insurance and on certain Agreements, and also on certain Instruments for appointing Proxies, repealed, except as to Arrears.

II. And be it enacted, That from and after the passing of this Act, in lieu and instead of the said several Duties by this Act repealed there shall be granted, raised, levied, collected, and paid in *Great Britain* and *Ireland* respectively, unto and for the Use of Her Majesty, Her Heirs and Successors, for and in respect of the several Articles, Matters, and Things mentioned and described in the Schedule to this Act annexed, the several Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said last-mentioned Schedule; and that the said last-mentioned Schedule, and the several Provisions, Regulations, and Directions therein contained with respect to the said Duties, and the Articles, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act.

New Duties granted in lieu of Duties repealed.

III. And be it enacted, That the said Duties by this Act granted shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps and Taxes for the Time being; and that all the Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, contained in or imposed by the several former Acts of Parliament relating to any prior Duties of the same Kind or Description in *Great Britain* and *Ireland* respectively, and in force at the Time of the passing of this Act, shall respectively be of full Force and Effect with respect to the Duties by this Act granted, and to the Vellum, Parchment, and Paper, Articles, Matters, and Things charged and chargeable therewith, and to the Persons liable to the Payment of the said Duties, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the said Duties hereby granted, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted with reference to the said Duties by this Act granted.

Powers and Provisions of former Acts to be applied to the Duties granted by this Act.

IV. And be it enacted, That if any Person shall become an Assurer upon any Insurance in respect whereof any Duty is by this Act made payable, or shall subscribe or underwrite, or otherwise sign or make or enter into any Contract, Agreement, or Memorandum of any such Insurance, or shall receive or contract for any Premium or Consideration for any such Insurance, or shall receive or charge or take credit in account for any such Premium or Consideration as aforesaid, or any Sum of Money as or for any such Premium or Consideration as aforesaid, or shall wilfully or knowingly take upon himself any Risk, or render himself liable to pay, or shall pay, or allow or agree to pay, or allow in account or otherwise, any Sum of Money upon any Loss, Peril, or Contingency relative to any such Insurance, unless such Insurance shall be written on Vellum, Parchment, or Paper duly stamped, or if any Person shall be concerned in any fraudulent Contrivance or Device, or shall be guilty of any wilful Act, Neglect, or Omission, with Intent to evade the Duties payable under this Act on Policies of Insurance, or whereby any such Duties shall be evaded, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds: Provided always, that nothing herein contained shall extend to subject any Member, Officer, or Servant of the London Assurance or Royal Exchange Assurance Corporations respectively to any of the Penalties by this Act imposed, for or by reason of his making any Agreement to insure by any Label, Slip, or Memorandum in Writing upon unstamped Paper; provided that in every such Case the Day on which such Agreement shall be made shall be truly expressed in Words at Length on such Label, Slip, or Memorandum, and a Policy of Insurance according to such Agreement shall be made out in due Form on Vellum, Parchment, or Paper duly stamped, and which shall be duly executed within Three Office Days from the Time of making such Agreement as aforesaid.

Penalty for evading the Duties on Insurances.

The London Assurance and the Royal Exchange Assurance Corporations allowed to make Agreements on unstamped Slips, on certain Conditions.

V. And

Agreements chargeable with Duty under this Act may be stamped within Fourteen Days after the making thereof.

V. And be it enacted, That if any Agreement, or Minute or Memorandum of an Agreement, chargeable with Duty under this Act, shall be ingrossed, written, or printed upon Vellum, Parchment, or Paper not duly stamped according to Law, and such Agreement, Minute, or Memorandum shall be brought to the Commissioners of Stamps and Taxes, or to any of their Officers appointed or authorized to receive the same, to be stamped, together with the Duty payable thereon, within Fourteen Days after such Agreement, Minute, or Memorandum shall have been made or entered into, it shall be lawful for the said Commissioners and they are hereby required to cause the same to be stamped without the Payment of any Penalty: Provided always, that if such Agreement, Minute, or Memorandum shall not be brought to be stamped as aforesaid within the Time herein-before prescribed and limited for that Purpose there shall be payable by way of Penalty on the stamping thereof the Sum of Ten Pounds, over and above the Duty chargeable thereon.

Penalty on stamping the same afterwards, 10*l.*

Instruments of Proxy to be available for voting at One Meeting, or at any Adjournment thereof.

VI. And be it enacted, That any Letter or Power of Attorney, or other Instrument made for the Purpose of appointing or nominating a Proxy, and chargeable with Duty under this Act, shall authorize such Proxy to vote upon any Matter at One Meeting of the Proprietors or Shareholders of or in any Company or Society, the Time of holding whereof shall be specified in such Instrument, or at any Adjournment of such Meeting; and no such Letter or Power of Attorney or other Instrument shall be further or otherwise available, any thing in such Instrument or in any Act of Parliament to the contrary notwithstanding.

Commissioners not to stamp Instruments appointing Proxies after the signing thereof.

Penalty for signing Instruments appointing Proxies, not being duly stamped, &c.

VII. And be it enacted, That it shall not be lawful for the Commissioners of Stamps and Taxes, or any of their Officers, under any Pretence whatever, to stamp or mark, after the signing thereof by any Person, any Vellum, Parchment, or Paper upon which any Letter or Power of Attorney, or other Instrument appointing or nominating a Proxy, chargeable with Duty under this Act, shall be ingrossed, written, or printed; and if any Person shall make or sign any such Letter or Power of Attorney or other Instrument as aforesaid which shall be ingrossed, written, or printed, or partly ingrossed or written and partly printed, upon Vellum, Parchment, or Paper not duly stamped according to Law, or if any Person shall vote or attempt to vote or act as a Proxy in pursuance or under the Authority or pretended Authority of any such Letter or Power of Attorney or other Instrument not duly stamped as aforesaid, every Person so offending in any or either of the Cases aforesaid shall forfeit and pay the Sum of Fifty Pounds; and every Vote made or given or other Act done in pursuance or under the Authority or pretended Authority of any such Letter or Power of Attorney or other Instrument, not duly stamped as aforesaid, shall be absolutely null and void to all Intents and Purposes.

Recital of 6 G. 4. c. 41.

Stamp Duty on Bonds given for obtaining Drawbacks of Duties of Customs or Excise repealed.

VIII. 'And whereas by an Act passed in the Sixth Year of the Reign of King *George* the Fourth, 'intituled *An Act to repeal the Stamp Duties payable in* Great Britain *and* Ireland *upon the Transfer 'of Property in Ships and Vessels, and upon Bonds and Debentures required to be given in relation to the 'Duties, Drawbacks, and Bounties of Customs or Excise, and to grant other Duties of Stamps on such 'Bonds and Debentures,* the Stamp Duty of Five Shillings was granted and is now payable for and 'upon every Bond given pursuant to the Directions of any Act of Parliament, or by the Direction of the 'Commissioners of Customs or Excise, or any of their Officers, for or in respect of any of the Duties of 'Customs or Excise, or for preventing Frauds or Evasions thereof, or for any other Matter or Thing 'relating thereto, except certain Bonds in the said Act mentioned and exempted from the said Duty: 'And whereas it is expedient to repeal the said Duty granted by the last-recited Act, so far as relates to 'Bonds given with relation to the Drawback of any of the Duties of Customs or Excise on the Exportation of Goods to Foreign Parts;' be it therefore enacted, That from and after the passing of this Act the said Stamp Duty of Five Shillings granted by the said last-recited Act, so far as the same is charged or payable for or upon any Bond to be given pursuant to the Directions of any Act of Parliament, or by the Direction of the Commissioners of Customs or Excise, or any of their Officers, upon or with relation to the receiving or obtaining, or for entitling any Person to receive or obtain, any Drawback of any Duty or Duties or Part of any Duty or Duties of Customs or Excise, for or in respect of any Goods, Wares, or Merchandize exported or shipped to be exported from *Great Britain* or *Ireland* respectively to any Parts beyond the Seas, or for or upon any Bond to be given as aforesaid upon or with relation to the obtaining of any Debenture or Certificate for entitling any Person to receive any such Drawback as aforesaid, shall cease and determine, and the same is hereby repealed.

So much of 55 G. 3. c. 101. s. 30. requiring Public Notaries in Ireland to deliver Accounts of Bills and Notes noted by them, and to pay the Stamp Duties as for Protests thereof, repealed.

IX. 'And whereas by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, 'intituled *An Act to regulate the Collection of Stamp Duties on Matters in respect of which Licences 'may be granted by the Commissioners of Stamps in* Ireland, every Public Notary in *Ireland* is required, 'under a Penalty in the said Act contained, once in every Two Months to deliver or cause to be delivered 'at the Stamp Office in *Dublin* a faithful Account in Writing, verified as in the said Act is mentioned, 'of Bills of Exchange and Promissory Notes which shall have been noted by him for Nonacceptance or 'Nonpayment, and at the same Time to pay the Stamp Duty which would then by Law be payable for 'or in respect of every such Bill or Note, if protested in due Form of Law: And whereas it is expedient 'to repeal the said Enactment;' be it therefore enacted, That from and after the passing of this Act so much of the said last-recited Act as requires any such Account as aforesaid to be delivered, or as imposes any Penalty for the Nondelivery thereof, or for the Nonpayment of any Duty thereon, shall be and the same is hereby repealed.

Act may be amended, &c.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

The

The SCHEDULE to which this Act refers;

CONTAINING

THE DUTIES IMPOSED BY THIS ACT.

For and in respect of every Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Ship or Vessel, or upon any Goods, Merchandize, or other Property on board of any Ship or Vessel, or upon the Freight of any Ship or Vessel, or upon any other Interest in or relating to any Ship or Vessel which may lawfully be insured for or upon any Voyage whatever, the following Duties, where the whole Sum insured shall not exceed One hundred Pounds, and where the whole Sum insured shall exceed One hundred Pounds, then for every One hundred Pounds, and also for any fractional Part of One hundred Pounds, whereof the same shall consist; (that is to say,)

	£	s.	d.
Where the Premium or Consideration for such Insurance actually and bonâ fide paid, given, or contracted for shall not exceed the Rate of Ten Shillings per Centum on the Sum insured	0	0	3
And where the same shall exceed the Rate of Ten Shillings per Centum, and shall not exceed the Rate of Twenty Shillings per Centum, on the Sum insured	0	0	6
And where the same shall exceed the Rate of Twenty Shillings per Centum, and shall not exceed the Rate of Thirty Shillings per Centum, on the Sum insured	0	1	0
And where the same shall exceed the Rate of Thirty Shillings per Centum, and shall not exceed the Rate of Forty Shillings per Centum, on the Sum insured	0	2	0
And where the same shall exceed the Rate of Forty Shillings per Centum, and shall not exceed the Rate of Fifty Shillings per Centum, on the Sum insured	0	3	0
And where the same shall exceed the Rate of Fifty Shillings per Centum on the Sum insured	0	4	0
But if the separate Interests of Two or more distinct Persons shall be insured by one Policy or Instrument, then the said respective Duties, as the Case may require, shall be charged thereon in respect of each and every fractional Part of One hundred Pounds, as well as in respect of every full Sum of One hundred Pounds, which shall be thereby insured upon any separate and distinct Interest.			
And for and in respect of every Policy of Assurance or Insurance, or other Instrument whereby any such Insurance as aforesaid shall be made for any certain Term or Period of Time, the following Rates or Sums for every One hundred Pounds, and also for any fractional Part of One hundred Pounds, whereof the same shall consist; (that is to say,)			
Where any such Insurance shall be made for any Term or Period not exceeding Six Calendar Months	0	2	6
Exceeding Six Calendar Months	0	4	0
And for and in respect of every Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance, commonly called a Mutual Insurance, shall be made, or whereby divers Persons shall insure or agree to insure one another, without any Premium or pecuniary Consideration, from any Loss, Damage, or Misfortune that may happen of or to any Ship or Vessel, or any Goods, Merchandize, or other Property on board of any Ship or Vessel, or the Freight of any Ship or Vessel, or any other Interest in or relating to any Ship or Vessel which may lawfully be insured upon any Voyage whatever, and not for any Period of Time,			
For every Sum of One hundred Pounds, and also for each and every fractional Part of One hundred Pounds, thereby insured to any Person or Persons	0	2	6
And for and in respect of every Agreement, or Minute or Memorandum of an Agreement, now chargeable with the Duty of One Pound under the Head or Title of "Agreement" in the Schedule to the Act 55 Geo. 3. c. 184. annexed	0	2	6
And for and in respect of every Letter or Power of Attorney or other Instrument made for the sole Purpose of appointing or nominating a Proxy to vote at any Meeting of the Proprietors or Shareholders of or in any Joint Stock Company or other Company or Society whose Stock or Funds are divided into Shares and transferable	0	2	6

CAP. XXII.

An Act to amend the Laws now in force for preventing Frauds and Abuses in the marking of Gold and Silver Wares in *England*. [4th *July* 1844.]

13 G. 3. c. 59. 38 G. 3. c. 69.

'WHEREAS an Act was passed in the Thirteenth Year of the Reign of His late Majesty King 'George the Third, intituled *An Act for repealing so much of an Act of the Thirty-first Year of* 'His late Majesty as inflicts Capital Punishment for Frauds and Abuses in the marking or stamping of 'Gold or Silver Plate, and for inflicting another Punishment for the said Offence:* And whereas by an 'Act passed in the Thirty-eighth Year of the Reign of His said late Majesty King *George* the Third, 'intituled *An Act for allowing Gold Wares to be manufactured at a Standard lower than is now*

'*allowed*

'*allowed by Law*, it is enacted, "that from and after the said First Day of *October* One thousand seven 'hundred and ninety-eight if any Person shall forge, cast, or counterfeit, or cause or procure to be cast, 'forged, or counterfeited, the Mark or Stamp used or directed to be used in pursuance of this Act for the 'marking or stamping of Gold Plate by the Company of Goldsmiths in *London* or *Edinburgh*, or the *Bir-* 'mingham or *Sheffield* Company, or by the Wardens or Assayer or Assayers at *York*, *Exeter*, *Bristol*, 'Chester, *Norwich*, or *Newcastle-upon-Tyne*, or any or either of them, or shall cast, forge, or counterfeit, 'or shall cause or procure to be cast, forged, or counterfeited, any Mark, Stamp or Impression in imitation 'of or to resemble any Mark, Stamp, or Impression made or to be made with any Mark or Stamp used or 'to be used as aforesaid by the said Company of Goldsmiths in *London* or *Edinburgh*, or by the said 'Birmingham or *Sheffield* Companies, or by the said Wardens or Assayer or Assayers, or any or either of 'them, or shall mark or stamp, or cause or procure to be marked or stamped, any Wrought Plate of Gold, 'or any Wares of Silver, Brass, or other Metal gilt over and resembling Plate of Gold, with any Mark or 'Stamp which hath been or shall be forged or counterfeited at any Time, either before, on, or after the 'said First Day of *October* One thousand seven hundred and ninety-eight, in imitation of or to resemble 'any Mark or Stamp used or to be used as aforesaid by the said Company of Goldsmiths in *London* or 'Edinburgh, or by the said *Birmingham* or *Sheffield* Companies, or by the said Wardens or Assayer or 'Assayers, or any or either of them, or shall transpose or remove, cause or procure to be transposed or 'removed, from one Piece of wrought Plate to another, or to any Vessel of Silver, Brass, or other Metal 'as aforesaid, any Mark, Stamp, or Impression made or to be made by or with any Mark or Stamp used 'or to be used as aforesaid by the said Company of Goldsmiths in *London* or *Edinburgh*, or by the said 'Birmingham or *Sheffield* Companies, or by the said Wardens or Assayer or Assayers, or any or either 'of them, or shall sell, exchange, or expose to sale, or export out of this Kingdom, any wrought Plate of 'Gold, or any Vessel of Silver, Brass, or other Metal as aforesaid, with any such forged or counterfeit 'Mark, Stamp, or Impression thereon, or any Mark, Stamp, or Impression which hath been or shall be 'transferred or removed from any other Piece of Plate, knowing such Mark, Stamp, or Impression to be 'forged, counterfeited, or transposed or removed as aforesaid, or shall wilfully or knowingly have or 'be possessed of any Mark or Stamp which hath been or shall be forged or counterfeit in imitation of and 'to resemble any Mark or Stamp used or to be used as aforesaid by the said Company of Goldsmiths in 'London or *Edinburgh*, or by the said *Birmingham* and *Sheffield* Companies, or by the said Wardens 'or Assayer or Assayers, or any or either of them, every such Person offending in any such or either of 'the Cases aforesaid, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be 'transported to such Parts beyond the Seas as His Majesty, with the Advice of His Privy Council, shall 'direct, for the Space of Seven Years:" And whereas it is expedient to simplify the said Laws, and to 'alter the Punishments thereby imposed, and to make further Provision for preventing Frauds and 'Abuses in the marking of and dealing in Gold and Silver Wares:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, and so much of the said Act passed in the Thirty-eighth Year of the Reign of His said late Majesty King *George* the Third as is herein-before recited, shall be and the same are hereby repealed, so far as the same relate to that Part of the United Kingdom called *England*, except as to Offences committed before the Day on which this Act shall come into operation, which shall be dealt with and punished as if this Act had not been passed; nevertheless no Act or Part of an Act repealed by the said Act passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third shall be revived by the passing of this Act.

Recited Act 13 G. 3. c. 59. and § 7. of 38 G. 3. c. 69. repealed, except as to Offences already committed.

II. And be it enacted, That every Person who shall forge or counterfeit, or shall utter, knowing the same to be forged or counterfeited, any Die or other Instrument, or any Part of any Die or other Instrument, provided or used or to be provided or used by the Company of Goldsmiths in *London*, or by any of the several Companies of Goldsmiths in the Cities of *York*, *Exeter*, *Bristol*, *Chester*, or *Norwich*, or the Town of *Newcastle-upon-Tyne*, or by the Companies of Guardians of the Standard of Wrought Plate in the Towns of *Sheffield* or *Birmingham* respectively, for the marking or stamping of any Gold or Silver Wares; and every Person who shall mark with any such forged or counterfeit Die or other Instrument, or with any Part of such forged or counterfeit Die or other Instrument as aforesaid, any Ware of Gold or Silver, or any Ware of base Metal, or shall utter any such Ware of Gold or Silver, or any such Ware of base Metal, so marked as aforesaid, knowing the same to be so marked as aforesaid; and every Person who shall forge or counterfeit, or by any Means whatever produce an Imitation of, or shall utter, knowing the same to be forged or counterfeit or an Imitation, any Mark or Part of any Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, upon any Ware of Gold or Silver, or any Ware of base Metal; and every Person who shall transpose or remove, or shall utter, knowing the same to be transposed or removed, any Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, from any Ware of Gold or Silver to any other Ware of Gold or Silver, or to any Ware of base Metal; and every Person who shall without lawful Excuse (the Proof whereof shall lie on the Party accused) have in his Possession any such forged or counterfeit Die or other Instrument as aforesaid, or any Ware of Gold or Silver, or any Ware of base Metal, having thereupon the Mark of any such forged or counterfeit Die or other Instrument as aforesaid, or having thereupon any such forged or counterfeit Mark or Imitation of a Mark as aforesaid, or any Mark which shall have been so transposed or removed as aforesaid, knowing the same respectively to have been forged, counterfeited, imitated, marked,

Forging or counterfeiting any Die for marking Gold or Silver Wares, or knowingly uttering the same;

marking Wares with forged Die, or uttering;

forging any Mark of any Die, or uttering;

transposing or removing Marks, or uttering;

having in possession any such, knowing, &c.

cutting or severing Marks with Intent to affix upon other Wares; affixing any Mark cut or severed from any other Ware; or fraudulently using genuine Dies; Felony: Punishment.

marked, transposed, or removed; and every Person who shall cut or sever from any Ware of Gold or Silver any Mark or any Part of any Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, with Intent that such Mark or such Part of a Mark shall or may be placed upon or joined or affixed to any other Ware of Gold or Silver, or to any Ware of base Metal; and every Person who shall place upon or join or affix to any Ware of Gold or Silver, or any Ware of base Metal, any Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, which shall have been cut or severed from any Ware of Gold or Silver; and every Person who shall, with Intent to defraud Her Majesty, or any of the said several Companies of Goldsmiths and Guardians respectively, or any Person whatever, use any genuine Die or other Instrument provided or used or to be provided or used as aforesaid, and every Person counselling, aiding, or abetting any such Offender, shall be guilty of Felony, and shall, at the Discretion of the Court, either be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or be imprisoned, with or without hard Labour, for any Term not exceeding Three Years.

Penalty on Dealer selling, &c. or having in his Possession any Wares with forged Marks.

III. And be it enacted, That every Dealer in Gold or Silver Wares who shall sell or exchange, or expose or keep for sale, or shall export or import, or attempt to export or import, from or to *England*, or who shall have in his Possession without lawful Excuse (the Proof whereof shall lie upon him) any Ware of Gold or Silver, or any Ware of base Metal, having thereupon any Mark of any forged or counterfeit Die or other Instrument as aforesaid, or any forged or counterfeit Mark or Imitation of a Mark of any Die or other Instrument provided or used or to be provided or used by any of the several Companies of Goldsmiths and Guardians aforesaid for marking Gold or Silver Wares, or having thereupon any Mark which shall have been transposed or removed thereto from any other Ware of Gold or Silver, shall for every such Ware so sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to be exported or imported, or which shall so be in his Possession as aforesaid, forfeit and pay the Sum of Ten Pounds, which may be sued for and recovered by any of the several Companies of Goldsmiths and Guardians aforesaid in manner herein-after provided.

Dealers to be exempted in certain Cases.

IV. Provided always, and be it enacted, That every such Dealer in Gold or Silver Wares who shall have sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to export or import, or had in his Possession, any such Ware of Gold or Silver, or any such Ware of base Metal, having thereupon any Mark of any such forged or counterfeited Die or other Instrument as aforesaid, or any such forged or counterfeit Mark or Imitation of a Mark as aforesaid, or any Mark which shall have been so transposed or removed thereto as aforesaid, and shall within Twenty-one Days next after Notice thereof to him given by any of the several Companies of Goldsmiths or Guardians as aforesaid, or left at his usual Place of Abode, or at any House, Shop, or Place where he shall carry on or transact his said Trade or Business, discover and make known to the Company of Goldsmiths or Guardians in or nearest to the City, Town, or Place in which such Person shall reside, or shall carry on or transact his said Trade or Business, the Name and Place of Abode of the actual Manufacturer of any such Ware of Gold or Silver, or Ware of base Metal, or of the Person or Persons from whom such Dealer in Gold or Silver Wares bought, had, or received the same respectively, then such Dealer in Gold or Silver Wares shall be and he is hereby exempted and discharged from any Penalty or Forfeiture incurred by reason of his having so sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to export or import, or having in his Possession, any such Ware of Gold or Silver, or Ware of base Metal, as aforesaid, any thing herein-before contained to the contrary thereof notwithstanding: Provided always, that nothing herein contained shall extend to exempt any Person from the legal Consequences of uttering or of having in his Possession any such Ware as aforesaid, knowing the same to be marked with a forged or counterfeit Die or other Instrument, or knowing the Mark thereupon to be forged, counterfeited, imitated, transposed, or removed, if such Knowledge shall be duly proved in any Criminal Prosecution or Proceeding against such Person for any such Offence.

Not to exempt Persons from the Consequences of uttering with guilty Knowledge.

Where any Alterations or Additions are made, the Ware so altered or added to shall be again assayed, and marked as new, and Duty paid upon the whole.

V. And be it enacted, That if any Ware of Gold or Silver which shall have been duly assayed and marked at any Assay Office of any of the several Companies of Goldsmiths or Guardians aforesaid shall at any Time after the passing of this Act be altered, either by any Addition made thereto or otherwise, so that the Character or Denomination of such Ware, or the Use or Purpose for which the same was originally made or designed, shall be changed, or if any such Ware of Gold or Silver shall at any Time after the passing of this Act have any Addition made thereto (although its Character, Denomination, Use, or Purpose shall not be changed by reason of any such Addition), the Weight of which said Addition shall bear a greater Proportion to the original Weight of such Ware than Four Ounces Weight of such Addition to every Pound Troy Weight of such original Ware, every such Ware so altered or added to as aforesaid shall be again brought to the Assay Office of some one of the several Companies of Goldsmiths or Guardians aforesaid, and shall be assayed and marked as a new Ware, and as if no Part thereof had been before assayed, and notwithstanding any former Assay thereof, or the Marks of any such former Assay thereupon, and the Duty shall be paid upon the whole Weight of every such Ware, and of every Addition thereto (if any shall be made or intended to be made), without any Allowance for the Duty which may have been before paid upon any such Ware, or any Part thereof: Provided always, that if any Ware of Gold or Silver shall have any such Addition made thereto as last aforesaid, and the whole Weight of such Addition made thereto shall not bear a greater Proportion to the original Weight of such Ware than Four Ounces Weight of such Addition to every Pound Troy Weight of such original Ware, and so that the Character or Denomination, Use or Purpose, of such Ware, shall not be changed, it shall be lawful for the Company of Goldsmiths or Guardians at any such Assay Office to allow the

Proviso for Cases where an Addition only is made to any Ware.

Addition

Addition thereto only to be assayed and marked, and to receive and take the Duty on the Weight of such Addition thereto only; provided that before any such Addition shall be made thereto the said Ware shall be brought to such Office for the Inspection of such Company of Goldsmiths or Guardians aforesaid, and the Nature and Extent of the intended Additions thereto shall be fully explained to such Company, and such Company shall signify their Assent to the making of such Addition thereto; and every Dealer in Gold or Silver Wares who shall by any Means whatever alter or change the Character or Denomination of any Ware of Gold or Silver which shall have been before assayed and marked by any of the several Companies of Goldsmiths or Guardians aforesaid, so that the Use or Purpose for which the same was originally made or designed shall be changed, and every Dealer in Gold or Silver Wares who shall make or affix, or cause to be made or affixed, to any Ware of Gold or Silver which shall have been before assayed and marked at any Assay Office of any of the several Companies of Goldsmiths or Guardians aforesaid, any Addition of Gold or Silver, or any Addition of base Metal, the Weight of which said Addition thereto shall bear a greater Proportion to the original Weight of such Ware than Four Ounces Weight of such Addition to every Pound Troy Weight of such original Ware, without bringing or sending such Ware of Gold or Silver, so altered, changed, or added to as aforesaid, with every Addition made or intended to be made thereto, to the Assay Office of some one of the several Companies of Goldsmiths or Guardians aforesaid, to be assayed and marked as a new Ware, and every Dealer in Gold or Silver Wares who shall make or affix to any Ware of Gold or Silver which shall have been before assayed and marked as aforesaid any Addition of Gold or Silver, or any Addition of base Metal, the whole Weight of which said Addition shall not bear a greater Proportion to the original Weight of such Ware than Four Ounces Weight of such Addition to every Pound Troy Weight of such original Ware, without bringing or sending such last-mentioned Gold or Silver Ware so added to as last aforesaid, with every Addition intended to be made thereto, to the Assay Office of some one of the several Companies of Goldsmiths or Guardians aforesaid, for the Inspection of the said Company, and fully explaining the Nature and Extent of the intended Addition thereto to the said Company, and obtaining and procuring the Assent of the said Company to the making of such Addition before any such Addition shall be made thereto; and every Dealer in Gold or Silver Wares who shall sell or exchange, or expose or keep for sale, or export or attempt to export from *England*, or shall have in his Possession, any such Ware of Gold or Silver which shall have been so altered, changed, or added to as aforesaid, the same, or the Addition thereto, not having been so assayed and marked as aforesaid, shall for every such Ware forfeit and pay the Sum of Ten Pounds, which may be sued for and recovered by any of the several Companies of Goldsmiths or Guardians aforesaid respectively in the Manner herein-after provided; and every such Ware of Gold or Silver, if found at any House, Shop, or Place where any such Dealer in Gold or Silver Wares shall carry on or transact his Trade or Business, shall and may be lawfully seized by any of the several Companies of Goldsmiths or Guardians aforesaid, and by them be dealt with as herein-after is directed.

Penalty upon any Dealer altering or adding to any Ware without bringing same to be re-assayed and re-marked, or if only of a certain Weight, without procuring the Assent of any Company thereto;

and upon every Dealer selling such Ware without the same being marked;

and such Ware to be seized.

VI. Provided always, and be it enacted, That every such Dealer in Gold or Silver Wares who shall have sold or exchanged, or exposed or kept for sale, or exported or attempted to export from *England*, or had in his Possession, any such Ware of Gold or Silver which shall have been so altered, changed, or added to as aforesaid, the same or the Addition thereto not having been so assayed and marked as aforesaid, and shall within Twenty-one Days next after Notice thereof to him given by any of the several Companies of Goldsmiths or Guardians aforesaid, or left at his usual Place of Abode, or at any House, Shop, or Place where he shall carry on or transact his said Trade or Business, discover and make known to the Company of Goldsmiths or Guardians in or nearest to the City, Town, or Place in which such Person shall reside, or shall carry on or transact his said Trade or Business, the Name and Place of Abode of the actual Manufacturer of any such Ware of Gold or Silver as last aforesaid, or of the Person or Persons from whom such Dealer in Gold or Silver Wares bought, had, or received the same respectively, then such Dealer in Gold or Silver Wares shall be and he is hereby exempted and discharged from any Penalty or Forfeiture incurred by reason of his having so sold or exchanged, or exposed or kept for sale, or exported or attempted to export, or having in his Possession, any such Ware of Gold or Silver as last aforesaid, any thing herein-before contained to the contrary thereof notwithstanding.

Dealers to be exempted in certain Cases.

VII. And for the further Prevention of Abuses in the making and assaying of Gold and Silver Wares, be it enacted, That if any Assayer or other Officer of or Person employed by the Company of Goldsmiths in *London*, or any of the several Companies of Goldsmiths of the Cities of *York*, *Exeter*, *Bristol*, *Chester*, or *Norwich*, or of the Town of *Newcastle-upon-Tyne*, or either of the Companies of Guardians of the Standard of wrought Plate in the Towns of *Sheffield* or *Birmingham* respectively, shall mark, or permit or suffer to be marked, any Ware of base Metal with any Die or other Instrument used or to be used by any such Company for marking Gold or Silver Wares to denote that the same is of the Standard allowed and required by Law, every such Company of Goldsmiths or Guardians aforesaid to which any such Assayer or Officer shall belong or by whom such Person shall be employed shall for every such Offence forfeit and pay to Her Majesty the Sum of Twenty Pounds, which may be sued for and recovered in such and the like Manner as Penalties recoverable under any Act in force relating to Stamp Duties are to be sued for and recovered by Law; and every such Assayer or other Officer or Person employed as aforesaid, upon Complaint or Information made thereof by any Officer of Stamp Duties to any Justice of the Peace having Jurisdiction where any such Offence shall be committed, upon the Oath of One or more credible Person or Persons (which Oath such Justice is hereby empowered and required to administer), and upon being convicted thereof by or before such Justice, shall be by him forthwith dismissed and

If any Officer of any of the Halls shall mark any base Metal with any Die, &c. such Company to be liable to Penalty of 20*l.*;

the Officer to be dismissed;

discharged from his said Office and Employment of or in the Company of Goldsmiths or Guardians aforesaid to or in which he shall have so belonged or been so employed as aforesaid, and shall be incapable for ever afterwards of holding any Office or Employment either in or under the same or any other of the Companies of Goldsmiths or Guardians aforesaid; and every Ware of base Metal so marked as last aforesaid, when found in the Possession of any Dealer, or of any Officer of the Companies of Goldsmiths or Guardians aforesaid, shall and may be lawfully seized by any of the said Companies of Goldsmiths or Guardians aforesaid, other than the Company to which the offending Officer belongs, or by whom he is employed, and shall be dealt with as herein-after is provided.

and every such Ware to be seized.

Dealer to enter every Place wherein he shall carry on his Business or deposit Wares, &c.

VIII. And be it enacted, That every Dealer in Gold or Silver Wares who shall enter his private Mark under the Laws now in force with any of the Companies of Goldsmiths or Guardians aforesaid, shall at the Time he so enters his private Mark at the Hall or Office of any such Company give to the Officer there appointed to take the Entry of his said private Mark the Particulars of every House, Shop, and other Place in which he shall or may carry on or transact any Part of his said Trade or Business, and in which he shall or may deposit or keep any Gold or Silver Wares, as well as the Place of his Abode, in order that an Entry may be made at such Hall or Office of every such House, Shop, and other Place as aforesaid; and every such Dealer in Gold or Silver Wares shall from Time to Time enter in like Manner at such Hall or Office of any of the Companies of Goldsmiths or Guardians aforesaid where his private Mark has already been or may hereafter be entered the Particulars of every House, Shop, and other Place in which he shall or may from Time to Time transact or carry on any Part of his said Trade or Business, or in which he shall or may from Time to Time keep or deposit any Gold or Silver Wares, in order that an Entry may from Time to Time be made at such Hall or Office of every such House, Shop, and other Place as aforesaid; and every such Dealer in Gold or Silver Wares who shall fail, neglect, or refuse to give any such Particulars as aforesaid, and to cause such Entry of the same to be made as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds, which may be sued for and recovered in the Manner herein-after provided by the Company of Goldsmiths or Guardians aforesaid in respect whereof such Default shall have been made.

Penalty 5*l.*

Penalty for any Dealer erasing, obliterating, or defacing any Mark.

IX. And be it enacted, That every Dealer in Gold or Silver Wares who shall fraudulently erase, obliterate, or deface, or fraudulently cause to be erased, obliterated, or defaced, from any Ware of Gold or Silver, any Mark of any Die, Punch, or other Instrument used or to be used by any of the several Companies of Goldsmiths or Guardians aforesaid for the marking or stamping of Gold or Silver Wares, or any private Mark of any Dealer in Gold or Silver Wares, shall for every such Offence forfeit and pay the Sum of Five Pounds, which may be sued for and recovered by any of the several Companies of Goldsmiths or Guardians aforesaid respectively in the Manner herein-after provided.

Recovery and Application of Penalties.

X. And be it enacted, That the several pecuniary Forfeitures and Penalties imposed by this Act shall and may be sued for and recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information in the Name of any Master, Warden, Assayer, Clerk, or other Officer of any of the said several Companies respectively entitled to sue for or recover the same, or where the Penalty shall be forfeited to Her Majesty in the Name of the Attorney General, or by Information in the Name of any such Officer, or where the Penalty shall be forfeited to Her Majesty in the Name of an Officer of Stamp Duties, before a Justice of the Peace, in like Manner as any Penalty may be recovered before any such Justice by any Officer of Stamp Duties; and every such Penalty which shall be sued for and recovered in the Name of any Officer of the said several Companies respectively shall go and be paid wholly to the Company to which such Officer shall belong, to be applied by such Company in defraying the Expences of their Assay Office, and of detecting and prosecuting Offenders against this Act.

Upon Information given upon Oath against Persons suspected of having in possession illegal Wares, &c. Justices may grant Search Warrants.

XI. And be it enacted, That whenever any of the said several Companies of Goldsmiths or Guardians aforesaid shall have reasonable or probable Cause to suspect that any Dealer in Gold and Silver Wares hath concealed or deposited in any House, Shop, or Place, or hath possession of any Wares of Gold or Silver which ought to be marked with any of the Marks provided or used or to be provided or used by any of the said Companies of Goldsmiths or Guardians respectively, for marking or stamping Gold or Silver Wares, and not so marked, or hath concealed or deposited as aforesaid, or hath possession of any such forged or counterfeit Die or other Instrument, or any Ware of Gold or Silver, or Ware of base Metal, having thereupon any Mark of any such forged or counterfeited Die or other Instrument as aforesaid, or having thereupon any forged or counterfeited Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, or any Mark which shall have been so transposed or removed thereto as aforesaid, it shall be lawful for any Justice of the Peace having Jurisdiction where any or either of such Offences shall be suspected to be committed, and such Justice is hereby required, upon Information or Complaint made of any such reasonable or probable Cause of Suspicion, by or on behalf of any of the several Companies of Goldsmiths or Guardians aforesaid, and upon the Oath of One or more credible Person or Persons (which Oath such Justice is hereby empowered and required to administer), to grant a Warrant under his Hand directed to any One or more of the Officers of any of the several Companies of Goldsmiths or Guardians aforesaid, together with any Constable or other Peace Officer named in such Warrant, authorizing and empowering such Officer of the said Companies respectively, and such Constable or other Peace Officer as aforesaid, with necessary and proper Assistance, to enter in the Day-time into any such House, Shop, or Place as aforesaid, or any other House, Shop, or Place of any such suspected Person, and to search the same, and to seize and take away every such forged or counterfeited Die or other Instrument, and every such Ware as aforesaid, which shall there be found; and all

Constables

Constables and other Peace Officers shall and they are hereby required to be aiding and assisting in the Execution of every such Warrant as aforesaid; and every such forged and counterfeited Die or other Instrument, and every such Ware as aforesaid, so there found, seized, and taken, shall and may be dealt with as herein-after is provided: Provided always, and it is hereby declared, that nothing in this Act contained shall authorize the Search for or Seizure of any Wares which by the Laws now in force are not required to be marked or stamped by any of the Companies of Goldsmiths or Guardians aforesaid, or any of the Wares following; namely, Watch Rings, Watch Keys, Watch Hooks, Earrings, Necklaces, Eye-glasses, Spectacles of Gold, Shirt Pins or Studs, Bracelets, Head Ornaments, Waist Buckles.

Nothing herein to authorize the Search for or Seizure of Wares not required to be marked.

XII. And be it enacted, That every Die, Punch, or other Instrument which shall or may be lawfully seized or taken under this Act by the said Company of Goldsmiths in *London*, or by any of the several Companies of Goldsmiths or Guardians aforesaid, or by any Officer of any of the said Companies respectively, shall be broken, detained, and destroyed by such Company; and every such Ware so seized or taken as aforesaid, if it shall be shown to the Satisfaction of the Court or Justice or Justices before whom Proceedings shall be had in respect of such Ware that the same has been lawfully seized and taken under the Provisions of this Act, shall be broken and defaced; and in case it shall be shown to the Satisfaction of such Court or Justice or Justices that the Dealer from whom the same shall have been so seized or taken had such Ware in his Possession, knowing the same to be marked with a forged or counterfeit Die or other Instrument, or knowing the Mark thereupon to be forged, counterfeit, imitated, transferred, or removed, or knowing such Ware to have been altered, changed, or added to as aforesaid (the same or the Addition thereto not having been assayed or marked as required by this Act), or knowing such Ware to be of base Metal, then and in every such Case, and likewise in every Case in which such Ware has been seized or taken from any Officer of any Company of Goldsmiths or Guardians aforesaid as being of base Metal, and fraudulently marked, every such Ware so broken and defaced shall be melted and the Metal thereof shall be sold and disposed of, and the Produce thereof shall be entered in the Book of Account of Receipts and Payments relating to the Assay Office belonging to the said Company by whom or by whose Officer such Ware shall have been so seized or taken, and shall be applied towards defraying the general Expences of the Assay Office of such Company, and in the Prosecution of Offenders under this Act; and, save and except as aforesaid, every such Ware so seized and taken, or broken and defaced, shall be given back to the Dealer from whom it shall have been so seized and taken.

False Dies and Wares seized, how to be disposed of.

XIII. And be it enacted, That all Actions and Prosecutions which shall be brought or commenced against any Person for any thing done in pursuance or under the Authority of this Act shall be commenced and prosecuted within Three Calendar Months next after the Fact committed, and not afterwards, and shall be brought and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and the Defendant in such Action may plead the General Issue, and give this Act and any other Matter or Thing in Evidence at any Trial to be had thereupon; and if the Cause of Action shall appear to arise from any Matter or Thing done in pursuance and by the Authority of this Act, or if any such Action shall be brought after the Expiration of such Three Calendar Months, or shall be brought in any other County or Place than as aforesaid, or if Notice of such Action shall not have been given in manner aforesaid, or if Tender of sufficient Amends shall have been made before such Action commenced, or if a sufficient Sum of Money shall have been paid into Court after such Action commenced, by or on behalf of the Defendant, the Jury shall find a Verdict for the Defendant; and if a Verdict shall pass for the Defendant, or if the Plaintiff shall become Nonsuit, or shall discontinue any such Action, or if, on Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs of Suit as between Attorney and Client, and shall have the like Remedy for the same as any Defendant may have for Cost of Suit in other Cases at Law; and, although a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be had shall at the Time of such Trial certify in Writing his Approbation of the Action, and of the Verdict obtained thereupon.

Limitation of Actions.

Venue local.

Notice of Action

General Issue.

Tender of Amends.

Costs.

XIV. And for the better Interpretation of this Act, and to avoid the frequent Use of divers Terms and Expressions, be it enacted, That the following Terms and Expressions shall have the several Interpretations herein-after respectively set forth; (that is to say,) the Term "base Metal" shall mean any Metal whatsoever other than Gold or Silver of the respective Standards required by Law; and the Term "Dealer in Gold or Silver Wares" shall mean and include every Goldsmith and Silversmith, and every Worker, Maker, and Manufacturer of and Trader and Dealer in Gold or Silver Wares; and the Term "Die" shall mean and include any Die, Plate, Tool, or Instrument whatever, by means whereof any Mark can or shall be made upon any Metal whatsoever; and the Term "Her Majesty" shall mean and include Her Majesty, Her Heirs and Successors; and the Term "Mark" shall mean and include any Mark, Stamp, or Impression of and made with any Die or other Instrument, or produced by any other Means whatsoever upon any Metal whatsoever; and the Term "Ware" shall mean and include any Plate, Vessel, Article, or Manufacture of any Metal whatsoever; and whenever in this Act, with reference to any Person or Matter or Thing, or to any Persons or Matters or Things, the Singular or Plural Number or the Masculine Gender only is expressed, such Expression shall be understood to include several Persons or Matters or Things as well as one Person or Matter or Thing, and one Person, Matter, or Thing as well as several Persons or Matters or Things, Females as well as Males, Bodies Politic or Corporate as well as Individuals, unless it be otherwise specially provided, or the Subject or Context be repugnant to such Construction.

Construction and Interpretation of Terms.

Base Metal.

Dealer.

Die.

Her Majesty's

Mark.

Ware.

XV. 'And

After 1st Oct. 1844 Gold Wares of a certain Standard to be marked with a Crown and the Figures 22 instead of the Lion passant.

XV. 'And whereas all Gold Wares of the Standard or Fineness of Twenty-two Carats of fine Gold in 'every Pound Troy assayed by any of the said Companies of Goldsmiths and Guardians are by certain 'Statutes now in force required to be marked with the same Mark as that with which all Silver Wares of 'the Standard or Fineness of Eleven Ounces and Two Pennyweights, assayed as aforesaid, are required 'to be marked, (that is to say,) with the Figure of the Lion passant, in order to denote the Standards 'thereof respectively, whereby great Facilities to Frauds are afforded, and extensive Frauds have been 'committed by Dealers in Gold and Silver Wares; and it is expedient that all Gold Wares of the Stan-'dard or Fineness aforesaid, and so assayed as aforesaid, should be marked by a different Mark, to denote 'the Standard thereof, from the Mark so used for the said Silver Wares as aforesaid;' be it therefore enacted, That from and after the First Day of *October* One thousand eight hundred and forty-four there shall be struck or marked by the said Company of Goldsmiths in *London*, and by the several Companies of Goldsmiths in the Cities of *York*, *Exeter*, *Bristol*, *Chester*, and *Norwich*, and the Town of *Newcastle-upon-Tyne*, and the Company of Guardians of the Standard of wrought Plate in the Town of *Birmingham*, upon all Gold Wares of the Standard or Fineness of Twenty-two Carats of fine Gold in every Pound Troy, brought to them respectively to be assayed, the Mark of a Crown and the Figures 22, instead of the Mark of the Lion passant.

Extending the Powers, Penalties, and Provisions concerning the Marks formerly used to the Marks directed to be made use of by this Act.

XVI. And be it enacted, That the Rules, Directions, Powers, Privileges, Pains, Penalties, Forfeitures, Causes, Matters, and Things enacted or provided in and by any of the Laws and Statutes of this Realm now in force in relation to the Mark of the Lion passant on Gold Wares of the Standard or Fineness of Twenty-two Carats in the Pound Troy, and assayed as aforesaid, and also in relation to the Die used for making the said Mark of the Lion passant, shall extend to, and be continued, applied, practised, and put in execution in all Cases relating to the said Mark of a Crown and the Figures 22 hereby directed to be used for the Gold Wares aforesaid, and also relating to the said Die to be used for making the said Mark, as fully and effectually, to all Intents and Purposes, as if the same Rules, Directions, Powers, Privileges, Pains, Penalties, Forfeitures, Causes, Matters, and Things were again particularly repeated and enacted in and by the present Act, any thing in the Statutes now in force or any of them contained to the contrary notwithstanding.

Limitation of Act.

XVII. And be it enacted, That this Act shall not extend to *Scotland* or *Ireland*.

Commencement

XVIII. And be it enacted, That this Act shall come into operation on the First Day of *October* One thousand eight hundred and forty-four.

Amendment.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

CAP. XXIII.

2 & 3 Vict. c. 77. An Act to continue for Five Years an Act of the Second and Third Years of Her present Majesty, for the better Prevention and Punishment of Assaults in *Ireland*. [4th *July* 1844.]

CAP. XXIV.

An Act for abolishing the Offences of forestalling, regrating, and engrossing, and for repealing certain Statutes passed in restraint of Trade. [4th *July* 1844.]

'WHEREAS divers Statutes have been from Time to Time made in the Parliaments of *England*, '*Scotland*, *Great Britain*, and *Ireland* respectively prohibiting certain Dealings in Wares, 'Victuals, Merchandize, and various Commodities by the Names of badgering, forestalling, regrating, and 'engrossing, and subjecting to divers Punishments, Penalties, and Forfeitures Persons so dealing: And 'whereas it is expedient that such Statutes, as well as certain other Statutes made in hindrance and in 'restraint of Trade, be repealed: And whereas an Act of the Parliament of *Great Britain* was passed in 12 G. 3. c 71. 'the Twelfth Year of the Reign of King *George* the Third, intituled *An Act for repealing several Laws 'therein mentioned against Badgers, Engrossers, Forestallers, and Regraters, and for indemnifying 'Persons against Prosecutions for Offences committed against the said Acts*, whereby, after reciting that 'it had been found by Experience that the restraint laid by several Statutes upon the dealing in Corn, 'Meal, Flour, Cattle, and sundry other Sorts of Victuals, by preventing a free Trade in the said Commo-'dities, have a Tendency to discourage the Growth and to enhance the Price of the same, which Statutes, 'if put in execution, would bring great Distress upon the Inhabitants of many Parts of this Kingdom, 'and in particular upon those of the Cities of *London* and *Westminster*, sundry Acts therein mentioned, 'and all the Acts made for the better Enforcement of the same, were repealed, as being detrimental to 'the Supply of the labouring and manufacturing Poor of this Kingdom: And whereas, notwithstanding 'the making of the first-recited Act, Persons are still liable to be prosecuted for badgering, engrossing, 'forestalling, and regrating, as being Offences at Common Law, and also forbidden by divers Statutes 'made before the earliest of the Statutes thereby repealed:' For Remedy thereof, and for the Extension of the same Remedy to *Scotland* and to *Ireland*, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act the several Offences of badgering, engrossing, forestalling, and regrating be utterly taken away and abolished, and that no Information, Indictment, Suit, or Prosecution shall lie either at Common Law or by virtue of any

Offences of badgering, engrossing, fore-

any Statute, or be commenced or prosecuted against any Person for or by reason of any of the said Offences or supposed Offences. stalling, &c. abolished.

II. And be it enacted, That the several Acts and Parts of Acts made in the Parliaments of *England* and *Scotland*, *Great Britain* and *Ireland*, herein-after mentioned, shall be repealed, but not so as to revive any Act repealed by any of the Acts hereby repealed; (that is to say,) Repeal of certain Acts and Parts of Acts.

The following Acts and Parts of Acts of the Parliament of *England*; to wit,

So much of an Act passed in the Fifty-first Year of the Reign of King *Henry* the Third, intituled *A Statute of the Pillory and Tumbrel, and of the Assize of Bread and Ale*, as is now in force: 51 Hen. 3. Judicium Pilloriæ.

So much of an Act passed in the Twelfth Year of the Reign of King *Edward* the Second, intituled *No Officer of a City or Borough shall sell Wine or Victual during his Office*, as is now in force: 12 Edw. 2. c. 6.

So much of an Act passed in the Reign of King *Henry* the Third, King *Edward* the First, or King *Edward* the Second, intituled *The Punishment of a Butcher selling unwholesome Flesh*, as provides Punishment for a Butcher or Cook that buyeth Flesh of Jews and selleth the same unto Christians: Temp. Hen. 3. Edw. 1. Edw. 2. c. 7.

The whole of an Act passed in One of the Three last-mentioned Reigns, intituled *No Forestaller shall be suffered to dwell in any Town*: c. 10.

The whole of an Act passed in the Twenty-third Year of the Reign of King *Edward* the Third, intituled *Victuals shall be sold at reasonable Prices*: 23 Edw. 3. c. 6.

The whole of an Act passed in the Twenty-fifth Year of the same Reign, intituled *The Penalty of him that doth forestall Wares, Merchandize, or Victual*: 25 Edw. 3. Stat. 4. c. 3.

So much of an Act passed in the Twenty-seventh of the same Reign, intituled *A Statute of Provisors*, as provides that Commissions shall be granted to inquire of Offenders contrary to the Statute of 23 *Edw.* 3. c. 6., and as enacts, "The Penalty for forestalling of Merchandizes before they come to the Staple:" 27 Edw. 3. Stat. 1. c. 3. Stat. 2. c. 11.

The whole of Two Acts passed in the Thirty-first Year of the same Reign, respectively intituled *The Statute of Herrings* and *Another Statute of Salt Fish*: 31 Edw. 3. Stat. 2. Stat. 3.

The whole of an Act passed in the Thirty-fifth Year of the same Reign, intituled *An Ordinance of Herring*: 35 Edw. 3.

So much of an Act passed in the Thirty-seventh Year of the same Reign, intituled *Merchants shall not ingross Merchandizes to inhance the Prices of them, nor use but one Sort of Merchandize*, as is now in force: 37 Edw. 3. c. 5.

The whole of an Act passed in the same Year, intituled *Clothiers shall make Cloths sufficient for the foresaid Prices, so that this Statute for default of such Cloths be in nowise infringed*: 37 Edw. 3. c. 15.

The whole of an Act passed in the Second Year of the Reign of King *Richard* the Second, intituled *A Confirmation of the Statute of* 25 Edw. 3. *St.* 4. *c.* 3. *against Forestallers*: 2 Rich. 2. Stat. 1. c. 2.

So much of an Act passed in the Thirteenth Year of the same Reign, intituled *The Rates of Labourers Wages shall be assessed and proclaimed by the Justices of the Peace, and they shall assess the Gains of Victuallers; who shall make Home Bread, and the Weight and Price thereof*, as is now in force: 13 Rich. 2. Stat. 1. c. 8.

So much of an Act passed in the Fourth Year of the Reign of King *Henry* the Fourth, intituled *An Hostler shall not make Horse Bread; how much he may take for Oats*, as is now in force: 4 Hen. 4. c. 25.

So much of an Act passed in the Twenty-fifth Year of the Reign of King *Henry* the Eighth, intituled *Proclamations for the Prices of Victuals*, viz. *the pricing of them and proclaiming the Prices*, as is now in force: 25 Hen. 8. c. 2.

So much of an Act passed in the Twenty-eighth Year of the same Reign, intituled *For Prices of Wines*, as is now in force, not relating to the gauging and measuring of Wine, Oils, Honey, or any other Liquors or Things: 28 Hen. 8. c. 14.

So much of Two Acts passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *Edward* the Sixth, respectively intituled *An Act for buying and selling of rother Beasts and Cattle*, and *An Act for the buying and selling of Butter and Cheese*, as is now in force: 3 & 4 Edw. 6. c. 19. 3 & 4 Edw. 6. c. 21.

The whole of an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the same Reign, intituled *An Act against Regraters and Ingrossers of tanned Leather*, except the Prohibition of currying or dressing tanned Leather within the City of *London* and the Suburbs thereof as provided by the last-mentioned Act: 5 & 6 Edw. 6. c. 15.

Also the following Acts of the Parliament of *Scotland*; to wit,

An Act passed in the Year One thousand five hundred and three, intituled *Of Malt Makaris in Burrow Touns*: 1503. c. 38.

An Act passed in the Year One thousand five hundred and thirty-five, intituled *Off Forstallaris*: 1535. c. 26.

An Act passed in the Year One thousand five hundred and forty, intituled *For eschewing of Derth of Wittalis, Flesche, and Fysche*: 1540. c. 16.

Also an Act of the same Year, intituled *For stanching of Derth and Prices of Wyne, Salt, and Tymmer*: c. 18.

Also an Act of the same Year, intituled *Anentis Forstallaris*: c. 32.

An Act passed in the Year One thousand five hundred and fifty-five, intituled *Anent the Disposition of Wyne, Salt, and Tymmer brocht into the Realme*: 1555. c. 35.

An Act passed in the Year One thousand five hundred and seventy-nine, intituled *For Punishment of Regrataris and Forstallaris*: 1579. c. 26.

An

1592. c. 70. An Act passed in the Year One thousand five hundred and ninety-two, intituled *Aganis Foirstallaris and Regraittaris:*

1661. c. 280. An Act passed in the Year One thousand six hundred and sixty-one, intituled *An Act for erecting of Manufactories:*

Also the following Acts and Parts of Acts of the Parliament of *Ireland;* to wit,

4 Edw. 4. c. 2. The whole of an Act passed in the Fourth Year of the Reign of King *Edward* the Fourth, intituled *An Act against Engrossers and Regraters of Corn:*

37 Hen. 8. c. 2. 11 Eliz. c. 4. The whole of an Act passed in the Thirty-third Year of the Reign of King *Henry* the Eighth, intituled *An Act for Grey Merchants*, as revived and perpetuated by a subsequent Act passed in the Eleventh Year of the Reign of Queen *Elizabeth*, intituled *An Act for reviving the Statute against Grey Merchants, the Statute for Servants Wages, and the Statute of Jeofails:*

2 Ann. c. 15. So much of an Act passed in the Second Year of the Reign of Queen *Anne*, intituled *An Act to prohibit Butchers from being Grazers, and to redress several Abuses in buying and selling of Cattle*,

9 Ann. c. 7. which Act is perpetuated by another Act made in the Ninth Year of the Reign of Queen *Anne*, as prohibits any Butcher from being a Grazier, or keeping in his Possession, or in trust for him, above Twenty Acres of Land, or from selling any Cattle to any other Butcher in *Dublin*, or within Five Miles thereof, or from keeping at Hay or Feed Oxen or other Cattle for above Ten Days, or from exposing for sale any Oxen or other Cattle within Twenty Miles of the Place where bought; and which prohibits any Person from selling or exposing for sale any Cattle or Sheep on the same Day when bought:

10 G. 1. c. 10. s. 1. So much of an Act passed in the Tenth Year of the Reign of King *George* the First, intituled *An Act for regulating Abuses committed in buying and selling Cattle and Sheep in the several Markets of this Kingdom*, as prohibits Cattle from being bought within Six Miles of any Market:

15 G. 2. c. 9. The whole of an Act passed in the Fifteenth Year of the Reign of King *George* the Second, intituled *An Act to explain and amend a Clause in an Act passed in the Second Year of the Reign of Queen* Anne, *intituled, 'An Act to prohibit Butchers from being Grazers, and to redress several Abuses 'in buying and selling of Cattle, and in slaughtering, and packing of Beef, Tallow, and Hides:'*

31 G. 2. c. 8. The whole of an Act passed in the Thirty-first Year of the Reign of King *George* the Second, intituled *An Act to prohibit Salesmen from being Grazers, and to redress several Abuses in buying and selling Cattle or Meat:*

13&14 G. 3. c. 22. s. 73. So much of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of King *George* the Third, intituled *An Act for paving Streets within the City and County of the City of* Dublin, as authorizes a Market Jury to seize Provisions or Victuals in the Hands of any Forestaller, Regrater, or Engrosser:

27 G. 3. c. 46. s. 3. So much of an Act passed in the Twenty-seventh Year of the Reign of King *George* the Third, intituled *An Act for establishing Market Juries in Cities*, as authorizes and empowers certain Market Juries to seize Provisions or Victuals found in the Hands of Forestallers, Regraters, and Engrossers.

Acts repealed as to G. B. by 12 G. 3. c. 71. to be as to G. B. and I.

III. And be it enacted, That the several Acts and Parts of Acts which were repealed, as to *Great Britain*, by the first-recited Act of the Twelfth Year of the Reign of King *George* the Third, shall be taken, after the passing of this Act, to be repealed as to the United Kingdom of *Great Britain* and *Ireland*.

Nothing in this Act to apply to spreading false Rumours.

IV. Provided always, and be it enacted, That nothing in this Act contained shall be construed to apply to the Offence of knowingly and fraudulently spreading or conspiring to spread any false Rumour, with Intent to enhance or decry the Price of any Goods or Merchandize, or to the Offence of preventing or endeavouring to prevent by Force or Threats any Goods, Wares, or Merchandize being brought to any Fair or Market, but that every such Offence may be inquired of, tried, and punished as if this Act had not been made.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XXV.

An Act to repeal the Duty of Excise on Vinegar, and to make the Duties and Drawbacks now payable on Flint Glass the same as on Bottle Glass. (*) [4th *July* 1844.]

6 G. 4. c. 37. 'WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the 'Fourth, intituled *An Act to provide for the future Assimilation of the Duties of Excise upon 'Sweets or Made Wines, upon Mead and Metheglin, upon Vinegar, and upon Cyder and Perry, in* Great 'Britain *and* Ireland, *and to continue the Duty of Excise on Sweets or Made Wines in* Great Britain 'until the Fifth Day of January *One thousand eight hundred and twenty-six*, certain Duties of Excise 'were granted and made payable upon Vinegar or Acetous Acid, or Liquors prepared or preparing for 'Vinegar or Acetous Acid, brewed or made in any Part of the United Kingdom of *Great Britain* and 'Ireland for Sale: And whereas by an Act passed in the First and Second Years of the Reign of Her

1 & 2 Vict. c. 44. 'present Majesty, intituled *An Act to consolidate and amend the Laws for collecting and securing the 'Duties of Excise on Glass*, certain Duties of Excise were granted on the fluxed Materials or Metal, 'or other Preparations made for the Purpose of making Flint Glass, and certain Drawbacks were

* *See ante, Cap.* 16.

'allowed

'allowed on Flint Glass for and in respect of which such last-mentioned Duties had been duly charged, 'and which should be exported to Foreign Parts: And whereas it is expedient that the said Duties upon 'Vinegar or Acetous Acid, or Liquors prepared or preparing for Vinegar or Acetous Acid, should cease 'and determine, and that the said Duties and Drawbacks on Flint Glass should be repealed, and other 'Duties and Drawbacks in respect thereof should be granted and allowed in lieu thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all and singular the Duties of Excise now payable on Vinegar or Acetous Acid, or Liquors prepared or preparing for Vinegar or Acetous Acid, brewed or made in any Part of *Great Britain* or *Ireland*, shall cease and determine, and be no longer levied or collected, paid or payable; and the several Acts, Enactments, Clauses, Provisions, and Regulations for securing, levying, or collecting the Duties on Vinegar or Acetous Acid, or Liquors prepared or preparing for Vinegar or Acetous Acid, shall not, from and after the passing of this Act, be enforced or executed, save and except for the Purpose of recovering any Duties incurred or charged before the passing of this Act, or any Arrears thereof, or any Fine, Penalty, or Forfeiture for the Breach of any of the said Clauses, Enactments, Provisions, or Regulations committed previous to the passing of this Act, but all such Duties and Arrears, Fines, Penalties, and Forfeitures, shall and may be recovered, levied, enforced, and applied in the same Manner and by the same Powers and Authorities as if this Act had not been passed: Provided always, that it shall and may be lawful for the Commissioners of Her Majesty's Treasury to cancel and remit so much of the aforesaid Duties which shall have been charged on any Maker of Vinegar or Acetous Acid, not being Pyroligneous Acid, for Sale between the Fifth Day of *July* One thousand eight hundred and forty-three and the Day of the passing of this Act, as shall not exceed the Sum to which such Duties would amount if the same had been charged and made payable on the Stock of such Vinegar or Acetous Acid in the Hands of the Maker thereof, as taken by the proper Officer of Excise, on the First Day of *June* One thousand eight hundred and forty-four.

After passing of this Act the Duties and Regulations for securing the Duty on Vinegar to cease, save as to any Arrear of Duty or Penalty.

Commissioners of Treasury may remit certain of the Duties on Vinegar, &c. before the passing of this Act.

II. Provided always, and be it enacted, That nothing herein contained shall extend or be deemed or construed to extend in any Manner to interfere with the Licences now required by Law to be taken out by Makers of Vinegar or Acetous Acid for Sale; and every Person who shall make, prepare, extract, distil, rectify, purify, or sell any Liquors prepared or capable of being used or applied to the Purposes of Vinegar or Acetous Acid made for Sale, not being a Dealer in, Retailer, or Seller of such Vinegar or Acetous Acid only, shall be deemed and taken to be a Vinegar Maker, and shall take out the Licence now required by Law in such respect, under the same Rules, Regulations, Provisions, Penalties, and Forfeitures as such Licences are now granted and held under.

Vinegar Makers to take out Licences as heretofore.

III. Provided always, and be it enacted, That every such Maker of Vinegar or Acetous Acid for Sale as aforesaid shall make Entry by delivering a true and particular Account in Writing of every House, Building, Room, Place, Still, Vessel, and Utensil intended to be used by him for the making or keeping of any Vinegar or Acetous Acid for Sale, in such Form and Manner as directed by an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout* Great Britain *and* Ireland, and by another Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise*, and by another Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to alter and amend certain Laws relating to the Collection and Management of the Duties of Excise*, and shall in such respect be subject to all and singular the Rules, Regulations, Penalties, and Forfeitures by the said last-mentioned Acts imposed on Persons required to make Entry, and not making Entry, of any House, Building, or Place, Vessel or Utensil, required by any Act or Acts relating to the Revenue of Excise.

Vinegar Makers to make Entry of their Premises and Utensils with the Excise.

7 & 8 G. 4. c. 53.

4 & 5 W. 4. c. 51.

4 & 5 Vict. c. 20.

IV. Provided always, and be it enacted, That every such Maker of Vinegar or Acetous Acid for Sale as aforesaid who shall have, possess, or use at or upon his or her entered Place or Places for making Vinegar, any Still for distilling, rectifying, or purifying Vinegar or Acetous Acid, or any Liquor or Materials prepared or preparing for making Vinegar or Acetous Acid, shall have and use such Still only under and subject to such Rules and Regulations as the Commissioners of Excise shall from Time to Time direct and order in such respect, on pain of forfeiting One hundred Pounds.

Vinegar Makers having Stills to use them only subject to such Rules as Excise Commissioners direct.

V. And be it enacted, That from and after the Fifth Day of *July* One thousand eight hundred and forty-four the Duties and Drawbacks now payable on Flint Glass shall cease and determine, and be no longer paid or payable, save and except as to any Arrear of such Duties which shall have been charged or become due, or any Penalty or Forfeiture which shall have been incurred by the Commission of any Offence in respect thereof under the Laws of Excise, or the Payment of any Drawback which shall become payable in respect of any Flint Glass exported before the said Fifth Day of *July* One thousand eight hundred and forty-four; and that in lieu of the said Duties there shall be raised, levied, collected, and paid throughout the United Kingdom the Rates and Duties of Excise herein-after mentioned; (that is to say,) for every One hundred Pounds Weight Avoirdupois, and so in proportion for any greater or less Quantity, of the fluxed Materials or Metal or other Preparations whatever, by what Name soever the same may be called or known, which shall be made for the Purpose of making Flint Glass, the Sum of Two Shillings and Sixpence, and Five *per Centum* additional thereon; and that in lieu of the said Drawbacks there shall be allowed and paid the following Drawback; (that is to say,) for every One hundred Pounds Weight Avoirdupois, and so in proportion for any greater or less Quantity, of Flint Glass, for or

From 5th July 1844 the present Duties and Drawbacks on Flint Glass to cease;

other Duties and Drawbacks granted and allowed in lieu thereof.

in respect of which, or of the Materials, Metal, or other Preparation from which the same shall have been made, all Excise Duties payable thereon shall have been duly charged, and which shall be exported to Foreign Parts, the Sum of Six Shillings and Three-pence, and Five *per Centum* additional thereon.

New Duties and Drawbacks to be under the Management of the Commissioners of Excise.

VI. And be it enacted, That the said Duties and Drawbacks on Flint Glass by this Act granted and allowed shall be under the Management of the Commissioners of Excise, and shall be charged, raised, levied, sued for, collected, and applied, allowed and paid, and accounted for in the same Manner as other Duties and Drawbacks under the Management of the said Commissioners under the Provisions of this Act, and the general or special Provisions, Clauses, Enactments, Regulations, Pains, Penalties, and Forfeitures contained in any Act or Acts relating to the Collection and Management of the Revenue of Excise.

For making the Charge on Flint Glass an Account to be made out at the End of each Six Weeks of the whole Quantity of Glass charged with Duty, and of the whole Weight of Glass weighed within such Period; and, in lieu of Two-pence charged by 1 & 2 Vict. c. 44., Three Farthings per Pound additional to be charged on all Excess above Forty per Centum.

VII. 'And whereas by an Act passed in the First and Second Years of the Reign of Her said Majesty, 'intituled *An Act to consolidate and amend the Laws for collecting and securing the Duties of Excise on 'Glass*, it is enacted, with reference to the Account or Return directed by that Act to be made out as a 'Charge of Duty on every Maker of Glass, "that for making out the said Account or Return in respect 'to Flint Glass an Account shall at the End of every Round or Period of Six Weeks be taken and made 'out by the Officer of Excise of the whole Quantity of Flint Glass for or in respect of which any Maker 'of Flint Glass shall have been charged with Duty upon the fluxed Materials or Metal or other Prepara-'tions from which such Flint Glass as aforesaid shall have been made, after Deduction of the gauged 'Weight of all fluxed Materials, Metal, or other Preparations taken account of by the Officer, and laded 'out of the Pot, according to the Provisions of this Act, and of the whole Weight of manufactured Flint 'Glass and Glass Wares weighed by such Maker of Flint Glass within such Round or Period of Six 'Weeks as aforesaid; and if upon such Account being taken and made out as aforesaid the Weight of 'such manufactured Flint Glass and Glass Wares as aforesaid shall exceed the Quantity of such Flint 'Glass as aforesaid with which such Maker of Flint Glass shall have been so charged with Duty after 'such Deduction as aforesaid, by any Quantity greater than the Quantity of Forty *per Centum* of or upon 'the whole Quantity of such Flint Glass as last aforesaid, such Maker of Flint Glass shall be charged 'with and pay the Duty of Two-pence *per* Pound upon each and every Pound Weight of such Excess, 'over and above any Duty which such Maker of Flint Glass shall have paid or may have been charged 'with upon the fluxed Materials or Metal or other Preparations from which such Glass as aforesaid shall 'have been made:" And whereas by the Reduction and Alteration of the Duties on Flint Glass by this 'Act it is necessary to amend the above-mentioned Clause;' be it enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and forty-four every Maker of Flint Glass shall be charged with and pay the Duty of Three Farthings and Five *per Centum* thereon, instead of Two-pence *per* Pound and Five *per Centum* thereon imposed by an Act passed in the Third Year of the Reign of Her said Majesty, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, upon each and every Pound Weight of such Excess, as in the said Act of the First and Second Years of Her said Majesty is mentioned.

3 & 4 Vict. c. 17.

The Regulation of 1 & 2 Vict. c. 44., that no Drawback be allowed on Glass not worth Five-pence per Pound, exclusive of the Duty, repealed as to Flint Glass.

VIII. 'And whereas by the said Act of the First and Second Years of the Reign of Her said Majesty 'it is further enacted, "that no Drawback shall be allowed or payable on Chandelier or ornamental 'Drops of less Weight than One Ounce each, nor on any Glass Buttons or Glass Beads, nor on any 'Flint Glass Goods or Wares which shall not be good, fair, and merchantable Articles, perfectly manu-'factured of Metal, fully and properly fluxed or fused and finished, by all rough, waste, and useless Parts 'being removed therefrom, and of such Quality as to be worth at least Five-pence *per* Pound, exclusive 'of the Duty, if made for or if the same had been made into Articles for Home Consumption, and which 'shall not have been previously in use;"' be it enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and forty-four so much of the said recited Act as requires, for the Purpose of obtaining a Drawback, that any Flint Glass Goods or Wares shall be of such Quality as to be worth at least Five-pence *per* Pound, exclusive of the Duty, shall be repealed.

The Enactment of 1 & 2 Vict. c. 44., that Shades of uncoloured Flint Glass shall not be flattened out except as thereby allowed, repealed.

IX. 'And whereas by the said Act of the First and Second Years of the Reign of Her said Majesty it 'is further enacted, "that it shall not be lawful for any Maker of Flint Glass, or any other Person, to 'open or flatten out any Shade or Cylinder made of white or uncoloured Flint Glass, except as herein-'after provided, on pain of forfeiting all Flint Glass so opened or flattened out, and One hundred Pounds: 'Provided always, that Makers of Flint Glass may open out and flatten Cylinders of white or uncoloured 'Glass into Plates, such Plates, when opened and flattened out, not being of less Thickness than Two 'Tenth Parts of an Inch, nor of greater Dimensions than Fourteen Inches square;"' be it enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and forty-four so much of the said Act as is above recited shall be repealed.

Flint Glass Maker not to flatten out any Shade, nor cast or press any Flint Glass into Panes or Plates of the Dimensions of Six Inches by Four.

X. And be it enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and forty-four it shall not be lawful for any Maker of Flint Glass, or any other Person, to open or flatten out any Shade or Cylinder, whether made of coloured or uncoloured Flint Glass, or to cast or press or otherwise manufacture any Flint Glass into Panes or Plates which shall be of the Dimensions of Six Inches in Length by Four Inches in Breadth, or which shall exceed such Dimensions either in Length or in Breadth, on pain of forfeiting all such Flint Glass, and the Penalty of One hundred Pounds, for every such Offence: Provided always, that nothing herein contained shall be deemed or construed to prevent any Maker of Flint Glass or other Person from manufacturing Flint Glass into Lenses, or into Prisms for Deck Lights, or Illuminators for Lanterns, or Finger Plates for Doors, as such Articles are commonly

now

now so called and manufactured by Makers of Flint Glass, provided the same are not manufactured by the opening or flattening of any Shade or Cylinder of such Glass.

Nothing herein to affect the Provision 1 & 2 Vict. c. 44. s. 92.

XI. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to affect a certain Provision contained in the said Act of the First and Second Years of Her said Majesty, whereby it is enacted that it shall be lawful for the Lords Commissioners of Her Majesty's Treasury from Time to Time to dispense with or alter the whole or any Part of the said Regulations, or to remit the whole or any Part of the Duty, and to prescribe such other Conditions and Securities as they may judge necessary or expedient, for the Improvement or better Preparation and Selection of Glass fitted for the Purposes of Optical Instruments or for the Purposes of Science.

Makers of Flint Glass enabled to make and store Glass not to be sold or consumed before the Time appointed for the Duty now payable to cease.

XII. 'And whereas it is expedient that Provision should be made for allowing the Makers of Flint 'Glass to make and store Glass not to be sold or sent into Consumption until after the said Fifth Day 'of *July* One thousand eight hundred and forty-four, when the Duty now payable on Flint Glass is to 'cease and determine, and the new Duty hereby imposed is to commence and take effect;' be it therefore enacted, That every Maker of Flint Glass who shall intend to make any Flint Glass Wares or Commodities, not to be sold or sent into Consumption before the Sixth Day of *July* One thousand eight hundred and forty-four, shall give Three Hours previous Notice of such his Intention in Writing to the proper Officer of Excise, before storing any such Glass, and in such Notice shall specify some separate and secure Room or Store, to be approved of by the Commissioners of Excise or their Officers, for the keeping therein of all such Flint Glass Wares and Commodities as are intended to be so stored; and such Maker of Flint Glass may from Time to Time, when giving Notice for charging the Pots in his Glass House, also give like Notice in Writing to the proper Officer of Excise that all the Flint Glass to be made in that Journey is Flint Glass not to be sold or sent into Consumption until after the Fifth Day of *July* One thousand eight hundred and forty-four, and that he is desirous of storing the same, and all such Glass shall be made under the Regulations and shall be charged with the Duties now in force; and as often as any Notice for weighing such Glass shall be given the Officer of Excise, having received such Notice, shall attend and weigh and take an Account of all such Glass in the Weighing Room, and such Account having been taken all such Glass shall be forthwith removed into the Re-weighing Room, there to remain for the Time required by Law, and shall then be deposited and stored in the separate Room or Store approved of by the Commissioners of Excise or their Officers, under the Locks and Keys of the Officers of Excise, and otherwise secured in such Manner as the Commissioners of Excise shall direct; and all such Flint Glass shall be kept so stored and secured until on or after the Sixth Day of *July* One thousand eight hundred and forty-four, on which Day the proper Officers of Excise shall weigh and take an Account of all the said Glass which shall have been so stored and secured as aforesaid; and if upon such Account the whole Quantity of Glass shall be found in the Stock of the Maker thereof stored and secured as aforesaid, and the Officers of Excise shall be satisfied that it is the same Glass which was so made, and that no Part thereof has been sent into Consumption, or any Addition made thereto, or any Alteration therein, the Commissioners of Excise are hereby authorized and empowered to allow to the respective Makers of such Glass the Difference in the Charge of Duty now payable on Flint Glass and the Duty hereby imposed, and to deliver the said Glass to the Makers thereof on the Charge and Payment of the Duty by this Act made payable.

Glass may be taken out of Store before 6th July, Notice being given, on Payment of full Duty.

XIII. Provided always, and be it enacted, That in case any Maker of Flint Glass shall be desirous of taking out any Glass so stored for Consumption before the said Sixth Day of *July*, it shall be lawful for such Maker to give Three Hours previous Notice in Writing to the Officer of Excise, specifying in such Notice the Hour when such Glass is to be taken out, and the Quantity of such Glass so required to be taken out, such Quantity not being less than One Hundred Weight; and the Officer of Excise having received such Notice shall attend, and take an Account of and weigh the Quantity of Glass specified in such Notice, and shall deliver the same to the Maker thereof; and on all such Glass so delivered out before the said Sixth Day of *July* the full Duty of Excise of Two-pence *per* Pound and Five *per Centum* thereon, now payable, shall be paid: Provided also, that not more than One such Notice shall be given on the same Day, and that for such a Time only, between the Hours of Six of the Clock in the Morning and Six of the Clock in the Evening, as that such weighing and Delivery may be completed between the Hours mentioned.

Makers of Flint Glass not securing or fraudulently removing Glass so intended to be stored liable to full Duty, together with Penalties.

XIV. And be it enacted, That if any Flint Glass which shall be made under the Regulations aforesaid as not to be sent into Consumption until after the said Fifth Day of *July* One thousand eight hundred and forty-four shall not at any Time previous thereto be so stored and secured in such separate and secure Room or Store approved of by the Commissioners of Excise or their Officers, or if any such Maker of Flint Glass shall open or procure to be opened any such Room or Store, or injure any of the Locks, Keys, or Fastenings thereof, or remove or cause or procure to be removed any Flint Glass from or out of the same, or shall send out or deliver any such Flint Glass so made to be stored, except under such Notice as is herein-before provided, or if on the said Sixth Day of *July* One thousand eight hundred and forty-four, or at any Time previous thereto, the Officers of Excise shall not find all such Flint Glass so stored and secured and unaltered, except as aforesaid, or if any such Maker of Flint Glass shall use or practise any Art or Device to deceive any Officer of Excise in taking an Account of such Flint Glass, or of any Part of his Stock, or to remove any Part of such Flint Glass, or to evade any Part of the Duty on Flint Glass with which previous to the said Sixth Day of *July* One thousand eight hundred and forty-four he might or would be chargeable, or to obtain any greater Allowance under the Regulations aforesaid than he shall

be entitled to, then and in every such Case the Flint Glass Maker so offending shall forfeit all Claim to any such Allowance as aforesaid, and shall pay all the full Duties now charged on such Glass, together with any Penalty or Penalties or Forfeitures which he may thereby incur under any of the Laws of Excise.

Act may be amended, &c.

XV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXVI.

An Act for authorizing Her Majesty to carry into immediate Execution, by Orders in Council, any Treaties for the Suppression of the Slave Trade. *[4th *July* 1844.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Seventh Year of the Reign of His late Majesty King *William* the Fourth and in the First Year of the Reign of Her Majesty, intituled *An Act to authorize Her Majesty, until Six Months after the Commencement of the next Session of Parliament, to carry into immediate Execution, by Orders in Council, any Treaties, Conventions, or Stipulations made with any Foreign Power or State for the Suppression of the Slave Trade:* And whereas the said Act was revived and continued by an Act passed in the last Session of Parliament; And whereas Her Majesty is at the present Time engaged in Negotiation with certain Foreign Powers for the Purpose of concluding with them such Treaties or Conventions or additional Stipulations: And whereas it may happen that during the Time when Parliament is not sitting some such Treaties or Conventions or additional Stipulations may be concluded, or having previously been concluded, may at that Time be ratified, or having been previously ratified, the Ratifications thereof may at that Time be exchanged, or having been exchanged at some Spot in Foreign Parts, the Ratification of such Treaty by the Foreign State may at that Time arrive in this Country, or such Treaties, Conventions, or Stipulations, or Ratifications thereof, may arrive in this Country within so short a Period before the Prorogation of Parliament as may not allow the passing of any Act or Acts of Parliament before the Close of the Session authorizing Her Majesty to carry such Treaties or Conventions, or additional Stipulations into immediate Execution: And whereas in such Case Delay would take place in carrying into execution the Stipulations of such Treaties or Conventions or additional Stipulations, and much Crime might be perpetrated during the Interval that might elapse between the Ratification of such Treaties or Conventions or Stipulations and the Time when Parliament might pass Acts authorizing the Crown to carry the same into execution: And whereas it is expedient that Her Majesty should from and after the passing of this Act be empowered to carry such Treaties into immediate Execution:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, at all Times hereafter, by any Order or Orders in Council, to direct that such Treaties or Conventions, and all Stipulations contained therein, and also all additional Stipulations to any former Treaties or Conventions which Her Majesty may have concluded or may hereafter conclude with any Foreign Power or State for the more effectual Suppression of the Slave Trade, shall be carried into immediate Execution, and for that Purpose to declare and direct, in such Orders of Council, that all Searches, Examinations, Detentions, Seizures, Condemnations, and Sales of Ships and Vessels detained, seized, or captured for any Violations of the Provisions of any such Treaties, Conventions, or Stipulations, shall be legal, and also by any such Order or Orders in Council to establish Tribunals for the trying and deciding all Questions which may arise under such Treaties, Conventions, or Stipulations, and for the Condemnation of any such Vessels as aforesaid, and for punishing the Violation of any such Treaties, Conventions, or Stipulations, and for adjudging and enforcing the Payment of any Penalties for any such Violation, or to authorize any Tribunal which may have been heretofore established to act in relation to the enforcing such Treaties, Conventions, or Stipulations aforesaid, and also to authorize the Payment of such Bounties as are allowed in any Act or Acts of Parliament now in force or which may hereafter be passed in relation to any such Bounties for the Suppression of the Slave Trade to the Persons detaining, seizing, or capturing any such Vessels; and it shall be lawful for Her Majesty in any such Order or Orders in Council to declare that all Clauses and Provisions, Powers and Authorities, contained in and all Penalties and Forfeitures imposed by any Act or Acts of Parliament now in force or which may be passed in this Session of Parliament, for the carrying into execution or giving effect to any Treaty, Convention, or Stipulation heretofore or which may hereafter be made with any Foreign Power or State, or in any other Act or Acts of Parliament in force for the Suppression of the Slave Trade, as shall be specified or referred to in such Order or Orders in Council, shall be applied and put in force for the Purpose of carrying into immediate Execution any such Treaty, Convention, or additional Stipulation; and upon the issuing of any such Order or Orders in Council all the Directions, Powers, and Authorities contained therein, and all Clauses, Provisions, Powers, Authorities, Penalties, and Forfeitures referred to in any such Order or Orders, and contained in any such Act or Acts of Parliament, shall have the same and like Force and Effect, and all Acts, Matters, and Things done under the Authority thereof, and all Acts and Judgments of any Tribunals under the same, shall be valid and effectual, as fully, to all Intents and Purposes, as if the same had been enacted in or done under the Authority of an Act of Parliament; and each Order of Her Majesty in Council so issued under Authority of this Act shall continue in full Force and Effect until Six Months after the Commencement of that Session of Parliament which shall ensue next after the Date of the said Order or Orders in Council respectively.

7 W. 4. & 1 Vict. c. 62.

Her Majesty empowered to direct, by Orders in Council, that all Treaties, &c. concluded with Foreign Powers for the Suppression of the Slave Trade shall be carried into immediate Execution.

CAP.

CAP. XXVII.

An Act to explain and amend an Act of the last Session of Parliament, intituled *An Act for extending to* Ireland *the Provisions not already in force there of an Act of the Third and Fourth Years of the Reign of the late King* William *the Fourth, intituled* ‘ *An Act for the Limitation of* ‘ *Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights* ‘ *thereto ;*’ *and to explain and amend the said Act.* [4th *July* 1844.]

‘ WHEREAS an Act was passed in the Sixth and Seventh Years of the Reign of Her present ‘ Majesty, intituled *An Act for extending to* Ireland *the Provisions not already in force there of* 6 & 7 Vict. c. 54.
‘ *an Act of the Third and Fourth Years of the Reign of the late King* William *the Fourth, intituled*
‘ ‘ *An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the*
‘ ‘ *Remedies for trying the Rights thereto ;*’ *and to explain and amend the said Act ;* And whereas by the
‘ said recited Act it was enacted, that from and after the First Day of *January* One thousand eight
‘ hundred and forty-four the several Clauses and Enactments in the said Act of the Third and Fourth
‘ Years of the Reign of the late King *William* the Fourth contained, and therein-before recited, relating
‘ to any Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice (except as
‘ therein is excepted), should extend and apply to *Ireland*, and that as fully and effectually as if the same
‘ Clauses and Enactments were there repeated, substituting for the Date of the First Day of *December*
‘ One thousand eight hundred and thirty-three, therein mentioned, the said Date of the First Day of
‘ *January* One thousand eight hundred and forty-four : And whereas it was by the said recited Act
‘ provided and enacted, that the said recited Act should not be prejudicial to or available for any Plaintiff
‘ or Defendant in any other Action or Suit then already commenced, or on or before the First Day of
‘ *January* One thousand eight hundred and forty-five to be commenced, relating to any Right to present
‘ to or bestow any Church, Vicarage, or other Ecclesiastical Benefice in *Ireland :* And whereas Doubts
‘ have arisen as to whether under the said herein-before recited Provision the Time therein adverted to
‘ for limiting any Action or Suit relating to any Right to present to or bestow any Church, Vicarage, or
‘ other Ecclesiastical Benefice in *Ireland* was to expire on the First Day of *January* One thousand eight
‘ hundred and forty-four, or on the First Day of *January* One thousand eight hundred and forty-five :
‘ And whereas it is necessary to remove such Doubts, and to explain and amend the said herein-before
‘ recited Provisions of the said recited Act, and to further amend the said recited Act :’ Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall not be prejudicial to or available for any Plaintiff or Defendant in any Action or Suit already commenced, or on or before the said First Day of *January* One thousand eight hundred and forty-five to be commenced, relating to any Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice in *Ireland.*

Recited Act not to affect any Action, &c. commenced before 1st Jan. 1845 relating to any Right to Presentation.

II. And be it enacted by the Authority aforesaid, That if and when any Action or Suit relating to any Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice in *Ireland* already commenced, or which shall hereafter be commenced within the Limitations prescribed by the said recited Act or this Act, shall become abated by the Death or Marriage of any Party thereto, it shall and may be lawful to and for the Plaintiff or Plaintiffs therein, or the Heir at Law or the personal Representative of the Plaintiff or Plaintiffs therein, according to the alleged Estate or Title of such Plaintiff or Plaintiffs in respect of the Subject Matter of said Actions or Suits, or for the Person or Persons claiming to be entitled in remainder or reversion expectant upon the Estate of such Plaintiff or Plaintiffs to the Right to present to or bestow the Church, Vicarage, or other Ecclesiastical Benefice in *Ireland* for which such Action or Suit shall have been so commenced, to bring a new Action to enforce his, her, or their Right to present to or bestow such Church, Vicarage, or other Ecclesiastical Benefice in *Ireland,* provided such new Action shall be commenced within Twelve Calendar Months from the Abatement of such preceding Action or Suit, any thing in the said recited Acts or either of them or in this Act contained notwithstanding.

Where Actions within prescribed Limits are abated by Deaths of Parties new Actions may be commenced.

CAP. XXVIII.

An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-five, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty-four. [4th *July* 1844.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expences, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties herein-after mentioned, and therefore do most humbly beseech Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Duties imposed on Sugar and Molasses by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting to His Majesty, until the Fifth Day of* July *One thousand*

Duties imposed by 6 & 7 W. 4. c. 26. and 3 & 4 Vict. c. 17.

continued till 10th Nov. 1844.

thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-six, and by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, shall be further continued *until* the Tenth Day of *November* One thousand eight hundred and forty-four; and that from and after that Date until the Fifth Day of *July* One thousand eight hundred and forty-five, in lieu of the Duties now payable and hereby continued thereon, there shall be charged the Duties of Customs following; that is to say,

Duties from 10th Nov. 1844 to 5th July 1845.

	£	s.	d.
Sugar; *videlicet*,			
Brown or Muscovado or Clayed Sugar, not being refined, the Cwt.	3	3	0
The Growth of any *British* Possession in *America*, and imported from thence, the Cwt.	1	4	0
The Growth of any *British* Possession within the Limits of the *East India* Company's Charter, into which the Importation of Foreign Sugar is prohibited, and imported from thence, the Cwt.	1	4	0
The Growth of any other *British* Possession within those Limits, and imported from thence, the Cwt.	1	12	0
And on Sugar which shall be certified as herein-after is mentioned to be the Growth of *China*, *Java*, or *Manilla*, or of any other Foreign Country, the Sugar of which Her Majesty in Council shall have declared in manner herein-after mentioned to be admissible as not being the Produce of Slave Labour, and which shall be imported into the United Kingdom either from the Country of its Growth or from some *British* Possession, having first been imported into such *British* Possession from the Country of its Growth, the following Duties; namely,			
Brown, Muscovado, or Clayed, the Cwt.	1	14	0
Molasses, the Cwt.	1	3	9
The Produce of and imported from any *British* Possession, the Cwt.	0	9	0
Sugar, refined, the Cwt.	8	8	0
Candy, Brown, the Cwt.	5	12	0
——— White, the Cwt.	8	8	0

And so in proportion for any greater or less Quantity than a Hundred Weight, together with an additional Duty of Five *per Centum* on such aforesaid Rates of Duty.

Collection of Duties.

II. And be it enacted, That the Duties hereby continued shall be collected, paid, and accounted for in such and the like Manner as if the said Duties had been continued to the Fifth Day of *July* One thousand eight hundred and forty-five, and that the said Duty of One Pound Fourteen Shillings *per* Hundred Weight, with Five *per Centum* additional as aforesaid, shall be collected, paid, and accounted for in such and the like Manner as the said Duties hereby continued.

Power to Her Majesty by Order in Council to declare the Sugars of other Countries to be admissible as not being the Produce of Slave Labour.

III. And be it enacted, That from and after the Tenth Day of *November* One thousand eight hundred and forty-four it shall and may be lawful for Her Majesty and She is hereby empowered, from Time to Time, by any Order or Orders in Council, to declare, with respect to any Foreign Country or Countries, that it having appeared to Her Majesty, upon sufficient Evidence, that the Sugars of such Country or Countries are not the Produce of Slave Labour, such Sugars shall (from and after a Day to be named in such Order) be deemed and taken not to be the Produce of Slave Labour; and from and after the Day so to be named in such Order the Brown, Muscovado, or Clayed Sugar (not being refined) of the Country or Countries mentioned in such Order shall be admissible to Entry for Home Consumption at the said Duty of One Pound Fourteen Shillings *per* Hundred Weight, with Five *per Centum* additional as aforesaid.

Certificates and Declarations required.

IV. And be it enacted, That no Sugar shall be admissible to Entry for Home Consumption at the said Duty of One Pound Fourteen Shillings *per* Hundred Weight, with Five *per Centum* additional as aforesaid, unless the Master of the Ship importing the same shall have delivered to the Collector or Comptroller at the Port of Importation such Certificate or Certificates as herein-after mentioned, nor unless such Master shall also make and subscribe a Declaration before such Collector or Comptroller that such Certificate or Certificates was or were received by him at the Place where such Sugar was taken on board, and that the Sugar so imported is the same as is mentioned therein.

Certificate required in respect of Sugar from China, &c.

V. And be it enacted, That in case such Sugar shall be imported from *China*, *Java*, or *Manilla*, or from any other of the Countries named in such Order in Council as herein-before is mentioned, the Certificate so to be given to the Collector or Comptroller at the Port of Importation shall be under the Hand and Seal of the *British* Consul, Vice Consul, Consular Agent, or other Officer appointed in that Behalf by Her Majesty, at the Place where such Sugar was taken on board, and shall certify that a Declaration in Writing had been made and signed before such Consul, Vice Consul, Consular Agent, or other Officer, by the Shipper of such Sugar, that the same was really and *bonâ fide* the Growth of the Country in which the same was so taken on board, and shall also certify that such Consul, Vice Consul, Consular Agent, or other Officer had examined the Contents of such Declaration, and believed the same to be true.

Certificate required in respect of such Sugar if imported from British Possessions abroad.

VI. And be it enacted, That in case such Sugar shall be imported from any *British* Possession abroad, the Master of the Vessel importing the same shall deliver to the Collector or Comptroller at the Port of Importation, firstly, a Certificate under the Hand and Seal of the principal Officer of Customs at the Place where the same was taken on board, certifying that a Declaration in Writing had been made and signed

signed before such principal Officer by the Shipper of such Sugar that the same was really and *bonâ fide* the Growth of *China*, *Java*, or *Manilla*, or of some other of the Countries named in such Order in Council as herein-before is mentioned, and had been imported thence into such *British* Possession abroad as aforesaid, and also certifying that such principal Officer of Customs had examined the Contents of such Declaration, and believed the same to be true; secondly, a Certificate under the Hand and Seal of the *British* Consul, Vice Consul, Consular Agent, or other Officer appointed in that Behalf by Her Majesty (if any such there be), at the Place whence such Sugar shall have been imported into such *British* Possession abroad, certifying that a Declaration in Writing had been made and signed before such Consul, Vice Consul, Consular Agent, or other Officer, by the Shipper of such Sugar from such Place, that the same was really and *bonâ fide* the Produce of the Country from whence the same shall have been so imported into such *British* Possession abroad, and also certifying that such Consul, Vice Consul, Consular Agent, or other Officer had examined the Contents of such Declaration, and believed the same to be true: Provided always, that in case such Sugar shall be imported into the United Kingdom from any *British* Possession abroad, being Part of the Territories of the *East India* Company, the Certificate and Declaration hereby required to be given and received by the principal Officer of Customs may be respectively given and received by any Officer appointed for that Purpose by the respective Governments of such Territories.

Power to Her Majesty by Order in Council to declare that the Sugars of Countries with which Her Majesty has Treaties of Reciprocity as to Duties to be admissible at 34*s.* per Cwt., and 5 per Cent. additional.

VII. And be it enacted, That with regard to Sugar the Growth of any Foreign Country, between which Country and Her Majesty there is now subsisting any Treaty or Convention binding Her Majesty to grant to such Country, either conditionally or unconditionally, the Privileges of the most favoured Nation, or to permit, either conditionally or unconditionally, the Produce of such Country to be imported into the United Kingdom at the same Duties as are imposed upon the like Produce of any other Country, it shall be lawful for Her Majesty and She is hereby empowered from Time to Time, by any Order or Orders in Council, to declare that from and after a Day to be named in such Order, not earlier than the Tenth Day of *November* One thousand eight hundred and forty-four, Brown, Muscovado, or Clayed Sugars (not being refined) the Growth of such Country, in case such Treaty shall after the said Tenth Day of *November* continue to subsist, shall, if imported from such Country, or from any *British* Possession abroad, having been imported into such *British* Possession from such Country, be admitted to Entry for Consumption in the United Kingdom at the aforesaid Rate of Duty of One Pound Fourteen Shillings *per* Hundred Weight, and Five *per Centum* additional as aforesaid; and from and after the Day so to be named in such Order the Sugars therein mentioned shall, if so imported as aforesaid, be so admitted accordingly, subject nevertheless to the Production of the like Certificates, and the making of the like Declaration, as are herein-before required with respect to Sugars the Growth of *China*, *Java*, or *Manilla*.

If such Treaty be conditional, Order to state Fulfilment.

VIII. And be it enacted, That in case the Privileges granted by any Treaty to any Foreign Country in respect of which any Order in Council shall be issued under the Enactment lastly herein-before contained shall have been granted conditionally, such Order shall expressly declare that such Foreign Country hath duly fulfilled the said Conditions, and is entitled to the said Privilege.

Bounties on certain Descriptions of refined Sugar. 3 & 4 W. 4. c. 58. 1 & 2 Vict. c. 33.

IX. And be it enacted, That the respective Bounties now payable on Sugar by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to grant certain Bounties and Allowances of Customs*, and also by an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty, until the Fifth Day of* July *One thousand eight hundred and thirty-nine, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-eight*, shall continue to be allowed and paid so long as the Duties on the Importation of Sugar imposed by the said first-recited Act shall remain in force, or be further continued by any Act hereafter to be passed.

Her Majesty may allow the Importation of Sugar the Growth of certain British Possessions at the lower Rate of Duty.

X. Provided always, and be it enacted, That if at any Time satisfactory Proof shall have been laid before Her Majesty in Council that the Importation of Foreign Sugar into any *British* Possession within the Limits of the *East India* Company's Charter is prohibited, it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, or by Her Majesty's Order in Council, to be published from Time to Time in the *London Gazette*, to allow the Importation of Sugar the Growth of any such *British* Possession at the lower Rate of Duty in the said first-recited Act specified, in like Manner, and under the same Restrictions and Conditions, as Sugar the Growth of the Presidency of *Fort William* in *Bengal* may be imported, subject to a lower Rate of Duty under the Provisions of the said first-recited Act.

Revoking Order in Council.

XI. And be it enacted, That it shall be lawful for Her Majesty, by an Order in Council, from Time to Time to revoke or alter any Order in Council previously made under the Authority of this Act.

Publishing Order.

XII. And be it enacted, That every Order in Council to be made under the Authority of this Act shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the *London Gazette*.

Copies of Order in Council to be laid before Parliament.

XIII. And be it enacted, That a Copy of every Order of Her Majesty in Council made under this Act shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

Separate Accounts to be kept in the Ex-

XIV. And be it enacted, That a distinct and separate Account shall be kept in the Office of the Comptroller General of the Receipt and Issue of Her Majesty's Exchequer at *Westminster*, of all the Money

Exchequer of the Duties arising in Great Britain.

Money that shall be paid to the Account of Her Majesty's Exchequer at the Bank of *England* from so much of the said Duties hereby granted on Sugar as shall arise and be payable in *Great Britain*, and it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament; and so much of the said Duties on Sugar as shall arise and be payable in *Ireland* shall be paid into the Receipt of the Exchequer in *Ireland*, and shall be carried to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Duties arising in Ireland to be paid into the Exchequer there.

The Treasury may direct Exchequer Bills to be made out not exceeding 3,000,000*l*.

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

XV. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury at any Time or Times to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole, including any Sum or Sums of Money issued towards the Aids or Supplies in pursuance of this Act, the Sum of Three Millions, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills*.

Powers of Acts extended to this Act.

XVI. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts passed in the Forty-eighth Year of the Reign of King *George* the Third, and in the Fourth and Fifth Years of the Reign of His said late Majesty, and in the Fifth and Sixth Years of the Reign of Her present Majesty, shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Exchequer Bills to bear an Interest.

XVII. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear an Interest not exceeding the Rate of Four Pounds *per Centum per Annum* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance Money on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

XVIII. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, by placing to the Account of Her Majesty's Exchequer at the Bank of *England*, upon the Credit of the Exchequer Bills authorized by this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Three Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bills to be delivered to the Bank of England as Security for Advances.

XIX. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to cause such Bills as shall be prepared by virtue of this Act, to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the public Service may require, as Security for the Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Exchequer Bills to be charged on the Duties granted by this Act.

XX. And be it enacted, That the Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the Duties granted by this Act; and it shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time to direct to be issued to the Paymasters of Exchequer Bills, by way of Imprest and upon Account, such Sums of Money, and at such Periods, as the said Commissioners shall think necessary, for or towards paying off and discharging the Exchequer Bills which shall have been made forth by virtue of this Act, or any of them, and for and towards paying the Interest to become due on the said Bills or any of them.

Money due to be paid out of next Aids.

XXI. And be it enacted, That the Monies remaining unsatisfied or not discharged, with the Interest due or to grow due thereon, shall be paid and satisfied out of the next Aid or Aids to be granted in Parliament after the Fifth Day of *July* One thousand eight hundred and forty-five.

Surplus Monies to be carried to Consolidated Fund.

XXII. And be it enacted, That the Surplus of the Monies arising from the Duties granted and imposed by this Act, after paying off and satisfying all the Exchequer Bills issued by virtue of this Act, together with the Interest that may become due thereon, shall, as a Surplus of any such Monies respectively, be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Treasury to allow necessary Charges of making forth new Exchequer Bills.

XXIII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to pay and allow or cause to be paid and allowed out of the Monies to arise of or from the said Duties hereby granted, or of or from the said Consolidated Fund, from Time to Time, the necessary Charges of making forth the Exchequer Bills hereby authorized to be made forth, and such other Charges as shall be necessarily incident to or for the Execution of this Act, or any Part thereof, in relation to the said Bills, any thing herein contained to the contrary notwithstanding.

XXIV. Pro-

XXIV. Provided always, and be it enacted, That whatever Monies shall be issued out of the said Consolidated Fund shall from Time to Time be replaced by and out of the first Supplies to be thereafter granted by Parliament, any thing herein contained to the contrary notwithstanding. Monies issued to be replaced out of first Supplies.

XXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. XXIX.

An Act to extend an Act of the Ninth Year of King *George* the Fourth, for the more effectual Prevention of Persons going armed by Night for the Destruction of Game. [4th *July* 1844.]

'WHEREAS an Act was passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the more effectual Prevention of Persons going armed by Night for the Destruction of Game*, whereby it is enacted, that if any Person shall, after the passing of the said Act, by Night, unlawfully take or destroy any Game or Rabbits in any Land, whether open or inclosed, such Offender should, upon Conviction thereof before Two Justices of the Peace, be liable to be punished, and to find Security for good Behaviour, as in the said Act specified; and it was further thereby enacted, that if any Person should be found upon any Land committing any such Offence as is herein-before mentioned such Person might be seized and apprehended, and committed to Custody, and in case of any Assault or Violence should be punished as in the said Act is set forth: And whereas the Provisions of the said Act have of late Years been evaded and defeated, by the Destruction, by armed Persons at Night, of Game or Rabbits, not upon open or inclosed Lands, as described in the said Act, but upon public Roads and Highways, and other Roads and Paths leading through such Lands, and also at the Gates, Outlets, and Openings between such Lands, and Roads, Highways, and Paths, so that not only has the Destruction of Game or Rabbits not been prevented, but the Risk of Murder and other grievous Offences contemplated by the said Act has been increased, and great Danger and Alarm occasioned to Persons using such Roads, Highways, and Paths; and it is expedient that the Remedies provided by the said Act against such Offences as herein-before mentioned should be extended and applied to the like Offences committed upon such Roads, Highways, and Paths;' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Pains, Punishments, and Forfeitures imposed by the said Act upon Persons by Night unlawfully taking or destroying any Game or Rabbits in any Land, open or inclosed, as therein set forth, shall be applicable to and imposed upon any Person by Night unlawfully taking or destroying any Game or Rabbits on any public Road, Highway, or Path, or the Sides thereof, or at the Openings, Outlets, or Gates from any such Land into any such public Road, Highway, or Path, in the like Manner as upon any such Land, open or inclosed; and it shall be lawful for the Owner or Occupier of any Land adjoining either Side of that Part of such Road, Highway, or Path where the Offender shall be, and the Gamekeeper or Servant of such Owner or Occupier, and any Person assisting such Gamekeeper or Servant, and for all the Persons authorized by the said Act to apprehend any Offender against the Provisions thereof, to seize and apprehend any Person offending against the said Act or this Act; and the said Act, and all the Powers, Provisions, Authorities, and Jurisdictions therein or thereby contained or given, shall be as applicable for carrying this Act into execution as if the same had been herein specially set forth. 9 G. 4. c. 69. Punishments and Forfeitures imposed by the recited Act on Persons by Night destroying Game or Rabbits in any open or inclosed Land to apply to Persons by Night destroying Game or Rabbits on any public Road, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this Session of Parliament. Act may be amended, &c.

CAP. XXX.

An Act to alter and amend an Act of the Fifty-third Year of King *George* the Third, for the Appointment of a stipendiary Magistrate to act within the Townships of *Manchester* and *Salford*. [4th *July* 1844.]

'WHEREAS an Act was passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace within the Townships of* Manchester *and* Salford *in the Hundred of* Salford *in the County Palatine of* Lancaster; *and to provide by means of a Rate on the said Townships a competent Salary to a Justice of the Peace acting within the said Townships; and to enable the Constables of* Manchester *and* Salford *to take Recognizances in certain Cases:* And whereas by the said Act it was provided that the Justice to be appointed under the Provisions thereof should daily (*Sundays* excepted) attend at the *New Bailey* Court House in *Salford*, and that the said Township of *Manchester* should contribute Seven Eighth Parts of the Salary payable to such Justice, which Salary was by the said Act fixed at the Sum of One thousand Pounds *per Annum:* And whereas since the passing of the said Act Her Majesty has been pleased to grant a Charter of Incorporation to the said Township of *Manchester*, and the adjoining Townships of *Chorlton-upon-Medlock*, *Hulme*, *Ardwick*, *Cheetham*, and the extra-parochial District of *Beswick*, under and by virtue of the Powers and Provisions contained in an Act passed in the Sixth Year of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Corporations in* England *and* Wales, and has by such Charter conferred upon the said incorporated Borough of *Manchester* all the Powers and Provisions of the said Act: And whereas 53 G. 3. c. 72. 5 & 6 W. 4. c. 76

'since the said Incorporation a separate Commission of the Peace has been granted to and for the said 'Borough, and a Borough Court is now held therein, the daily Business whereof is fully sufficient to 'require the Services of a stipendiary Magistrate appointed to act within and for the said Borough: And 'whereas the Council of the said Borough have declared that it is requisite that a salaried Police 'Magistrate should be appointed for the said Borough, and under and by virtue of the Powers given to 'them in that Behalf in and by the said last-mentioned Act have made a Bye Law fixing the Amount of 'the Salary to be paid to such Magistrate out of the Borough Fund of the said Borough at One thousand 'Pounds *per Annum*: And whereas it is in and by the said Act declared that it shall be lawful for Her 'Majesty, if She shall think fit, to appoint a Barrister of not less than Five Years standing to be during 'Her Majesty's Pleasure the Police Magistrate of the said Borough: And whereas it is expedient that 'the Township of *Manchester* should be exempted from Liability to contribute towards the Payment of 'the Salary of the Magistrate appointed under and by virtue of the said first herein-before recited Act, 'and that a Police Magistrate should, under and in pursuance of the Provisions in that Behalf contained 'in the said Act passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth, be 'appointed to act in and for the said Borough:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Magistrate appointed under the said recited Act of the Fifty-third Year of the Reign of His Majesty King *George* the Third who shall be in Office at the Time of the passing of this Act shall be the first stipendiary Magistrate of the Borough of *Manchester*, and shall be considered to have been duly appointed in accordance with the Provisions of the said recited Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth, and shall have the like Authority, and be entitled to the same Remuneration, and be subject to the same Duties and Responsibilities, as though he had been appointed under and by virtue of the said lastly mentioned Act.

Appointment of a stipendiary Magistrate.

Acts authorized to be done by Magistrate appointed under first-recited Act may be done by the Magistrate under this Act.

II. And be it enacted, That whenever by any Act now in force relating to the said Borough of *Manchester* or any Part thereof any Act is specifically authorized or directed to be done within the said Borough by the stipendiary Magistrate appointed under the said recited Act passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, the same may be done by the stipendiary Magistrate for the Time being of the said Borough, who shall have the same Powers and Authority in relation thereto as are by any of the said Acts now in force given to or vested in the stipendiary Magistrate appointed under the said firstly herein-before recited Act.

Repeal of certain Provisions of first-recited Act.

III. And be it enacted, That from and after the passing of this Act all the Powers and Provisions of the said recited Act passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, so far as they authorize, direct, or require the Payment by the Township of *Manchester* of Seven Eighth Parts or any other Part of the Salary of One thousand Pounds *per Annum* payable to the Police Magistrate thereunder appointed, or which authorize the making or levying of any Rate within the said Township for the Purpose of raising such Salary or any Part thereof, and also any Provisions which direct, authorize, or require the Payment to the said Township of *Manchester*, or to any Person or Persons on behalf of such Township, of any Part or Portion of the Recognizances taken and estreated in the said County Palatine of *Lancaster*, shall be repealed.

Expences of this Act.

IV. And be it enacted, That the Expences incident to the soliciting, obtaining, and passing this Act shall be paid out of the Borough Fund of the said Borough.

Public Act.

V. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

CAP. XXXI.

An Act for the warehousing of Foreign Goods for Home Consumption at the Borough of *Manchester* in the County of *Lancaster*. [4th *July* 1844.]

3 & 4 W. 4. c. 57.

'WHEREAS by an Act made and passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the warehousing of Goods*, Regulations 'are made for the warehousing of Foreign Goods, without Payment of Duty at the Ports of the United 'Kingdom: And whereas it is expedient to permit such Goods to be removed from such Ports to be 'warehoused within or near to the Borough of *Manchester* for Home Consumption only:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Borough of *Manchester* shall be a warehousing Borough or Place for Goods for Home Consumption only, for the Purposes of this Act, subject to the Provisions and Limitations herein-after contained; and that it shall be lawful for the Commissioners of Her Majesty's Customs, by their Order, from Time to Time to appoint the Places or Premises within or near the said Borough, or within the Distances from the Town Hall in *Manchester* herein-after mentioned, which shall be the Warehouses and Places for depositing Goods removed under this Act, and also to make all such Rules, Regulations, and Conditions, and to require such Securities respecting such Warehouses and Places, and the Goods lodged therein, as they are empowered by the said recited Act to make and require in respect of Warehouses and Goods at Ports, and the Owners or Occupiers of such Warehouses or Places within or near the said Borough, or within the Distance from the Town Hall in *Manchester* herein-after mentioned; and the

Borough of Manchester to be a Place for warehousing Goods for Home Consumption, subject to the Provisions and Limitations herein-after contained.

Goods

Goods lodged therein, and the Owners of such Goods, shall be subject to the same Conditions, Penalties, Forfeitures, and Liabilities as the like Parties or Goods are or may be subject to in Ports under and by virtue of the said recited Act, or of any Acts made or to be made relating to the Customs: Provided always, nevertheless, that all Warehouses or other Places to be appointed as aforesaid for the Deposit of Goods under or by virtue of this Act shall be situated within Two thousand Yards from the Town Hall at *Manchester*, or within such Distances therefrom as the Lords Commissioners of the Treasury or the Commissioners of Her Majesty's Customs may approve of and direct.

Commissioners not to provide Warehouses for Deposit of Tobacco in Manchester.

II. And be it enacted, That the Commissioners of Her Majesty's Customs shall not be required by any thing herein contained to provide the Warehouses for the Deposit of Tobacco in the said Borough of *Manchester*, but that such Warehouses shall be provided in the same Manner and at the like Expence as Warehouses for the warehousing of other Goods under this Act, and shall be subject to the same Conditions and Regulations in every respect as Warehouses for warehousing Tobacco are or may be subject to under any Act or Acts made or to be made relating to the Customs.

Provisions of recited Act to apply to Warehouses in which Goods are deposited under this Act.

III. And be it enacted, That from and after the passing of this Act the said recited Act and all other Acts now or hereafter to be made relating to the Customs, and all the Powers, Authorities, and Provisions, Privileges and Forfeitures, Penalties, Matters, and Things whatsoever therein contained, except as such Powers, Authorities, Provisions, Privileges, Penalties, Forfeitures, Matters, and Things are repealed or altered by this Act, shall extend and apply, and be construed to extend and apply, to all Warehouses within or near the said Borough of *Manchester*, or within the Distance aforesaid, in which Goods may be deposited under this Act, and to all Goods which shall be removed thereto from any Port, or which shall be at any Time deposited therein, so far as the same are applicable to the warehousing of Goods for Home Consumption only within or near the said Borough or the Distance aforesaid.

Account of Expences incurred by the Customs under this Act to be sent to the Council of the Borough.

IV. And be it enacted, That the Commissioners of Her Majesty's Customs shall cause an Account to be kept of all the Expences incurred by them in the Management and Collection of the Customs and other Duties payable in respect of the Goods deposited in such Warehouses or Places within or near the said Borough or Distances aforesaid, and of the Maintenance of the Establishment of Officers and Clerks necessary for such Management and Collection, and that on the First Day of *January* in every Year the said Commissioners shall cause a Copy of the said Account to be furnished to the Council of the said Borough, and the said Council shall forthwith order the same to be paid to the Commissioners of Her Majesty's Customs out of the Borough Fund of the said Borough of *Manchester;* and in case the Council of the said Borough shall be of opinion that the Amount claimed by the said Account is excessive, or in case any Difference shall arise concerning the said Account, it shall be lawful for the said Council to appeal to the Lords of the Treasury, who thereupon shall make such Order concerning the same as to them shall seem just, which Order shall be conclusive and binding on all Parties: Provided also, that every such Appeal shall be made by the said Council within Three Calendar Months next after any such Account shall have been furnished to the Council as aforesaid.

Commissioners of Customs may distrain if Expences of Collection, &c. not paid within certain Times.

V. And be it enacted, That in case the said Council shall, for the Space of Three Months next after any Account hereby required to be rendered to the said Council shall have been delivered to the said Council, or to the Treasurer of the Borough, neglect or refuse to make an Order for or cause Payment of such Account to be made, in case there shall be no Difference or Dispute about the same, or shall neglect or refuse for the Space of One Calendar Month next after any Order or Minute made by the Lords of the Treasury, or any Three or more of them, upon any Appeal made to them upon any such disputed Account, shall have been delivered to the said Council or to the Treasurer of the Borough, to cause Payment to be made of all or any such Sum or Sums as may be directed to be paid by any such Order or Minute, then and in such Case, and immediately after the Expiration of the said Calendar Month, it shall and may be lawful for the said Commissioners of Her Majesty's Customs, or any Two or more of them, by Warrant under their Hands and Seals, to cause all or any of the Borough Funds or other Monies and Effects to be distrained upon, and to make Sale of any such Effects, and to apply the Proceeds of such Distraint and Seizure in discharge and full Payment of all such Accounts, and all Expences incurred in recovering and proceeding for the same, rendering the Overplus, if any, to the Treasurer of the said Borough.

Treasury may suspend warehousing of Goods unless Expences paid.

VI. And be it enacted, That in case of any Failure in the Payment of the Expences incurred or to be incurred by the Crown in the Collection and Management of the Duties of Customs under the Provisions of this Act, it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three of them, to direct that no further Goods shall be warehoused without Payment of Duty in any Warehouse approved under the Provisions of this Act, until such Expence shall be paid and satisfied; and after the issuing of any such Directions no Goods shall be deposited therein under the Provisions of this Act.

Council empowered to charge on each Package.

VII. And be it enacted, That, for and in consideration of the Charges and Expences to which the Council of the said Borough will be put in carrying into effect the Provisions of this Act, it shall and may be lawful to and for the Council of the said Borough, and they are hereby authorized and empowered from Time to Time and at all Times hereafter, to ask, demand, receive, recover, take, levy, and raise, for and in respect of all such Goods, Merchandize, and Commodities whatsoever as shall be lodged or warehoused under the Provisions of this Act, or which shall pay or be liable to pay the Customs Duty thereon at, in, or near the said Borough of *Manchester*, although the same shall not have been actually lodged or warehoused, or which shall come in any way under the Control or Charge of the Officers of Customs at *Manchester*, such Rate and Duty, Rates and Duties, as the said Council shall from Time to Time fix and determine: Provided always, that it shall be lawful for the Collector or other proper Officer of the

Customs, under the Authority of the Commissioners of Customs, and by their Direction, to refuse to permit any Goods warehoused under this Act to be delivered from the Warehouse until a Certificate or other Proof that the Rates and Duties payable to the Borough in respect of such Goods have been paid or satisfied shall have been produced to him.

Power to Council to levy a Warehouse Rate.

VIII. And be it enacted, That it shall and may be lawful for the Council of the said Borough, and they are hereby authorized and required, from Time to Time when and so often as they shall think it necessary, to ask, demand, receive, recover, take, levy, and raise of and from the Occupier or Occupiers of each and every Warehouse or Place of Security which the Commissioners of Her Majesty's Treasury, or the Commissioners of Her Majesty's Customs, by their Order from Time to Time shall appoint to be Warehouses or Places of Security under and by virtue of this Act, such Warehouse Rate as the said Council shall from Time to Time, at a Meeting of the Council duly called for that Purpose, fix and determine for and in respect of such Warehouse or Place of Security; and the Money or Monies to be so rated or assessed on the said Occupiers shall be paid in advance by them respectively to the Collector or Collectors or other Person or Persons appointed by the said Council to collect the same; and in case any Occupier or Occupiers of any such Warehouse or Place, or the Owner of any such Goods, shall neglect or refuse to pay his, her, or their Proportion or Proportions of the said Rates or Assessments respectively to the said Collector or Collectors or other Person or Persons for the Space of Five Days after personal Demand thereof, or Demand in Writing left at the Place of Abode or Occupation of such Occupier or Occupiers, then and in every such Case it shall be lawful for the said Council, by Warrant from any One or more Justice or Justices of the Peace, to levy the Amount thereof by Distress and Sale of his, her, or their Goods and Chattels; and the Surplus (if any) of the Monies to be raised by such Distress and Sale shall be returned to the Owner or Owners of the Goods and Chattels so distrained and sold, together with any Property which may remain unsold, after deducting all Charges attending such Distress and Sale: Provided always, that it shall be lawful for the said Council to recover any Rate or Assessment due and payable by virtue of this Act by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster* or Court of Common Pleas at *Lancaster*: Provided also, that no Goods warehoused under this Act shall be removed from any such Warehouse by virtue of any such Distress or Sale unless the full Duties of Customs due thereon shall have been fully paid and satisfied.

Rates where Warehouses are let to several Tenants.

IX. And be it enacted, That any Person, being either a Landlord or Tenant, who shall let any Warehouse in separate Apartments to several Tenants, or for any less Term than a Year, shall for the several Purposes of this Act be deemed and taken to be the Occupier thereof, and may be rated and assessed accordingly.

Council to appoint Officers.

X. And be it enacted, That the Council of the said Borough shall appoint One or more Collector or Collectors, or such other Officer or Officers as they shall think necessary, to enable them to carry into execution the Powers and Duties vested in them by virtue of this Act, not being for the Collection or Management of any Duty, Matter, or Thing relating to the Customs, and shall from Time to Time, at their Pleasure, discontinue the Appointment of any such Officers, and shall take such Security for the due Execution of his Office by any such Officer as the said Council shall think proper.

Council empowered to include in the Borough Rate the Expences of this Act.

XI. And be it enacted, That the Council of the said Borough shall be and are hereby authorized and empowered from Time to Time to include the Amount of the Monies required, or which it may be determined will be required, for the Purposes of this Act, in the next Estimate for the Borough Rate to be made within the said Borough; and they are hereby authorized and empowered to order such additional Amount of Money to be included in the next Borough Rate so to be made and levied within the said Borough.

Power to Council to purchase Property.

Conveyance.

XII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses of the said Borough, by the said Council, to contract for the absolute Purchase of any Lands situate within or near the said Borough, or within the aforesaid limited Distance from any Part of the Town Hall thereof, from any Person willing to sell the same; and on Payment of the Purchase Money for any such Lands to the Parties respectively entitled, or otherwise pursuant to the Provisions of this Act, the Person entitled to or capacitated to convey such Lands shall convey and assure the same to the said Mayor, Aldermen, and Burgesses, to be by them held and enjoyed for the Purposes of this Act; and all or any of such Lands, including any Warehouses and other Buildings which may be erected thereon, may be subsequently sold, or otherwise alienated, demised, or leased, in the like Manner, for the like Purposes, and subject to the like Conditions as are and shall for the Time being be by Law applicable to other Lands of the said Mayor, Aldermen, and Burgesses; but the said last preceding Provision shall be without Prejudice to the Power of mortgaging hereby vested in the said Mayor, Aldermen, and Burgesses for the Purposes and in manner herein-after expressed.

Parties under Disability to sell and convey.

XIII. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any Estate or Interest therein, to sell and dispose, and convey or release the same unto the said Mayor, Aldermen, and Burgesses, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial, qualified, or definite Estate or Interest, married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled or who may become entitled in reversion, remainder, or expectancy after them, if incapacitated, unborn, or otherwise not ascertained

ascertained or not to be found, and as to such married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees and Executors and Administrators on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been ascertained and under no Disability.

Consideration to be in a gross Sum.

XIV. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or of any Estate or Interest therein, or of any Rent or Rent-charge affecting the same, shall be in a gross Sum.

Acceptance of Compensation for Price of Lands.

XV. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands, or any Estate or Interest therein to which such Party shall be entitled.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

XVI. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, be it enacted, That such Consideration Money shall not be less than shall be determined by the Valuation of Two practical Surveyors, one of whom shall be nominated by the Council, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall, upon the Application of the Council for that Purpose, nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase of Lands on Chief Rents.

XVII. And be it enacted, That if any Person seised in Fee of or entitled absolutely for his own Benefit to any Lands authorized to be purchased for the Purposes of this Act shall be willing to sell such Lands for a perpetual annual Rent in lieu of a Sum in gross, such Person may lawfully sell and convey such Lands or any Part thereof unto the said Mayor, Aldermen, and Burgesses, in consideration of an annual Rent-charge payable by the Mayor, Aldermen, and Burgesses to the Person so selling and conveying, and to his Heirs and Assigns, or to such other Person as he or they shall direct.

Payment of such Rents to be charged on the Borough Fund.

XVIII. And be it enacted, That the yearly Rents reserved by any such Conveyance shall be charged on the Borough Fund of the said Borough, and shall be paid by the Treasurer of such Borough as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Mayor, Aldermen, and Burgesses, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels of the said Mayor, Aldermen, and Burgesses.

Forms of Conveyances.

XIX. And be it enacted, That all Conveyances of Land so to be purchased as aforesaid may respectively be according to the Form in the Schedules (A.) and (B.) respectively to this Act annexed, with such Variations as the Circumstances of the Case may reasonably require; and all Conveyances under this Act, whether the same shall or shall not be in such Form respectively, shall be effectual to vest the Lands comprised therein in the Mayor, Aldermen, and Burgesses, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest thereby conveyed, and, without Inrolment or any further Act, to bar and destroy all Estates Tail, and all other Estates, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised therein; but although Terms of Years be thereby merged, they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Mayor, Aldermen, and Burgesses, to attend the Reversion and Inheritance.

Costs of Conveyances.

XX. And be it enacted, That the Costs of investigating the Title to any Lands which may be purchased by the Mayor, Aldermen, and Burgesses, under the Authority of this Act, and of the Conveyance thereof respectively, or of any Estate or Interest therein respectively, and such other Costs as are usually paid by the Purchaser on the Purchase of any Lands, or of any Estate or Interest therein, shall be borne and paid by the Mayor, Aldermen, and Burgesses.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of England.

XXI. And for the Purpose of providing for the Deposit and Application of the Purchase Money to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or any other partial or qualified Interest, married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to or interested in, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The Mayor, Aldermen, and Burgesses of the Borough of *Manchester*," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the

12 G. 1. c. 32.

Act

12 G. 2. c. 24. Act of the Twelfth Year of the Reign of His Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Moneys, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Lands in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or to the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner as the Lands in respect of which such Money shall have been paid stood settled; or,

If such Monies shall be paid in respect of any Buildings purchased under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order of Application.

XXII. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may upon the like Order be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds may be made on the like Petition.

Sums from 20*l.* to 200*l.* to be deposited, or vested in Trustees.

XXIII. And with respect to any such Purchase Money which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Council approve thereof and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hand of the Town Clerk; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

XXIV. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Parties.

Court of Chancery may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c., or Reversions.

XXV. Provided always, and be it enacted, That where any Purchase Money paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependant on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in possession deemed to be the Owner.

XXVI. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Money shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased shall be deemed to have been lawfully entitled to such Lands, until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in Cases of Money deposited.

XXVII. And with respect to Costs in Cases of Money deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Mayor, Aldermen, and Burgesses; (that is to say,) the Costs of the Purchase of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment

Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Council not to sell, &c. without Approbation of the Treasury.

XXVIII. And be it enacted, That nothing in this Act contained shall enable the said Council to alienate, incumber, or demise, for the Purposes of this Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, any Lands, Tenements, or Hereditaments which they could not have sold, alienated, incumbered, or demised without such Approbation before the passing of this Act, any thing in this Act to the contrary notwithstanding.

Power to borrow Money on Rates and Warehouses.

Mortgage.

XXIX. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, by the said Council, and pursuant to the Resolutions of a Special Meeting of such Council, from Time to Time to borrow and take up at Interest any Sum or Sums of Money, but to such Amount only that the whole Principal Debt due at any one Time upon such Mortgages shall not exceed the Sum of Fifty thousand Pounds, and that either upon the Credit of the Rates in respect of or upon Goods and Warehouses respectively hereby authorized to be made, or either of such Rates, or upon the Security of any Lands which may be purchased under the Provisions of this Act, or upon the Credit of the Borough Fund of the said Borough, or by any of such Means, and to mortgage, demise, grant, or assign the said Rates or Assessments, or any or either of them, or any Parts thereof, and the Lands aforesaid respectively, to the Persons who shall advance or lend such Money, as a Security for the same together with the Interest thereof, and that by any Writing under the Seal of the said Mayor, Aldermen, and Burgesses, which Writings may respectively be in the Words or to the Effect set forth in the Schedules (C.) and (D.) to this Act annexed, with such Variation, and with such Powers, Covenants, and Provisoes, as the Circumstances of the Case may reasonably require, or the Parties shall agree; and no Person advancing any Sum or Sums upon the Credit of any such Security shall be bound to see to or be responsible for the Application of such Money.

Mortgages may be either concurrent or with Priority as agreed on.

XXX. And be it enacted, That if Two or more Mortgages, either of the aforesaid Rates or either of them, or of the said Lands or any Part thereof, shall be made to Two or more Persons, their respective Securities may, according to the actual Agreement in that Behalf, to be expressed in such Mortgages, be either concurrent and to take effect *pari passu*, or with such Priority as may be so agreed upon, and in default of and subject to any such Agreement the Priority of the same Mortgages shall be determined by the Order of the respective Executions thereof: Provided always, that no Mortgagee of such Rates or either of them shall be entitled to interfere with the ordering or assessing of the same Rates, or the Amount or Collection thereof, but the same shall be from Time to Time made, assessed, and collected in manner herein directed, and the said Mayor, Aldermen, and Burgesses, acting by their Council, shall be Trustees for the Application thereof in the Order and for the Purposes herein-after expressed.

Application of Monies raised or received under Act.

XXXI. And be it enacted, That it shall be the Duty of the Collector or other Officer by whom any Monies received or raised under this Act shall be received, and he is hereby required, forthwith upon the Receipt thereof, to deposit with the Treasurer of the said Borough every Sum of Money which shall come to his Hands, and whether the same shall arise from any Rate or any Loan hereby authorized to be raised, or from the Rents and Profits of such Lands; and upon such Monies being so deposited it shall be the Duty of the said Treasurer, and he is hereby required, to pay and dispose of all such Monies in such Manner as he may be required by any of the Laws, Bye Laws, or Regulations then in force in relation thereto, or, so far as they may not apply, as required by any Law, Bye Law, or Regulation then in force in relation to the Monies forming the Borough Fund; and from Time to Time it shall be lawful for the Council of the said Borough to direct by Order the Issue or Payment thereof or of any Part thereof for the Purpose of being applied according to the Provisions of this Act, which Order shall be subject to the Laws, Bye Laws, and Regulations then in force in relation to such Monies, or, so far as they may not apply, then to any Law, Bye Law, or Regulation then in force in relation to the Monies forming the said Borough Fund.

Application of Monies borrowed or produced by Sale of Lands.

XXXII. And be it enacted, with regard to the Monies to be from Time to Time borrowed under the Provisions of this Act, or to arise from any Sale of Lands previously purchased or acquired hereunder, That it shall be lawful for the said Council and they are hereby authorized to apply such Monies as follows:

First,—To defray the Expences attendant upon the Application for and the obtaining of this Act; and,

Secondly,—To purchase or build One or more Warehouses or Bonding Places for the Purposes of this Act, or to alter and render suitable for such Warehouses any Messuages or Buildings which the said Council shall purchase by virtue of this Act, and from Time to Time to enlarge, improve, alter, repair, or rebuild such Warehouses and Places, or any of them:

And with regard to all other Monies to be received by or to become subject to the Control of the said Council under the Authority of this Act, including the net Rents and Profits of the Lands so to be purchased, and any Buildings for the Time being, after all reasonable Deductions and Allowances for Lessees

Lessees Repairs, Expence of Insurance, and proper or reasonable Outgoings, it shall be lawful for the said Council and they are hereby authorized and required to apply such Monies as follows:

First,—Towards the Payment of the Expence which may be necessarily incurred from Time to Time in carrying into effect the Provisions of this Act, and which are not herein-before provided for:

Secondly,—Towards the Payment from Time to Time of the Interest of any Money which shall be raised by way of Mortgage according to the Power hereby given, or of so much thereof as shall remain unredeemed:

Thirdly,—Towards the Payment of the Amount of any Sum of Money which the said Council shall from Time to Time pay to the Commissioners of Customs by virtue of this Act:

And with regard to the Monies to be so borrowed, and as to all other Monies so to be received, that if the said Monies shall be more than sufficient for the Purposes aforesaid, then it shall be lawful for the said Council to apply the Surplus thereof either in Payment of the Money borrowed by the said Council under the Provisions of this Act, or of so much thereof as they shall from Time to Time deem it expedient to redeem, or in Improvements within the said Borough, or otherwise as to the said Council shall seem fit for the public Benefit of the Inhabitants thereof.

Council to make Bye Laws.

XXXIII. And be it enacted, That it shall be lawful for the said Council, at a Meeting thereof at which Two Thirds at least of their Number shall be present, and they are hereby empowered, to make such Bye Laws as to them shall seem meet with regard to the Warehouses to be appointed by virtue of this Act, so far as relates to the Management and Regulation thereof for the Purposes of this Act, and also with regard to the Duties or Rates authorized to be raised by this Act, so far as relates to the Collection thereof, and also with regard to the Owners of Warehouses and Owners of Goods lodged therein, and all other Persons employed by such Owners, or otherwise engaged about such Warehouses and Goods lodged therein and removed therefrom, and to impose therein such Fines for the Nonobservance of such Bye Laws, not exceeding Ten Pounds, as to them shall seem meet.

Bye Laws not to take effect until submitted to Treasury and published.

XXXIV. Provided nevertheless, and be it enacted, That no such Bye Law shall be of any Force until after the Expiration of Forty Days after the same, or a Copy thereof, shall have been sent, sealed with the Seal of the said Borough, to the Lords of Her Majesty's Treasury, and after a Copy thereof shall have been affixed on or near the outer Door of the Town Hall, or in some other public Place within such Borough, for the like Space of Forty Days; and if at any Time within the said Period of Forty Days the Lords of the Treasury shall disallow such Bye Law or any Part thereof, such Bye Law, or the Part thereof so disallowed, shall not come into operation: Provided also, that it shall be lawful for the Lords of the Treasury, if they shall think fit, at any Time within the said Period of Forty Days, to enlarge the Time within which such Bye Law shall not come into force, and no such Bye Law shall in that Case come into force until after the Expiration of such enlarged Time.

Extending Provisions of Municipal Corporations Acts to this Act in certain respects.

XXXV. And be it enacted, That the several Provisions, Powers, and Enactments in the Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and the Acts for the Amendment, Alteration, or Interpretation thereof, shall, so far as the same respectively relate to the several Matters and Things herein-after referred to, extend to such Matters and Things as are herein-after mentioned in connexion therewith; (that is to say,)

The Provisions for ordering the Borough Rate, and in respect of Appeals therefrom, and for obtaining Returns of rateable Property and Assessments, shall apply to the respective Rates authorized to be made hereunder, and to the Returns and Assessments requisite or proper for the Purposes thereof, and the respective Provisions for the Removal and Re-appointment of Officers, and in relation to the Securities for the due Execution of their respective Offices, and for the Delivery and Enforcement of their Accounts, and as to their Receipts, Payments, and Duties, and to the Remedies and Proceedings for enforcing or consequent upon any Breach thereof, or in reference to their Conduct and Behaviour in any respect to the Officers, Clerks, and Servants to be appointed hereunder, and to the like Securities, Remedies, Matters, and Things with reference to such Officers, Clerks, and Servants:

And the same Act and Acts, so far as relates to the Application of Penalties; and

So far as relates to the Prosecution of Offences punishable upon summary Convictions; and

So far as relates to the summoning of Witnesses, and the Penalties for Disobedience of such Summons; and

So far as relates to the Payment of Penalties, the levying thereof by Distress, and the Imprisonment of Offenders; and

So far as relates to the Form of Conviction; and

So far as relates to Appeals against Convictions under that Act; and

So far as relates to the Informality of Proceedings, and the Removal of Proceedings into Her Majesty's Court of Record at *Westminster*, and to the Recovery of Satisfaction by Persons aggrieved by informal Proceedings; and

So far as relates to the Protection of Persons acting in the Execution of that Act in relation to Actions and Proceedings against them for any thing done in pursuance of that Act,

Shall apply to the like Matters under this Act, and in every such Case as if such Parts of the same Act or Acts were re-enacted herein with the requisite Variations.

XXXVI. And

XXXVI. And for the Interpretation of this Act, be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean a Calendar Month:

The Words "Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* in the County of *Lancaster*:

The Word "Council" shall mean the Council of the Borough of *Manchester*:

The Word "Borough" shall mean the Borough of *Manchester* as comprised in Her Majesty's Charter of Incorporation:

The Word "Justice" shall mean any one of Her Majesty's Justices of the Peace acting in and for the said Borough of *Manchester* or the said County of *Lancaster*:

The Word "Goods" shall mean all Goods, Commodities, and Merchandize whatsoever which now or for the Time being may by Law be warehoused or lodged according to the Provisions of the said Warehousing Act:

The Word "Warehouses" shall include all Places of Security or Premises appointed in pursuance of this Act for the warehousing or lodging of Goods, and to the Buildings, Walls, Yards, and other Places appurtenant thereto or connected therewith, including Yards for bonding Timber, whether the same Warehouses be situate within or near the Borough of *Manchester*:

The Word "Owners," used in connexion with or with reference to Goods, shall include reputed or ostensible Owners, and all Persons in whose Names any Goods shall have been warehoused under this Act, or shall for the Time being stand in the Books kept by the Officers of Customs having the Charge of the Warehouse in which the same shall be lodged, or shall have been lodged at the Time of the Payment of the Duties of Customs thereon, and also all Persons who in respect of such Goods shall be liable to the Payment of such Duties:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Term "Lords of the Treasury" shall mean also and include the Lord High Treasurer, or the Lords Commissioners of Her Majesty's Treasurer for the Time being, as the Case may be:

The Word "Commissioners" shall mean and include the Commissioners of Her Majesty's Customs for the Time being.

XXXVII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such. Public Act.

XXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Conveyance.

I of in consideration of the Sum of to me [*or, as the Case may be,*] into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte "The Mayor, Aldermen, and Burgesses of the Borough of Manchester," [*or to A. B.* of and *C. D.* of Two Trustees appointed to receive the same,] pursuant to the Act after mentioned, paid by the Mayor, Aldermen, and Burgesses of the Borough of Manchester, acting under an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], do hereby convey to the Mayor, Aldermen, and Burgesses, their Successors and Assigns, all [*describe the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all such Estate, Right, Title, and Interest in and to the same, and every Part thereof, as I am or shall become seised or possessed of, or am by the said Act capacitated or empowered to convey or surrender, to hold the Premises to the Mayor, Aldermen, and Burgesses, their Successors and Assigns for ever, according to the true Intent and Meaning of this Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord

SCHEDULE (B.)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as herein-after mentioned, by the Mayor, Aldermen, and Burgesses of the Borough of Manchester, acting under an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], do hereby convey to the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all such Estate, Right, Title, and Interest

in and to the same, and every Part thereof, as I am or shall become seised or possessed of, or am by the said Act capacitated or empowered to convey or surrender, to hold the said Premises to the said Mayor, Aldermen, and Burgesses, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act, they the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, one clear yearly Rent of by equal quarterly [*or* half-yearly, *as agreed upon*,] Portions henceforth on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord .

SCHEDULE (C.)

Form of Mortgage upon the Security of Lands purchased.

Know all Men by these Presents, That we, the Mayor, Aldermen, and Burgesses of the Borough of Manchester, under the Authority of an Act passed [*here set forth the Title of this Act*], in consideration of the Sum of by of paid into the Hands of the Treasurer of the said Borough, the Receipt whereof is certified by his signing the Receipt endorsed on these Presents, do by these Presents demise and assign to the said his Executors, Administrators, and Assigns, all that [*here describe the Premises*], and all the Estate, Right, Title, and Interest of the Mayor, Aldermen, and Burgesses of the Borough of Manchester in the same, to have and to hold the said [*shortly specifying the Premises*], hereby demised, and all Benefit and Advantage thereunto belonging, unto the said his Executors, Administrators, and Assigns, until the Expiration of the Term of One thousand Years [*or for a shorter Period, according to the Nature of the Property, or the Extent of any Term therein*], or until the said Sum, with Interest thereon at the Rate of for every One hundred Pounds by the Year, shall have been paid or satisfied, which shall first happen. Given under our Common Seal, this Day of in the Year of our Lord One thousand eight hundred and

SCHEDULE (D.)

Form of Mortgage where the Loan is made on Security of Rates.

Know all Men by these Presents, That we, the Mayor, Aldermen, and Burgesses of the Borough of Manchester, under the Authority of the Act passed [*here set forth the Title of this Act*], in consideration of the Sum of by of paid into the Hands of the Treasurer of the said Borough, the Receipt whereof is certified by his signing the Receipt endorsed on these Presents, do by these Presents assign unto the said his Executors, Administrators, and Assigns, all the Rates and Duties arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the said Mayor, Aldermen, and Burgesses therein, to hold unto the said his Executors, Administrators, and Assigns, until the said Sum of together with all Interest for the same at the Rate of for every One hundred Pounds by the Year, shall be paid and satisfied. Given under our Common Seal, this Day of in the Year of our Lord One thousand eight hundred and

CAP. XXXII.

An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of *England* certain Privileges for a limited Period. [19th *July* 1844.]

'WHEREAS it is expedient to regulate the Issue of Bills or Notes payable on Demand: And 'whereas an Act was passed in the Fourth Year of the Reign of His late Majesty King *William* 3 & 4 W. 4. c. 98. 'the Fourth, intituled *An Act for giving to the Corporation of the Governor and Company of the Bank 'of* England *certain Privileges for a limited Period, under certain Conditions;* and it is expedient that 'the Privileges of exclusive Banking therein mentioned should be continued to the said Governor and 'Company of the Bank of *England*, with such Alterations as are herein contained, upon certain 'Conditions:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of *August* One thousand eight hundred and forty-four the Issue of Promissory Notes of the Governor and Company of the Bank of *England*, payable on Demand, shall be separated and thenceforth kept wholly distinct from the general Banking Business of the said Governor and Company; and the Business of and relating to such Issue shall be thenceforth conducted and carried on by the said Governor and Company in a separate Department, to be called "The Issue Department of the Bank of *England*," subject to the Rules and Regulations herein-after contained; and it shall be lawful for the Court of Directors of the said Governor and Company, if they shall think fit, to appoint a Committee or Committees of Directors for the Conduct and Management of such Issue Department of the Bank of *England*, and from Time to Time to remove the Members, and define, alter, and regulate the Constitution and Powers of such Committee, as they shall think fit, subject to any Bye Laws, Rules, or Regulations which may be made for that Purpose: Provided nevertheless, that the said Issue Department

Bank to establish a separate Department for the Issue of Notes.

Department shall always be kept separate and distinct from the Banking Department of the said Governor and Company.

Management of the Issue by Bank of England.

II. And be it enacted, That upon the Thirty-first Day of *August* One thousand eight hundred and forty-four there shall be transferred, appropriated, and set apart by the said Governor and Company to the Issue Department of the Bank of *England* Securities to the Value of Fourteen million Pounds, whereof the Debt due by the Public to the said Governor and Company shall be and be deemed a Part; and there shall also at the same Time be transferred, appropriated, and set apart by the said Governor and Company to the said Issue Department so much of the Gold Coin and Gold and Silver Bullion then held by the Bank of *England* as shall not be required by the Banking Department thereof; and thereupon there shall be delivered out of the said Issue Department into the said Banking Department of the Bank of *England* such an Amount of Bank of *England* Notes as, together with the Bank of *England* Notes then in circulation, shall be equal to the aggregate Amount of the Securities, Coin, and Bullion so transferred to the said Issue Department of the Bank of *England;* and the whole Amount of Bank of *England* Notes then in circulation, including those delivered to the Banking Department of the Bank of *England* as aforesaid, shall be deemed to be issued on the Credit of such Securities, Coin, and Bullion so appropriated and set apart to the said Issue Department; and from thenceforth it shall not be lawful for the said Governor and Company to increase the Amount of Securities for the Time being in the said Issue Department, save as herein-after is mentioned, but it shall be lawful for the said Governor and Company to diminish the Amount of such Securities, and again to increase the same to any Sum not exceeding in the whole the Sum of Fourteen million Pounds, and so from Time to Time as they shall see Occasion; and from and after such Transfer and Appropriation to the said Issue Department as aforesaid it shall not be lawful for the said Governor and Company to issue Bank of *England* Notes, either into the Banking Department of the Bank of *England*, or to any Persons or Person whatsoever, save in exchange for other Bank of *England* Notes, or for Gold Coin or for Gold or Silver Bullion received or purchased for the said Issue Department under the Provisions of this Act, or in exchange for Securities acquired and taken in the said Issue Department under the Provisions herein contained: Provided always, that it shall be lawful for the said Governor and Company in their Banking Department to issue all such Bank of *England* Notes as they shall at any Time receive from the said Issue Department or otherwise, in the same Manner in all respects as such Issue would be lawful to any other Person or Persons.

Proportion of Silver Bullion to be retained in the Issue Department.

III. 'And whereas it is necessary to limit the Amount of Silver Bullion on which it shall be lawful 'for the Issue Department of the Bank of *England* to issue Bank of *England* Notes;' be it therefore enacted, That it shall not be lawful for the Bank of *England* to retain in the Issue Department of the said Bank at any one Time an Amount of Silver Bullion exceeding One Fourth Part of the Gold Coin and Bullion at such Time held by the Bank of *England* in the Issue Department.

All Persons may demand of the Issue Department Notes for Gold Bullion.

IV. And be it enacted, That from and after the Thirty-first Day of *August* One thousand eight hundred and forty-four all Persons shall be entitled to demand from the Issue Department of the Bank of *England* Bank of *England* Notes in exchange for Gold Bullion, at the Rate of Three Pounds Seventeen Shillings and Nine-pence *per* Ounce of Standard Gold: Provided always, that the said Governor and Company shall in all Cases be entitled to require such Gold Bullion to be melted and assayed by Persons approved by the said Governor and Company at the Expence of the Parties tendering such Gold Bullion.

Power to increase Securities in the Issue Department, and issue additional Notes.

V. Provided always, and be it enacted, That if any Banker who on the Sixth Day of *May* One thousand eight hundred and forty-four was issuing his own Bank Notes shall cease to issue his own Bank Notes, it shall be lawful for Her Majesty in Council at any Time after the Cessation of such Issue, upon the Application of the said Governor and Company, to authorize and empower the said Governor and Company to increase the Amount of Securities in the said Issue Department beyond the total Sum or Value of Fourteen million Pounds, and thereupon to issue additional Bank of *England* Notes to an Amount not exceeding such increased Amount of Securities specified in such Order in Council, and so from Time to Time: Provided always, that such increased Amount of Securities specified in such Order in Council shall in no Case exceed the Proportion of Two Thirds the Amount of Bank Notes which the Banker so ceasing to issue may have been authorized to issue under the Provisions of this Act; and every such Order in Council shall be published in the next succeeding *London Gazette.*

Account to be rendered by the Bank of England.

VI. And be it enacted, That an Account of the Amount of Bank of *England* Notes issued by the Issue Department of the Bank of *England*, and of Gold Coin and of Gold and Silver Bullion respectively, and of Securities in the said Issue Department, and also an Account of the Capital Stock, and the Deposits, and of the Money and Securities belonging to the said Governor and Company in the Banking Department of the Bank of *England*, on some Day in every Week to be fixed by the Commissioners of Stamps and Taxes, shall be transmitted by the said Governor and Company weekly to the said Commissioners in the Form prescribed in the Schedule hereto annexed marked (A.), and shall be published by the said Commissioners in the next succeeding *London Gazette* in which the same may be conveniently inserted.

Bank of England exempted from Stamp Duty upon their Notes.

VII. And be it enacted, That from and after the said Thirty-first Day of *August* One thousand eight hundred and forty-four the said Governor and Company of the Bank of *England* shall be released and discharged from the Payment of any Stamp Duty, or Composition in respect of Stamp Duty, upon or in respect of their Promissory Notes payable to Bearer on Demand; and all such Notes shall thenceforth be and continue free and wholly exempt from all Liability to any Stamp Duty whatsoever.

Bank to allow 180,000*l.* per Annum.

VIII. And be it enacted, That from and after the said Thirty-first Day of *August* One thousand eight hundred and forty-four the Payment or Deduction of the annual Sum of One hundred and twenty thousand Pounds, made by the said Governor and Company under the Provisions of the said Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, out of the Sums payable to them for the Charges of Management of the Public Unredeemed Debt shall cease, and in lieu thereof the said Governor and Company, in consideration of the Privileges of exclusive Banking, and the Exemption from Stamp Duties, given to them by this Act, shall, during the Continuance of such Privileges and such Exemption respectively, but no longer, deduct and allow to the Public, from the Sums now payable by Law to the said Governor and Company for the Charges of Management of the Public Unredeemed Debt, the annual Sum of One hundred and eighty thousand Pounds, any thing in any Act or Acts of Parliament, or in any Agreement, to the contrary notwithstanding: Provided always, that such Deduction shall in no respect prejudice or affect the Rights of the said Governor and Company to be paid for the Management of the Public Debt at the Rate and according to the Terms provided in an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the advancing for the Public Service, upon certain Conditions, a Proportion of the Balance remaining in the Bank of* England, *for the Payment of Unclaimed Dividends, Annuities, and Lottery Prizes, and for regulating the Allowances to be made for the Management of the National Debt.*

48 G. 3. c. 4.

Bank to allow the Public the Profits of increased Circulation.

IX. And be it enacted, That in case, under the Provisions herein-before contained, the Securities held in the said Issue Department of the Bank of *England* shall at any Time be increased beyond the total Amount of Fourteen million Pounds, then and in each and every Year in which the same shall happen, and so long as such Increase shall continue, the said Governor and Company shall, in addition to the said annual Sum of One hundred and eighty thousand Pounds, make a further Payment or Allowance to the Public, equal in Amount to the net Profit derived in the said Issue Department during the current Year from such additional Securities, after deducting the Amount of the Expences occasioned by the additional Issue during the same Period, which Expences shall include the Amount of any and every Composition or Payment to be made by the said Governor and Company to any Banker in consideration of the Discontinuance at any Time hereafter of the Issue of Bank Notes by such Banker; and such further Payment or Allowance to the Public by the said Governor and Company shall, in every Year while the Public shall be entitled to receive the same, be deducted from the Amount by Law payable to the said Governor and Company for the Charges of Management of the Unredeemed Public Debt, in the same Manner as the said annual Sum of One hundred and eighty thousand Pounds is hereby directed to be deducted therefrom.

No new Bank of Issue.

X. And be it enacted, That from and after the passing of this Act no Person other than a Banker who on the Sixth Day of *May* One thousand eight hundred and forty-four was lawfully issuing his own Bank Notes shall make or issue Bank Notes in any Part of the United Kingdom.

Restriction against Issue of Bank Notes.

XI. And be it enacted, That from and after the passing of this Act it shall not be lawful for any Banker to draw, accept, make, or issue, in *England* or *Wales*, any Bill of Exchange or Promissory Note or Engagement for the Payment of Money payable to Bearer on Demand, or to borrow, owe, or take up, in *England* or *Wales*, any Sums or Sum of Money on the Bills or Notes of such Banker payable to Bearer on Demand, save and except that it shall be lawful for any Banker who was on the Sixth Day of *May* One thousand eight hundred and forty-four carrying on the Business of a Banker in *England* or *Wales*, and was then lawfully issuing, in *England* or *Wales*, his own Bank Notes, under the Authority of a Licence to that Effect, to continue to issue such Notes to the Extent and under the Conditions hereinafter mentioned, but not further or otherwise; and the Right of any Company or Partnership to continue to issue such Notes shall not be in any Manner prejudiced or affected by any Change which may hereafter take place in the personal Composition of such Company or Partnership, either by the Transfer of any Shares or Share therein, or by the Admission of any new Partner or Member thereto, or by the Retirement of any present Partner or Member therefrom: Provided always, that it shall not be lawful for any Company or Partnership now consisting of only Six or less than Six Persons to issue Bank Notes at any Time after the Number of Partners therein shall exceed Six in the whole.

Bankers ceasing to issue Notes may not resume.

XII. And be it enacted, That if any Banker in any Part of the United Kingdom who after the passing of this Act shall be entitled to issue Bank Notes shall become bankrupt, or shall cease to carry on the Business of a Banker, or shall discontinue the Issue of Bank Notes, either by Agreement with the Governor and Company of the Bank of *England* or otherwise, it shall not be lawful for such Banker at any Time thereafter to issue any such Notes.

Existing Banks of Issue to continue under certain Limitations.

XIII. And be it enacted, That every Banker claiming under this Act to continue to issue Bank Notes in *England* or *Wales* shall, within One Month next after the passing of this Act, give Notice in Writing to the Commissioners of Stamps and Taxes at their Head Office in *London* of such Claim, and of the Place and Name and Firm at and under which such Banker has issued such Notes during the Twelve Weeks next preceding the Twenty-seventh Day of *April* last; and thereupon the said Commissioners shall ascertain if such Banker was on the Sixth Day of *May* One thousand eight hundred and forty-four carrying on the Business of a Banker, and lawfully issuing his own Bank Notes in *England* or *Wales*, and if it shall so appear then the said Commissioners shall proceed to ascertain the average Amount of the Bank Notes of such Banker which were in circulation during the said Period of Twelve Weeks preceding the Twenty-seventh Day of *April* last, according to the Returns made by such Banker in pursuance of the Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled

An

An Act to make further Provision relative to the Returns to be made by Banks of the Amount of their Notes in circulation; and the said Commissioners or any Two of them shall certify under their Hands to such Banker the said average Amount, when so ascertained as aforesaid; and it shall be lawful for every such Banker to continue to issue his own Bank Notes after the passing of this Act: Provided nevertheless, that such Banker shall not at any Time after the Tenth Day of *October* One thousand eight hundred and forty-four have in circulation upon the Average of a Period of Four Weeks, to be ascertained as hereinafter mentioned, a greater Amount of Notes than the Amount so certified. 4 & 5 Vict. c. 50.

Provision for united Banks.

XIV. Provided always, and be it enacted, That if it shall be made to appear to the Commissioners of Stamps and Taxes that any Two or more Banks have, by written Contract or Agreement (which Contract or Agreement shall be produced to the said Commissioners), become united within the Twelve Weeks next preceding such Twenty-seventh Day of *April* as aforesaid, it shall be lawful for the said Commissioners to ascertain the average Amount of the Notes of each such Bank in the Manner herein-before directed, and to certify the average Amount of the Notes of the Two or more Banks so united as the Amount which the united Bank shall thereafter be authorized to issue, subject to the Regulations of this Act.

Duplicate Certificate to be published in the Gazette, and Gazette to be Evidence.

XV. And be it enacted, That the Commissioners of Stamps and Taxes shall, at the Time of certifying to any Banker such Particulars as they are herein-before required to certify, also publish a Duplicate of their Certificate thereof in the next succeeding *London Gazette* in which the same may be conveniently inserted; and the Gazette in which such Publication shall be made shall be conclusive Evidence in all Courts whatsoever of the Amount of Bank Notes which the Banker named in such Certificate or Duplicate is by Law authorized to issue and to have in circulation as aforesaid.

In case Banks become united Commissioners to certify the Amount of Bank Notes which each Bank was authorized to issue.

XVI. And be it enacted, That in case it shall be made to appear to the Commissioners of Stamps and Taxes, at any Time hereafter, that any Two or more Banks, each such Bank consisting of not more than Six Persons, have, by written Contract or Agreement (which Contract or Agreement shall be produced to the said Commissioners), become united subsequently to the passing of this Act, it shall be lawful to the said Commissioners, upon the Application of such united Bank, to certify, in manner herein-before mentioned, the aggregate of the Amounts of Bank Notes which such separate Banks were previously authorized to issue, and so from Time to Time; and every such Certificate shall be published in manner herein-before directed; and from and after such Publication the Amount therein stated shall be and be deemed to be the Limit of the Amount of Bank Notes which such united Bank may have in circulation: Provided always, that it shall not be lawful for any such united Bank to issue Bank Notes at any Time after the Number of Partners therein shall exceed Six in the whole.

Penalty on Banks in excess.

XVII. And be it enacted, That if the monthly average Circulation of Bank Notes of any Banker, taken in the Manner herein-after directed, shall at any Time exceed the Amount which such Banker is authorized to issue and to have in circulation under the Provisions of this Act, such Banker shall in every such Case forfeit a Sum equal to the Amount by which the average monthly Circulation, taken as aforesaid, shall have exceeded the Amount which such Banker was authorized to issue and to have in circulation as aforesaid.

Issuing Banks to render Accounts.

XVIII. And be it enacted, That every Banker in *England* and *Wales* who, after the Tenth Day of *October* One thousand eight hundred and forty-four, shall issue Bank Notes shall on some One Day in every Week after the Nineteenth Day of *October* One thousand eight hundred and forty-four (such Day to be fixed by the Commissioners of Stamps and Taxes) transmit to the said Commissioners an Account of the Amount of the Bank Notes of such Banker in circulation on every Day during the Week ending on the next preceding *Saturday*, and also an Account of the average Amount of the Bank Notes of such Banker in circulation during the same Week; and on completing the first Period of Four Weeks, and so on completing each successive Period of Four Weeks, every such Banker shall annex to such Account the average Amount of Bank Notes of such Banker in circulation during the said Four Weeks, and also the Amount of Bank Notes which such Banker is authorized to issue under the Provisions of this Act; and every such Account shall be verified by the Signature of such Banker or his chief Cashier, or, in the Case of a Company or Partnership, by the Signature of a Managing Director or Partner or chief Cashier of such Company or Partnership, and shall be made in the Form to this Act annexed marked (B.); and so much of the said Return as states the weekly average Amount of the Notes of such Bank shall be published by the said Commissioners in the next succeeding *London Gazette* in which the same may be conveniently inserted; and if any such Banker shall neglect or refuse to render any such Account in the Form and at the Time required by this Act, or shall at any Time render a false Account, such Banker shall forfeit the Sum of One hundred Pounds for every such Offence.

Mode of ascertaining average Amount of Bankers Notes, in circulation during the first Four Weeks after 10th Oct. 1844.

XIX. And be it enacted, That for the Purpose of ascertaining the monthly average Amount of Bank Notes of each Banker in circulation the aggregate of the Amount of Bank Notes of each such Banker in circulation on every Day of Business during the first complete Period of Four Weeks next after the Tenth Day of *October* One thousand eight hundred and forty-four, such Period ending on a *Saturday*, shall be divided by the Number of Days of Business in such Four Weeks, and the Average so ascertained shall be deemed to be the Average of Bank Notes of each such Banker in circulation during such Period of Four Weeks, and so in each successive Period of Four Weeks, and such Average is not to exceed the Amount certified by the Commissioners of Stamps and Taxes as aforesaid.

Commissioners of Stamps and Taxes empowered to

XX. 'And whereas, in order to insure the rendering of true and faithful Accounts of the Amount of 'Bank Notes in circulation, as directed by this Act, it is necessary that the Commissioners of Stamps and 'Taxes should be empowered to cause the Books of Bankers issuing such Notes to be inspected, as hereinafter

cause the Books of Bankers containing Accounts of their Bank Notes in circulation to be inspected.

'after mentioned;' be it therefore enacted, That all and every the Book and Books of any Banker who shall issue Bank Notes under the Provisions of this Act, in which shall be kept, contained, or entered any Account, Minute, or Memorandum of or relating to the Bank Notes issued or to be issued by such Banker, or of or relating to the Amount of such Notes in circulation from Time to Time, or any Account, Minute, or Memorandum the Sight or Inspection whereof may tend to secure the rendering of true Accounts of the average Amount of such Notes in circulation, as directed by this Act, or to test the Truth of any such Account, shall be open for the Inspection and Examination, at all seasonable Times, of any Officer of Stamp Duties authorized in that Behalf by Writing, signed by the Commissioners of Stamps and Taxes or any Two of them; and every such Officer shall be at liberty to take Copies of or Extracts from any such Book or Account as aforesaid; and if any Banker or other Person keeping any such Book, or having the Custody or Possession thereof, or Power to produce the same, shall, upon Demand made by any such Officer, showing (if required) his Authority in that Behalf, refuse to produce any such Book to such Officer for his Inspection and Examination, or to permit him to inspect and examine the same, or to take Copies thereof or Extracts therefrom, or of or from any such Account, Minute, or Memorandum as aforesaid kept, contained, or entered therein, every such Banker or other Person so offending shall for every such Offence forfeit the Sum of One hundred Pounds: Provided always, that the said Commissioners shall not exercise the Powers aforesaid without the Consent of the Commissioners of Her Majesty's Treasury.

Penalty for refusing to allow such Inspection.

All Bankers to return Names once a Year to the Stamp Office.

XXI. And be it enacted, That every Banker in *England* and *Wales* who is now carrying on or shall hereafter carry on Business as such shall on the First Day of *January* in each Year, or within Fifteen Days thereafter, make a Return to the Commissioners of Stamps and Taxes at their Head Office in *London* of his Name, Residence, and Occupation, or, in the Case of a Company or Partnership, of the Name, Residence, and Occupation of every Person composing or being a Member of such Company or Partnership, and also the Name of the Firm under which such Banker, Company, or Partnership carry on the Business of Banking, and of every Place where such Business is carried on; and if any such Banker, Company, or Partnership shall omit or refuse to make such Return within Fifteen Days after the said First Day of *January*, or shall wilfully make other than a true Return of the Persons as herein required, every Banker, Company, or Partnership so offending shall forfeit and pay the Sum of Fifty Pounds; and the said Commissioners of Stamps and Taxes shall on or before the First Day of *March* in every Year publish in some Newspaper circulating within each Town or County respectively a Copy of the Return so made by every Banker, Company, or Partnership carrying on the Business of Bankers within such Town or County respectively, as the Case may be.

Bankers to take out a separate Licence for every Place at which they issue Notes, &c.

Proviso in favour of Bankers who had Four such Licences in force on the 6th of May 1844.

XXII. And be it enacted, That every Banker who shall be liable by Law to take out a Licence from the Commissioners of Stamps and Taxes to authorize the issuing of Notes or Bills shall take out a separate and distinct Licence for every Town or Place at which he shall, by himself or his Agent, issue any Notes or Bills requiring such Licence to authorize the issuing thereof, any thing in any former Act contained to the contrary thereof notwithstanding: Provided always, that no Banker who on or before the Sixth Day of *May* One thousand eight hundred and forty-four had taken out Four such Licences, which on the said last-mentioned Day were respectively in force, for the issuing of any such Notes or Bills at more than Four separate Towns or Places, shall at any Time hereafter be required to take out or to have in force at one and the same Time more than Four such Licences to authorize the issuing of such Notes or Bills at all or any of the same Towns or Places specified in such Licences in force on the said Sixth Day of *May* One thousand eight hundred and forty-four, and at which Towns or Places respectively such Bankers had on or before the said last-mentioned Day issued such Notes or Bills in pursuance of such Licences or any of them respectively.

Compensation to certain Bankers named in the Schedule.

XXIII. 'And whereas the several Bankers named in the Schedule hereto annexed marked (C.) have 'ceased to issue their own Bank Notes under certain Agreements with the Governor and Company of the 'Bank of *England*; and it is expedient that such Agreements should cease and determine on the Thirty-'first Day of *December* next, and that such Bankers should receive by way of Compensation such 'Composition as hereafter mentioned; and a List of such Bankers, and a Statement of the maximum 'Sums in respect of which each such Banker is to receive Compensation, hath been delivered to the 'Commissioners of Stamps and Taxes, signed by the Chief Cashier of the Bank of *England*;' be it therefore enacted, That the several Agreements subsisting between the said Governor and Company and the several Bankers mentioned in the Schedule hereto relating to the Issue of Bank of *England* Notes shall cease and determine on the Thirty-first Day of *December* next; and from and after that Day the said Governor and Company shall pay and allow to the several Bankers named in the Schedule hereto marked (C.), so long as such Bankers shall be willing to receive the same, a Composition at and after the Rate of One Pound *per Centum per Annum* on the average Amount of the Bank of *England* Notes issued by such Bankers respectively and actually remaining in circulation, to be ascertained as follows; (that is to say,) on some Day in the Month of *April* One thousand eight hundred and forty-five, to be determined by the said Governor and Company, an Account shall be taken of the Bank of *England* Notes delivered to such Bankers respectively by the said Governor and Company within Three Months next preceding, and of such of the said Bank of *England* Notes as shall have been returned to the Bank of *England*, and the Balance shall be deemed to be the Amount of the Bank of *England* Notes issued by such Bankers respectively and kept in circulation; and a similar Account shall be taken at Intervals of Three Calendar Months; and the Average of the Balances ascertained on taking Four such Accounts shall be deemed to be the average Amount of Bank of *England* Notes issued by such Bankers respectively

tively and kept in circulation during the Year One thousand eight hundred and forty-five, and on which Amount such Bankers are respectively to receive the aforesaid Composition of One *per Centum* for the Year One thousand eight hundred and forty-five; and similar Accounts shall be taken in each succeeding Year; but in each Year such Accounts shall be taken in different Months from those in which the Accounts of the last preceding Year were taken, and on different Days of the Month, such Months and Days to be determined by the said Governor and Company; and the Amount of the Composition payable as aforesaid shall be paid by the said Governor and Company out of their own Funds; and in case any Difference shall arise between any of such Bankers and the Governor and Company of the Bank of *England* in respect of the Composition payable as aforesaid, the same shall be determined by the Chancellor of the Exchequer for the Time being, or by some Person to be named by him, and the Decision of the Chancellor of the Exchequer, or his Nominee, shall be final and conclusive: Provided always, that it shall be lawful for any Banker named in the Schedule hereto annexed marked (C.) to discontinue the Receipt of such Composition as aforesaid, but no such Banker shall by such Discontinuance as aforesaid thereby acquire any Right or Title to issue Bank Notes.

Bank of England to be allowed to compound with Issuing Banks.

XXIV. And be it enacted, That it shall be lawful for the said Governor and Company to agree with every Banker who, under the Provisions of this Act, shall be entitled to issue Bank Notes, to allow to such Banker a Composition at the Rate of One *per Centum per Annum* on the Amount of Bank of *England* Notes which shall be issued and kept in circulation by such Banker, as a Consideration for his Relinquishment of the Privilege of issuing his own Bank Notes; and all the Provisions herein contained for ascertaining and determining the Amount of Composition payable to the several Bankers named in the Schedule hereto marked (C.) shall apply to all such other Bankers with whom the said Governor and Company are hereby authorized to agree as aforesaid; provided that the Amount of Composition payable to such Bankers as last aforesaid shall in every Case in which an Increase of Securities in the Issue Department shall have been authorized by any Order in Council be deducted out of the Amount payable by the said Governor and Company to the Public under the Provisions herein contained: Provided always, that the total Sum payable to any Banker, under the Provisions herein contained, by way of Composition as aforesaid, in any One Year, shall not exceed, in case of the Bankers mentioned in the Schedule hereto marked (C.), One *per Centum* on the several Sums set against the Names of such Bankers respectively in the List and Statement delivered to the Commissioners of Stamps as aforesaid, and in the Case of other Bankers shall not exceed One *per Centum* on the Amount of Bank Notes which such Bankers respectively would otherwise be entitled to issue under the Provisions herein contained.

Limitation of Compositions.

Compositions to cease on 1st August 1856.

XXV. And be it enacted, That all the Compositions payable to the several Bankers mentioned in the Schedule hereto marked (C.), and such other Bankers as shall agree with the said Governor and Company to discontinue the Issue of their own Bank Notes as aforesaid, shall, if not previously determined by the Act of such Banker as herein-before provided, cease and determine on the First Day of *August* One thousand eight hundred and fifty-six, or on any earlier Day on which Parliament may prohibit the Issue of Bank Notes.

Banks within Sixty-five Miles of London may accept, &c. Bills.

XXVI. And be it enacted, That from and after the passing of this Act it shall be lawful for any Society or Company or any Persons in Partnership, though exceeding Six in Number, carrying on the Business of Banking in *London*, or within Sixty-five Miles thereof, to draw, accept, or endorse Bills of Exchange, not being payable to Bearer on Demand, any thing in the herein-before recited Act passed in the Fourth Year of the Reign of His said Majesty King *William* the Fourth, or in any other Act, to the contrary notwithstanding.

Bank to enjoy Privileges, subject to Redemption.

XXVII. And be it enacted, That the said Governor and Company of the Bank of *England* shall have and enjoy such exclusive Privilege of Banking as is given by this Act, upon such Terms and Conditions, and subject to the Termination thereof at such Time and in such Manner as is by this Act provided and specified; and all and every the Powers and Authorities, Franchises, Privileges, and Advantages, given or recognized by the said recited Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, as belonging to or enjoyed by the said Governor and Company of the Bank of *England*, or by any subsequent Act or Acts of Parliament, shall be and the same are hereby declared to be in full Force, and continued by this Act, except so far as the same are altered by this Act; subject nevertheless to Redemption upon the Terms and Conditions following; (that is to say,) at any Time upon Twelve Months Notice to be given after the First Day of *August* One thousand eight hundred and fifty-five, and upon Repayment by Parliament to the said Governor and Company or their Successors of the Sum of Eleven million fifteen thousand and one hundred Pounds, being the Debt now due from the Public to the said Governor and Company, without any Deduction, Discount, or Abatement whatsoever, and upon Payment to the said Governor and Company and their Successors of all Arrears of the Sum of One hundred thousand Pounds *per Annum*, in the last-mentioned Act mentioned, together with the Interest or Annuities payable upon the said Debt or in respect thereof, and also upon Repayment of all the Principal and Interest which shall be owing unto the said Governor and Company and their Successors upon all such Tallies, Exchequer Orders, Exchequer Bills, or Parliamentary Funds which the said Governor and Company or their Successors shall have remaining in their Hands or be entitled to at the Time of such Notice to be given as last aforesaid, then and in such Case, and not till then, the said exclusive Privileges of Banking granted by this Act shall cease and determine at the Expiration of such Notice of Twelve Months; and any Vote or Resolution of the House of Commons, signified under the Hand of the Speaker of the said House in Writing, and delivered at the public Office of the said Governor and Company, shall be deemed and adjudged to be a sufficient Notice.

XXVIII. And

Interpretation of Act.

XXVIII. And be it enacted, That the Term "Bank Notes" used in this Act shall extend and apply to all Bills or Notes for the Payment of Money to the Bearer on Demand other than Bills or Notes of the Governor and Company of the Bank of *England;* and that the Term "Bank of *England* Notes" shall extend and apply to the Promissory Notes of the Governor and Company of the Bank of *England* payable to Bearer on Demand; and that the Term "Banker" shall extend and apply to all Corporations, Societies, Partnerships, and Persons, and every individual Person carrying on the Business of Banking, whether by the Issue of Bank Notes or otherwise, except only the Governor and Company of the Bank of *England;* and that the Word "Person" used in this Act shall include Corporations; and that the Singular Number in this Act shall include the Plural Number, and the Plural Number the Singular, except where there is any thing in the Context repugnant to such Construction; and that the Masculine Gender in this Act shall include the Feminine, except where there is any thing in the Context repugnant to such Construction.

Act may be amended, &c.

XXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES to which the Act refers.

SCHEDULE (A.)

BANK OF ENGLAND.

An Account pursuant to the Act 7 & 8 Vict. Cap. for the Week ending on the Day of

Issue Department.

	£		£
Notes issued	-	Government Debt - -	-
		Other Securities - -	-
		Gold Coin and Bullion -	-
		Silver Bullion - -	-
	£		£

Dated the Day of 18 .

———— Cashier.

Banking Department.

	£		£
Proprietors Capital - -	-	Government Securities (including Dead Weight Annuity) -	-
Rest - - -	-	Other Securities - -	-
Public Deposits (to include Exchequer, Saving Banks, Commissioners of National Debt, and Dividend Accounts) -		Notes - - -	-
		Gold and Silver Coin -	-
Other Deposits - -	-		
Seven Day and other Bills -	-		
	£		£

Dated the Day of 18 .

———— Cashier.

SCHEDULE (B.)

Name and Title as set forth in the Licence ———— Bank.
Name of the Firm - - - ———— Firm.
Insert Head Office, or principal Place of Issue - - - - - ———— Place.

An Account pursuant to the Act 7 & 8 Vict. Cap. of the Notes of the said Bank in circulation during the Week ending Saturday the Day of 18

Monday - -	-
Tuesday - - -	-
Wednesday - -	-
Thursday - -	-
Friday - - -	-
Saturday - -	-
	6)
Average of the Week	-

[*To be annexed to this Account at the End of each Period of Four Weeks.*]

Amount of Notes authorized by Law - - - £
Average Amount in circulation during the Four Weeks ending as above - - - £

I, being

I, being [the Banker, Chief Cashier, Managing Director, *or* Partner of the Bank, *as the Case may be*], do hereby certify, That the above is a true Account of the Notes of the said Bank in circulation during the Week above written.

(Signed)

Dated the Day of 18 .

SCHEDULE (C.)

Banks which have ceased to issue their own Bank Notes, under certain Agreements with the Governor and Company of the Bank of England.

Bank of Liverpool.
J. Barned & Co.
Biddulph, Brothers, & Co.
Birmingham Banking Company.
Birmingham Town and District Bank.
Birmingham and Midland Banking Company.
Burgess and Son.
Coopers and Purton.
Cunliffes, Brookes, and Co.
Deane, Littlehales, and Deane.
Dendy, Comper, and Co.
Devon and Cornwall Banking Company.
Grants and Gillman.
Hampshire Banking Company.
James W. R. Hall.
J. M. Head and Co.
Henty, Upperton, and Olliver.
Thomas Kinnersly and Sons.
R. J. Lambton and Co.
Liverpool Commercial Banking Company.
Liverpool Union Bank.
Liverpool Borough Bank.
Manchester and Liverpool District Banking Company.
Manchester and Salford Banking Company.
Monmouth and Glamorgan Banking Company.
Moss and Company.
Mangles, Brothers.
Newcastle Commercial Banking Company.
Newcastle-on-Tyne Joint Stock Banking Company.
North of England Joint Stock Banking Company.
Northumberland and Durham District Bank.
Portsmouth and South Hants Bank Company.
T. and R. Raikes and Co.
Robinson and Brodhurst.
Sheffield Union Bank.
John Stoveld.
Sunderland Joint Stock Banking Company.
Tugwell and Co.
Union Bank of Manchester.
Vivian, Kitson, and Co.
Watts, Whiteway, and Co.
J. and J. C. Wright and Co.
Webb, Holbrook, and Spencer.

CAP. XXXIII.

An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties.

[19th *July* 1844.]

'WHEREAS the Constitution of Boards of Guardians for Parishes and Unions of Parishes for the Administration of the Laws for the Relief of the Poor in *England*, together with the Appointment of Treasurers holding Funds contributed by such Parishes, affords great Facility for the Collection of County Rates, Hundred Rates, Police Rates, and other like Rates authorized to be levied in Counties or Parts of Counties; and it is expedient to relieve High Constables from the Duties of collecting and paying to the County Treasurer the said Rates, and from attending at the Quarter Sessions of the Peace of their several Counties in certain Cases, and from the Performance of certain other Duties at present by Law imposed on them:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in

Justices of the Peace shall send Precepts directly to Guardians of Unions for the Payment of County Rates, &c.

this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *October* in this present Year, so soon as any Vacancy occurs in the Office of High Constable of any Hundred, by the Expiration of his Appointment, or otherwise, then, as often as the Justices of the Peace within the respective Limits of their Commissions in *England* have made a County Rate or a Police Rate, or any other Rate which may by Law be raised in like Manner as County Rates, or any Two or more such Rates, such Justices assembled at their General or Quarter Sessions, or at any Adjournment thereof, shall order Precepts in the Form shown in the Schedule annexed to this Act, or as near thereto as may be, to be issued to the Guardians of every Union of Parishes, of which Union any Parish is situate within such Limits, stating the Sum or Sums assessed and charged for each such Rate on each Parish in the Union, the whole of which Parish is situate within such Limits, and to the Guardians of every single Parish situate within such Limits, stating the Sum or Sums assessed and charged on such Parish for each such Rate, and requiring the Guardians of such Union or Parish respectively, within such Time as may be limited in such Precepts, to cause the aggregate of the said several Sums so stated to be paid by them, out of the Monies held by them on behalf of each such Parish, to the Treasurer of the County or Place for which such Justices act, and may cause such Precepts to be sent by Post, or otherwise, to such Guardians; and such Precepts shall have force in every such Union so far as concerns such Parishes as are within the Limits of the Commission of the said Justices, notwithstanding that the Place of meeting of such Guardians may not be situated within such Limits, and without being endorsed with the Signature of any Justice of the Peace having ordinary Jurisdiction in the Place of meeting of the Guardians; and such Guardians shall raise the Monies required by such Precepts to be paid in like Manner as the Money required by such Guardians for the Relief of the Poor, and shall pay such Monies at the Time limited and in the Manner prescribed by such Precepts; and if the Treasurer of such Guardians, or any Person on his or their Behalf, tender to the Treasurer of the County or Place for which such Justices act the aggregate of the said several Sums, or if he so tender the whole Sum assessed on any such Parish or Parishes in respect of any such Rate or Rates, together with a Copy of such Precept in which are specified the Parish or Parishes, and the Rate or Rates, in respect of which the same is so tendered, the Treasurer of the County shall receive the Sum so tendered, notwithstanding that the Sums required to be paid on behalf of other of such Parishes or of other of such Rates be not then tendered, and shall give a Receipt for the Sum or Sums received by him accordingly, but he shall not receive any Sum on behalf of any such Parish less than the whole of the Sum assessed and charged thereon in respect of one such Rate; and the Receipt of the Treasurer of such County or Place shall be a good Discharge for the Payment of the Sums specified in any such Precept or of any of them.

Guardians to pay such Rates.

County Treasurer to receive the same.

If the Guardians fail to pay such Rates, the Justices may issue Warrants to the Overseers of Parishes, &c. to pay the same.

II. And be it enacted, That in case Guardians do not pay within the Time limited in such Precept the Sum or Sums of Money therein required to be paid on behalf of any Parish, the said Justices assembled as aforesaid may cause to be issued and sent, by Post or otherwise, to the Overseers of the Poor of such Parish, or to the Petty Constable or Peace Officer, or other Person or Persons empowered in any Place to rate and levy the Monies assessed as such County, Police, or other Rate, Warrants to collect and pay to the Treasurer of the County or Place in which such Justices act, within a Time to be named and limited in such Warrants, the Rate or Rates charged on such Parish or Place respectively, together with an Addition to such Rate or Rates in the Proportion of One Shilling to every Ten; and such additional Sum shall be applied and disposed of in like Manner as the County Rate; and such Overseers of the Poor, Petty Constables, Peace Officers, or other Persons may reimburse themselves, as well for such additional Sums as for the original Amount of Rate or Rates, out of the Monies which they are respectively empowered to rate and levy for the Purpose of such County, Police, or other Rate, but shall not receive or take from the County Rate, or any other Rate, any Allowance or Compensation for their Trouble or Expences incurred in collecting, levying, or paying such County, Police, or other Rate.

If the Overseers, &c. fail to pay, the Justices may levy the Rate by Distress and Sale.

III. And be it enacted, That if any Overseer, Petty Constable, Peace Officer, or other Person as aforesaid refuse, make default, or neglect to pay to the Treasurer of the County or Place, within the Time limited as aforesaid, the Sum or Sums of Money specified in the said Warrants, and if the Clerk of the Peace or Treasurer of the County or Place make complaint thereof, then any Justice of the Peace of such County or Place may by Warrant under his Hand levy the same by Distress and Sale of the Goods of the Offender; and the Justices assembled as aforesaid may pay to any Clerk, Constable, Messenger, or other Person who may have been employed in making such Complaint, or in obtaining, drawing, or executing such Warrant, such reasonable Compensation out of the County Stock as to the said Justices may seem fit.

Parishes not in arrear with Contributions to be reimbursed by those which are in arrear.

IV. And be it enacted, That in every Case where any Parish comprised in an Union has, on or before the Day on which any Precept as aforesaid should be obeyed, contributed Money sufficient to enable the Guardians of the Union to pay any Sum or Sums required by such Precept in respect of such Parish, as well as to provide for the immediate Relief of the Poor of such Parish, and to satisfy all other Obligations of the said Guardians in respect of such Parish in force on that Day, and where, through the Default of any other Parish or Parishes in the same Union in contributing Money to such Guardians, or through the Neglect of such Guardians to demand sufficient Contributions from any other Parish or Parishes in the same Union, the said Guardians have applied the Money of such first-mentioned Parish to the Use of such other Parish or Parishes, and are thereby rendered unable to pay any Money so required by such Precept on behalf of such first-mentioned Parish, and such Parish is by reason thereof compelled to pay the additional Sum of One Shilling in every Ten as herein-before provided, in every such Case the Guardians of the Union shall reimburse such first-mentioned Parish such additional Sum, and all Costs incurred

by

by reason of the Premises, out of the Monies of such other Parish or Parishes which may next thereafter come into the Hands of such Guardians; and in case more than One Parish be in default as aforesaid the said Guardians shall charge such additional Sum and Costs to every such Parish, in proportion to the Amount of the Deficiency of the Contribution of each Parish respectively on the Day on which the said Precept should have been obeyed.

Justices may issue Precepts to the Overseers of Parishes, &c. not comprised in Unions, or only partly within the Jurisdiction of the Justices, without the Intervention of the High Constable.

V. And be it enacted, That in the Case of every Parish not comprised within any Union, and in which the Laws for the Relief of the Poor are not administered by a Board of Guardians, and in the Case of every Parish comprised in a Union the Guardians of which are not empowered to relieve the Poor, and in the Case of any Parish comprised within a Union, or in which the Laws for the Relief of the Poor are administered by a Board of Guardians, of which Parish a Part only is situated within the Limits of the Commission of any Justices, for which Part no separate Rate is levied for the Relief of the Poor, and in the Case of every Place not maintaining its own Poor, but liable to the Payment of County, Police, or other Rates as aforesaid, the Justices assembled as aforesaid may, so soon as any Vacancy occurs in the Office of High Constable as aforesaid, issue their Warrant to the Overseers, Petty Constables, Peace Officers, or other Persons empowered by Law to rate and levy County, Police, or other Rates in such Parish, Part of a Parish, or Place, to pay to the County Treasurer, or to transmit to him in such Manner as the said Justices may from Time to Time direct, within a Time limited in such Warrant, the County Rate, Police Rate, or other Rate or Rates as aforesaid charged on them, without the Agency or Intervention of any High Constable, and such Justices may cause such Warrant to be sent by Post or otherwise; and in case the said Overseers, Petty Constable, Peace Officer, or other Person refuse or neglect to pay any such Rate within the Time limited in such Warrant, the same Remedy may be had against them as now by Law exists against Overseers neglecting to pay on the Warrant of the High Constable.

Delivery of Precepts, &c. by Post, and Evidence thereof.

VI. And be it enacted, That whenever Precepts or Warrants as provided by this Act are to be sent by Post, the Clerk of the Peace shall send every such Precept or Warrant by Post as a registered Letter, according to the Regulations of the Postmaster General in force for the Time being in that Behalf; and every Precept or Warrant delivered or tendered as a registered Letter at the Address of the Person to whom it is addressed, whether a Receipt be given for the same or not, shall be deemed to have been served on the Person to whom the same was so delivered or tendered; and if delivered or tendered to the Clerk or other like Officer acting for any Guardians, shall be deemed to have been served on the whole of such Guardians; and if delivered or tendered to any One Overseer of a Parish, shall be deemed to have been served on the whole of the Overseers of such Parish.

Where Special Sessions are required to be holden Notice of the same to be sent to each Justice.

VII. 'And whereas it is expedient to relieve High Constables from the Duty of serving Notices of the 'holding of Special Sessions on the Justices of the Peace of the Division of Special Sessions personally;' be it enacted, That from and after the passing of this Act, in all Cases in which Special Sessions are required to be holden for any Division of any County or Place, if Notice of the intended holding of such Special Sessions be signed by any One Justice of the Peace usually acting within such Division, and if a Copy of such Notice be sent by Post a reasonable Time before the Day on which such Sessions are to be holden, addressed to each Justice of the Peace resident and usually acting within such Division at his Residence in such Division, such Notice shall be deemed to have been duly given to or served on each such Justice of the Peace, any Law or Custom to the contrary notwithstanding.

High Constable now appointed at Quarter Sessions to be appointed at Special Sessions.

VIII. 'And whereas it is expedient to relieve High Constables, in certain Cases, from the Duty of 'attending at the Court of Quarter Sessions;' be it enacted, That where High Constables have heretofore been usually appointed at Courts of Quarter Sessions the High Constables of such Places shall hereafter be appointed by such Justices as may be present at the Special Sessions of their Division held for the Purpose of hearing Appeals against the Rates of the several Parishes in such Division, or at any Adjournment thereof, but if the Hundred or other like Division of the County for which any High Constable is to be appointed be not included within the Limits of any One Division of the County for which such Special Sessions are held, then the Justices of the Peace for the County assembled at General or Quarter Sessions, or any Adjournment thereof, may from Time to Time determine the Division of the Special Sessions at which such High Constable is to be appointed, and shall cause Notice of such Determination to be sent by Post, or otherwise, to the High Constable for the Time being of such Hundred or other like Division; and every High Constable whether appointed at a Special Sessions, or at an Adjournment thereof, or at a Court Leet, or any other Special Court, shall, if present at the Time of his being appointed, then and there take his Oath for the due Execution of his Office, and if otherwise, he shall forthwith, on the Receipt of his Appointment, go before the next or some other Justice of the Peace for the County in which he resides, and then and there take his said Oath of Office, and he shall not, in virtue of his Office of High Constable, be required to take any other Oath than the said Oath for the due Execution of his Office.

High Constables to take only the Oath for due Execution of their Office.

Construction of the Words "Parish," "Union," "Guardians."

IX. And be it enacted, That in the Construction of this Act the Word "Parish" shall be construed to include any Township, Vill, or Place maintaining its own Poor, whether parochial or extra-parochial, or any Part of a Parish, Township, Vill, or other Place for which a separate Poor Rate may be made; the Word "Union" shall be construed to mean and include any Number of Parishes united under the Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, "for the Amendment and better Administration of the Laws relating to the Poor in *England*," or under an Act passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, "for the better Relief and Employment of the Poor," or under any local Act; and the Word "Guardians" shall mean and include any Board of Guardians acting under the Provisions of the said Act passed in the Fifth Year of His late Majesty King *William* the Fourth, and empowered to relieve the Poor of any Parish or Union, and the

Visitors, Guardians, Directors, Managers, Acting Guardians, Vestrymen, or other Officers in a Union appointed to act in the ordering of Relief of the Poor from the Poor Rate under any general or local Act of Parliament; and the Word "Hundred" shall mean and include any Hundred, Wapentake, Ward, or other District in the Nature of a Hundred, by whatever Name denominated.

SCHEDULE to which this Act refers.

Form of Precept.

County of } To the Guardians of the Union.
to wit. }

THESE are to require you the Guardians of the Union, from and out of the Monies paid into the Hands of the Treasurer of your Union for the Uses and Purposes of the said Union, to pay or cause to be paid, on or before the Day of into the Hands of *A. B.*, Treasurer of the said County, appointed to receive the same, the Sum of being the Amount of the several and respective Sums of Money hereunder set down and expressed opposite to and against the Names of the several Parishes, Townships, or Places comprised within your said Union, the said several Sums being respectively charged and assessed thereon as the Proportion of the several Parishes, Townships, or Places towards the general County Rate, at in the Pound, made at the last Quarter Sessions [*or* General Sessions] of the Peace held at in and for the said County [and towards a Police Rate, at in the Pound, made at the same Time and Place].

[*Signature of the Clerk of the Peace.*]

Names of Parishes.	County Rate, at in the Pound.	Police Rate, at in the Pound.
	£ s. d.	£ s. d.

CAP. XXXIV.

An Act to amend and continue until the First Day of *September* One thousand eight hundred and sixty-one, and to the End of the then next Session of Parliament, the Law with respect to Prisons and Prison Discipline in *Scotland*. [19th *July* 1844.]

2 & 3 Vict. c. 42. 5 & 6 Vict. c. 67.

'WHEREAS an Act was passed in the Third Year of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in* Scotland, and another Act was passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better regulating the Number of Prisoners admitted to the General Prison at* Perth: And whereas it is expedient to make further Provision for the Improvement of Prisons and Prison Discipline in *Scotland*:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the last-recited Act shall be repealed.

Last-recited Act repealed.

Part of first-recited Act repealed.

II. And be it enacted, That so much of the first-recited Act as provides that all the Expences of the General Board of Directors of Prisons in *Scotland* (excepting the Salary of the Secretary) shall be defrayed by Assessment upon the Counties of *Scotland*, and Burghs situated therein, shall from and after the Commencement of this Act be repealed.

Sheriffs of Edinburgh and Perth to be Members of the General Board.

III. And be it enacted, That after the present Sheriffs of the Counties of *Edinburgh* and *Perth* (who have been appointed Members of the General Board of Directors of Prisons in *Scotland* by Her Majesty) shall respectively cease to hold their said Offices, the Sheriff of the County of *Edinburgh* for the Time being and the Sheriff of the County of *Perth* for the Time being shall be Members of the said General Board, in addition to those named or referred to in the first-recited Act; and that of the Fourteen Persons other than those referred to by their official Titles in the first-recited Act, whom Her Majesty is empowered to appoint as Members of the said General Board, Three only shall necessarily be Persons holding or who shall have held the Office of Sheriff Depute, instead of Five, as required by the first-recited Act.

General Board empowered to classify Prisoners.

IV. 'And whereas Doubts exist as to the Classification of certain Classes of Prisoners as Civil or Criminal Prisoners, and as to the Classification and Modification of the Discipline and Treatment of Criminal Prisoners, under the Provisions of the first-recited Act, and it is expedient that such Doubts be removed;' be it enacted, That from and after the passing of this Act it shall be in the Power of the said General Board from Time to Time to direct the Classification of all Prisoners as Civil or Criminal Prisoners, in so far as may regard their Discipline and Treatment in Prison, and to direct the Classification of Criminal Prisoners with reference to Age, Strength, Conduct, or other Circumstances,

and

and to modify the Discipline and Treatment in regard to Separation or otherwise of any such Prisoners or Classes of Prisoners: Provided always, that a Copy of the Regulations of the General Board for these Purposes shall be transmitted to One of Her Majesty's Principal Secretaries of State, who shall have Power to rescind or amend the same in such Manner as to him shall seem fit.

General Board may issue Declarations as to the General Prison being open for Reception of Prisoners of certain Descriptions.

V. And be it enacted, That it shall be lawful for the said General Board from Time to Time, by any Writing under the Hands of Five or more of them, which shall be published in the *Edinburgh Gazette*, and in such other Manner as they shall think proper, to make Regulations for specifying what Description of Prisoners shall be received into the said General Prison, having regard therein to the Principle, so far as the same shall be compatible with the Discipline and due Management of the said General Prison, that, all other Things being the same, those Prisoners whose Sentences of Imprisonment have the longest Time to run shall be preferably received into the Prison, and that no Prisoner shall be received therein the Expiration of whose Sentence shall occur within Six Months from the Date of his being so received, and to order and cause to be removed to the said General Prison all or any Prisoners falling within the Description specified in such Regulations, but so as in no ways to overcrowd the said General Prison: Provided always, that a Copy of all such Regulations shall be transmitted to One of Her Majesty's Principal Secretaries of State, who shall have Power to rescind or amend the same in such Manner as to him shall seem fit.

None but such Prisoners to be sent to the General Prison.

VI. And be it enacted, That while any such Regulations shall be in force it shall not be lawful for any Criminal Court to insert in any Sentence of Imprisonment an Order that any Prisoner not within such Specification shall be conveyed to or confined in the said General Prison, or to order such Prisoner to be conveyed to or confined in the said General Prison; and any Sentence containing any such Order shall be effectual only to the Extent of authorizing the Confinement of the Prisoner in the Prison in which he would have been legally confined if no such Order had been inserted in the Sentence of Imprisonment.

Prisoners for a Year may be sentenced to another Prison.

VII. And be it enacted, That nothing contained in the first-recited Act or this Act shall be taken to preclude any Criminal Court of competent Jurisdiction from sentencing to Imprisonment for One Year or upwards, in any lawful Prison other than the said General Prison, any Prisoner for whose Crime such Imprisonment shall be a suitable Punishment, and who, according to the Regulations of the said General Board, cannot be at that Time received into the said General Prison.

General Board may remove Prisoners from the General Prison to the Local Prison from which they have been removed.

VIII. And be it enacted, That it shall be lawful for the said General Board, at any Time or Times when they may deem it necessary for the proper Accommodation of Prisoners in the said General Prison, to order and cause to be removed from the said General Prison to the several Local Prisons from which they may have been removed such Number of Prisoners as to the said General Board shall appear to be expedient; and such Removal shall be made under similar Regulations and conducted in the same Manner in which the Removal of Prisoners before the Expiration of their Sentences from the said General Prison to the Prison nearest their Residence, or in the County where their Crimes may have been committed, is by the first-recited Act directed to be made.

Removals by Prison Officers.

IX. And be it declared and enacted, That all Removals of Prisoners made by Order of the said General Board, and also by Order of any Criminal Court, directing any Prisoner to be conveyed from the said General Prison to any Local Prison, or from any Local Prison to the said General Prison, or from any one Prison to any other Prison, may be carried into effect by means of Prison Officers, or by means of Constables or other Criminal Officers.

Return of Sentences of Imprisonment to be transmitted to the General Board.

X. And be it enacted, That when any Criminal shall have been sentenced to Imprisonment for any Period not less than Six Months, the Clerk of the High Court of Justiciary, if such Sentence shall have been pronounced by the said High Court, or the Clerk of the Circuit Court of Justiciary, if such Sentence shall have been pronounced by the Circuit Court of Justiciary, or the Sheriff Clerk of the Sheriffdom, if such Sentence shall have been pronounced by the Sheriff Court, shall, within Eight Days after such Sentence shall have been pronounced, make a Return thereof to the Secretary of the General Board of Directors of Prisons in *Scotland*, which Return shall be in the Form of the Schedule hereto annexed.

Sheriffs may authorize the Removal of sick Prisoners.

XI. And be it enacted, That Sheriffs within their respective Sheriffdoms shall have Power, upon summary Application by the Prison Board of the County, accompanied by proper and satisfactory Medical Certificates, to authorize the Removal of any Civil Prisoner or any Criminal Prisoner undergoing Sentence of Imprisonment who may be afflicted with any contagious or infectious Disease, or any Disease which threatens immediate Danger to Life, and cannot be treated in Prison, from any Prison within the County to any Hospital or other proper Place within the same, or to any Hospital near the same, for such Period, and under such Precautions for the safe and proper Custody of the Prisoner, and of his Re-imprisonment, as they may direct.

Certain Provisions in first-recited Act extended to Insane or Lunatic Prisoners.

XII. And be it enacted, That the Provisions made in the first-recited Act relative to the proper Custody, Treatment, and Maintenance of certain Insane or Lunatic Prisoners in a Lunatic Asylum or otherwise, and the Reservation of all competent Right of Relief of the Expences thereby incurred, shall be extended to all Insane or Lunatic Prisoners; and the Provisions made in the first-recited Act and this Act relative to the Removal of such Prisoners to a Lunatic Asylum may be carried into effect either by the said General Board, or by any County Prison Board acting under the Authority of the said General Board; and the said General Board shall also have Power to order and cause to be removed to the General Prison any Insane or Lunatic Prisoners from any Lunatic Asylum in which they may have been or may be placed under the Provisions of the first-recited Act or this Act, or from any Local Prison: Provided always, that the Insanity or Lunacy of every such Prisoner, if not previously ascertained in a Court of Law, shall be certified by the Certificates on Soul and Conscience of Two or more Medical Men, being Physicians or Surgeons, who have personally visited and carefully examined the Prisoner.

XIII. And

Sheriffs may dispose of Applications for Aliment, &c. of Civil Prisoners.

XIII. And be it declared and enacted, That Sheriffs within their respective Sheriffdoms shall have the like Powers and Jurisdictions as have been possessed by Magistrates of Royal Burghs, within their respective Burghs, with respect to Applications and Proceedings for Aliment and for Liberation of Civil Prisoners.

Penalty for introducing prohibited Articles into Prisons.

XIV. And be it enacted, That if any Person shall carry or bring, or attempt or endeavour, by throwing over the Walls or any other Means, to introduce into any Prison in *Scotland* any Letters, Tobacco, Spirits, or other Articles not allowed by the Rules of such Prison, it shall be lawful for any Person to apprehend such Offender, and to carry him or her before the Sheriff or the Sheriff Substitute of the County, or any Two Justices of the Peace of the County, who are hereby empowered to hear and determine such Offence in a summary Way; and if the Person complained of shall be lawfully convicted of such Offence, the Sheriff, Sheriff Substitute, or Justices shall forthwith commit such Offender to the Common Gaol or House of Correction, there to be kept, with or without hard Labour, for any Time not exceeding One Calendar Month, unless such Offender shall immediately pay down such Sum of Money, not exceeding Five Pounds, nor less than Forty Shillings, as such Sheriff, Sheriff Substitute, or Justices shall impose; and such Fine shall be applied towards the Expence of such Prosecution, and the Surplus, if any, towards the Maintenance of such Prison.

Orkney and Zetland separate Counties for the Purposes of Prisons.

XV. And be it enacted, That *Orkney* and *Zetland*, with their respective Dependencies, shall be taken to be separate Counties for the Purposes of the first-recited Act and this Act; and the said General Board shall be empowered to make such Division of the Assessments imposed under the first-recited Act on the said County, and of the Scale of Proportions of Assessment falling on *Orkney* and *Zetland*, and of the Number of Members of the County Prison Board thereof, and to adopt such other Measures as they shall deem just and necessary to carry this Enactment into effect; and that the Property belonging to the Crown in *Orkney* shall be assessed in like Manner as the Property belonging to other Proprietors in the Landward Part of the said County is assessed for the Purposes of the said first-recited Act and this Act.

Union of Counties.

XVI. And be it enacted, That Resolutions to form Unions, for the Purpose of erecting and maintaining Local Prisons for the joint Use of Two or more Counties, may be entered into by the Commissioners of Supply of such Counties and the Magistrates of the Burghs in the said Counties, either at their respective Meetings to elect Members of their several County Boards in *April* annually, or at any other Meeting between the Day of the annual Meeting and the Thirtieth Day of *November* in any Year; and any such Resolutions may be carried into effect by such Committees as may be agreed upon; and in any Case where it shall appear to the General Board to be proper, such Unions may be formed for the Purpose of erecting and maintaining a Prison for the Custody of all Kinds of Prisoners; and when any such Union shall be formed it shall be lawful for the Sheriffs and other Magistrates of the Counties forming the same to exercise the same Jurisdiction with respect to such common Prison, and the Removal of Prisoners to and from the same, as if it were locally situated within the Limits of their respective Jurisdictions.

Meetings of County Prison Boards.

XVII. And be it enacted, That the first Meeting of any County Prison Board after the annual Appointment of Members may, instead of being held on the Third *Wednesday* of *May*, as provided by the first-recited Act, be held on the Day on which the Meeting of Commissioners of Supply of such County, usually holden on the Thirtieth Day of *April* in each Year, is held, provided that Notice of such Meeting of such County Board shall have been given according to the Provisions of the said first-recited Act, and such Meeting may be adjourned to a future Day, if necessary; and at such first Meeting the Sheriff of such County, or in his Absence the Sheriff Substitute acting at the Place where the Meeting is held, shall preside until a Chairman and Convenor shall be elected, and in case of Equality of Votes previous to such Election shall have a double or casting Vote; and the said Commissioners of Supply, and the Magistrates and Councils of Burghs authorized to appoint Members of County Boards, shall severally have Power from Time to Time to supply any Vacancies which may occur in their Appointment of Persons to form a County Board; and it shall be lawful to County Boards from Time to Time to supply any Vacancy which may occur in the Office of their Chairman and Convenor; and it shall not be held to invalidate the Acts of any County Board that any Commissioners of Supply or Magistrates of Burghs have failed duly to appoint the several Numbers of Persons authorized to be appointed by them as Members of County Boards, but that each County Board may act if Three Members thereof shall assemble: Provided always, that in case of Failure as aforesaid, the General Board may authorize such Commissioners of Supply or Magistrates to do what may seem to the General Board to be expedient for the due Execution of the Purposes of the first-recited Act and this Act.

Vacancies may be supplied in County Boards.

County Boards may dismiss Officers, and establish a Retiring Fund.

XVIII. And be it enacted, That the County Prison Boards shall have the Power of dismissing at pleasure all Officers of Prisons and other Persons appointed by them, and shall also have Power, subject to the Approval of the General Board, to make Rules for setting apart a Portion of the Salaries or Wages of their Officers towards establishing a Fund for granting Allowances to discharged or retired Officers.

County Boards may hold Property, &c.

XIX. And be it declared and enacted, That the several County Prison Boards may acquire and hold heritable and moveable Property, Monies, Goods, and Effects; and all Titles, Securities, and Investments, and Evidences taken for the same, may be taken to the said Boards by the Name and Description of the Prison Board of the County wherein the same shall be established, without further Description; and all such Property, Monies, Goods, and Effects which shall have been or may be so taken and vested shall be deemed to be held for the Use of such Boards for the Time being, and shall pass and be transmitted to such Boards for the Time being, without the Necessity of any Conveyance or Assignation from one Board to another; and the said County Prison Boards may also, for all Purposes of civil or criminal Action or Diligence, or Reference or Arbitration, institute, defend, or enter into civil or criminal Proceedings

Proceedings in the Name of such Board or of their Clerk for the Time being; and no such Proceedings shall discontinue or abate by any Vacancy in any of the said Offices, but may be proceeded in to all Intents and Purposes in the Name of the Board or Clerk for the Time being; and no Judge or Sheriff or Sheriff Substitute shall be disqualified from acting as such in any such civil or criminal Proceedings by reason of being a Member of such Board.

County Boards may give up Parts of Prison Grounds, &c. for Court Rooms.

XX. And be it enacted, That it shall be lawful for County Prison Boards, with the Approbation of the said General Board, to give up or dispose of any Part of the Ground or Buildings belonging to them which may not be required for their Prisons, for the Purpose of providing Accommodation for Courts of Justice.

Table of Assessment on Population and Crime may be altered, and last Census used.

XXI. And be it enacted, That it shall be lawful for the said General Board to alter, as they shall think just, the Scale of Proportions of Assessment on the several Counties, for the Purpose of converting the Buildings at *Perth* into a General Prison, and of furnishing and completing the same, framed by them in Terms of the first-recited Act, according to a combined Estimate of the Amount of Population and Crime in such Counties, and from Time to Time frame a new Scale or Scales of Proportions of the said Assessment on similar Principles, having regard to the then last general Account of the Population taken by Authority of Parliament, and the more recent Materials for estimating Crime; and also to apportion and divide the whole Sums to be assessed upon each County, including the Burghs therein, in pursuance of the first-recited Act and this Act, according to the relative Population of such Burghs, and the Landward Part of such Counties respectively, as determined by such general Account of the Population, or by any Agreements made in pursuance of the first-recited Act or this Act.

Power to reduce Estimate of Population in Burghs.

XXII. And be it enacted, That it shall be in the Power of the Commissioners of Supply of each County, or of each County Prison Board, with the Approbation in the latter Case of the General Board, to agree that the Estimate of the Population of any Burgh within such County shall, for the Purposes of Assessment under the first-recited Act and this Act, be diminished by deducting therefrom such Amount as to the said Commissioners of Supply or County Prison Board may seem expedient; and in case of any such Agreement being made by the Commissioners of Supply, the Amount so deducted from the Estimate of the Population of any Burgh shall be added, for the Purposes aforesaid, to the Estimate of the Population of the Landward Part of such County.

Burghs may consent to additional Assessment at other Meetings than in April.

XXIII. And be it enacted, That the Magistrates and Town Councils of Burghs authorized to choose Members of County Prison Boards may consent to an additional Assessment for building, altering, and repairing Local Prisons, either at their annual Meeting in *April* for the Purpose of choosing such Members, or at any Meeting to be holden between the annual Meeting and the Thirtieth Day of *November* in any Year.

General Board may apportion additional Assessment consented to by Three Fourths.

XXIV. And be it enacted, That in case any additional Assessment for building, altering, and repairing Local Prisons in any County shall be consented to by the Commissioners of Supply of such County on behalf of the Landward Part thereof, or by the Magistrates and Town Councils of Burghs situated therein entitled to choose Members of the County Prison Board on behalf of their respective Burghs, and it shall appear that the Persons on whose Behalf such Consent has been given shall have contributed or been liable to contribute not less than Three Fourths of the Assessments imposed on such several Counties and Burghs situated therein under the first-recited Act and this Act in the preceding Year, it shall be in the Power of the said General Board, if they shall think fit, to apportion and divide such additional Assessment so consented to on behalf of the Persons contributing Three Fourths of the Assessments as aforesaid, in like Manner, and as effectually, to all Intents and Purposes, as if the same had been duly consented to by the Commissioners of Supply of such County and the Magistrates and Town Councils of all the Burghs situated therein entitled to choose Members of the County Prison Boards.

County Boards may determine current Expences at other Meetings than in September.

XXV. And be it enacted, That County Prison Boards may from Year to Year fix the Amount of Assessment upon the several Counties and Burghs situated therein, to defray the Expence of removing Prisoners from one Local Prison to another, the Expence of the Aliment of Prisoners in the County Prison, and generally the current Expences of such Prisons, at any Meeting to be held for that Purpose in the Month of *April* or of *May* annually, if they shall think proper so to do, instead of in the Month of *September* annually, as required by the first-recited Act.

Prolongation of Time for Repayment of additional Assessments.

XXVI. And be it enacted, That in every Case in which an additional Assessment for building, altering, or repairing Local Prisons in any County shall have been consented to and assessed under the Provisions of the first-recited Act, it shall be competent for the Commissioners of Supply of such County and the Magistrates of the several Burghs therein entitled to choose Members of County Boards, with Consent of the said General Board, to alter the Distribution of such Assessment, so as to distribute the same over a greater Number of Years, but not exceeding those which may have to elapse before the Expiration of the first-recited Act as extended by this Act; and in every Case in which an additional Assessment for building, altering, or repairing Local Prisons shall be consented to under the Provisions of the first-recited Act and this Act, it shall be competent for the said General Board, with Concurrence of the Parties consenting to such Assessment, to distribute the same over any Number of Years that shall be agreed upon, not exceeding those which may have to elapse before the Expiration of the first-recited Act as extended by this Act.

New Valuations to be made when deemed necessary by Commissioners of Supply.

XXVII. 'And whereas by the first-recited Act Power was given to the Commissioners of Supply of 'any County to assess the Sums annually apportioned on the Landward Part of such County, according 'to the real annual Value of the whole Lands and other Subjects there specified, or in any other Manner 'in use in such County, for any general Assessment therein for any public Purpose, and it was provided 'that

'that any Valuation required to be made in order to such Assessment should from Time to Time, at 'Intervals of not less than Three Years, be made by and under the Direction and at the Expence of 'such Commissioners: And whereas such frequent Re-valuations of whole Counties will be attended with 'much Expence, and may be unnecessary;' be it enacted, That in future it shall not be compulsory on the Commissioners of Supply to make fresh Valuations at Intervals of not less than Three Years, but that the Commissioners of Supply shall at Intervals of not less than Three Years take into consideration the Valuation then last made, and any Objections that may be stated thereto, and it shall be competent for the said Commissioners of Supply, at such Intervals, and as often as they shall deem necessary, to cause a new Valuation to be made, either of the whole County or of any Part or Parts thereof, or to cause the last Valuation to be corrected in any Particulars in which it shall be found to be erroneous or defective.

Property under 2*l.* may be exempted from annual Assessment.

XXVIII. And be it enacted, That it shall be lawful for the Commissioners of Supply of any County to exempt from the annual Assessment to be levied from the Landward Part of such County all and every Property the annual Value of which shall not exceed Two Pounds Sterling, provided the Proprietor of such Property shall not be possessed of Property exceeding the annual Value of Two Pounds in the whole within the Landward Part of such County liable to be assessed for such annual Assessment.

Interpretation of "Property" in Burghs.

XXIX. 'And whereas Doubts are entertained as to the Interpretation of the Expression "Property" in 'Burghs, in the Construction of the first-recited Act;' be it declared and enacted, That in the Construction of the said Act "Property" in Burghs shall extend to and include Houses, Shops, Warehouses, Mills, Manufactories, Cellars, Canals, Railways, Gardens, Yards, and all Lands, Buildings, and Pertinents thereof.

Further Continuance of 2 & 3 Vict. c. 42.

XXX. And be it enacted, That the first-recited Act as amended by this Act shall continue in force until the First Day of *January* One thousand eight hundred and sixty-one, and from thence to the End of the then next Session of Parliament.

Assessment for raising 20,000*l.* not to exceed 1,200*l.* in any One Year.

XXXI. Provided always, and be it enacted, That the Assessment not exceeding Two thousand Pounds in any one Year, for the Purpose of raising the Sum of Twenty thousand Pounds mentioned in the said first-recited Act to be paid by the different Counties of *Scotland* and Burghs situated therein, shall not, from and after the Determination of the Assessment made for the current Year, exceed the Sum of One thousand two hundred Pounds in any succeeding Year during the Continuance of the said Act as extended by this Act.

This Act to be in force for same Time and to be construed with former Act.

XXXII. And be it enacted, That this Act shall commence on the First Day of *September* One thousand eight hundred and forty-four, except in so far as herein otherwise directed, and shall continue in force for the Period during which the first-recited Act as amended by this Act shall be in force, and shall be taken to be Part thereof, and be construed in like Manner therewith, and shall be held to alter or repeal the same in so far as the same is at variance or inconsistent with the Provisions of this Act: Provided always, that all Assessments which shall have been made, or which, according to the Provisions of the said recited Act should have been made, before the said First Day of *September* One thousand eight hundred and forty-four, shall be levied and applied in the Manner and for the Purposes by the said Act directed.

Act may be amended, &c.

XXXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this Session of Parliament.

SCHEDULE.

Name.	Sex.	Age.	Occupation.	Married or Unmarried.	Offence.	County where Offence committed.	Date of Offence.	No. of previous Convictions, and from what Courts.	Sentence.	Date of Sentence.

CAP. XXXV.

An Act to suspend until the Thirty-first Day of *August* One thousand eight hundred and forty-five the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. [19th *July* 1844.]

[*This Act is the same, except as to Dates, as the* 6 & 7 *Vict. c.* 43.]

CAP. XXXVI.

An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*. [19th *July* 1844.]

'WHEREAS certain Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were, 'by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the 'Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas under 'the Provisions of Two Acts passed respectively in the Sessions of Parliament holden in the Fifth and in 'the Fifth and Sixth Years of Her Majesty's Reign, the said Acts were further continued for a Time 'therein limited: And whereas, under the Provisions of an Act of the last Session of Parliament, the 'said Acts are further continued, and will remain in force until the Thirty-first Day of *July* in the 'present Year, or, if Parliament be then sitting, until the End of the then Session of Parliament: And 'whereas it is expedient that the several Acts for making, amending, or repairing Turnpike Roads in '*Ireland* should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland* (except as herein-after mentioned), which will expire on the said Thirty-first Day of *July* in the present Year, or at or before the End of the present or next ensuing Session of Parliament, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and forty-five, or, if Parliament be then sitting, until the End of the then Session of Parliament.

Acts for making or repairing Turnpike Roads in Ireland further continued.

II. Provided always, and be it enacted, That nothing herein contained shall apply or extend to continue an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing the Road leading from the City of* Cork *to the Town of* Skibbereen *in the County of* Cork, *and a Branch therefrom communicating with the Town of* Kinsale *in the said County*, except so far as the said Act repeals any former Act.

Local Turnpike Act, 3 G. 4. c. cviii., not continued by this Act, except, &c.

CAP. XXXVII.

An Act to secure the Terms on which Grants are made by Her Majesty out of the Parliamentary Grant for the Education of the Poor; and to explain the Act of the Fifth Year of the Reign of Her present Majesty, for the Conveyance of Sites for Schools. [19th *July* 1844.]

'WHEREAS during several Years last past divers Sums of Money have been granted by Parliament 'to Her Majesty, to be applied for the Purpose of promoting the Education of the Poor in *Great* '*Britain*, and similar Grants may hereafter be made: And whereas Her Majesty hath appointed a Com-'mittee of Her Council to receive Applications for Assistance from such Grants, and to report thereon, 'and to advise Her as to the Terms and Conditions upon which such Assistance shall be granted, and many 'such Reports have been made, and approved of by Her Majesty, and the Terms and Conditions having 'been assented to by the Applicants, Grants have been made out of the said Fund: And whereas in some 'Cases, by reason of the Deeds of Endowment of Schools in respect of which such Applications have been 'received having been executed before the Grant has been made, such Terms and Conditions have not and 'cannot be made permanently binding on the Estate; but the Parties promoting the said Schools have 'entered into personal Obligations or Assurances for the due Performance of such Terms and Conditions, 'though deriving no beneficial Interest from the charitable Institution which they have established; and it 'is desirable to provide permanent Security to Her Majesty and Her Succesors for the due Fulfilment of 'the Terms and Conditions, and to relieve the Parties from the personal Liabilities so entered into for the 'Purpose aforesaid:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Grant hath been made or shall hereafter be made out of any Sums of Money heretofore granted or hereafter to be granted by Parliament for the Purposes of Education in *Great Britain*, under the Advice of any Committee of the Council on Education for the Time being, upon Terms and Conditions to provide for the Inspection of the School by an Inspector appointed or to be appointed by Her Majesty and Her Successors, which shall not be inserted in the Conveyance of the Site of the School, or in the Deed declaring the Trusts thereof, and such Grant shall be made in aid of the Purchase of the Site, or of the Erection, Enlargement, or Repair of the School, or of the Residence of the Master or Mistress thereof, or of the furnishing of the School, such Terms and Conditions shall be binding and obligatory upon the Trustees or Managers of the said School or other the

The Terms and Conditions upon which Parliamentary Aid has been given towards the building of Schools secured upon the Site

Premises for the Time being, in like Manner and to the like Effect as though they had been inserted in the Conveyance of the Site of the said School, or in the Declaration of the Trusts thereof; and henceforth all personal Obligations entered into for the Purpose of securing the Fulfilment of such Terms and Conditions shall, so far as they relate thereto, but no further, be null and void: Provided nevertheless, that such Terms and Conditions shall have been or shall be set forth in some Document in Writing, signed by the Trustees of the said School or the major Part of them, or by the Party or Parties conveying the Site, in the Case where there shall have been a voluntary Gift thereof.

The Terms upon which Aid shall be granted to Trustees of ancient endowed Schools.

II. 'And whereas there are many Endowments for the Purpose of Education of the Poor in *Great Britain* of ancient Date, the Schools whereon have become dilapidated, and, the Funds of such Endowment being insufficient for the Restoration thereof, Application is made by the Trustees, or by the Persons acting in the Discharge of the Trusts thereof, for Aid out of the said Parliamentary Grant, but the same hath been declined, because such Applicants could not impose upon their lawful Successors in the said Trust the Conditions which the said Committee would have advised Her Majesty to require to secure the due Inspection of such Schools, and it is expedient to enable them to do so;' be it therefore enacted, That where the major Part of the Trustees of any endowed School for the Education of the Poor duly appointed under the Terms of the Deed of Endowment, or, when such Deed cannot be found or cannot be acted upon, of the Persons who shall be in the Possession of the Endowment, and shall be acting in the Execution of the Trusts or the reputed Trusts thereof, shall, and in Cases where there shall be a Visitor of such School with the Consent of such Visitor in Writing, apply for Aid out of such Parliamentary Grant to enable them to rebuild, repair, or enlarge the School belonging to such Endowment, or the Residence of the Master or Mistress thereof, or to furnish such School, and shall in Writing assent to the said School being open to Inspection on behalf of Her Majesty and Her Successors, if the said Committee shall deem fit to advise that any such Grant shall be made, it shall immediately after the making of such Grant, and thenceforth from Time to Time, be lawful for any Inspector of Schools appointed by Her Majesty and Her Successors, in conformity with the Terms contained in the Writing testifying such Consent as aforesaid, to enter the said School at all reasonable Hours in the Day for the Purpose of inspecting and examining the State and Condition of the School and the Scholars thereat, and of making such Report thereon, as he shall deem fit.

Death of Donor within Twelve Calendar Months not to avoid Grant. 4 & 5 Vict. c. 38.

III. 'And whereas by an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to afford further Facilities for the Conveyance and Endowment of Sites for Schools*, it is enacted, that any Person, being seised in Fee Simple, Fee Tail, or for Life of and in any Manor, or Lands of Freehold, Copyhold, or Customary Tenure, may grant, convey, or enfranchise, and subject to the Provisions therein mentioned, any Quantity not exceeding One Acre of Land as a Site for a School or otherwise, as therein likewise specified; and it is desirable to prevent any such Grant, being of so limited an Interest, from being defeated by the Death of the Grantor;' be it enacted, That where any Deed shall have been or shall be executed under the Powers and for the Purposes contained in the said Act, without any valuable Consideration, the same shall be and continue valid if otherwise lawful, although the Donor or Grantor shall die within Twelve Calendar Months from the Execution thereof.

Site may be granted to the Minister and Churchwardens.

IV. 'And whereas it was provided by the said Act that Grants of Land or Buildings, or any Interest therein, for the Purposes of the Education of poor Persons, might be made to the Minister of any Parish, being a Corporation, and the Churchwardens or Chapelwardens and Overseers of the Poor and their Successors, and it is sometimes found inexpedient or impracticable to introduce the Overseers as Parties to the legal Estate;' be it therefore enacted, That such Grants may be made to the Minister and Churchwardens of any Parish, such Minister being the Rector, Vicar, or Perpetual Curate thereof, whether endowed or not, to hold to them and their Successors, subject to the Provisions contained in the Deed of Conveyance thereof for the Management, Direction, and Inspection of the School and Premises.

Rector, &c., may grant to Minister and Churchwardens, or to Minister, Churchwardens, and Overseers.

V. And be it enacted, That if the Rector, Vicar, or Perpetual Curate of any Parish shall be desirous of making a Grant of any Land for the Purposes and under the Powers of the said Act, being Part of the Glebe or other Possessions of his Benefice, and shall, with the Consent of the Patron of the said Benefice, and of the Bishop of the Diocese within which the same shall be situated, grant the same to the Minister and Church or Chapel Wardens, or to the Minister, Church or Chapel Wardens, and Overseers of the Poor of the said Parish, such Grant shall be valid, and shall thenceforth enure for the Purposes of the Trust set forth therein, if otherwise lawful, notwithstanding such Minister is the Party making the Grant.

Act may be altered, &c.

VI. And be it enacted, That this Act may be altered by any other Act in this Session of Parliament.

CAP. XXXVIII.

An Act to amend an Act of the last Session, to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in *Ireland*. [19th *July* 1844.]

6 & 7 Vict. c. 91.

'WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in* Ireland: And whereas the Provisions of the said recited Act relative to the Recovery of Loans in a summary Manner before a Justice or Justices of the Peace do not extend to Loans secured by Notes or Securities taken by Loan Societies, in conformity with the Laws applicable thereto, previous to the Rules of such Societies being certified under the said recited Act; and it is expedient that the said Provisions of the said recited Act

'should

'should be extended to all such Notes and Securities:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Treasurer, Secretary, or Clerk of any Loan Society in *Ireland*, whose Rules have been duly certified under the said recited Act, to recover in a summary Way, before One or more of Her Majesty's Justices of the Peace in *Ireland*, in the Manner prescribed by the said recited Act, the Amount due upon any Note or Security made or entered into prior to the Date of the Certificate of the Secretary of the Loan Fund Board entitling such Society to the Benefit of the said recited Act, and in conformity with the Laws applicable to such Note or Security at the Time of making the same, although such Note or Security be not in the Form or on the Paper provided by the Loan Fund Board; and all and every the Remedies and Provisions in the said recited Act contained for or relating to the Recovery and enforcing Payment of Notes and Securities made under the Authority of the said Act, and of Fines and Costs incurred in relation to the same, shall extend to and be applied to the Recovery and enforcing Payment of all and every such Notes and Securities so made and entered into in conformity to the Laws in force, and applicable thereto as aforesaid, prior to the Date of such Certificate, and of all Fines and Costs incurred or to be incurred in relation thereto.

Recovery of Amounts due to Loan Societies on Notes or Securities.

II. 'And whereas by the said recited Act it was provided, that nothing therein contained should 'extend or be construed or taken to authorize any Interference on the Part of the said Loan Fund Board, 'or the Secretary or Officers thereof, in the Affairs of the *London* Charitable Association, commonly 'called "The *Irish* Reproductive Loan Fund Institution," or of any Trustees or Agents thereof, or of 'any Institution or Society in *Ireland* which was or should be established in connection with the said '*Irish* Reproductive Loan Fund Institution; and various Provisions were in the said Act contained in 'reference to the said *Irish* Reproductive Loan Fund Institution: And whereas subsequently to the 'passing of the said Act the said Institution has been incorporated by Her Majesty's Letters Patent, 'under the Name of "The *Irish* Reproductive Loan Fund Institution," and it may be doubted whether 'the Provisions in the said Act contained apply to the said incorporated Society;' be it enacted, That all and singular the Enactments, Provisions, Stipulations, and Exemptions in the said recited Act contained in reference to the said Charitable Association, and the Secretary, Trustees, Agents, or Officers thereof, and the Institutions or Societies of Persons instituted or associated together in *Ireland* by or in connection therewith, and the Monies, Implements, Goods, and Effects of the said Association, shall extend and be applicable to the said Corporation of the *Irish* Reproductive Loan Fund Institution, and the Secretary, Trustees, Agents, and Officers thereof, and the Institutions or Societies of Persons which now are or hereafter may be instituted or associated together in *Ireland* by or in connection therewith, and the Monies, Implements, Goods, and Effects of the said Corporation, and that as fully and effectually to all Intents and Purposes as if the same were here fully and at length repeated, and the Name of the said incorporated Society were substituted for the Name of the said Charitable Association; Provided always, that in lieu of the Lists, Descriptions, Specifications, Notices, and Certificates, required by the said Act to be under the Hand and Seal of the Chairman, and countersigned by the Secretary or Manager of the said Charitable Association, it shall be sufficient that such Lists, Descriptions, Specifications, Notices, and Certificates shall be sealed with the Corporate Seal of the said incorporated Society; and all such Lists, Descriptions, Specifications, Notices, and Certificates, so sealed with such Corporate Seal, shall have the same Force and Effect in all respects as is by the said Act given to Lists, Descriptions, Specifications, Notices, and Certificates under the Hand and Seal of the Chairman, and countersigned by the Secretary or Manager of the said Charitable Association; and such Certificate, so sealed with the said Corporate Seal, shall be Evidence, before all Judges and Justices, and in all Courts, of the Facts therein certified, without further Proof thereof, and it shall not be necessary to prove the sealing of such Certificates: Provided also, that in all Cases where Lists, Descriptions, or Specifications shall have been sent by the said *Irish* Reproductive Loan Fund Institution, under the Provisions of the said recited Act, to the Secretary of the Loan Fund Board in *Dublin*, of any Trustees or Agents of the said Society, authorized to act in relation to the Affairs of the said Institution in *Ireland*, or of any Loan Societies in connection therewith, it shall not be necessary for the said incorporated Society to send any further or additional Lists, Descriptions, or Specifications thereof.

Application of the Enactments, &c. of the recited Act to the Irish Reproductive Loan Fund Institution.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. XXXIX.

An Act to exempt from the Payment of Property Tax the Dividends on certain Annuities of Three Pounds Ten Shillings *per Centum per Annum* payable for the Quarter of the Year ending the Tenth Day of *October* One thousand eight hundred and forty-four.

[19th *July* 1844.]

'WHEREAS by an Act passed in the present Session of Parliament, intituled *An Act for transfer-* 7 Vict. c. 5.
'*ring certain Annuities of Three Pounds Ten Shillings* per Centum per Annum *and Government* '*Debentures into Annuities of Three Pounds Five Shillings* per Centum per Annum *and New Three* '*Pounds* per Centum per Annum *Annuities*, it is provided, that every Proprietor or Proprietors of the 'said Three Pounds Ten Shillings *per Centum* Annuities the Dividends and Interest on which are 'payable the Fifth Day of *January* and the Fifth Day of *July* shall receive the Dividend due thereupon

'for the Half Year up to the Fifth Day of *July* One thousand eight hundred and forty-four, and shall 'also receive One Quarter's Dividend thereon up to the Tenth Day of *October* One thousand eight 'hundred and forty-four, and no longer: And whereas the Property Tax payable under the Authority 'of an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her
5 & 6 Vict. c. 35. 'present Majesty, intituled *An Act for granting to Her Majesty Duties on Profits arising from Pro-* 'perty, Professions, Trades, and Offices, until the Sixth Day of April *One thousand eight hundred and* 'forty-five, on such Three Pounds Ten Shillings *per Centum* Annuities, was assessed and paid on the 'Half Year's Dividend and Interest on the same which became payable on the Fifth Day of *July* One 'thousand eight hundred and forty-two; and if no Change in the Period of Payment of the half-yearly 'Dividends and Interest on the said Annuities had taken place the Sixth half-yearly Dividend on the 'same would have become payable on the Fifth Day of *January* One thousand eight hundred and forty-'five, but which Sixth half-yearly Dividend will, under the Provisions of the above-recited Act, become 'payable on the Annuities of Three Pounds Five Shillings *per Centum per Annum* granted in lieu 'thereof on the Fifth of *April* One thousand eight hundred and forty-five; it is deemed just and fitting 'to exempt from the Assessment and Payment of Property Tax the Quarter's Dividend on the said 'Three Pounds Ten Shillings *per Centum per Annum* Annuities which will be payable on the Tenth 'Day of *October* One thousand eight hundred and forty-four, provided the Party or Parties holding the 'said Three Pounds Ten Shillings *per Centum* Annuities shall not have notified or shall not notify, 'within the Periods prescribed by the Act, their Dissent to the Conversion of the said Annuities into 'Three Pounds Five Shillings *per Centum* Annuities:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Assessment or Deduction for Property Tax shall be made at the Bank of *England*, or at the Bank of *Ireland*, on the Payment of the Quarter's Dividend which will become due and payable on the Tenth Day of *October* One thousand eight hundred and forty-four, on the said Three Pounds Ten Shillings *per Centum* Annuities, under the Provisions of the before-recited Act passed in the present Session of Parliament, intituled *An Act for transferring certain Annuities of Three Pounds Ten Shillings* per Centum per Annum *and Government Debentures into Annuities of Three Pounds Five Shillings* per Centum per Annum *and New Three Pounds* per Centum *Annuities*, to such Party or Parties holding the same as shall not have notified or shall not notify, within the Periods prescribed by the said Act, their Dissent to the Conversion of such Three Pounds Ten Shillings *per Centum* Annuities into Three Pounds Five Shillings *per Centum* Annuities: Provided always, that in case the said Quarter's Dividend payable on the Tenth Day of *October* One thousand eight hundred and forty-four shall have been paid, without Deduction of Property Tax, on any Amount of Three Pounds Ten Shillings *per Centum* Annuities, the Proprietor or Proprietors of which shall afterwards signify their Dissent to the Conversion of the said Annuities into Three Pounds Five Shillings *per Centum* Annuities, within the Period prescribed by the before-recited Act, it shall be lawful to deduct the same Amount of Property Tax which would have been deducted if the Dissent of the Party had been notified previously to the Tenth Day of *October* One thousand eight hundred and forty-four from the Amount of Principal Money to be paid to the Proprietor or Proprietors of the said Three Pounds Ten Shillings *per Centum* Annuities whenever such Principal shall be paid to them in consequence of their subsequent Dissent.

No Deduction for Property Tax shall be made on Dividends payable on 10th Oct. 1844.

CAP. XL.

An Act to continue until the First Day of *October* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor. [19th *July* 1844.]

3 & 4 Vict. c. 89.

CAP. XLI.

An Act to continue until the First Day of *August* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, certain Turnpike Acts. [19th *July* 1844.]

CAP. XLII.

An Act to continue until the First Day of *October* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, Two Acts relating to the Removal of poor Persons born in *Scotland* and *Ireland*, and chargeable to Parishes in *England*. [19th *July* 1844.]

3 & 4 W. 4. c. 40. 7 W. 4. & 1 Vict. c. 10.

CAP. XLIII.

An Act to amend the Laws relating to the Customs in the *Isle of Man*. [19th *July* 1844.]

3 & 4 W. 4. c. 60. 'WHEREAS an Act was passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for regulating the Trade of the* Isle of Man: And whereas it is expedient to make certain Alterations therein;' be it therefore

fore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Operation for the Purposes mentioned therein.

Commencement of Act.

II. And be it enacted, That in lieu of all Duties of Customs, except the Duties of Customs on Corn, Grain, Meal, or Flour, now payable by Law upon the Importation of Goods, Wares, or Merchandize into the *Isle of Man*, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, the several Duties of Customs as the same are respectively set forth in Figures in the Table herein-after contained, denominated "Table of Duties," upon the Importation or bringing into the *Isle of Man* of the several Goods, Wares, or Merchandize in the said Table mentioned, according to the Quantity or Value thereof specified in the said Table, and so in proportion for any greater or less Quantity or Value of the same; (that is to say,)

Duties in Table to be levied on Goods imported into the Isle of Man, except on Corn, Grain, Meal, or Flour.

TABLE OF DUTIES.

A TABLE of the DUTIES of CUSTOMS payable on GOODS, WARES, and MERCHANDIZE imported or brought into the ISLE of MAN.

	£ s. d.
Coals from the United Kingdom	Free.
Coffee, the Import Duties in the United Kingdom not having been there paid thereon per lb.	0 0 2
Hemp	Free.
Hops from the United Kingdom	Free.
Iron	Free.
Spirits; videlicet, Brandy, Foreign - the Gallon	0 4 6
Geneva, Foreign - the Gallon	0 2 6
Rum of the British Possessions - the Gallon	0 1 6
Such Spirits not exceeding the Strength of Proof by Sykes's Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon.	
Sugar, Muscovado, of the British Possessions, and such other Sugar as if entered for Consumption in the United Kingdom would be subject, under any Act of the present Session of Parliament, to a Duty less than Sixty-three Shillings the Cwt. - the Cwt.	0 1 0
Sugar, Refined, in the United Kingdom, from Raw Sugar whereupon the Import Duties have there been paid - the Cwt.	0 9 0
Tea; videlicet,	
Bohea - the lb.	0 1 0
Green - the lb.	0 1 0
Tobacco - the lb.	0 1 6
Segars - the lb.	0 3 0
Wine - the Tun of 252 Gallons	12 0 0
Wood, Foreign; videlicet,	
Timber, 8 Inches square and upwards, per Load of 50 Cubic Feet	0 8 0
Timber and Wood Goods, the Produce of the British Possessions	Free.
Eau de Cologne, per Flask (30 not containing more than One Gallon)	0 0 4
or per Gallon	0 10 0
Liqueurs - per Gallon	0 10 0
Goods, Wares, and Merchandize brought from the United Kingdom, and entitled to any Bounty or Drawback of Excise on Exportation from thence, and not herein-before enumerated or charged with Duty	Free.
Goods, Wares, and Merchandize, the Growth, Produce, or Manufacture of and brought from the United Kingdom, and not herein-before charged with Duty	Free.
Goods, Wares, and Merchandize, not the Growth, Produce, or Manufacture of the United Kingdom, but brought from thence, and having there been entered for Consumption, and the Import Duties having been there paid thereon	Free.
Goods, Wares, and Merchandize imported or brought from any Place from whence such Goods may be lawfully imported into the Isle of Man, and not herein-before charged with Duty, or declared to be free of Duty, for every One hundred Pounds of the Value thereof	15 0 0

III. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by any Order or Orders under their Hands, to declare that all or any Articles legally importable into the *Isle of Man*, and not enumerated in the said Table, and upon which the said Duty of Fifteen Pounds for every Hundred Pounds Value is hereby imposed, shall and may, from and after a Day to be named in the said Order or Orders, be imported from the Places and in the Manner in the said Order mentioned into the *Isle of Man* Duty-free, and that such Articles shall be imported Duty-free accordingly so long as such Order or Orders, or any Part thereof, affecting such Articles, shall continue in force: Provided always, that it shall be lawful for the said Commissioners

Power to the Lords of the Treasury to remit and to re-impose the Duties levied on unenumerated Articles.

missioners or any Three or more of them, at any Time and from Time to Time as they shall consider expedient, by any further Order under their Hands, to revoke the Whole or any Part of such Order or Orders for admitting the aforesaid Articles or any of them into the *Isle of Man* Duty-free, such Order of Revocation to take effect from a Day to be named therein: Provided always, that all Orders of the Commissioners of Her Majesty's Treasury made in pursuance of this Enactment shall be duly published in the *London* and *Dublin* Gazettes twice at least within Fourteen Days from the Date of such Orders respectively, and that a Copy of every such Order shall be laid before both Houses of Parliament within Six Weeks after the Date of such Order, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

Orders to be published in the Gazette, and laid before Parliament.

Schedule of Licence Goods in recited Act repealed.

IV. 'And whereas it is enacted by the said Act that certain Goods enumerated and described in a 'certain Schedule in the said Act, called a Schedule of Licence Goods, shall not be imported into the 'Isle of Man, nor exported from any Place to be carried to the *Isle of Man*, without the Licence of 'the Commissioners of Customs first obtained, nor in greater Quantities in the whole in One Year than 'are mentioned in the said Schedule, nor except from the respective Places set forth in the said Schedule, 'and according to the Rules subjoined to the said Schedule;' be it enacted, That so much of the said Act as is herein-before recited shall be and the same is hereby repealed.

Certain Goods importable only under Licence.

V. And be it enacted, That the several Sorts of Goods enumerated or described in the Schedule to this Act annexed, denominated "Schedule of Licence Goods," shall not be brought into the *Isle of Man*, nor laden on board any Vessel to be carried from any Place to the *Isle of Man*, without the Licence of the Commissioners of Customs first obtained, nor in greater Quantities in the whole in any One Year than the respective Quantities of such Goods specified in the said Schedule, and that such Goods shall not be so brought into the said *Isle of Man* except from the respective Places set forth in the said Schedule, and according to the Rules subjoined thereto: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, upon sufficient Cause to them appearing, by any Order under their Hands, to permit the Importation into the *Isle of Man* of such additional Quantity of such several Sorts of Goods or any of them in any One Year beyond the Quantities named in the said Table as they shall in their Discretion consider expedient.

Lords of the Treasury may permit the Importation of additional Quantities.

Provisions of former Act to continue in force with respect to Licences, &c.

VI. And be it enacted, That the several Enactments and Provisions in the said recited Act contained in any way relating to Licences and licensed Goods, except so far as the same are hereby repealed, shall continue in force and apply to and in respect of all Licences to be granted under this Act, and all Goods brought into the said Island by virtue of Licences under this Act, or for the Importation of which a Licence is by this Act required, in such and the same Manner as if such Enactments and Provisions were repeated in this Act: Provided nevertheless, that any Person who, having obtained a Licence under this Act, shall not import or bring into the said Island the whole Quantity of Goods permitted to be imported or brought under such Licence, during the Period for which it shall remain in force, shall be thereby disqualified from receiving a Licence in the Year next following that in which his previous Licence shall have been granted.

3 & 4 W. 4. c. 57. Corn, Grain, Meal, and Flour may be warehoused in the Island.

VII. 'And whereas an Act was passed in the Session of Parliament held in the Third and Fourth 'Years of the Reign of King *William* the Fourth, intituled *An Act for the warehousing of Goods:* And 'whereas it is expedient to extend the Operation of the said Act to the *Isle of Man*, so far as relates to 'the Privilege of warehousing Foreign Corn, Grain, Meal, and Flour;' be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury by their Warrant from Time to Time to appoint any Port or Ports in the *Isle of Man* to be Warehousing Ports for the Purposes herein-after declared, and that it shall be lawful for the Commissioners of Her Majesty's Customs, subject to the Authority and Directions of the Commissioners of Her Majesty's Treasury, by their Order, from Time to Time to appoint in what Warehouses or Places of special Security or of ordinary Security, as the Case may require, in such Port or Ports, and in what different Parts or Divisions of such Warehouses or Places, and in what Manner, any Corn, Grain, Meal, or Flour may and may only be warehoused and kept and secured without Payment of any Duty upon the first Entry thereof, and also in such Order to direct in what Cases (if any) Security by Bond shall be required in respect of any Warehouse so appointed by them.

3 & 4 W. 4. c. 57. to extend to the Isle of Man in respect of Corn, Grain, Meal, and Flour.

VIII. And be it enacted, That all Provisions, Powers, Regulations, and Enactments in the said last-mentioned Act contained shall be construed and taken to extend and be applicable to the *Isle of Man*, so far as relates to the Articles of Corn, Grain, Meal, and Flour: Provided always, that whenever in the said last-mentioned Act any Notice, Order, or Appointment is directed to be published in the *London* or *Dublin* Gazettes respectively, it shall be necessary that any such Notice, Order, or Appointment in respect of any Warehouse in the *Isle of Man* shall be published in the *London* and *Dublin* Gazettes.

Trade between the Isle of Man and the United Kingdom to be deemed coastwise, except as to Articles liable to Duty.

IX. 'And whereas the Trade between the United Kingdom and the *Isle of Man* is now on a Footing 'of a Foreign Trade, and is subject to the Laws and Regulations to which the Foreign Trade of this 'Kingdom is subject;' be it therefore enacted, That all Trade from any Port of the United Kingdom to the *Isle of Man*, or from the *Isle of Man* to any Port of the United Kingdom, shall be deemed to be a Coasting Trade; and all Ships while employed therein shall be deemed to be Coasting Ships, and shall be subject to all the Rules, Regulations, Penalties, and Forfeitures now in force relating to Coasting Ships; and that the *Isle of Man* shall not be deemed in Law, with reference to any Part of the United Kingdom, to be Parts beyond the Seas, in any Matter relating to the Trade or Navigation or Revenue of this Realm: Provided nevertheless, that all Goods liable to Duty under this Act when brought from the United

United Kingdom into the *Isle of Man*, and all Vessels bringing the same, shall be liable to the same Rules and Regulations as are required by Law in respect of Goods imported into the said Isle from Foreign Parts, and in respect of the Vessels bringing the same; and all the Penalties and Forfeitures inflicted by Law for any Breach of the said Rules and Regulations shall attach upon all Goods so brought into the said Isle contrary to the said Rules and Regulations, or any of them, and upon all Persons committing any Breach of any such Rule or Regulation; and such Penalties and Forfeitures shall and may be recovered in the same Manner as any Penalty or Forfeiture may be recovered by any Act relating to the Customs.

X. 'And whereas by the aforesaid Act for the warehousing of Goods it was enacted, that no Goods 'should be exported from the Warehouse to the *Isle of Man*, except such Goods as might be imported 'into the said Island with Licence of the Commissioners of Her Majesty's Customs, and in virtue of any 'such Licence first obtained: And whereas it is expedient that such Prohibition should be repealed; be it therefore enacted, That so much of the last-mentioned Act as is lastly herein-before recited shall be repealed. 3 & 4 W. 4. c. 57 s. 44. repealed.

XI. And be it enacted, That Goods warehoused in the United Kingdom may be removed from such Warehouses into any Port in the *Isle of Man*, under such Security and under such Regulations and Conditions as are set forth in the said last-mentioned Act with respect to the Removal of warehoused Goods from one Warehousing Port to another Warehousing Port in the United Kingdom, save and except so far as the said last-mentioned Regulations apply to the warehousing such Goods at their Port of Destination. Warehoused Goods may be removed into the Isle of Man, under certain Regulations.

XII. And be it enacted, That nothing herein contained shall be deemed or construed to affect the Laws and Regulations now in force respecting Duties and Drawbacks of Excise on Goods exported or to be exported to the *Isle of Man* Act not to affect Regulation as to Excise Drawbacks.

XIII. And be it enacted, That any Sugar upon which any Bounty shall have been allowed under any Act relating to the Customs may be removed to the *Isle of Man*. Sugar on which Bounty allowed.

XIV. And be it enacted, That before any such Sugar shall be removed to the *Isle of Man* the Person removing the same shall give Bond to Her Majesty, with One sufficient Surety, that the same shall be duly landed in the *Isle of Man*, and shall not be re-landed in any Part of the United Kingdom. Bond given not to re-land such Sugar.

XV. And be it enacted, That it shall not be lawful to carry any Goods, not being of the Growth, Produce, or Manufacture of the *Isle of Man* or of the United Kingdom, except Corn, Grain, Meal, or Flour, in any Ship, from the *Isle of Man* to any Port or Place in the United Kingdom. Foreign Goods, except Corn, not to be exported.

XVI. And be it enacted, That it shall not be lawful to import or bring into the *Isle of Man* any Sugar or Rum other than that enumerated and described in the Table of Duties herein-before contained. Sugar and Rum, other than described in Table, prohibited.

XVII. And be it enacted, That if any Goods shall be imported into or exported from the *Isle of Man*, or shall be carried coastwise from one Part of the said Isle to another Part of the said Isle, or from the United Kingdom to the said Isle, or from the said Isle to the United Kingdom, or shall be water-borne, or brought to any Wharf or Place with Intent to be water-borne, to be so exported or carried, contrary to any of the Directions or Provisions of this Act, the same, and the Packages containing the same, shall be forfeited, together with all Ships, Vessels, or Boats, and all Cattle and Carriages used or employed therein; and every Person offending therein shall forfeit for every such Offence the Sum of One hundred Pounds, or the full Amount of all Duties which would be payable in respect of similar Goods the Produce of Foreign Countries if imported into and entered for Home Consumption in the United Kingdom, at the Election of the Commissioners of Customs. Goods imported, carried or brought contrary to the Act, to be forfeited. Forfeiture of Vessels. Penalty.

XVIII. And be it enacted, That the Duties of Customs shall be raised, levied, collected, paid, recovered, and accounted for under the Authority and Direction or under the Management and Control of the Commissioners of Her Majesty's Customs; and, except the necessary Charges of raising, collecting, levying, recovering, and accounting for the same, the said Rates and Duties shall from Time to Time (subject to the Deductions herein-after mentioned) be brought and paid into the Receipt of Her Majesty's Exchequer, distinctly and apart from all other Branches of the Public Revenue, and shall go to and make Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that any of the Collectors of Customs of the said Isle shall retain, and he and they is and are hereby authorized and required, agreeably to such Directions as shall from Time to Time be given for that Purpose by the Commissioners of Her Majesty's Customs, to retain such Sum or Sums of Money in his or their Hands as may be sufficient to defray the necessary Expences attending the Government of the said *Isle of Man* and the Administration of Justice there, and other Charges incurred in the said Isle which have heretofore been or may hereafter be deemed fit and proper Charges to be deducted from and paid out of the Duties of Customs collected in the said *Isle of Man*; and upon the Amount of the said Expences and Charges being ascertained the said Commissioners are hereby authorized to direct the same to be paid, out of the said Monies so retained, to such Person or Persons as may be entitled to receive the same. Management of Duties. Duties to be paid into the Exchequer. Parts of Duties may be retained for Expences of the Government.

XIX. 'And whereas by an Act passed in the Fifty-fourth Year of the Reign of King *George* the 'Third, intituled *An Act to repeal the Duties granted by an Act passed in the Eleventh Year of His 'present Majesty, for repairing, amending, and supporting the several Harbours and Sea Ports in the* 'Isle of Man, *and for granting new Duties in lieu thereof, and for giving further Powers to the Com-*

'*missioners* Harbour Duties under 54 G. 3. c. 43. repealed.

'*missioners appointed under the said Act*, certain Harbour Duties were imposed on Ships and Vessels, 'Goods, Wares, and Merchandize, arriving at and imported into the *Isle of Man*, and certain Rates were 'also imposed on Boats and Vessels employed in the Herring Fishery on the Coasts thereof: And 'whereas it is expedient that the said Harbour Duties and Rates should be repealed, and that such other 'Provisions as herein-after is expressed should be made for the Purposes for which such Duties and 'Rates were so imposed;' be it therefore enacted, That from and after the passing of this Act the said Duties and Rates imposed by the lastly herein-before recited Act upon Ships and Vessels, Goods, Wares, and Merchandize, arriving at and imported into the *Isle of Man*, and on Boats and Vessels employed in the Herring Fishery on the Coasts thereof, shall be repealed.

Annual Sum of 2,300*l.* to be paid from Duties under this Act to Harbour Commissioners.

XX. And be it enacted, That the Collectors of Customs of the said Isle shall, out of the Duties collected under this Act, pay to Her Majesty's Receiver General in the said *Isle of Man*, to be applied as herein-after is mentioned, yearly and every Year, the Sum of Two thousand three hundred Pounds, by Four equal quarterly Payments, on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October*, the First of such Payments to be made on the First Day of *October* One thousand eight hundred and forty-four; and the same shall be applied by the said Harbour Commissioners to the same Purposes to which the Duties imposed by the said Act, and hereby repealed, would be lawfully applicable by the said Harbour Commissioners.

Prohibition to import Spirits, &c. repealed.

XXI. And be it enacted, That so much of the said Act for regulating the Trade of the *Isle of Man* as prohibits the Importation into the said Isle of Spirits of greater Strength than One to Nine over Hydrometer Proof shall be and the same is hereby repealed.

Manx Vessels of Fifty Tons registered Burden to be entitled to the Privileges of Vessels of Sixty.

XXII. And be it enacted, That all Vessels registered at any Port in the said *Isle of Man*, and *bonâ fide* the Property of Inhabitants thereof, being so registered as of the Burden of Fifty Tons, shall, with regard to Coasting Trade between the *Isle of Man* and the United Kingdom, be entitled to all the Privileges to which Vessels registered in the United Kingdom as of Sixty Tons Burden are by Law entitled.

Act may be amended, &c.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

Schedule of Licence Goods.

Spirits; videlicet,		
Foreign Brandy	Gallons	20,000
— Geneva	Ditto	20,000
Liqueurs	Ditto	50
Eau de Cologne	Ditto	50
From the United Kingdom, or from any Place from which the same might be imported into the United Kingdom, for Consumption therein.		
Rum of the British Plantations	Gallons	70,000
Tobacco	Pounds	55,000
Segars	Ditto	5,000

From the United Kingdom.

Rules referred to in this Act.

(1.) All such Goods to be imported or brought into the Port of Douglas, and by Her Majesty's Subjects, and in British Ships or Vessels of the Burden of Fifty Tons or upwards.

(2.) Such Tobacco to be shipped only in Ports in the United Kingdom where Tobacco is allowed to be imported and warehoused without Payment of Duty.

(3.) Such Rum, Brandy, and Geneva to be imported or brought in Casks containing not less than Twenty Gallons each.

(4.) That the respective Quantities of such Spirits shall be estimated according to the Strength of Proof by Sykes's Hydrometer.

(5.) No Drawback of Excise to be allowed on any such Goods until a Certificate of the due landing of the Goods at the Port of Douglas be produced from the Collector and Controller of the Customs at that Port.

(6.) If any such Goods be laden at any Foreign Port or Place, the Species and Quantity of such Goods, with the Marks, Numbers, and Denominations of the Casks or Packages containing the same, shall be endorsed on the Licence, and signed by the British Consul at the Port of Lading, or, if there be no British Consul, by Two known British Merchants.

(7.) Upon Importation into the Port of Douglas of any such Goods the Licence for the same shall be delivered up to the Collector or Controller of that Port.

CAP. XLIV.

An Act to facilitate the disjoining or dividing of extensive or populous Parishes, and the erecting of new Parishes, in that Part of the United Kingdom called *Scotland*. [19th *July* 1844.]

'WHEREAS by certain Acts of the Parliament of *Scotland* Provision is made for disjoining large 'Parishes and building and erecting new Churches; and in particular by an Act passed in the 'Parliament of *Scotland* in the Year One thousand seven hundred and seven, intituled *Act anent Plan-* 1707, c. 9.
'*tation of Kirks and Valuation of Teinds*, the Lords of Council and Session are empowered, authorized, 'and appointed to judge, cognosce, and determine in all Affairs and Causes whatsoever which by the 'Laws and Acts of Parliament of the Kingdom of *Scotland* were formerly referred to and did pertain and 'belong to the Jurisdiction and Cognizance of the Commissioners formerly appointed for the Plantation 'of Kirks and Valuation of Teinds, as fully and freely in all respects as the said Lords do or may do in 'other civil Causes; and particularly, *inter alia*, "to disjoin too large Paroches, to erect and build new 'Churches, to annex and dismember Churches, as they shall think fit, conform to the Rules laid down 'and Powers granted by the Nineteenth Act of the Parliament One thousand six hundred and thirty-'three, the Twenty-third and Thirtieth Acts of the Parliament One thousand six hundred and ninety, 'and the Twenty-fourth Act of the Parliament One thousand six hundred and ninety-three, in so far as 'the same stand unrepealed; the transporting of Kirks, disjoining of too large Paroches, or erecting and 'building of new Kirks, being always with the Consent of the Heritors of Three Parts of Four at least 'of the Valuation of the Paroch whereof the Kirk is craved to be transported, or the Paroch to be 'disjoined and new Kirks to be erected and built:" And whereas it is expedient to afford Facilities and 'to make further Provision for the disjoining or dividing of extensive and populous Parishes:' Be it

So much of recited Act as requires the Consent of Three Parts of the Heritors repealed.

enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said recited Act as requires the Consent of the Heritors of Three Parts of Four at least of the Valuation of the Parish whereof the Kirk is craved to be transported, or the Parish to be disjoined and new Kirks to be erected and built, shall be repealed; and that the Consent of the Heritors of a major Part of the Valuation of any Parish shall be necessary and sufficient in all Cases in which the Consent of the Heritors of Three Parts of Four of the Valuation of such Parish was required by the said recited Act, except where otherwise herein-after expressly provided.

Consent of Majority to be sufficient.

II. And be it enacted and declared, That a Parish may be deemed and held to be too large, and may, as such, be disjoined or divided under the Provisions of the said recited Act as altered and amended by this Act, by reason of the Largeness of the Population of such Parish, although the superficial Measurement thereof may not be too large for one Parish.

Largeness of the Population to be a Reason for Division of Parish.

III. And be it enacted, That it shall not be a valid Objection to the Competency of any Process which shall be brought for disjoining or dividing a Parish or Parishes and erecting a new Kirk or Kirks, under the Provisions of the said recited Act as altered and amended by this Act, that the Consent of the Heritors of a major Part of the Valuation of the Parish to be disjoined or divided had not been given previous to such Process having been brought into Court; and it shall be lawful for the Lords of Council and Session before whom any such Process shall have been brought to appoint special Intimation thereof to be made, in such Form and Manner as the said Lords of Council and Session shall direct, to such of the Heritors of the Valuation of the Parish as shall not have already either given their Consent or judicially stated their Dissent, and to sist Proceedings in such Process for a definite Time for the Purpose of allowing such Heritors to state judicially their Consent or their Dissent; and such of them as shall not within a Time to be fixed by the said Lords of Council and Session, and to be specified in such Intimation as aforesaid, judicially state their Dissent, shall, on computing the statutory Proportion of Consents, be reckoned as consenting Heritors.

Non-consent of Heritors not to be deemed valid Objection to Process for disjoining Parishes.

IV. And be it enacted, That if, in any Process for disjoining or dividing a Parish, it shall be shown to the Satisfaction of the Lords of Council and Session that there is already built or erected and in good Repair a Church or Place of Worship suitable for the Church of the new Parish proposed to be erected, and capable of being lawfully appropriated to that Purpose, whereby the Expence of erecting a new or additional Church will not be incurred by the Heritors, and that the Titulars or others having Right to the Teinds out of which is to be paid not less than Three Fourths of the additional Stipend or Stipends to be modified by reason of such Disjunction or Division have consented thereto, or have stated no Objection thereto, after due Intimation by Direction of the Lords of Council and Session to them given, it shall be lawful and competent for the said Lords of Council and Session to allow such Process to proceed, and to give Judgment and Decree therein, if, upon Consideration of the whole Case, it shall appear to them that there are good and sufficient Reasons for so doing, although the Heritors of a major Part of the Valuation of the Parish to be disjoined or divided may not have consented.

Where Proof is given that a sufficient Church Accommodation exists in the new Parish, Lords of Council may allow Process to proceed.

V. And be it enacted, That when any Parish or Parishes shall have been disjoined or divided, and a new Parish erected, under the Provisions of the said recited Act as altered and amended by this Act, the Patronage of such new Parish shall belong to the Patron of the original Parish from which the same has been disjoined or divided; or if the new Parish has been disjoined or divided from more than one Parish having different Patrons, the Patronage of such new Parish shall belong to the Patrons of the Parishes from which the same has been disjoined or divided, and shall be exercised by them, either jointly or in a certain Order of Rotation as may have been agreed upon by them, or failing of such Agreement, then their respective Interests in the Right of Patronage, and the Manner of exercising the same,

Patronage in new Parishes.

same, shall be fixed by the Lords of Council and Session, and in either Case shall be set forth in a Judgment to be pronounced by the said Lords of Council and Session in the Process for erecting such new Parish; Provided always, that such Patron or Patrons of the original Parish or Parishes from which the new Parish has been disjoined or divided shall undertake to bear the Burden of not less than One Half of the Stipend to be provided to the Minister of such new Parish: Provided also, that no Patron of any of the original Parishes, who shall not bear the Burden of One Fourth Part of the Stipend of the Minister of the new Parish, shall have any Right or Interest in the Patronage of such new Parish by virtue of his Right of Patronage in such original Parish; and in every Case in which the Patron or Patrons of the original Parish or Parishes shall not bear the Burden of not less than One Half of the Stipend to be provided to the Minister of the new Parish, the Patronage of such new Parish, and the Right of Presentation to the Kirk thereof, shall belong to the Person if there be only One such Person, or to the Persons alternately if there are more than One and not more than Three such Persons, who shall bear the Burden of the whole Stipend provided for the Minister of such new Parish at the Erection thereof, and to the Heirs of such Person or Persons; and if the Persons who bear the Burden of such Stipend shall exceed Three in Number, then the Patronage of such new Parish, and the Right of Presentation to the Kirk thereof, shall be vested in and be exercised by Three Trustees, or, in case of Difference of Opinion, by the Majority of Three Trustees, who shall be chosen for their respective Lives in manner following; (that is to say,) the Three Trustees first chosen shall be elected by a Majority of Votes at a Meeting of the Heritors of such new Parish, and of the Persons who are liable in payment of Stipend to the Minister thereof, or who have contributed the Sum of Five Pounds towards the Fund out of which any Part of the Stipend is provided, or towards the Expence of providing the Church for such new Parish; and upon the Death, Disability, or Resignation of any of the Trustees so chosen, another Trustee in his Place shall be elected for Life by the Heritors and Kirk Session of the Parish; and as often as any Vacancy shall happen by the Death, Disability, or Resignation of any Trustee, his Place shall be supplied in like manner by another Trustee, to be elected for Life by the Heritors and Kirk Session of the Parish: Provided always, that no Person shall be qualified to hold the Office of Trustee who is not a Member of the Church of *Scotland* in full Communion therewith.

In certain Cases a Parish, though divided, may remain as one Parish for Purposes of Poor.

VI. 'And whereas in some large and populous Parishes which it may be considered necessary or 'proper to divide into Two or more Parishes there are a Number of poor Persons, the greater Portion of 'whom reside in or near the same Locality, such Locality being sometimes the least wealthy, whereby 'the particular territorial Division of such large and populous Parish, which would be most expedient 'and advantageous in other respects, would operate injuriously or unjustly if each of the new Parishes 'into which it may be divided was left to provide from its own Resources for that Portion of the Poor 'of the original Parish resident within the Territory of such new Parish;' be it enacted, That it shall be lawful for the said Lords of Council and Session, if they see Cause so to do in any Judgment to be by them pronounced dividing or disjoining a Parish, to declare and provide, that, notwithstanding such Division or Disjunction, the original Parish and the several new or separate Parishes thereby erected within the Bounds thereof shall, in so far as regards the Support and Management of the Poor, and all Matters and Questions connected therewith, remain and be regarded as one Parish; and in every such Case there shall be one Kirk Session, consisting of the Members of the Kirk Sessions of all the Parishes within the Bounds of the original Parish, in all Matters and Questions relating to the Support and Management of the Poor; and the Session Clerk of the original Parish shall, during his Incumbency, act as Clerk of the said Kirk Session in all such Matters and Questions.

Division of a Parish not to affect Law as to Roads.

VII. And be it enacted, That no Division of any Parish shall affect the Law and Practice already existing in such Parish as to the Management of Roads, or as to the levying or applying the Statute Labour or Conversion of Statute Labour within the Bounds of the original Parish so divided, but the same shall continue to be managed, levied, and applied as if no such Division had taken place, unless it shall be considered expedient by the County or District Trustees for the Conversion of the Statute Labour to make a new Arrangement for allocating the Management of the Roads and Statute Labour, or Conversion Money in reference to the Alteration of Circumstances consequent on such Division of the Parish as aforesaid.

Where a Church is built and endowed, a District may be attached thereto.

VIII. And be it enacted, That if any Person or Persons shall, at his, her, or their Expence, have built or shall have acquired, or shall have undertaken to build or acquire, a Church, and shall have endowed or shall have undertaken to endow the same, it shall be competent for the Lords of Council and Session, acting in their Capacity aforesaid of Commissioners for the Plantation of Kirks and Valuation of Teinds, and they are hereby empowered and authorized, on the Application of such Person, or of such Persons where they do not exceed Five in Number, or of Two Thirds or any Ten of such Persons where they do exceed Five in Number, and without any Concurrence of Heritors, to inquire into the Circumstances, and to erect such Church into a Parish Church in connexion with the Church of *Scotland*, and to mark out and designate a District to be attached thereto *quoad sacra*, and to disjoin such District *quoad sacra* from the Parish or Parishes to which the same, or any Part thereof, may have belonged or been attached, and to erect such District into a Parish *quoad sacra* in connexion with the Church of *Scotland;* and it shall and may be lawful for the Minister and Elders of such Parish to have and enjoy the Status and all the Powers, Rights, and Privileges of a Parish Minister and Elders of the Church of *Scotland:* Provided always, that nothing herein contained shall be construed so as to deprive any Party who has a legal Interest in the Fabric of any Place of Worship of any Right which by Law belongs to such Party to prevent such Place of Worship from being used or appropriated for a Place of Worship in connexion with the Church of *Scotland:* Provided also, that due Intimation of every such Application as aforesaid shall

shall be made to all Parties having Interest, that they may have an Opportunity of appearing and being heard; which Intimation may be made by Notice in the *Edinburgh Gazette*, or by Advertisement in One or more *Edinburgh* Newspapers of general Circulation, or in any other Form or Manner that may be directed by the Lords of Council and Session in any Act or Acts of Sederunt, or any Order to be made by them for that Purpose: And provided also, that the Titles to the said Church shall be taken and conceived so as that the said Church shall be inalienably secured as the Church of the said new Parish in connexion with the Church of *Scotland*, and that due Provision shall be made for the future Maintenance of the Fabric of the said Church; and that the Endowment for the Minister of the said new Parish shall be not less than a Stipend of One hundred Pounds *per Annum*, or Seven Chalders of Oatmeal, to be calculated at the highest Fiars of the County, exclusive of the Sum necessary for Communion Elements, with a suitable Dwelling House or Manse and Offices and Appurtenances, or a Stipend of not less than One hundred and twenty Pounds, or Eight and a Quarter Chalders of Oatmeal, to be calculated at the highest Fiars of the County, *per Annum*, where there shall be no such Dwelling House or Manse; and that such Stipend of not less than One hundred Pounds, or not less than One hundred and twenty Pounds, shall be permanently provided and secured in all Time coming for the Minister of the said Parish; and that if there shall be a Dwelling House or Manse, the Title to such Dwelling House or Manse and Offices and Appurtenances shall be taken and conceived so that such Dwelling House or Manse and Offices and Appurtenances shall be inalienably secured as the Dwelling House or Manse and Offices and Appurtenances for the Minister of the said Parish; and that due Provision shall be made for the future Maintenance of the Fabric of such Dwelling House or Manse and Offices and Appurtenances, all to the Satisfaction of the said Lords of Council and Session; and the Right of Presbyteries to present to vacant Parishes *jure devoluto*, according to the Law of *Scotland*, shall have Place in regard to all Parishes erected *quoad sacra* as aforesaid, in the same Manner as in regard to other Parishes. **Endowment of Minister.**

IX. And be it enacted, That in every such Church as aforesaid a Portion of the Sittings therein, to be determined by the Sheriff of the County in which such Church is situated, and not exceeding One Tenth of the whole Sittings, shall be set apart as free Seats for all Persons frequenting the same; and another Portion of the Sittings therein, not exceeding One Fifth of the whole Sittings, shall be let at Rents not exceeding a Rate to be fixed by the Presbytery of the Bounds; and the remaining Portion of the Sittings may be let in such Manner as shall be agreed upon by the Minister for the Time being, and the Person or Persons liable for the Repair of the Church and for the Stipend of the Minister, or in case of not agreeing, then in such Manner as shall be determined by the Sheriff of the County as aforesaid: Provided always, that One Pew shall be appropriated, Rent-free, for the Accommodation of the Family of the Minister, and another Pew for the officiating Elders; and the Pew or Seat Rents of any such Church as aforesaid may be expended and applied for the Purpose of defraying the necessary Expences of a Precentor, a Beadle or Kirk Officer, and other Expences necessarily incurred in dispensing the Ordinances of Religion therein, and not otherwise provided for, and for the Purpose of upholding in due Repair and improving the Fabric of such Church, or of the Dwelling House and Offices of the Minister, or for the Relief of any Person or Persons who may have undertaken or become liable to uphold the same, or who may be liable for the Endowment or Stipend provided and secured for the Minister of such Church; and it shall be lawful to make Collections at the Door of any such Church for any of the Purposes aforesaid: Provided also, that the Sum received by any Person liable to uphold the Church or Dwelling House, or liable for the Endowment or Stipend as aforesaid, shall not in any Year exceed the Sum paid or expended by such Person in the same Year by reason of such Liability. **Sittings.**

X. And be it enacted, That it shall and may be lawful for any Heritor or for any Heir of Entail in *Scotland*, Trustee, Tutor, and Curator of Minors, and every Person lawfully empowered to act for Persons under any legal Disability or Incapacity, to give and grant heritably and irredeemably such Land or Heritage belonging to them or under their Management as may be necessary for the Site of such Church, Dwelling House, and Offices as aforesaid, and also a Portion or Portions of Land near the same for a Churchyard or for a Glebe, and not exceeding in the whole Four Acres; which Portion or Portions of Land shall, at the Sight of the Sheriff of the County wherein the same is situated, or of some Person appointed by the Sheriff for that Purpose, be marked out and set apart as the Churchyard and as the Glebe to belong to such new Parish in all Time coming, and, having been so given, granted, marked out, and set apart, shall not be liable to or affected by any other Rights, Titles, Trusts, Interests, or Incumbrances to, in, or upon the same whatsoever; and such Heir of Entail shall not thereby be subject to nor incur any Forfeiture or Irritancy under any Deed of Entail by virtue of which he or she may hold the said Land or Heritage; and such Trustee, Tutor, or Curator, or other Person as aforesaid, shall be indemnified for what he may do in the Premises: Provided always, that the Power hereby given to any Heir of Entail, Trustee, Tutor, and Curator of Minors, and every Person lawfully empowered to act for Persons under legal Disability or Incapacity, shall not in any Case extend to or be understood to comprehend a Power of giving and granting any Lands or Heritages within Half a Mile of the Manor Place in the natural Possession of the Proprietor, or of giving and granting any or any Part of any Gardens, Orchards, or Inclosures adjacent to the Manor Place which have usually been in the natural Possession of the Proprietor, or have not been usually let for a longer Term than Seven Years, when the Heir in possession was of lawful Age, and not under any legal Disability or Incapacity: Provided also, that no such Grant as aforesaid by any Heir of Entail in possession, or by any Trustee, Tutor, Curator, or other Person lawfully empowered to act as aforesaid for any such Heir of Entail, shall be effectual, unless the Heir of Entail nearest in succession, of lawful Age, and not under any legal Dis- **Sites for Churches may be granted.**

ability or Incapacity, shall have consented to such Grant, which Consent may be given by Letter or other Writing under the Hand of such Heir of Entail nearest in succession, and shall be proved to the Satisfaction of the said Sheriff of the County: Provided also, that no Trustee, Tutor, or Curator of Minors, or Person lawfully empowered to act for Persons under legal Disability or Incapacity, shall make any such Grant as aforesaid without adequate Consideration for the same either in Price or Feu Duty, the Adequacy of which Consideration shall be proved to the Satisfaction of the said Sheriff of the County before the Portion or Portions of Land shall be marked out or set apart as aforesaid.

Lands may be burdened for Endowments.

XI. And be it enacted, That it shall and may be lawful for any Heir of Entail in *Scotland* to burden the Lands and Estate of which he or she is in possession as Heir of Entail aforesaid, lying within any District to be marked out and designated as aforesaid, or to give Security over the same for the annual Payment out of the clear yearly Rents and Profits of the said Lands and Estate of any Sum not exceeding Three Pounds *per Centum* of such clear yearly Rents and Profits, after deducting all prior Burdens and Provisions, as the same shall be ascertained by an Average of the Five Years immediately preceding such Burden or Security, and in no case exceeding the yearly Sum of One hundred and twenty Pounds, for the Purpose of endowing, or contributing to the Endowment of such new Parish as aforesaid; and also to burden such Lands and Estate or give Security over the same for upholding in due Repair the Fabric of the Church of such new Parish, and the Dwelling House and Offices of the Minister, or any of them; the Sums to be expended in such Repairs not exceeding in any one Year One Pound *per Centum* on the Amount of Money originally expended in building or purchasing and completing such Church, or upon the estimated Value thereof, when received and recognized as the Church of such new Parish, and One Pound *per Centum* on the Amount of Money originally expended in building or purchasing and completing such Dwelling House and Offices, or upon the estimated Value thereof; and such Heir of Entail shall not, by reason of such acting as aforesaid, be subject to nor incur any Forfeiture or Irritancy under any Deed of Entail by virtue of which he or she may hold such Lands or Estate, and such Burdens and Securities shall be as valid and effectual against such Lands and Estates as if the same had not been entailed: Provided always, that no such Burden or Security as aforesaid shall be effectual unless the Heir of Entail nearest in succession, of lawful Age, and not under legal Disability or Incapacity, shall have consented thereto, which Consent may be given judicially, or by Letter or other Writing under the Hand of such Heir of Entail nearest in succession: Provided also, that if such Heir of Entail nearest in succession as aforesaid shall be an Heir of the Body of the Heir of Entail in possession who intends to create such Burden or Security, then such Heir of Entail in possession shall, Three Months at least before creating the same, give Notice of such his Intention, in Writing, to the Heir of Entail next entitled to succeed to the said Estate, after the Heirs of his own Body, if within *Great Britain* or *Ireland*, and, if the Heir next entitled to succeed is not within *Great Britain* or *Ireland*, to his nearest Male Relation by the Father, of lawful Age, or to his known Factor or Attorney; and before any such Burden or Security as aforesaid shall be created, Evidence shall be produced, to the Satisfaction of the said Lords of Council and Session, that such Consent as aforesaid, and such Notice as aforesaid, where required, have been given, and that the Means of Public Worship for the Inhabitants of such District are wanting, and cannot be adequately provided unless the Power hereby given of burdening the entailed Estate shall be exercised to the Extent proposed.

For administering Religious Service in the Gaelic Language.

XII. 'And whereas in some populous Parishes and Districts in the Low Country of *Scotland*, particularly in large Towns and in the Neighbourhood of Cities and Royal Burghs, there are a great Number of Persons, Natives of the Highlands and Islands of *Scotland*, who do not understand the *English* Language so as to be capable of receiving the full Benefit of Religious Instruction in *English*, or of having the Ordinances of Religion administered to them with Advantage in that Tongue: And whereas it is expedient that some Provisions should be made for enabling such Persons to obtain Religious Instruction, and to have the Ordinances of Religion administered to them, in the *Gaelic* Language;' be it enacted, That in disjoining or dividing any large or populous Parish or Parishes in which there are a great Number of such Persons, it shall and may be lawful to make Provision for the Spiritual Wants of such Persons by appointing Religious Instruction to be communicated to them, and the Ordinances of Religion to be dispensed among them, in the *Gaelic* Language.

A separate Parish may be formed for that Purpose.

XIII. And be it enacted, That where a separate Church shall have been erected for any such *Gaelic* Congregation, and a permanent Endowment shall have been secured for the same, either from Teinds or otherwise, to the Satisfaction of the said Lords of Council and Session, it shall and may be lawful to erect such Church and the Congregation thereof into a separate Parish, although the Members of such Congregation may be scattered, and no territorial District may be assigned to such Parish exclusively; and it shall and may be lawful for the Minister or Ministers and Elders of such Parish to have and enjoy the Status and all the Powers, Rights, and Privileges of a Parish Minister or Parish Ministers and Elders of the Church of *Scotland*: Provided always, that nothing herein contained shall be construed as giving to the Minister or Ministers and Elders of any such *Gaelic* Congregation right to exercise pastoral Superintendence and Discipline over Persons who are not either Members of such *Gaelic* Congregation, or of the Families of such Members, or resident within the territorial District, if any, which may be assigned to such Parish exclusively.

For forming certain Highland Churches into Parishes. 4 G. 4. c. 79. 5 G. 4. c. 90.

XIV. 'And whereas an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for building additional Places of Worship in the Highlands and Islands of* Scotland; and another Act was passed in the Fifth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to amend an Act for building additional Places of Worship*

'*Worship in the Highlands and Islands of* Scotland: And whereas, under the Authority and Provisions 'of the said Two last-mentioned Acts, several additional Places of Worship have been built or provided, 'and certain Districts have been defined or set apart for the Benefit of which the said Places of Worship 'were built or provided, and Ministers have been appointed to officiate at such Places of Worship and in 'such Districts, and Dwelling Houses and Appurtenances have been built or provided for the Ministers 'so officiating; and Provision has been made for the Payment to such Ministers of Stipends not exceeding 'the Sum of One hundred and twenty Pounds *per Annum* in any one Case; and Provision is made by 'the said last-mentioned Act for upholding in repair such Places of Worship and Dwelling Houses and 'Appurtenances;' be it enacted, That upon Application by the Presbytery within which any such Place of Worship is situated, or by One or more Heritors holding together One Fourth Part of the Valuation of the District defined and set apart as the District for the Benefit of which such Place of Worship has been provided, or of Her Majesty's Advocate for *Scotland*, it shall and may be lawful for the said Lords of Council and Session, acting as aforesaid, to disjoin such District from the Parish or Parishes to which the same or any Part thereof may have belonged or been attached, and to erect the same into a Parish *quoad sacra*; and in every such Case the Place of Worship built or provided as aforesaid may be held and appointed to be the Church of such Parish, and the Dwelling House and Appurtenances provided for the Minister may be held and appointed to be the Dwelling House of the Minister of such Parish; and the Provisions contained in the said Two last-mentioned Acts may be held and taken to be sufficient Provisions for upholding in repair such Church and Dwelling House and Appurtenances, and a Stipend of One hundred and twenty Pounds, payable under the Provisions of the said Acts, may be held to be sufficient Stipend for the Minister of the said Parish; and it shall and may be lawful for the Minister and Elders of such Parish to have and enjoy the Status and all the Powers, Rights, and Privileges of a Parish Minister and Elders of the Church of *Scotland*.

Charge of Church, &c. thenceforth to lie on Parties liable thereto by Law of Scotland.

XV. And be it enacted, That if in any Case in which a Place of Worship has been built, and a District has been defined and set apart, under the Provisions of the said Two last-recited Acts, Application shall be made to the said Court to erect such District alone, or such District with Additions thereto, into a new Parish *quoad omnia*, with the requisite Consent of Heritors, and that the said Court shall give effect to such Application, it shall and may be competent for the said Court to declare and appoint the Place of Worship already erected in such District to be the Church of such new Parish, and to appoint and declare the Dwelling House already erected for the Minister to be the Manse of such new Parish; and the Commissioners under the said last-recited Acts shall thereupon cease to hold such Place of Worship and such Dwelling House for the Purposes of the said last-recited Acts; and the Provisions contained in the said last-recited Acts for upholding such Place of Worship and such Dwelling House in repair shall cease and determine, and the Burden of upholding the same shall fall on the Parties who by the Law of *Scotland* would be bound to uphold the Church and Manse of the Parish, if such Church and Manse had been appointed to be built for the newly-erected Parish; and in fixing the Stipend to be paid to the Minister of such newly-erected Parish, the said Court shall compute as Stipends the Sum paid by Authority of the said last-recited Acts to the Minister in such District, which Sum shall be continued to be paid to the Minister of such newly-erected Parish: Provided always, that the Right of Her Majesty, Her Heirs and Successors, to nominate and appoint the Minister to such Church and District shall remain entire, notwithstanding the Erection thereof into a separate Parish.

Provisions of 50 G. 3. c. 84. and 5 G. 4. c. 72. not to extend to Parishes erected under the present Act.

XVI. And be it enacted, That the Provisions of the Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for augmenting Parochial Stipends in certain Cases in* Scotland, and the Provisions of the Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for amending and rendering more effectual an Act for augmenting Parochial Stipends in certain Cases in* Scotland, shall not be extended to any new Parishes erected under the Provisions of this Act, although the Stipend or Endowment modified or provided for the Minister of any such new Parish should be less than One hundred and fifty Pounds Sterling.

Act may be amended, &c.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. XLV.

An Act for the Regulation of Suits relating to Meeting Houses and other Property held for religious Purposes by Persons dissenting from the United Church of *England* and *Ireland*.

[19th *July* 1844.]

'WHEREAS an Act was passed in the First Session of the First Year of the Reign of King 'William and Queen *Mary*, intituled *An Act for exempting Their Majesties Protestant Subjects* 1 W. & M. 'dissenting from the Church of England *from the Penalties of certain Laws*: And whereas an Act sess. 1. c. 18. 'was passed in the Nineteenth Year of the Reign of King *George* the Third, intituled *An Act* 19 G. 3. c. 44. 'for the further Relief of Protestant Dissenting Ministers and Schoolmasters: And whereas an Act 'was passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act to relieve* 53 G. 3. c. 160. 'Persons who impugn the Doctrine of the Holy Trinity from certain Penalties: And whereas an Act 'was passed by the Parliament of *Ireland* in the Sixth Year of the Reign of His Majesty King George 'the First, intituled *An Act for exempting the Protestant Dissenters of this Kingdom from certain* 6 G. 1. (I.) 'Penalties to which they are now subject: And whereas an Act was passed in the Fifty-seventh Year of 'the

57 G. 3. c. 70.

'the Reign of King *George* the Third, intituled *An Act to relieve Persons impugning the Doctrine of the Holy Trinity from certain Penalties in* Ireland: And whereas prior to the passing of the said recited Acts respectively, as well as subsequently thereto, certain Meeting Houses for the Worship of God, and Sunday or Day Schools (not being Grammar Schools), and other charitable Foundations, were founded or used in *England* and *Wales* and *Ireland* respectively for Purposes beneficial to Persons dissenting from the Church of *England* and the Church of *Ireland* and the United Church of *England* and *Ireland* respectively, which were unlawful prior to the passing of those Acts respectively, but which by those Acts respectively were made no longer unlawful:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That with respect to the Meeting Houses, Schools, and other charitable Foundations so founded or used as aforesaid, and the Persons holding or enjoying the Benefit thereof respectively, such Acts, and all Deeds or Documents relating to such charitable Foundations, shall be construed as if the said Acts had been in force respectively at the respective Times of founding or using such Meeting Houses, Schools, and other charitable Foundations as aforesaid.

Recited Acts, as well as all Deeds, &c. to be construed as if the Acts had been in force at the Time of the Foundation of such Meeting Houses, &c.

II. And be it enacted, That so far as no particular religious Doctrines or Opinions, or Mode of regulating Worship, shall on the Face of the Will, Deed, or other Instrument declaring the Trusts of any Meeting House for the Worship of God by Persons dissenting as aforesaid, either in express Terms, or by reference to some Book or other Document as containing such Doctrines or Opinions or Mode of regulating Worship, be required to be taught or observed or be forbidden to be taught or observed therein, the Usage for Twenty-five Years immediately preceding any Suit relating to such Meeting House of the Congregation frequenting the same shall be taken as conclusive Evidence that such religious Doctrines or Opinions or Mode of Worship as have for such Period been taught or observed in such Meeting House may properly be taught or observed in such Meeting House, and the Right or Title of the Congregation to hold such Meeting House, together with any Burial Ground, Sunday or Day School, or Minister's House attached thereto; and any Fund for the Benefit of such Congregation, or of the Minister or other Officer of such Congregation, or of the Widow of any such Minister, shall not be called in question on account of the Doctrines or Opinions or Mode of Worship so taught or observed in such Meeting House: Provided nevertheless, that where any such Minister's House, School, or Fund as aforesaid shall be given or created by any Will, Deed, or other Instrument, which shall declare in express Terms, or by such Reference as aforesaid, the particular religious Doctrines or Opinions for the Promotion of which such Minister's House, School, or Fund is intended, then and in every such Case such Minister's House, School, or Fund shall be applied to the promoting of the Doctrines or Opinions so specified, any Usage of the Congregation to the contrary notwithstanding.

The religious Doctrines or Opinions for the Preaching or Promotion of which the Meeting House may be held to be collected from 25 Years Usage, where not expressly stated in the Deed of Trust.

III. Provided always, and be it enacted, That nothing herein contained shall affect any Judgment, Order, or Decree already pronounced by any Court of Law or Equity; but that in any Suit which shall be a Suit by Information only and not by Bill, and wherein no Decree shall have been pronounced, and which may be pending at the Time of the passing of this Act, it shall be lawful for any Defendant or Defendants for whom the Provisions of this Act would have afforded a valid Defence if such Suit had been commenced after the passing of this Act to apply to the Court wherein such Suit shall be pending; and such Court is hereby authorized and required, upon being satisfied by Affidavit or otherwise that such Suit is so within the Operation of this Act, to make such Order therein as shall give such Defendant or Defendants the Benefit of this Act; and in all Cases in which any Suit now pending shall be stayed or dismissed in consequence of this Act, the Costs thereof shall be paid by the Defendants, or out of the Property in question therein, in such Manner as the Court shall direct.

Act not to affect any Judgment, &c. of a Court of Law or Equity, and Court may give Defendants the Benefit of Act in Suits now pending.

CAP. XLVI.

An Act to continue, until the Fifth Day of *April* One thousand eight hundred and forty-six, Compositions for Assessed Taxes; and to amend certain Laws relating to Duties under the Management of the Commissioners of Stamps and Taxes. [29th *July* 1844.]

6 & 7 Vict. c. 24.

'WHEREAS by an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to continue, until the Fifth Day of* April *One thousand eight hundred and forty-five, Compositions for Assessed Taxes; and to amend the Laws relating to the Land and Assessed Taxes, and also the Laws relating to the Duties on Profits arising from Property, Professions, Trades, and Offices*, the Compositions for Assessed Taxes entered into or renewed under the Authority of an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth were continued until the Fifth Day of *April* One thousand eight hundred and forty-five, and it is expedient to continue the same for the further Term of One Year:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Contracts of Composition for the Duties of Assessed Taxes now in force shall be and the same are hereby continued in force for a further Term of One Year, to be computed from the Fifth Day of *April* One thousand eight hundred and forty-five, and to determine on the Fifth Day of *April* One thousand eight hundred and forty-six, under the same Rules, Regulations, and Privileges as if such Compositions did not by the Laws now

Compositions for Assessed Taxes continued for a further Term of One Year,

now in force expire before the last-mentioned Day; and all the Powers and Provisions of the several Acts relating to or continuing such Compositions, or for collecting or enforcing Payment thereof, shall be extended and applied to the Contracts of Composition continued under this Act, to all Intents and Purposes as if the same had been herein repeated and re-enacted. ending 5th April 1846;

except in Cases where Parties shall give Notice to determine the same on the 5th Day of April 1845.

II. Provided always, and be it enacted, That this Act shall not extend to the Contract of Composition of any Person who shall be desirous of determining the same on the Fifth Day of *April* One thousand eight hundred and forty-five, and who shall on or before the Tenth Day of *October* One thousand eight hundred and forty-four give Notice thereof in Writing to the Assessor or Collector of the Parish or Place, or to the Surveyor acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the District in which such Composition shall be payable.

Commissioners of Stamps and Taxes empowered to direct within what Districts and Parishes privileged and other Places shall be rated to the Assessed Taxes and Property Tax.

III. 'And whereas Difficulties have arisen in carrying into execution the several Acts relating to the 'Duties of Assessed Taxes, and the Duties on Profits arising from Property, Professions, Trades, and 'Offices, in divers privileged and other Places, by reason of Doubts as to whether such Places are extra-'parochial, or included within or forming Part of any Parish, Tithing, or Place for which separate Assess-'ments of the said Duties have been usually heretofore made;' for Remedy whereof be it enacted, That it shall be lawful for the Commissioners of Stamps and Taxes, or any Two or more of them, and they are hereby authorized and empowered, from Time to Time, by any Order in Writing under their Hands, to order and direct that any privileged or other Place, whether extra-parochial or not, but not being itself an entire Parish, shall, for the Purposes of assessing, charging, collecting, and levying the said Duties respectively, and for all other the Purposes of the several Acts aforesaid, be deemed to be within or Part of such District or Division, and within or Part of such Parish, Tithing, Ward, or Place respectively, as shall appear to the said Commissioners to be most convenient and proper for the Purposes aforesaid, and thereupon such privileged or other Place shall be deemed to be within or Part of such District or Division, and within or Part of such Parish, Tithing, Ward, or Place, according to such Order, for all the Purposes aforesaid; and the said respective Duties shall be assessed, charged, raised, collected, and levied within such privileged or other Place, and upon the Occupiers or Inhabitants thereof, by or under the Authority of the Commissioners appointed or authorized to put in execution the said respective Acts in the District or Division, and by the Assessors, Collectors, or other Officers appointed for the Parish, Tithing, Ward, or Place within or Part of which such privileged or other Place shall be by any such Order as aforesaid declared or directed to be deemed to be, any Law, Statute, or Usage to the contrary notwithstanding: Provided always, that it shall be lawful for the said Commissioners of Stamps and Taxes, or any Two of them, to revoke any such Order, and to substitute any other Order in lieu thereof, from Time to Time as often as it shall appear to the said Commissioners to be expedient so to do: Provided also, that no such Order shall prejudice or affect any Assessment of the said respective Duties for any Year prior to that in which such Order shall be made; but that all such Duties assessed and charged for any previous Year shall be collected, levied, and recovered by the same Persons, under the same Authority, and in like Manner as they would have been if such Order had not been made.

Mode of proceeding to make the Assessments of the Duties in the Year in which any Order is made for annexing any privileged or other Place to a Parish for the Purposes of the said Acts.

IV. And be it enacted, That where before or at the Time of the making of any such Order as aforesaid any Assessment of the said respective Duties or either of them shall have been made for such privileged or other Place as aforesaid, or upon the Occupiers or Inhabitants thereof, in or for the Year in which such Order shall be made, whether the same shall be a separate Assessment for such privileged or other Place, or Part of or included in the Assessment for any Parish, Tithing, Ward, or other Place, in case the Duties so assessed shall not have been previously paid and discharged, the Surveyor of the said Duties shall certify the Particulars of every such Assessment to the Commissioners acting in the Execution of the said Acts respectively for the District and Parish, Tithing, Ward, or Place, within or Part of which such privileged or other Place shall be by such Order declared or deemed to be; and where at the Time of the making of any such Order as aforesaid no Assessment of the said respective Duties shall have been made for such privileged or other Place as aforesaid, or upon the Occupiers or Inhabitants thereof, in or for the said Year, or in case there shall be any Omission of any Person, Article, Matter, or Thing in or from any such Assessment as last aforesaid which shall have been made, or any insufficient Rate or Amount of Duty charged thereby, it shall be lawful for the Surveyor of the said Duties to certify in like Manner to the said Commissioners the Particulars of any Assessment which ought to be made upon any Occupier or Inhabitant of such privileged or other Place, and of any increased Rate or Amount of Duty which ought to be charged upon any such Occupier or Inhabitant; and in any of the several Cases aforesaid the said Commissioners shall cause the Particulars so certified to them as aforesaid to be inserted or included in or added to the Assessment of the like Duties made or to be made for the same Year in or for the Parish, Tithing, Ward, or Place within or Part of which such privileged or other Place shall be by such Order as aforesaid declared or deemed to be, and shall cause the Duties to be assessed and charged thereon or in respect thereof according to such Certificate, and thereupon the said Duties shall be deemed to be Part of the last-mentioned Assessment for all Intents and Purposes whatsoever, and shall be collected, received, levied, accounted for, and paid over by the Collectors or other Persons appointed or to be appointed or authorized to collect, receive, or levy the Duties contained in the said Assessment, without any further or other Warrant or Order in that Behalf: Provided always, that every such Assessment or Charge of Duties made in pursuance of such Certificate of the Surveyor as aforesaid shall be subject to an Appeal by the Party charged with or liable to the Payment of the said Duties, upon his giving Notice in Writing to such Surveyor of his Intention to appeal against such Assessment

or

or Charge within Ten Days after the Particulars thereof shall have been notified to such Party; and every such Appeal shall be heard and determined by the said respective Commissioners within their District at such Time and Place as they shall appoint for that Purpose, of which due Notice shall be given to the Party assessed or charged as aforesaid.

Execution of the Powers of the Acts by the Commissioners declared valid, although not within the Times prescribed for that Purpose.

V. 'And whereas by the said Acts relating to the said respective Duties the Commissioners for 'putting the same in execution respectively are required or directed to hold certain Meetings, and to 'appoint certain Officers, and also to do and perform divers other Acts, Matters, and Things, in the 'Execution of the Powers and Provisions of the said Acts, before or upon certain Days or Times 'appointed and prescribed by the said Acts for such Purposes respectively: And whereas, in Cases where 'the said Commissioners have omitted to put in execution the Powers and Provisions of the said Acts, 'within or at the Times so appointed and prescribed as aforesaid, Doubts have arisen as to the Legality 'of their Execution of such Powers and Provisions at any subsequent Period, and it is expedient to 'remove such Doubts;' be it therefore enacted, That where in any Case the said respective Commissioners have neglected or omitted, or shall hereafter neglect or omit, to hold any Meeting, or to appoint any Officer, or to do or perform any other Act, Matter, or Thing, in the Execution of the Powers and Provisions of the said Acts respectively, within or at the Time directed, appointed, or prescribed by the said Acts in that Behalf, the holding of such Meeting, and the Appointment of such Officer, and the Performance of any such other Act, Matter, or Thing as aforesaid at any other Time or Times, shall, notwithstanding any such Neglect or Omission, be and be deemed to have been respectively as good, valid, and effectual to all Intents and Purposes as if the same respectively had been held, made, done, or performed within or at the Time and according to the Manner and Circumstances directed, appointed, or prescribed as aforesaid, any thing in the said Acts contained to the contrary thereof notwithstanding.

Penalty on Persons refusing to appear before the Commissioners to be appointed Assessors, or submit to be appointed, 10*l.*

VI. 'And whereas by the said Acts relating to the said Duties respectively the Commissioners acting 'in the Execution thereof are required to direct their Precepts to such Inhabitants of each Parish, Ward, 'or Place, and such Number of them, as they shall think most convenient, to be Presenters and Assessors 'for such Parish, Ward, or Place, requiring them to appear before the said Commissioners at such Place 'and at such Time as they shall appoint, in order that such of the said Inhabitants as the said Commissioners 'shall think proper may be appointed Assessors of the said several Duties: And whereas it frequently 'happens that the Persons to whom such Precepts are directed wilfully disobey the same, whereby the 'Execution of the said Acts is greatly impeded;' be it therefore enacted, That if any Person to whom any such Precept as aforesaid shall be directed shall wilfully neglect or refuse to appear before the said respective Commissioners according to the Tenor and Effect thereof, or having appeared, shall refuse to submit to be appointed an Assessor of the said Duties or of either of them respectively, in the Manner and Form by the Statute in such Case directed and provided, every Person so offending in any such Case as aforesaid shall forfeit and pay for every such Offence the Sum of Ten Pounds, to be recovered and applied in like Manner as any Penalty incurred under the said Acts or any of them may be recovered and applied.

Recital of 49 G. 3. c. 32. and c. 110. granting Duties of 1*s.* and 6*d.* on Offices and Employments.

VII. 'And whereas by an Act passed in the Forty-ninth Year of the Reign of King *George* the 'Third, intituled *An Act for continuing and making perpetual several Duties of One Shilling and 'Sixpence, repealed by an Act of the last Session of Parliament, on Offices and Employments of Profit, 'and on Annuities, Pensions, and Stipends, and thereby granted for One Year to the Twenty-fifth 'Day of* March *One thousand eight hundred and nine*, certain Rates and Duties of One Shilling and 'Sixpence respectively specified and contained in the Schedule to the said Act annexed were granted and 'made payable: And whereas another Act was passed in the same Session of Parliament to rectify a 'Mistake in the last-recited Act: And whereas it is expedient to make Provision for the Appointment 'of Commissioners to execute the said last-recited Acts in certain Cases;' be it therefore enacted, That where in any Case there is or shall be any Failure in the Appointment of Commissioners for executing the said recited Acts, whether the same shall proceed from the Want of legal Authority in any Person or Persons to make such Appointment, or from the Neglect or Omission of any Person or Persons having such Authority to appoint such Commissioners, or from any other Cause, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Writing under their Hands, to appoint Commissioners for putting in execution the said recited Acts passed in the Forty-ninth Year of the Reign of King *George* the Third, and the Powers therein referred to or contained in relation to the said respective Rates and Duties of One Shilling and Sixpence, in the several Departments or Districts throughout *Great Britain;* and such Commissioners so to be appointed as last aforesaid are hereby empowered and required to do all things necessary for putting the said recited Acts in execution with relation to the said respective Rates and Duties, in the like and in as full and ample a Manner as any Commissioners appointed or authorized by or under the Authority of any former Act or Acts could or might at any Time heretofore put in execution the said recited Acts.

Commissioners of the Treasury empowered to appoint Commissioners for executing the recited Acts, with relation to the said Duties.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. XLVII.

An Act to amend and continue for Five Years, and to the End of the next Session of Parliament, certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland*.

[29th *July* 1844.]

'WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in* Ireland: And whereas an Act was passed in the Session of Parliament held in the Third and Fourth Years of Her present Majesty, intituled *An Act for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in* Ireland, *and for the better Payment of their Wages, for One Year, and from thence to the End of the then next Session of Parliament*: And whereas an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend and continue to the Twenty-seventh Day of* July *One thousand eight hundred and forty-three, and to the End of the next Session of Parliament, an Act of the Third and Fourth Years of Her present Majesty, for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in* Ireland, *and for the better Payment of their Wages*: And whereas it is expedient that the first herein-before recited Act should be continued, with such Amendments as are herein-after contained, and that the secondly and thirdly herein-before recited Acts should also be continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first herein-before recited Act, except as to such Parts thereof as have been repealed by the said secondly herein-before recited Act, and subject to the Amendments herein-after contained, and the said secondly and thirdly herein-before recited Acts, shall be continued and shall be and remain in force from the passing of this Act for Five Years, and until the End of the next Session of Parliament.

5 & 6 W. 4. c. 27.

3 & 4 Vict. c. 91.

5 & 6 Vict. c. 68.

Continuation of Acts.

II. 'And whereas several of the Penalties imposed by the said first herein-before recited Act for the Offences therein described are directed to be not less in Amount than certain Sums in the said Act respectively named, and it is expedient that Power should be given to the convicting Justices still further to lessen the same;' be it therefore enacted, That it shall be lawful for any Justices or Justice or Chief Magistrate by whom any Person shall be convicted of any Offence under the said first herein-before recited Act to award, in respect of any Offence punishable under the said Act, any Penalty whatsoever, not being greater than the maximum Penalty assigned for such Offence by the said Act; and the said Act shall hereafter take effect and be continued as if no such minimum Limits as are herein-before referred to had been respectively assigned to the Penalties thereby imposed.

Further Powers granted to Justices in awarding the Penalties assigned by the Act 5 & 6 W. 4. c. 27.

III. 'And whereas by the said first-mentioned Act it is enacted, that for the Purposes thereof all Linen which shall be sold or exposed for Sale within the Custom Gaps or Custom Gates of any Fair or Market on the respective Fair or Market Days, between the Hours therein-after mentioned, (that is to say,) between Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon from the Twenty-fifth Day of *March* until the Twenty-fifth Day of *September* in each Year, and between Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon from the Twenty-fifth Day of *September* until the Twenty-fifth Day of *March* in each Year, shall be deemed and taken to be sold or exposed for Sale in open Fair or Market, and none other; any Law, Usage, or Custom to the contrary notwithstanding: And whereas it is expedient that the Hour of Ten of the Clock in the Forenoon, from the Twenty-fifth Day of *September* to the Twenty-fifth Day of *March* in each Year, should be fixed, instead of Eleven of the Clock in the Forenoon during the like Period, as the Time at which open Fairs and Markets should, for the Purposes of the said first herein-before mentioned Act, be deemed to commence;' be it therefore enacted, That from and after the passing of this Act all Linen that shall be sold or exposed for Sale within the Custom Gaps or Custom Gates of any Fair or Market on the respective Fair Days, between the Hour of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, whatever may be the Period of the Year, shall for the Purposes of this Act be deemed and taken to be sold or exposed for Sale in open Fair or Market, and none other; any thing in the said first herein-before recited Act, and any Law, Usage, or Custom, to the contrary notwithstanding.

Fairs and Markets for Linen to be held between Ten and Two o'Clock throughout the Year.

IV. And be it enacted, That this Act, and the several Acts herein-before recited, shall be deemed and taken to be Public Acts, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

V. And be it enacted, That this Act shall extend to *Ireland* only.

Extent of Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. XLVIII.

An Act to repeal certain Acts for regulating the Trade in Butter and Cheese.

[29th *July* 1844.]

4 W. & M. c. 7. 36 G. 3. c. 86. 38 G. 3. c. 73.

'WHEREAS an Act was passed in the Fourth Year of the Reign of King *William* the Third and Queen *Mary*, intituled *An Act to prevent Abuses committed by the Traders in Butter and Cheese:* And whereas an Act was passed in the Thirty-sixth Year of the Reign of King *George* the Third, intituled *An Act to prevent Abuses and Frauds in the packing, Weight, and Sale of Butter; and to repeal certain Acts relating thereto:* And whereas an Act was passed in the Thirty-eighth Year of the Reign of King *George* the Third, intituled *An Act for amending and rendering more effectual an Act made in the Thirty-sixth Year of the Reign of His present Majesty, intituled An Act to prevent Abuses and Frauds in the packing, Weight, and Sale of Butter; and to repeal certain Acts relating thereto:* And whereas it is expedient that the herein-before recited Acts should be repealed, except as herein-after is expressed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the herein-before recited Acts shall be repealed, but not so as to revive any Act or any Part of any Act repealed by any of the Acts hereby repealed.

Recited Acts repealed.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. XLIX.

An Act for the better Regulation of Colonial Posts.

[29th *July* 1844.]

7 W. 4. & 1 Vict. c. 33. 3 & 4 Vict. c. 96.

'WHEREAS by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for the Management of the Post Office*, it was provided, that the Postmaster General should have the exclusive Privilege (except in the particular Cases therein mentioned) of conveying Letters from one Place to another, wheresoever, within the United Kingdom or other Her Majesty's Dominions, Posts or Post Communications then were or might be thereafter established; and by another Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, the Postmaster General was empowered to charge such Rates of Postage as the Commissioners of Her Majesty's Treasury might from Time to Time, by Warrant under their Hands, direct, on Letters conveyed by Post between Places therein mentioned where Post Communications should be established, and where Rates of Postage had not hitherto been authorized by Law: And whereas, in certain of Her Majesty's Colonies in which Posts or Post Communications have been or may be established by the Postmaster General, Rates of Postage have been already authorized to be taken:' Now be it enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases in which Posts or Post Communications have been established by the Postmaster General in any of Her Majesty's Colonies, and Rates of Postage, by Warrant under the Hands of the Commissioners of Her Majesty's Treasury, or any Three of them, have been directed to be charged by the Postmaster General on Letters conveyed by Post between Places within such Colonies, the same shall be deemed and taken to have been authorized by the said recited Acts, any thing to the contrary notwithstanding.

Rates of Postage established by the Postmaster General to be deemed authorized by recited Acts.

Postmaster General may establish Posts in the Colonies.

II. And it is hereby enacted and declared, That it shall be lawful for the Postmaster General for the Time being, from Time to Time, to establish any Posts or Post Communications in any of Her Majesty's Colonies, or in any of the Cities or Towns within any such Colony, or the Suburbs thereof, and to alter or annul any of the Posts or Post Communications already established or hereafter to be established in any of the said Colonies, Cities, Towns, or Suburbs, as he shall deem expedient, and to appoint sufficient Deputies, Agents, and Servants under him, for the better managing the Post Office Revenue, at any Place or Places where such Posts or Post Communications already have been or may hereafter be established, and such Deputies, Agents, and Servants from Time to Time to suspend, remove, or displace, and to appoint others in their Place or Stead; and whenever any such Posts or Post Communications shall be established in any of the said Colonies, all Colonial Legislative Acts and Colonial Ordinances relating to the Post or Postage of Letters in force within any such Colony shall cease and determine.

Commissioners of the Treasury may establish Rates of Postage, and alter them from Time to Time.

III. And be it enacted and declared, That it shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time and at all Times after the passing of this Act, by Warrant under their Hands, to alter and fix any of the Rates of Colonial Postage payable by Law for the Transmission of Letters by the Post, and to subject the same to Rates of Postage according to the Weight thereof, and a Scale of Weight to be contained in such Warrant, and from Time to Time, by Warrant as aforesaid, to alter or repeal any such altered Rates, and make and establish any new or other Rates in lieu thereof, and the Rates of Colonial Postage from Time to Time to become payable under or by virtue of any such Warrant shall be charged and paid accordingly, and from Time to Time, by Warrant as aforesaid, to appoint at what Time the Rates which may be payable are to be paid; and the Power hereby given to alter and fix Rates of Postage shall extend to any Increase or Reduction or Remission of Postage.

Warrants establishing

IV. And be it enacted, That in all Cases in which any Rates of Colonial Postage shall be made payable under or by virtue of any Warrant of the Commissioners of Her Majesty's Treasury under this Act, every such

such Warrant shall be published in the *London Gazette*, and shall, within Fourteen Days after making the same, be laid before both Houses of Parliament if then sitting, or otherwise within Fourteen Days after Parliament shall re-assemble: Provided that any Rates made payable by any such Warrant may be demanded and taken at any Time after they shall have been so published in the *London Gazette*, although the same shall not then have been laid before Parliament. Rates of Postage to be published in London Gazette.

V. And be it enacted, That the Rates of Colonial Postage now or hereafter payable within any of Her Majesty's Colonies, where Posts or Post Communications have been or shall hereafter be established by or under the Authority of Her Majesty's Postmaster General, shall be charged by and be paid to Her Majesty's Postmaster General for the Time being, or his Deputies or Agents in such Colony, and, after deducting the Expences of Collection and Management of the Post Office in any such Colony, and Payment of the Salaries and Wages of the Officers and Servants employed in or about the same, shall be appropriated and applied, by or under the Authority of the Postmaster General for the Time being, to the Improvement and Extension of the Posts and Post Communications of the Colony within which such Postage shall be raised, and the Surplus thereof shall be applied for the Public Service of such Colony, and the Support of the Government thereof, in such Manner as the Commissioners of Her Majesty's Treasury for the Time being may from Time to Time by Writing under their Hands direct. Colonial Rates of Postage to be paid over to Postmaster General.

VI. And be it enacted, That the Postage, whether *British* or Foreign or Colonial, marked on any Letter brought into any of Her Majesty's Colonies or Dominions, shall, in all Courts of Justice and other Places within the said Colonies and Dominions, be received as conclusive Evidence of the Amount of *British* or Foreign or Colonial Postage payable in respect of such Letter, in addition to any other Postage chargeable thereon; and all such Postage shall be recoverable, within Her Majesty's Colonies and Dominions, as Postage due to Her Majesty. Postage Mark to be Evidence of Amount of Postage.

VII. And be it enacted, That so much of the Thirty-third Section of the said Act of the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, as contains the Words "and where Rates of Postage have not hitherto been authorized by Law," shall be and the same is hereby repealed. Repeal of certain Provision in secondly-recited Act.

VIII. And be it enacted, That the Term "Colonial Letters" used in the Fifty-eighth Section of the said last-mentioned Act shall include all Letters transmitted by the Post between Places within any of Her Majesty's Colonies, or between any of such Colonies, or between any of the Colonies and the United Kingdom or a Foreign Country. Defining the Term "Colonial Letters."

IX. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time and at all Times after the passing of this Act, by Warrant under their Hands, to extend to all or any of Her Majesty's Colonies any of the Enactments, Clauses, and Provisions (not then relating to or affecting the Colonies) contained in the said last-mentioned Act, and also any of the Enactments, Clauses, and Provisions (not then relating to or affecting the Colonies) contained or which may be contained in any other of the Post Office Acts now or hereafter to be in force, and from Time to Time to revoke any such Warrant; and during the Time any such Warrant shall be unrepealed the Enactments, Clauses, and Provisions which may be so extended to any such Colonies shall be in force in such Colonies in like Manner as if the same had been declared by any such Acts to extend to such Colonies. Commissioners of the Treasury may extend Provisions of Post Office Acts to other Colonies.

X. And be it enacted, That the following Terms and Expressions whenever used in this Act shall have the several Interpretations herein-after respectively set forth, unless such Interpretations are repugnant to the Subject or inconsistent with the Context of the Provisions in which they may be found; (that is to say,) the Term "Letter" shall include Post Letters and Packets, Newspapers, Votes and Proceedings of the Imperial Parliament, and Votes and Proceedings of the Legislatures of any of Her Majesty's Colonies or Provinces, Pamphlets and other printed Papers; and the Term "Colonial Postage" shall include the Postage on Letters and Newspapers, and other Papers and Packets transmitted by the Post within any of Her Majesty's Colonies; and that the several other Terms and Expressions used in this Act shall be construed according to the respective Interpretations contained or referred to in the said Act of the Third and Fourth Years of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, as far as those Interpretations are not repugnant to the Subject, or inconsistent with the Context of such Terms or Expressions. Construction of Terms. 3 & 4 Vict. c. 96.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

CAP. L.

An Act to extend the Powers of the Act for encouraging the Establishment of District Courts and Prisons. [29th *July* 1844.

'WHEREAS an Act was passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to encourage the Establishment of District Courts and Prisons*, and it is expedient that the said Act be amended, for the Purpose of removing Doubts as to the Manner of putting the said Act in force with respect to those Boroughs to which a separate Court of Sessions of the Peace has not been granted at the Time of making the Agreements contemplated by the said Act:' Be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That 5 & 6 Vict. c. 53.

Agreements contemplated by the recited Act may be contingent on Grant of Sessions of the Peace.

it shall be lawful for the Council of any Borough to which Her Majesty shall not have then granted a separate Court of Sessions of the Peace to be Party to any Agreement for the Purposes of the said Act; and it shall be also lawful to insert in any such Agreement, if the Parties thereunto shall think fit, a Condition, that such Agreement shall not take effect unless Her Majesty shall be pleased to grant a separate Court of Sessions of the Peace to any such Borough; and in case such Condition shall be therein inserted no Agreement shall be valid, notwithstanding that the same shall have been approved by the several Parties thereto, and confirmed by Her Majesty as directed by the said Act, until Her Majesty shall have been pleased to grant such separate Court of Sessions of the Peace to the Borough or Boroughs respecting which the said Condition shall have been inserted in the Agreement.

Repeal of 5 & 6 Vict. c. 53. § 41. as to Divisions of united Districts.

II. And be it enacted, That so much of the said Act as provides that in every Case in which more than One Borough having a Court of Sessions of the Peace shall be a Party to the Agreement aforesaid the District united under such Agreement shall be divided into as many Divisions as there shall be Boroughs included in such Agreement, and to each of such Boroughs shall be apportioned such a Division of the said District as shall be more immediately adjacent thereunto, and shall be set forth in the Agreement, regard being had to the Amount of Population in the whole District, and the other Circumstances of the Case, and all Prisoners committed to the said Prison for any Offence committed within any Division aforesaid shall be sent for Trial to the Sessions of the Peace holden for that Borough to which such Division shall have been apportioned, and the Provisions herein-before contained with respect to Jurors, and the Return of Convictions, Depositions, Recognizances, and other Documents, for the united District, shall apply in each Case to the Division apportioned to each Borough, shall be repealed.

Provisions as to Divisions of any united District, whether Grant made before or after Confirmation of Agreement.

III. And be it enacted, That in every Case in which more than One Borough having a Court of Sessions of the Peace shall be a Party to any such Agreement, whether or not the Grant of such Court shall have been made before or after the Confirmation of the Agreement, the united District shall be divided into as many Divisions as there are Boroughs to which such Grants shall have been made, in such Manner as shall be absolutely or provisionally set forth in the Agreement, or as shall be provided by any supplemental Agreement to be made and enforced in like Manner as the original Agreement, so, nevertheless, that One such Borough shall be included in and form the Whole or Part of every such Division; and the united District, and also each of such Divisions, shall be designated by such Names as shall be set forth in such Agreement or supplemental Agreement; and a Court of Sessions of the Peace for each Division of the united District shall be holden in the Borough which forms the Whole or Part of such Division, before the Recorder thereof, who shall be the Recorder of that Division and sole Judge of the Court which shall have the like Jurisdiction throughout the Division which the Court of Sessions of the Peace for any of the said Boroughs has within such Borough; and the Provisions in the said Act contained with respect to the Clerk of the Peace, and to Jurors, and the Return of Convictions, Depositions, Recognizances, and other Documents, for the united District, shall apply in each Case separately to each Division, and to the Borough which is included in and forms the Whole or Part of such Division.

Secretary of State to appoint Surveyor General of Prisons.

IV. 'And whereas by an Act passed in the Third Year of the Reign of Her Majesty, intituled *An Act 'for the better ordering of Prisons*, it is provided that it shall not be lawful to enlarge, build, or rebuild 'any Prison until One of Her Majesty's Principal Secretaries of State shall have approved the Plan of such 'Prison or intended Prison;' be it enacted, That it shall be lawful for the Secretary of State to appoint a proper Person to be Surveyor General of Prisons for the Purpose of advising the Justices and others having the Superintendence of the Construction of Prisons, and for reporting to the Secretary of State on the several Plans which shall be sent to him for his Approval as aforesaid, and for the Performance of such other Duties connected with the Construction of Prisons as shall be from Time to Time intrusted to him by the Secretary of State.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LI.

An Act to continue, until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and forty-six, certain of the Allowances of the Duty of Excise on Soap used in Manufactures. [29th *July* 1844.]

3 & 4 W. 4. c. 16.

'WHEREAS by an Act passed in the Third Year of the Reign of His late Majesty King *William* 'the Fourth, intituled *An Act to repeal the Duties, Allowances, and Drawbacks of Excise on 'Soap, and to grant other Duties, Allowances, and Drawbacks in lieu thereof*, certain Allowances of the 'Duties of Excise paid on Soap were granted in respect of Soap used in certain Manufactures and Pro- 'cesses set forth in the said Act, and which Allowances were to cease at the End of the Session of Par- 'liament next after the Thirty-first Day of *May* One thousand eight hundred and thirty-five: And 'whereas by other Acts passed in the Fifth and Sixth Years of His said late Majesty King *William* the 'Fourth, and in the Second and Third and also the Fifth Years of the Reign of Her present Majesty 'Queen *Victoria*, the said Allowances (except the Allowance for the whitening of new Linen in the 'Piece for Sale) were continued until the End of the Session of Parliament next after the Thirty-first 'Day of *July* One thousand eight hundred and forty-four: And whereas it is expedient that the said 'Allowances (except as aforesaid) should be further continued:' Be it therefore enacted by the Queen's most

most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Allowances (except the Allowance of the Duty on Soap used, employed, or consumed in the whitening of new Linen in the Piece for Sale) shall continue and remain payable until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and forty-six, in like Manner as if the same had been made payable until that Time by the said first-recited Act.

Certain Allowances of the Duty on Soap to be continued.

CAP. LII.

An Act to extend the Powers of the Act for the Appointment and Payment of Parish Constables. [29th *July* 1844.]

'WHEREAS an Act was passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act for the Appointment and Payment of Parish Constables*, whereby Provision was made for the Appointment of Parochial Constables by the Justices of the Peace of every County in *England*: And whereas it is expedient that the like Authority should be given to the Justices of the Peace of Liberties within Counties:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act all the Provisions of the said Act shall be extended and apply to every Liberty in *England* having a separate Commission of the Peace, and not being an incorporated Borough, and to the Justices of such Liberty, as if such Liberty were a County of itself, and as if the said Act were herein re-enacted.

5&6 Vict. c. 109.

Recited Act to extend to all Liberties having a Commission.

II. And be it enacted, That the Constables appointed and sworn to act in any such Liberty before the passing of this Act, whether by the Justices of the Liberty acting under colour of the Powers of the said Act, or at any Court Leet or Torn within such Liberty, shall be deemed to have been well and lawfully appointed; and those Persons who shall hold the Office of Constable in any such Liberty at the Time of the passing of this Act shall continue to hold their several Offices, and to execute the Duties thereof, until Constables shall be chosen in their Stead under the Provisions of this Act.

Confirming previous Appointments.

III. And be it enacted, That no Toll shall be demanded or taken on any Turnpike Road or Bridge for any Horse, or Police Van, Carriage, or Cart, passing along such Road or Bridge, in the Service of a Superintendent Constable appointed under the Provisions of the said Act, provided that the Superintendent Constable in charge of such Horse, Van, Carriage, or Cart shall produce a Certificate of his Appointment, signed by the Clerk of the Peace of the County for which he shall have been so appointed, or shall have his Dress according to the Regulations of the said County, at the Time of claiming the Exemption; and every Person who shall fraudulently claim or take the Benefit of the Exemption from Toll herein contained not being lawfully entitled thereunto shall for every such Offence be liable to a Penalty not exceeding Five Pounds; and in all such Cases the Proof of Exemption shall be upon the Person claiming the same.

Horses, &c. in Service of Superintendent Constables exempted from Toll.

IV. 'And whereas by the said Act it is provided, that nothing therein contained shall apply to certain Boroughs and Places therein specified: And whereas Doubts have been entertained as to the Powers of the Justices to appoint Constables for any Parish of which Part shall be within and Part without such exempted Borough or Place;' be it declared and enacted, That with respect to any such Parish the Exemptions provided by the said Act shall be deemed only to exempt the Men residing within that Part of the Parish which is within such exempted Borough or Place from serving as Constables under the said Act, or being included in any List to be made out under the said Act, and to disqualify the Inhabitants of such Part from voting in any Division of the Vestry under the said Act.

Exempting such Parts of Parishes as lie within Boroughs exempted by 5&6 Vict. c. 109.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. LIII.

An Act for Disfranchisement of the Borough of *Sudbury*. [29th *July* 1844.]

'WHEREAS an Act was passed in the Seventh Year of the Reign of Her Majesty, intituled *An Act for appointing Commissioners to inquire into the Existence of Bribery in the Borough of* Sudbury, whereby, after reciting that there was Reason to believe that the Practice of Bribery at Elections of Members to serve in Parliament for the Borough of *Sudbury* had long prevailed in the said Borough, and that Bribery to a great Extent had been systematically committed there at the last Election of Members to serve in Parliament, certain Commissioners were therein named and appointed for inquiring into the Manner in which the last Election of Members to serve in Parliament for the said Borough had been conducted, and whether any Bribery had been committed at such Election, and into the Particulars of such alleged Bribery, as in the said Act is more fully set forth; and by the said Act the said Commissioners were directed from Time to Time to report to Her Majesty the Evidence which should be taken by them, and what they should find concerning the Premises: And whereas the said Commissioners made their Report in Writing to Her Majesty, dated the Twelfth Day of *March* in the Year One thousand eight hundred and forty-four, and thereby, after detailing various illegal Practices before and during the Election, reported finally that systematic and extensive Bribery prevailed at the last

6&7 Vict. c. 97.

'last Election of Members of Parliament in the said Borough:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Borough of *Sudbury* in the County of *Suffolk* shall, from and after the passing of this Act, cease to return any Member or Members to serve in Parliament.

The Borough of Sudbury to cease to return Members.

CAP. LIV.

An Act to continue until the First Day of *October* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, the Act to amend the Laws relating to Loan Societies. [29th *July* 1844.]

3&4 Vict. c. 110.

CAP. LV.

An Act to amend and explain the Acts for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights; and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure. [29th *July* 1844.]

4 & 5 Vict. c. 35.

'WHEREAS an Act was passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights; and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure*, and was amended and explained by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, and it is expedient further to amend and explain the said Acts in certain respects:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of the aforesaid Acts, or either of them, as to the Recovery of Expences, Costs, and Charges to be paid by any Tenant, being a Trustee, and not beneficially interested in the Lands of which he stands admitted Tenant, to be affected by any Commutation or Enfranchisement under the aforesaid Acts or this Act, shall extend as well to Cases in which there shall not be an Apportionment on Commutation or Enfranchisement in pursuance of the said aforesaid Acts or this Act, as to Cases in which there shall be an Apportionment on Commutation or Enfranchisement in pursuance thereof.

Provisions of former Acts as to Recovery of Expences, Costs, &c. to extend to Cases where there is no Apportionment.

II. And be it enacted, That every Person beneficially interested in the said Lands, having a limited beneficial Interest only, and who shall pay any such Expences, Costs, and Charges to any Tenant, being such Trustee as aforesaid, may, with the Consent of the Copyhold Commissioners under their Hands, and by a simple Entry on the Court Rolls of the Manor, and for which Entry the Steward shall only charge Thirteen Shillings and Four-pence, and which shall not be subject to any Stamp Duty, charge such Expences, Costs, and Charges, with Interest thereon at the Rate of Four Pounds *per Centum per Annum*, on the Lands to which the same relate; but so, nevertheless, that the Principal charged on such Lands be lessened in every Year following such Charge One Twentieth at least of such original Charge, and shall be subject to previous Mortgages.

Persons having a limited beneficial Interest only may charge Expences on the Lands, &c.

III. And be it enacted, That as to any Lands to be affected by any Commutation or Enfranchisement without Apportionment under the aforesaid Acts or this Act, or any of them, of which the Tenant, being a Trustee and not beneficially interested therein, stands admitted Tenant, the Person beneficially interested therein at the Date of the Confirmation of the Commutation Agreement, or at the Date of the Conveyance Deed, or other Assurance by which the Enfranchisement is made, as the Case may be, shall be deemed, for all Purposes in regard to Expences, Costs, and Charges which any such Trustee may have to pay under the aforesaid Acts or this Act, to be the Person beneficially interested in such Lands within the Meaning of the aforesaid Acts and this Act respectively.

Where Trustee is Tenant, the Person beneficially interested at the Date of Confirmation, &c. deemed to be beneficially interested.

IV. And be it enacted, That the Provisions of the aforesaid Acts, or either of them, charging and securing, and authorizing the charging and securing of the Consideration Money of any Enfranchisement under the said Acts, and the Costs of the Charges, with Interest, and also as to the Priority of the Charges and Securities of or for the same, and otherwise in reference thereto, shall, *mutatis mutandis*, extend as well to Cases in which there shall not be an Apportionment on Enfranchisement in pursuance of the aforesaid Acts or this Act, as to Cases in which there shall be an Apportionment on Enfranchisement in pursuance thereof; and on any Enfranchisement where there shall not be such Apportionment the Charge of the Consideration Money of the Enfranchisement, and the Interest thereon, shall commence and be computed from the Date of the Conveyance, Deed, or Assurance by which the Enfranchisement shall be made.

Provisions for charging and securing of the Consideration Money of any Enfranchisement to extend to Cases in which there shall not be an Apportionment, &c.

V. And be it enacted, That, in addition and subject to the Provisions of the aforesaid Acts or either of them, any Commutation or Enfranchisement may be made wholly or in part for the Consideration of a Conveyance of Lands, or of any Right to Mines or Minerals, although the said Lands or the said Right to Mines or Minerals so to be conveyed shall not be Parcel of or situate in or under the Lands of the same Manor as the Lands so to be commuted or enfranchised; provided that the said Lands or the said Right to Mines or Minerals can be conveniently held with the same Manor in the Opinion of the Copyhold Commissioners, and are subject, so far as the Difference of Tenure may permit, to

Commutations or Enfranchisements may be made in consideration of the Conveyance of Lands, &c. not Parcel of

to the same Uses and Trusts as the Lands so to be commuted or enfranchised shall be subject to at the Time of such Commutation or Enfranchisement, or to Uses and Trusts in correspondence with which the said Lands shall be then settled at Law or in Equity; and that it shall be lawful for the Person empowered by the aforesaid Acts to obtain such Commutation or Enfranchisement to convey the said Lands or Rights to Mines and Minerals to the Person commuting or enfranchising the Lands proposed to be commuted or enfranchised, and to his Heirs, to the Uses, and upon and for the Trusts, Intents, and Purposes, to, upon, and for which the Manor of which the Lands commuted or enfranchised are Parcel shall be subject and held at the Time of such Commutation or Enfranchisement; subject always, as to any Leases to which such Lands may be subject, to all the Provisions of the last-mentioned Act in respect to Lands therein permitted to be conveyed.

the Manor, but subject to the same Uses as those commuted.

VI. And be it enacted, That in case any Trustee nominated by the Copyhold Commissioners under the aforesaid Acts or this Act should be desirous of resigning, or should become incapable of acting, the Commisioners may, if they shall think proper, appoint some other fit Person in like Manner as if a Vacancy had occurred under the Provisions of the secondly herein-before recited Act.

For supplying Vacancies.

VII. And be it enacted, That the Provisions of the said first herein-before recited Act, authorizing Distress and Entry in Cases of Nonpayment of the Rent-charge authorized by the aforesaid Act to be granted, shall extend and be applicable to all Rent-charges granted and made payable under and by virtue of the said secondly herein-before recited Act or this Act.

Extending Provisions of recited Act to Rent-charges under this Act.

VIII. And be it enacted, That this Act shall be taken and construed to be Part of the aforesaid Acts, and that all Proceedings which may have been had, and all Commutations and Enfranchisements which may have taken place, under the said recited Acts or either of them, and all Matters and Things incident thereto, shall be of the same Force, Validity, and Effect as if the Provisions of this Act had been contained in the said first-recited Act.

This Act to be construed as a Part of the recited Acts.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. LVI.

An Act concerning Banns and Marriages in certain District Churches or Chapels.

[29th *July* 1844.]

'WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Second Year of the Reign of His late Majesty, intituled *An Act to amend and render more effectual an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled "An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes:"* And whereas another Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to amend and render more effectual the Church Building Acts:* And whereas another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act to further amend the Church Building Acts:* And whereas Doubts are entertained whether Banns of Matrimony can be published or Marriages be solemnized in Churches or Chapels to which Districts have been or may hereafter be assigned under the said recited Act passed in the Second Year of the Reign of His late Majesty; and it is expedient to remove such Doubts:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case in which a District has been or shall be assigned to any Church or Chapel under the Provisions of the said last-mentioned Act it shall be lawful for Her Majesty's Commissioners for building new Churches, with the Consent of the Bishop of the Diocese, in every such Case as has come or shall come before the said Commissioners under the Provisions of the said last-mentioned Act, and for the said Bishop in every such other Case, to determine whether Banns of Matrimony shall be published and Marriages solemnized in any such Church or Chapel aforesaid or not.

59 G. 3. c. 134. 1 & 2 W. 4. c. 38. 1 & 2 Vict. c. 107. 3 & 4 Vict. c. 60.

Where a District is assigned under last-recited Act the Church Building Commissioners or the Bishop to decide as to Banns and Marriages.

II. And be it enacted, That when and so soon as it shall be determined that Banns of Matrimony may be published and Marriages solemnized in any such Church or Chapel, the Bishop of the Diocese within which such Church or Chapel shall be locally situated, whether in any Parish or Extra-parochial Place, or otherwise, shall certify the same, and such Certificate shall be kept in the Chest of the Church or Chapel with the Books of Registry thereof, and a Copy thereof shall be entered in the Books of the Registry of Banns and Marriages, and a Duplicate of such Certificate shall be registered in the Registry of the Diocese, and such Certificate shall be deemed and taken to be conclusive Evidence in all Courts, and in all Questions relating to any Banns published or Marriages solemnized in any such Church or Chapel, that the same might according to Law respectively be published and solemnized in such Church or Chapel, and that all Banns published and Marriages solemnized in any such Church or Chapel according to the Laws and Canons in force within this Realm in that Behalf shall after the granting of such Certificate be good to all Intents and Purposes whatsoever: Provided always, that no Banns or Marriages respectively published or solemnized according to the Laws and Canons in force within the Realm in that Behalf in any Church or Chapel in which the same are authorized to be respectively published, solemnized, and had by the said recited Acts or this Act, or either of them, shall be invalid by reason of any such Certificate not having been duly given, or registered or entered, as herein-before required: Provided also

Proceedings in Cases where it shall be determined that Banns may be published and Marriages solemnized.

How Fees to be disposed of.

also, that all Fees, Dues, Offerings, and other Emoluments on account of such Marriages, whether of Right or Custom, belonging to the Incumbent or Clerk of any Parish, Chapelry, or Place in which such Church or Chapel has been erected, shall be received by or for or on account of such Incumbent or Clerk respectively, and be paid over to them, except such of the said Fees, Dues, Offerings, or other Emoluments, or such Portions thereof, as the said Commissioners, with the Consent of the Bishop of the Diocese, the Patron, and the said Incumbent respectively, in those Cases which shall come before the said Commissioners, by Order made under their Common Seal, or the Bishop of the Diocese alone, with the Consent of the Patron and Incumbent, in all other Cases, by Order under his Hand and Seal, shall assign to the Minister of such Church or Chapel; and every such Instrument of Assignment shall be registered in the Registry of the Bishop of the Diocese within which said Church or Chapel shall be locally situated: Provided always, that nothing herein-before contained shall be construed to take away from existing Parish Clerks any Fees, Dues, or Emoluments to which they are now by Law or Custom entitled.

The Validity of Marriages in certain Chapels with Districts assigned to them not to be questioned.

III. 'And whereas, by Error, Banns have been published, and divers Marriages have been solemnized, 'in Chapels with Districts assigned to them under the Provisions of the herein-before recited Acts or 'some of them, but in which Chapels Banns could not be legally published, nor Marriages by Law be 'solemnized; and it is expedient to remove all Doubts, arising from the Circumstances aforesaid, touching 'the Validity of such Marriages;' be it therefore enacted, That Banns already published, and Marriages already solemnized, in such Chapels as aforesaid, shall not hereafter be questioned on account of the said Banns having been published, or the said Marriages solemnized, in any such Chapel as aforesaid; and the Minister or Ministers who solemnized the same shall not be liable to any Ecclesiastical Censure, or to any other Proceedings or Penalties whatsoever, by reason thereof; and the Registers of all Marriages so solemnized as aforesaid, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively.

Omissions to authorize Marriages in Chapels may be cured by supplemental Order.

IV. And be it enacted, That where a Chapelry has been already or shall hereafter be assigned to any Chapel under the Provisions of the herein-before recited Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, and the Order in Council assigning such Chapelry does not direct that Marriages may be performed in such Chapel, it shall be lawful for Her Majesty, by any supplemental Order in Council, on a Representation to be made to Her by the said Commissioners, with the Consent of the Bishop of the Diocese, to order that Marriages may be performed thereafter in such Chapel; and that all the Fees arising therefrom, or a Part thereof, should thereafter belong and be paid to the Minister of such Chapel, or after the next Avoidance of the Parish Church, or that all or a Portion of such Fees should belong and be paid to the Incumbent of such Parish Church; and all the Laws in force relating to Banns of Marriage, and Marriages in District Chapels, and the registering thereof, shall apply to Marriages performed under such supplemental Order in Council.

In any Representation to the Queen in Council, &c. the Number of the Section of the Act, &c. need only be recited.

V. And be it enacted, That in any Representation to Her Majesty in Council, or in any Order of Council to be made thereon, or in any other Matter or Thing done under their Common Seal by the said Commissioners under the Authority of the herein-before recited Acts or any other Act of Parliament, it shall be sufficient to refer to the Section or Sections as numbered in Copies printed by the Queen's Printer of the Act or Acts under the Authority whereof such Representation or Order in Council is made, or such Matter or Thing done, and it shall not be necessary to recite any of the Provisions of such Section or Sections.

Every Order in Council under the Church Building Acts to be inserted in the London Gazette, and registered with a Map, &c.

VI. And be it enacted, That every Order in Council under the Provisions of the herein-before recited Acts or any of them, or under the Provisions of any other of the Church Building Acts, shall, as soon as may be after the making thereof by Her Majesty in Council, be inserted and published in the *London Gazette* in like Manner as any Order in Council made under the Acts regulating the Proceedings of the Ecclesiastical Commissioners of *England* is published in such Gazette, and it shall not be necessary to enrol in the Court of Chancery any Map or Plan or Description of the Boundaries of any Division or District formed under the Provisions of the herein-before recited Acts, or any other of the Church Building Acts; and a Map or Plan on which shall be marked such Boundaries, and which shall be sealed with the Common Seal of the said Commissioners for building new Churches, and the Order in Council annexed thereto, shall be registered in the Registry of the Diocese in the Manner directed by the Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to carry into Effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues*, and shall be subject to such and the like Provisions in all respects relating thereto as are contained in the same Act: Provided always, that nothing in this Act contained shall be taken to repeal or affect any of the Authorities contained in an Act of Parliament passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for Marriages in* England, for licensing any Churches or Chapels for the Solemnization of Marriages therein.

3&4 Vict. c. 113.

Not to affect 6&7 W. 4. c. 85. as to licensing Churches, &c. for Solemnization of Marriages.

CAP. LVII.

10 G. 4. c. 22.

An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, an Act of the Tenth Year of King *George* the Fourth, for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*. [29th *July* 1844.]

CAP. LVIII.

An Act further to stay, until the End of the next Session of Parliament, Proceedings in certain Actions under the Provisions of several Statutes for the Prevention of excessive Gaming; and to prevent any similar Proceedings being taken under those Statutes during such further limited Time. [29th *July* 1844.]

'WHEREAS an Act was passed in the present Session of Parliament, intituled *An Act to stay Proceedings for Three Calendar Months, and till the End of the present Session of Parliament, in certain Actions under the Provisions of several Statutes for the Prevention of excessive Gaming; and to prevent any Proceedings being taken under those Statutes during such limited Time:* And whereas it is expedient that as well all the Proceedings which were stayed or suspended, or authorized to be stayed or suspended, by the Operation of that Act, should be stayed or suspended for a further Period, and that no other Proceedings of a like Nature should be commenced or proceeded with during such further Period:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Actions, Suits, or other Proceedings which before the passing of this present Act shall have been brought, commenced, or prosecuted for the Recovery of any Forfeiture or pecuniary Penalty incurred or supposed to have been incurred under the Provisions of the several Acts of Parliament recited in the said recited Act, or any or either of them, by playing at any of the Sports or Pastimes mentioned in the Schedule annexed to the said recited Act, or at any *bonâ fide* Variety of any of the said Sports, Pastimes, or Games, or at any Sport, Pastime, or Game of a like or similar Description to any of the said Sports, Pastimes, or Games, to which a different Name may by general or local Usage be appropriated, or by betting on the Sides or Hands of such as do play thereat, whether any Order of any Court or Judge shall have been made therein or not, shall be and the same hereby are stayed and suspended until the End of the next Session of Parliament; and that no Action, Suit, or other Proceeding shall be brought, commenced, or prosecuted for the Purpose of recovering any Forfeiture or pecuniary Penalty incurred or supposed to have been incurred, under the Provisions of the several Acts recited in the said recited Act, or any or either of them, by playing at any of the said Sports or Pastimes mentioned in the Schedule annexed to the said recited Act, or at any *bonâ fide* Variety of any of the said Sports, Pastimes, or Games, or at any Sport, Pastime, or Game of a like or similar Description to any of the said Sports, Pastimes, or Games, to which a different Name may by general or local Usage be appropriated, or by betting on the Sides or Hands of such as do play thereat, previously to the End of the next Session of Parliament. 7 & 8 Vict. c. 3. Suspending Actions for Penalties.

II. And be it enacted, That in case any such Action or Actions which have already been commenced shall be further prosecuted, or in case any such Action or Actions shall be commenced after the passing of this Act, it shall be lawful for the Defendant or Defendants in any such Action or Actions to plead the General Issue, and to give this Act in Evidence under it; and thereupon the Judge before whom such Action or Actions shall be tried shall direct, and he is hereby authorized and empowered to direct, a Verdict or Verdicts and Judgment or Judgments to be entered for such Defendant or Defendants. When Actions are prosecuted contrary to this Act a Verdict to be found for Defendant.

III. And be it enacted, That all the said recited Act of the present Session of Parliament, so far as it relates to all other Powers, Provisions, Matters, and Things therein contained, shall continue in force until the End of the next Session of Parliament. Continuing Provisions of recited Act.

CAP. LIX.

An Act for better regulating the Offices of Lecturers and Parish Clerks. [29th *July* 1844.]

'WHEREAS in divers Districts, Parishes, and Places there now are or hereafter may be certain Lecturers or Preachers in the Holy Orders of Deacon or Priest of the United Church of *England* and *Ireland* elected or otherwise appointed to deliver or preach Lectures or Sermons only, without the Obligation of performing other clerical or ministerial Duties: And whereas it is expedient in many Cases that such Lecturers or Preachers should be authorized and required to perform other clerical and ministerial Duties, and to act, if necessary, as Assistant Curates, in such Districts, Parishes, or Places:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the Bishop of the Diocese wherein any such Lecturers or Preachers shall be so elected or appointed as aforesaid, if he shall think fit, with the Assent of the Incumbent of every such District, Parish, or Place, to require, by Writing under his Hand and Seal, any such Lecturer or Preacher to undertake and perform such other clerical or ministerial Duties, as Assistant Curate or otherwise, within such District, Parish, or Place, as the said Bishop, with the Assent of such Incumbent as aforesaid, shall think proper, and also to vary from Time to Time, if necessary, and with the like Assent, the particular Duties so required to be performed as aforesaid; and in case such Lecturer or Preacher shall at any Time refuse or neglect duly and faithfully to perform such additional Duties, and to act in the Manner required by the said Bishop as aforesaid, it shall be lawful for the said Bishop to summon the said Lecturer or Preacher to appear before him, and thereupon the said Bishop, with the Assistance of One at least of the Archdeacons and also of the Chancellor of such Diocese, shall proceed summarily to inquire into the Facts of the Case, Lecturers or Preachers may be required to perform other clerical Duties in certain Cases.

and to adjudicate thereon, and, if necessary, to suspend or remove the said Lecturer or Preacher from his said Office, and to declare the same vacant; but nevertheless such Lecturer or Preacher may, within Fourteen Days next after the passing or making of any such Sentence or Declaration, appeal therefrom to the Archbishop of the Province, who shall thereupon forthwith summarily hear and determine the same; and if no such Appeal be made within the Time aforesaid, or if the said Sentence or Declaration shall upon such Appeal be affirmed by the said Archbishop, the said Bishop shall then cause the same to be forthwith duly published in the Church or Chapel wherein the said Lecturer or Preacher hath been used to deliver or preach his said Lectures or Sermons by virtue of his said Office, and thereupon the said Office shall be and be deemed to be vacant, and the Parties entitled to elect or appoint a Person to the same shall be entitled and required to elect or appoint a Successor thereto, in the same Manner as if the said Lecturer or Preacher were dead, and the Right and Interest of such Lecturer or Preacher to and in the said Office, and to and in all the Emoluments and Advantages thereof, shall wholly cease and determine; provided that nothing herein contained shall affect or be deemed applicable to any Lecturer or Preacher who shall have been elected or appointed to his said Office before the passing of this Act, unless such Lecturer or Preacher shall consent to be bound thereby.

Saving the Rights of present Holders.

Power to appoint Persons in Holy Orders to the Office of Church Clerk, and to require such Persons to act as Assistant Curates, if necessary.

II. And be it enacted, That when and so often after the passing of this Act as any Vacancy shall occur in the Office of Church Clerk, Chapel Clerk, or Parish Clerk, in any District, Parish, or Place, it shall be lawful for the Rector or other Incumbent or other the Person or Persons entitled for the Time being to appoint or elect such Church Clerk, Chapel Clerk, or Parish Clerk as aforesaid, if he shall think fit, to appoint or elect a Person in the Holy Orders of Deacon or Priest of the United Church of *England* and *Ireland* to fill the said Office of Church Clerk, Chapel Clerk, or Parish Clerk; and such Person so appointed or elected as aforesaid shall, when duly licensed as herein-after provided, be entitled to have and receive all the Profits and Emoluments of and belonging to the said Office, and shall also be liable in respect thereof, so long as he shall hold the same, to perform all such spiritual and ecclesiastical Duties within such District, Parish, or Place as the said Rector or other Incumbent, with the Sanction of the Bishop of the Diocese, may from Time to Time require; but such Person in Holy Orders so appointed or elected as aforesaid shall not by reason of such Appointment or Election have or acquire any freehold or absolute Right to or Interest in the said Office of Church Clerk, Chapel Clerk, or Parish Clerk, or to or in any of the Profits or Emoluments thereof, but every such Person in Holy Orders so appointed or elected as aforesaid shall at all Times be liable to be suspended or removed from the said Office, in the same Manner and by the same Authority, and for such or the like Causes, as those whereby any stipendiary Curate may be lawfully suspended or removed; such Suspension or Removal nevertheless being subject to the same Power of Appeal to the Archbishop of the Province to which any stipendiary Curate is or may be entitled.

Such Person to be licensed by the Bishop, and when appointed otherwise than by the Bishop to be subject to the Approval of the Incumbent.

III. Provided always, and be it enacted, That every such Appointment or Election as last aforesaid, if made by any other Person or Persons than the Rector or other Incumbent of such District, Parish, or Place, shall be subject to the Consent and Approval of such Rector or other Incumbent of such District, Parish, or Place; and that no Person in Holy Orders so appointed or elected as aforesaid shall be competent to perform any of the Duties of his said Office, or any other spiritual or ecclesiastical Duties, within such District, Parish, or Place, or to receive or take any of the Profits or Emoluments of his said Office, unless and until he shall have duly obtained from the Bishop of the Diocese within which such District, Parish, or Place is situate such Licence and Authority in that Behalf as are required and usual in respect of stipendiary Curates; but nevertheless such Licence and Authority, when so obtained as aforesaid, shall entitle the Person so obtaining it to hold the said Office, and to receive and take the Profits and Emoluments thereof as aforesaid, until he shall have resigned the same, or have been so suspended or removed as aforesaid, without any annual or other Re-appointment or Re-election thereto.

Appointments of Assistant Clergy under this Act not to exempt Incumbents from the Duty of providing Curates in Cases where they are now liable.

IV. Provided also, and be it enacted, That no Rector or other Incumbent of any District, Parish, or Place wherein any such Person or Persons shall be so employed as aforesaid, or wherein any Lecturer or Preacher shall have been required to undertake and perform other clerical and ministerial Duties, in the Manner herein-before provided, or wherein any Person in Holy Orders shall have been appointed or elected to fill the Office of Church Clerk, Chapel Clerk, or Parish Clerk as aforesaid, shall by reason of any such Provisions be exempt from any Duty or Obligation of employing within the same District, Parish, or Place any Curate or other Assistant to which by any Law, Statute, Canon, or Usage he is or may be already liable; but it shall be lawful for the Bishop of the Diocese from Time to Time to require every such Rector or other Incumbent to provide, or for the said Bishop to nominate and license, such other Curates and Assistants to officiate within every such District, Parish, or Place, in addition, either to the Person or Persons so intended to be employed as aforesaid, or to such Lecturer or Preacher, or to such Church Clerk, Chapel Clerk, or Parish Clerk, and to make Regulations for the Payment of the Stipends of such other Curates and Assistants, as fully and in the same Manner and subject to the same Restrictions as he might have done by Law if this Act had not been passed.

Power to suspend or remove Church Clerks not in Holy Orders who may be guilty of Neglect or Misbehaviour.

V. And be it enacted, That if at any Time it shall appear, upon Complaint or otherwise, to any Archdeacon or other Ordinary that any Person not in Holy Orders, holding or exercising the Office of Church Clerk, Chapel Clerk, or Parish Clerk in any District, Parish, or Place within and subject to his Jurisdiction, has been guilty of any wilful Neglect of or Misbehaviour in his said Office, or that by reason of any Misconduct he is an unfit and improper Person to hold or exercise the same, it shall be lawful for such Archdeacon or other Ordinary forthwith to summon such Church Clerk, Chapel Clerk, or Parish Clerk to appear before him, and also by Writing under his Hand, or by such Process as is commonly

commonly used in any of the Courts Ecclesiastical for procuring the Attendance of Witnesses, to call before him all such Persons as may be competent to give Evidence or Information respecting any of the Matters imputed to or charged against such Church Clerk, Chapel Clerk, or Parish Clerk as aforesaid; and such Archdeacon or other Ordinary shall and may, if he see fit, examine upon Oath, to be by him administered in that Behalf, any of the Persons so appearing or attending before him respecting any of the Matters aforesaid, and shall and may thereupon summarily hear and determine the Truth of the Matters so imputed to or charged against such Church Clerk, Chapel Clerk, or Parish Clerk as aforesaid; and if upon such Investigation it shall appear to the Satisfaction of such Archdeacon or other Ordinary that the Matters so imputed to or charged against such Church Clerk, Chapel Clerk, or Parish Clerk are true, it shall be lawful for the said Archdeacon or other Ordinary forthwith to suspend or remove such Church Clerk, Chapel Clerk, or Parish Clerk from his said Office, and by Certificate under his Hand and Seal directed to the Rector or other officiating Minister of the Parish, District, or Place wherein such Church Clerk, Chapel Clerk, or Parish Clerk held or exercised his said Office, to declare the said Office vacant, and a Copy of such Certificate shall thereupon, by such Rector or other officiating Minister, be affixed to the principal Door of the Church or Chapel in which the said Church Clerk, Chapel Clerk, or Parish Clerk usually exercised his said Office; and the Person or Persons who upon the Vacancy of such Office are entitled to elect or appoint a Person to fill the same, shall and may forthwith proceed to elect or appoint some other Person to fill the same in the Place of the said Church Clerk, Chapel Clerk, or Parish Clerk so removed as aforesaid: Provided always, that the Exercise of such Office by a sufficient Deputy who shall duly and faithfully perform the Duties thereof, and in all respects well and properly demean himself, shall not be deemed a wilful Neglect of his Office on the Part of such Church Clerk, Chapel Clerk, or Parish Clerk, so as to render him liable, for such Cause alone, to be suspended or removed therefrom.

Power to remove Person ceasing to be employed as mentioned in this Act from Premises held by him in right of his Employment.

VI. And be it enacted, That in case any Person having ceased to be employed in any of the Offices or Duties in this Act mentioned or referred to, or having been duly suspended or removed from any such Office or Employment as aforesaid, shall at any Time refuse or neglect to give up the Possession of any House, Building, Land, or Premises, or any Part or Parcel thereof, by him held or occupied by virtue or in respect of any such Office or Employment as aforesaid, it shall be lawful for the Bishop of the Diocese, upon Complaint thereof to him made, to summon such Person forthwith personally to appear before him, and to show Cause for such Refusal or Neglect; and upon the Failure of the Person so summoned as aforesaid to obey such Summons, or, upon his Appearance, to show to the said Bishop such Cause as may be deemed by the said Bishop sufficient for such Refusal or Neglect, the said Bishop shall thereupon grant a Certificate of the Facts aforesaid, under his Hand and Seal, to the Person or Persons entitled to the Possession of such House, Building, Land, or Premises as aforesaid, who may thereupon go before any neighbouring Justice of the Peace; and such Justice, upon Production of such Certificate, and Proof of such wrongful Retention of Possession as aforesaid, shall and he is hereby required to issue his Warrant under his Hand and Seal, directed to the Constables or other Peace Officers of the District, Parish, or Place within which such House, Building, Land, or Premises is or are situate, or to the Constables or other Peace Officers of any neighbouring District, Parish, or Place, requiring them forthwith to expel and remove from the said House, Building, Land, or Premises, and from every Part and Parcel thereof, the Person so wrongfully retaining Possession thereof, and to deliver the peaceable Possession thereof to the Person or Persons so entitled to the same as aforesaid; and such Constables or other Peace Officers shall and they are hereby required promptly and effectually to obey and execute such Warrant, according to the Exigency thereof, and thereupon it shall be lawful for them also to levy, upon the Goods and Chattels of the Person so by them expelled and removed as aforesaid, the necessary Costs and Expences of executing such Warrant, the Amount whereof, in case the same shall be disputed, shall be forthwith settled and determined by the said Justice of the Peace by whom the said Warrant was so issued as aforesaid, or by any other Justice of the Peace residing in or near to the said District, Parish, or Place, whose Decision thereupon shall be final, and who is hereby authorized to make such Order in that Behalf as to him shall seem reasonable.

CAP. LX.

An Act to provide for the Care and Preservation of *Trafalgar Square* in the City of *Westminster*. [6th *August* 184]

'WHEREAS the Queen's most Excellent Majesty, in right of Her Crown, is seised to Herself, Her Heirs and Successors, of the Place or Square called *Trafalgar Square*, in the Parish of *Saint Martin-in-the-Fields* in the City of *Westminster* and County of *Middlesex:* And whereas such Place or Square has recently been formed, laid out, embellished, and ornamented, at the public Expence: And whereas upwards of Twenty thousand Pounds have been collected by private Subscription, and expended towards the Erection of a Column in the said Square to commemorate the public Services of the late Vice Admiral Lord Viscount *Nelson;* and it is expedient that Provision should be made for the Care and Preservation thereof, and for the ornamental and other Works, Matters, and Things erected upon or around the same, as herein-after mentioned:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Place or Square called *Trafalgar Square*, and all the ornamental and other Works, Matters, and Things now being or which may hereafter be placed or erected in, upon, about,

Trafalgar Square, and the Works thereon,

vested in Her Majesty.

about, or around the same, shall be and the same are by this Act vested in the Queen's most Excellent Majesty, Her Heirs and Successors, as Part and Parcel of the Hereditary Possessions and Revenues of Her Majesty in right of Her Crown, within the ordering and Survey of the Court of Exchequer.

Care and Management of the Square, and of all Works thereon, vested in the Commissioners of Woods, &c.

II. And be it enacted, That the Care, Control, Management, and Regulation of the said Place or Square, and of all ornamental and other Works, Matters, and Things now being or which may hereafter be placed or erected in, upon, or about or around the same, shall be and the same are by this Act vested in the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and the said Commissioners shall and they are hereby required, by and out of such Monies as may from Time to Time be placed at Her Majesty's Disposal for that Purpose by Authority of Parliament, to well and sufficiently pave, light, cleanse, water, repair, and keep in good Order and Condition the said Place or Square, and all ornamental and other Works, Matters, and Things now being or which may hereafter be placed or erected in, upon, about, or around the same, any Law, Statute, Custom, or Usage to the contrary in anywise notwithstanding.

Powers of 10 G. 4. c. 44. and 2 & 3 Vict. c. 47. extended to this Act.

III. And be it enacted, That all the Clauses and Provisions of an Act passed in the Tenth Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act for improving the Police in and near the Metropolis*, and of another Act passed in the Second and Third Year of the Reign of Her present Majesty, intituled *An Act for further improving the Police in and near the Metropolis*, shall extend and apply to this Act, and to the said Place or Square, and to the Works, Matters, or Things for the Time being in, upon, about, or around the same, so far as such Clauses and Provisions are not repugnant to or inconsistent with the Provisions of this Act.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Public Act.

V. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices and others.

CAP. LXI.

An Act to annex detached Parts of Counties to the Counties in which they are situated.

[6th *August* 1844.]

'WHEREAS there exist in *England* and *Wales* Parts of Counties detached from the main Body of the County, and Delay and Hindrance to the Administration of Justice ensue, and Inconvenience in other respects; and it is desirable to remedy the said Evil:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twentieth Day of *October* next every Part of any County in *England* or *Wales* which is detached from the main Body of such County shall be considered for all Purposes as forming Part of that County of which it is considered a Part for the Purposes of the Election of Members to serve in Parliament as Knights of the Shire, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act to settle and to describe the Divisions of Counties and the Limits of Cities and Boroughs in* England *and* Wales, *in so far as respects the Election of Members to serve in Parliament:* Provided always, that nothing herein contained shall be construed to alter the County, Riding, or Division to which any such detached Part shall be deemed to belong for the Purpose of holding Inquests, under the Provisions of an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act for the more convenient holding of Coroners Inquests.*

Detached Portions of Counties to be Part of the County by which they are surrounded. 2 & 3 W. 4. c. 64. 6 & 7 Vict. c. 12.

Detached Parts to belong to adjoining Hundred, &c., or to form a separate Hundred.

II. And be it enacted, That every such detached Portion which under the Provisions of this Act shall be annexed for Purposes other than that of voting for Members of Parliament to any County to which it did not belong for such Purposes before the passing of this Act shall thenceforth be taken to be Part of the Hundred, Wapentake, Ward, Rape, Lathe, or other like Division by which it is wholly or for the most Part surrounded, or to which it is next adjoining, in the County to which it will thenceforth belong, unless the Justices of the County, Riding, Parts, or Division, in General or Quarter Session assembled, shall declare it to be a new or separate Hundred or other like Division, which they shall be empowered to do; and it shall be lawful for the Justices of such County, Riding, Parts, or Division, in General or Quarter Sessions assembled, in every Case in which there shall appear to them to be any Doubt to which of such Divisions any such detached Part shall belong under this Act, to declare the Division to which it shall be taken to belong; and such Determination shall be final and conclusive, and shall be published in the *London Gazette*, the Production of which Paper shall be Evidence thereof.

Provision as to Special and Petty Sessions. 9 G. 4. c. 43. 6 & 7 W. 4. c. 12.

III. And be it enacted, That in all Cases where any such detached Part of a County shall have formed before the passing of this Act a separate Division in which Special and Petty Sessions of the Peace for such County shall have been usually holden, such detached Part shall remain a separate Division for Special and Petty Sessions of the County to which it shall be annexed after the passing of this Act, until the Justices of the County, Riding, Parts, or Division to which it shall be annexed after the passing of this Act shall have re-constituted such Division for Special and Petty Sessions of the Peace under the Provisions of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for the better Regulation of Divisions in the several Counties of* England *and* Wales, and also of an Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act for amending an Act of the Ninth Year of the Reign of His late Majesty King* George *the Fourth, intituled* '*An Act for the better Regulation of Divisions in the several Counties of* England *and* Wales.'

IV. Pro-

IV. Provided always, and be it enacted, That no judicial Proceeding, or Deed or other Instrument in Writing, shall be invalidated by reason of any Error in stating the Name of the County to which such detached Portion originally belonged, instead of the County to which it will belong under this Act, or the converse; and that every Proceeding at Law, whether civil or criminal, already commenced, or to be commenced before the Twentieth Day of *October* next, shall and may be prosecuted and heard and determined exactly as if this Act had not been passed, save and except in so far as it shall be otherwise ordered by any of Her Majesty's Superior Courts of Common Law having Jurisdiction in any Case in which such Order shall be made. Error in stating Name of County not to invalidate legal Documents.

V. Provided always, and be it enacted, That nothing herein contained shall alter or interfere with any Ecclesiastical Jurisdiction or Right of Patronage. Saving Ecclesiastical Rights.

VI. 'And whereas as to some such detached Parts there are Coroners appointed expressly for and 'having Jurisdiction in such detached Parts only;' be it therefore enacted, That as to every detached Part for which at the Time of the passing of this Act there is a Coroner appointed for and acting in such detached Part, such Coroner shall during his Life, or until he shall resign or be removed from his Office, continue to hold and exercise his Office and Jurisdiction within such detached Part in as ample a Manner as if this Act had not been passed. Saving the Rights of certain Coroners.

VII. Provided always, and be it enacted, That nothing herein contained shall be construed to affect or alter the Assessments of the Land Tax or Assessed Taxes in or for any such detached Portion of a County, or to extend or diminish the Jurisdiction of any Commissioners acting therein in the Execution of the Acts relating to the said Taxes respectively, but that all such detached Portions shall be subject in that Behalf to the Jurisdiction of the Commissioners acting for the same County or District as they would have been subject to if this Act had not been passed; and all Parishes and Parts of Parishes and Places, and all Manors, Lands, Tenements, and Hereditaments within any such detached Portion, shall continue chargeable towards raising the Land Tax charged upon the same County or other District to or in aid of which they have heretofore contributed a Quota or Portion of such Land Tax. Act not to extend to alter or affect the Land Tax or Assessed Taxes in detached Portions of Counties.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. LXII.

An Act to amend the Law as to burning Farm Buildings. [6th *August* 1844.]

'WHEREAS by an Act passed in the First Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to burning or destroying Buildings and Ships*, it is enacted, that whosoever shall unlawfully and maliciously set fire to any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Malt-house, Hop-oast, Barn, or Granary, or to any Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, whether the same or any of them respectively shall then be in the Possession of the Offender, or in the Possession of any other Person, with Intent thereby to injure or defraud any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of the natural Life of such Offender, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years; but it hath been doubted whether the Provisions of the recited Act extend to the Offence of unlawfully and maliciously setting fire to any Hovel or Shed not being appendant to any House:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whoever shall unlawfully and maliciously set fire to any Hovel, Shed, or Fold, or to any Farm Building, or any Building or Erection used in farming Land, whether the same or any of them respectively shall then be in the Possession of the Offender, or in the Possession of any other Person, with Intent thereby to injure or defraud any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of the natural Life of such Offender, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years. 7 W. 4. & 1 Vict. c. 89. Setting fire to any Farm Building.

II. And be it enacted, That whosoever shall unlawfully and maliciously set fire to any Hay, Straw, Wood, or other Vegetable Produce being in any Farm House or Farm Building, or to any Implement of Husbandry being in any Farm House or Farm Building, with Intent thereby to set fire to such Farm House or Farm Building, and to injure or defraud any Person, shall be liable to the Pains and Penalties of unlawfully and maliciously setting fire to the said Farm House or Farm Building with Intent thereby to injure or defraud such Person. Setting fire to Farm Produce or Implements in Farm Buildings.

III. And be it enacted, That every Male Person under the Age of Eighteen Years who shall be convicted of any Offence under this Act shall be liable, at the Discretion of the Court before which he shall be convicted, in addition to any other Sentence which may be passed upon him, to be publicly or privately whipped, in such Manner, and as often, not exceeding thrice, as the Court shall direct. Males under 18 Years of Age may be whipped, &c.

IV. And be it enacted, That this Act shall be deemed a Part of the recited Act. Act to be Part of recited Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

CAP.

CAP. LXIII.

An Act to continue until the First Day of *June* One thousand eight hundred and forty-five an Act of the Second and Third Years of His late Majesty, for restraining for Five Years, in certain Cases, Party Processions in *Ireland*. [6th *August* 1844.]

2&3 W. 4. c. 118.

CAP. LXIV.

An Act to provide for paying off such of the Three Pounds Ten Shillings *per Centum* Annuities and Government Debentures which are to be paid off under Two Acts passed in the present Session of Parliament. [6th *August* 1844.]

7&8 Vict. c. 4.

7&8 Vict. c. 5.

'WHEREAS in pursuance of an Act passed in the present Session of Parliament, intituled *An Act for transferring Three Pounds Ten Shillings* per Centum per Annum *Annuities One thousand eight hundred and eighteen into Annuities of Three Pounds and Five Shillings* per Centum per Annum *and New Three Pounds* per Centum per Annum *Annuities*, and of another Act passed in the present Session of Parliament, intituled *An Act for transferring certain Annuities of Three Pounds Ten Shillings* per Centum per Annum *and Government Debentures into Annuities of Three Pounds Five Shillings* per Centum per Annum *and New Three Pounds* per Centum per Annum *Annuities*, certain prescribed Periods of Time are allowed under the first of the said recited Acts for Parties to notify their Assent to the Conversion of their said Annuities into other Annuities, as described in the said Act, but that Parties not so signifying their Assent shall be paid off and receive the Sum of One hundred Pounds for every One hundred Pounds of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen; and certain prescribed Periods of Time are also allowed, under the second of the said recited Acts, for Parties to signify their Dissent to the Conversion of their said Annuities into other Annuities, as described in the said second-recited Act; and it is necessary to provide for paying off such Parties as shall not signify their Assent according to the first-recited Act, or shall signify their Dissent according to the secondly-recited Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, by Warrant under the Hands of any Three or more of them, to direct to be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce thereof, from Time to Time, such Sum or Sums of Money as shall be required for paying off any of such Parties as shall not signify their Assent according to the said first-recited Act, or shall signify their Dissent according to the said second-recited Act.

The Treasury may direct the Payment of such Sum as may be required for paying off Holders of 3*l.* 10*s.* per Cents. non-assenting or dissenting.

CAP. LXV.

An Act to enable the Council of His Royal Highness *Albert Edward* Prince of *Wales* to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of *Cornwall*, to purchase other Lands; and for other Purposes. [6th *August* 1844.]

'WHEREAS it is expedient that Provision should be made for the better Management and Disposition of the Lands and Possessions of the Duchy of *Cornwall*: And whereas under and by virtue of the several Acts of Parliament in the First Schedule to this Act annexed mentioned the several Sums of Bank Annuities in the same Schedule mentioned have been purchased with Monies arising from the Lands and other Possessions of the Duchy of *Cornwall*, and the same are now standing in the Books of the Governor and Company of the Bank of *England* in the Name of the Duke of *Cornwall*, to the several Accounts mentioned in the same Schedule, and the Dividends thereof are payable into the Hands of the Receiver General of the said Duchy of *Cornwall*, as Part of the Revenues thereof: And whereas other Sums of Bank Annuities may hereafter, under and by virtue of other Acts of Parliament, be purchased with Monies arising from the Lands or Possessions of the said Duchy of *Cornwall*, and for the Benefit of the said Duchy: And whereas it is expedient that Power should be given, during the Minority of His Royal Highness *Albert Edward* Prince of *Wales*, now Duke of *Cornwall*, to sell and dispose of the aforesaid Sums of Bank Annuities, or any of them, and to apply the Monies to arise from such Sale and Disposition for the Purposes herein-after mentioned: And whereas the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament:' Now therefore be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Council of His said Royal Highness *Albert Edward* Duke of *Cornwall*, and they are hereby authorized and empowered, at any Time or Times during the Minority of His said Royal Highness, to make sale and dispose of to any Person, for such Price or Consideration in Money as to the said Council shall appear sufficient, any Part or Parts of the Lands or Possessions of the said Duchy of *Cornwall*, and for that Purpose to enter into and make, or authorize to be entered into and made, all such Contracts or Agreements as to the said Council shall seem proper.

The Council of His Royal Highness empowered to sell Lands, &c.

II. And

Mode of carrying Sales into effect.

II. And be it enacted, That whenever any Contract or Agreement shall have been entered into under the Authority of this Act for the Sale to any Person of any Part or Parts of the Lands or Possessions of the said Duchy, the Purchaser, in case the Purchase Money shall amount to the Sum of Two hundred Pounds, shall pay or cause the same to be paid into the Bank of *England*; and the Cashiers of the Bank of *England*, or One of them, shall, upon the Production of any Note signed by the Receiver General of the said Duchy or by the Secretary of the said Council, specifying the Sum to be so paid, and that it is to be so paid to the Account of the Duke of *Cornwall*, accept and receive the same, and carry the same to the Account of the Duke of *Cornwall* (which Account the Governor and Directors of the Bank of *England* are hereby required to open), and give a Receipt for the same, without Fee or Reward; but if such Purchase Money shall not amount to the Sum of Two hundred Pounds the Purchaser may, at his Option, either pay the same into the Bank of *England*, to be applied as aforesaid, in which Case the Cashiers of the Bank of *England*, or One of them, shall accept and give a Receipt for the same as aforesaid, or into the Hands of the Receiver General of the said Duchy, or of any Receiver or Agent to be appointed for that Purpose by the Council of His said Royal Highness; and the said Council shall, on the Production of the Receipt of the Cashiers or One of the Cashiers of the Bank of *England* for such Purchase Money, or in case the same shall not amount to Two hundred Pounds, then either on the Production of such Receipt, or on the Payment to the said Receiver General, Receiver or Agent, of such Purchase Money, cause to be executed to the Purchaser or Purchasers a Conveyance under the Great or Privy Seal of His said Royal Highness of the Premises agreed to be sold, and cause a Receipt or Acknowledgment to be given for the Purchase Money under the Hands of the Receiver General of the said Duchy; and every such Conveyance and Receipt may be according to the Forms for those Purposes respectively set forth in the Second Schedule to this Act annexed, or in any other Forms which may be deemed more convenient; and every such Conveyance shall be valid and sufficient to pass all the Estate, Right, and Interest of His said Royal Highness, His Heirs and Successors, in and to the Part to which the same shall relate, of the Lands and Possessions of the said Duchy, to the Person therein named as the Grantee for such Estate or Estates, to such Uses, and upon and for such Trusts, Interests, and Purposes, (if any,) as shall in and by such Conveyance, or by reference therein, or any other Instrument or Deed, be expressed or declared of or concerning the same.

Power to enfranchise Copyhold or Customary Lands.

III. And be it enacted, That it shall be lawful for the Council of His said Royal Highness and they are hereby authorized and empowered, at any Time during the Minority of His said Royal Highness, to enfranchise any Messuages, Lands, or Tenements holden of any Manor, Parcel of the Possessions of the said Duchy of *Cornwall*, either with or without the Mines, Minerals, Stone, Substrata, or any of them, in, upon, or under the same, and either together with or without all or any such Common Rights, Liberties, and Privileges as shall have been appendant or appurtenant to or held or enjoyed with such Messuages, Lands, or Tenements immediately before the Enfranchisement thereof, and with such Reservations, Exceptions, and Restrictions, (if any,) and at or for such gross Price or Consideration in Money, or such annual or other Rents or Payments, as the Council of His said Royal Highness shall think reasonable; and all Sums of Money agreed to be received for the Enfranchisement of any such Messuages, Lands, or Tenements shall be paid into the Bank of *England*, or to the Receiver General of the said Duchy, or other the Receiver or Agent to be appointed as aforesaid, in the same Manner as herein-before directed with regard to Purchase Monies on Sales by the said Council; and it shall be lawful for the said Council, upon Payment of the Enfranchisement Money in manner aforesaid, to cause to be executed any Deed or Assurance under the Great or Privy Seal of His said Royal Highness (which Deed may be according to the Form for that Purpose set forth in the said Second Schedule to this Act annexed, or in any other Form which may be deemed more convenient), granting unto the Copyhold or Customary Tenant of such Messuages, Lands, or Tenements, and his Heirs, or in such Manner as he shall direct or appoint, the Freehold and Inheritance of the same Messuages, Lands, and Tenements, to be holden as of the Manor within which the same are situate; and every such Grant shall be valid and effectual against His said Royal Highness, His Heirs and Successors; and every Person taking under any such Grant, and his Heirs or Assigns, shall from thenceforth, according to the Estate which shall be granted, have, hold, and enjoy the Messuages, Lands, and Tenements which shall be so granted, with the Appurtenances, discharged from all Customary or Copyhold Tenures, and all manner of Quit Rents, Chief Rents, or Customary Rents, Fines, Heriots, and other Customary Payments, either annual or otherwise, which by or according to the Custom of the Manor of which the same shall have been previously holden would from thenceforth have been payable to His said Royal Highness, His Heirs and Successors, in respect of such Messuages, Lands, or Tenements, but subject nevertheless to such Rights and Powers to enter, get, carry away, and dispose of any Mines, Minerals, Stones, and Substrata which shall be excepted or reserved out of or upon any such Enfranchisement, and to all such other Reservations, Exceptions, Restrictions, Rights, Powers, Privileges, Rents, or Payments, (if any,) as may be excepted, reserved, granted, or made payable in consideration of or upon such Enfranchisement, and shall hold and enjoy, as Freehold Tenant of such Manor, all such Commons and Commonable Rights in and upon every or any of the Commons or Waste Grounds, Parcel of such Manor, as shall have been appendant or appurtenant to or held or enjoyed with the said Messuages, Lands, or Tenements immediately before the Enfranchisement thereof, and shall be thereupon granted as aforesaid.

Corporations empowered to purchase Rents charged on their own Lands.

IV. And be it enacted, That it shall be lawful for any Body Politic, Corporate, or Collegiate having any Estate or Interest in any Hereditaments which may be subject to any Rent, or any Manorial, Forestal, or other Rights hereby authorized to be sold, to contract for and purchase such Rent, or such Manorial,

Manorial, Forestal, or other Rights, the Statutes of Mortmain, or any other Act or Law, to the contrary notwithstanding.

Trustees for incapacitated Persons empowered to purchase Rents and to enfranchise Lands; but if the Purchase Money exceeds 200*l.*, with Sanction of a Court of Equity.

V. And be it enacted, That where any Lunatic, Infant, Feme Covert, or other incapacitated Person shall be interested in any Hereditaments upon which any Rent hereby authorized to be sold may be charged, or which may be subject to any Manorial, Forestal, or other Rights hereby authorized to be sold, or in any Copyhold or Customary Tenements hereby authorized to be enfranchised, then and in such Case it shall be lawful for the Committee of such Lunatic, or the Guardian of such Infant, or the Trustee for such Feme Covert or other Person under Incapacity, to contract and purchase such Rent, or such Manorial, Forestal, or other Rights, or to contract for and take the Enfranchisement of any such Copyhold or Customary Tenements, on behalf of such Lunatic, Infant, Feme Covert, or other incapacitated Person, and to apply any Monies in his Hands belonging to such Lunatic, Infant, Feme Covert, or other incapacitated Person for that Purpose, and in Payment of the Expences attending the same; and this Act, without any further Authority, except in the Instance herein-after mentioned, shall be a sufficient Indemnity to every such Committee, Guardian, and Trustee for the Application of the Money applied in such Purchase or Enfranchisement, and in Payment of the Expences attending the same: Provided nevertheless, that if the Purchase or Enfranchisement Money shall exceed the Sum of Two hundred Pounds the same shall not be so applied without the Sanction and Authority of the High Court of Chancery, which Sanction and Authority the said Court is hereby empowered to give on Petition in a summary Way, or otherwise, as to the same Court shall seem fit.

Tenant of particular Estates authorized to raise Money to redeem Quit Rents, Manorial Rights, &c., and for the Purchase of Enfranchisements; but if the Money raised exceed 200*l.*, with Sanction of a Court of Equity.

VI. 'And whereas Cases may occur in which it may be desirable that Rents, or Manorial, Forestal, or 'other Rights, hereby authorized to be sold, should be purchased, in order that the same may become 'extinguished, or that Copyhold or Customary Hereditaments hereby authorized to be enfranchised should 'be enfranchised; but by reason of the Hereditaments subject to such Rents, Manorial, Forestal, or other 'Rights, or such Copyhold or Customary Tenements, not being vested in any Person for an Estate of Fee 'Simple, or an absolute Estate of Inheritance in possession, or by reason of some Incapacity in the Owner 'thereof, special Provisions may be expedient for facilitating such Purchases or Enfranchisements;' be it therefore enacted, That it shall be lawful for any Tenant for Life or Lives, Tenant in Tail, or Tenant for any determinable Fee or determinable Estate of Inheritance, of any Hereditaments upon which any Rent hereby authorized to be sold may be charged, or which may be subject to any Manorial, Forestal, or other Rights hereby authorized to be sold, or of any Copyhold or Customary Tenements hereby authorized to be enfranchised, and for the Committee of any Lunatic, the Guardian of any Infant, or the Trustee for any Feme Covert or other Person under any Incapacity, or the Husband of any Feme Covert, which Lunatic, Infant, Feme Covert, or other incapacitated Person shall be Owner of or beneficially interested in any such Hereditaments as aforesaid, for Life, in Tail, or in Fee, or for an Estate of Inheritance, either absolute or determinable, by any Deed or Instrument in Writing to raise any Sum of Money for the Purpose of purchasing such Rent, or Manorial, Forestal, or other Rights, or the Enfranchisement of such Copyhold or Customary Tenements, and paying the Expences attending such Purchase or Enfranchisement, by Mortgage of the said Hereditaments, either in Fee Simple or for any Term of Years, or otherwise, or by Sale of a sufficient Part thereof, or otherwise to charge and incumber the same with such Sum and the Interest thereof, in such Manner as he shall think proper; and every such Mortgage, Sale, Charge, and Incumbrance shall be good and valid in the Law against all Tenants in remainder or reversion, and all other Persons interested in or entitled to the Premises so sold, mortgaged, charged, or incumbered, and all other Persons entitled to or claiming any Debt, Charge, or Incumbrance affecting the Premises so sold, mortgaged, charged, or incumbered; and such Mortgages, Charges, and Incumbrances shall have Priority over all other Debts, Charges, and Incumbrances on the same Premises: Provided nevertheless, that if such Purchase Money shall exceed the Sum of Two hundred Pounds the same shall not be so raised without the Sanction of the said Court of Chancery, which Sanction the said Court is hereby authorized to grant upon Petition in a summary Way, or otherwise, as to the same Court shall seem fit.

The Council may exchange Lands.

VII. And be it enacted, That it shall be lawful for the Council of His said Royal Highness and they are hereby authorized and empowered, at any Time during the Minority of His said Royal Highness, to exchange any Part or Parts of the Lands or Possessions of the said Duchy of *Cornwall* for any Lands, Tenements, or Hereditaments in *England* belonging to any Person whomsoever, and for that Purpose to authorize such Contracts or Agreements to be entered into as to the said Council shall seem proper; and for the Purpose of effecting any such Exchange of any Part of the said Lands or Possessions of the said Duchy it shall be lawful for the said Council to cause a Conveyance to be made to the Person with whom the said Exchange is proposed to be made, or in such Manner as he shall direct or appoint, of the Part or Parts proposed to be given in exchange of the Lands and Possessions of the said Duchy; and every such Conveyance shall be made under the Great or Privy Seal of His said Royal Highness, and may be in the same Form, as nearly as may be, as that set forth in the said Second Schedule to this Act annexed for Conveyances on Sales of any Parts of the said Lands or Possessions, or in any other Form which may be found more convenient; and every such Conveyance shall be valid and sufficient to pass all the Estate, Right, and Interest of His said Royal Highness, His Heirs and Successors, in and to the Part to which the same shall relate, of the Lands and Possessions of the said Duchy, to the Person therein named as the Grantee, for such Estate, to such Uses, and upon and for such Trusts, Intents, and Purposes, (if any,) as shall in and by such Conveyance, or by Reference therein to any other Deed or Instrument, be expressed or declared of or concerning the same; and the Conveyance of the Lands, Tenements, or Hereditaments to be received in exchange on the Part of His said Royal Highness, His Heirs and Successors, may be according

according to the Form for that Purpose set forth in the said Second Schedule to this Act annexed, or in any other Form which to the said Council may seem more proper; and the Lands, Tenements, or Hereditaments so received in exchange shall on the Execution of the Conveyances thereof respectively become to all Intents and Purposes Part and Parcel of the Lands and Possessions of the said Duchy of *Cornwall*, and subject to the same Limitations, Provisions, Powers, and Authorities in every respect, including the Powers and Provisions in this Act contained, as the other Lands and Possessions of the said Duchy.

Power to give or receive Money for Equality of Exchange.

VIII. And be it enacted, That it shall be lawful for the Council of His said Royal Highness to receive or pay any Sum of Money for equalizing any Exchange to be made under the Authority of this Act; and all Sums of Money which shall have been agreed to be received on the Part of His said Royal Highness for Equality of Exchange shall be paid into the Bank of *England*, or to the Receiver General of the said Duchy, or other Receiver or Agent to be appointed as aforesaid, in the same Manner as herein-before directed with regard to Purchase Monies on any Sales by the said Council.

The Council may purchase Lands, &c.

IX. And be it enacted, That it shall be lawful for the Council of His said Royal Highness, at any Time or Times during His Minority, to purchase, for and on behalf of His said Royal Highness, His Heirs and Successors, any Manors, Lordships, Messuages, Lands, Tenements, or Hereditaments in *England* in Fee Simple, or any Copyhold Lands or Hereditaments the Freehold of which shall be in His said Royal Highness, or any Rents, Pensions, Annuities, Rights of Common or Mining, or other Charges or Rights, whether in Fee Simple or not, which shall be issuing out of or charged upon, or extend or be exercised over, any of the Lands or Possessions of the said Duchy of *Cornwall*, and which shall in the Judgment of the said Council be desirable to be purchased for and on behalf of His said Royal Highness, His Heirs and Successors, and for those Purposes to enter into and make, or authorize to be entered into and made, such Contracts or Agreements as to the said Council shall seem proper; and all such Manors, Lordships, Messuages, Lands, Tenements, and Hereditaments, Rents, Pensions, Annuities, Rights of Common or Mining, or other Charges and Rights so to be purchased, shall be conveyed or surrendered to His said Royal Highness, His Heirs and Successors; and such Conveyances may be either according to the Form for that Purpose set forth in the said Second Schedule hereto annexed, or in any other Form which to the said Council shall seem more proper; and all Manors, Lordships, Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, and shall not become extinct by the Conveyance or Surrender thereof, shall on the Completion of the respective Purchases thereof become to all Intents and Purposes Part and Parcel of the Lands and Possessions of the said Duchy of *Cornwall*, and be subject to the same Limitations, Provisions, Powers, and Authorities in every respect, including the Powers and Provisions in this Act contained, as the other Lands and Possessions of the said Duchy.

The Council may purchase Leases.

X. And be it enacted, That it shall be lawful for the Council of His said Royal Highness, at any Time during the Minority of His said Royal Highness, to purchase or take in exchange from any Person whomsoever any Lease, Term of Years, or Chattel Interest which may for the Time being be subsisting of or in any Manors, Messuages, Lands, Tenements, or Hereditaments, Part of the Lands or Possessions of the said Duchy, and to enter into such Contracts or Agreements for that Purpose as to the said Council shall seem proper.

Leases purchased under the Authority of this Act may either be merged or kept on foot.

XI. And be it enacted, That in every Case in which any subsisting Lease, Term of Years, or Chattel Interest of or in any Part of the said Lands and Possessions of the said Duchy shall be purchased or taken in exchange by the Council of His said Royal Highness it shall be lawful for the said Council either to cause the same to be surrendered to His said Royal Highness or otherwise, in order that the same may merge in the Reversion expectant thereon, and become extinguished therein, or to cause the same to be assigned to any Person as a Trustee for His said Royal Highness, His Heirs and Successors, in order that the same may be kept on foot distinct from the Inheritance.

Powers of Sale and Exchange to extend to Leases purchased.

XII. And be it enacted, That the Powers of Sale and Exchange herein-before given to the Council of His said Royal Highness shall extend to the enabling them to sell any Lease which shall have been purchased or taken in exchange under the Provisions herein-before contained, and shall not have been surrendered or merged, and to exchange the same either for any Lands held in perpetuity, or for any other Lease hereby authorized to be purchased, and to convey any Part or Parts of the Lands and Possessions of the said Duchy in exchange for any such Lease; and that on every such Sale or Exchange the Purchase Money, or any Sum of Money agreed to be received on the Part of His said Royal Highness for Equality of Exchange, shall be paid in the same Manner as is herein-before directed with respect to Purchase Monies on Sales of any other Part of the Lands and Possessions of the said Duchy; and the said Council shall on the Sale of any Lease, Term of Years, or Chattel Interest which shall have been purchased or taken as aforesaid, on Payment of the Purchase Money, or in case of an Exchange of any such Lease, Term of Years, or Chattel Interest, on the Conveyance or Assignment of the Lands and Hereditaments to be received in exchange being executed, cause the Trustee in whom the said Lease, Term of Years, or Chattel Interest shall be then vested to assign the same to the Purchaser, or as he shall direct; and every such Assignment shall be good, valid, and effectual; and the Parties claiming under any such Assignment shall hold the said Lease, Term of Years, or Chattel Interest discharged from any Trust for His said Royal Highness, His Heirs and Successors; and the said Council shall, in and by such Assignment, or by a separate Instrument, at the Option of the Purchaser or Person paying the same, acknowledge the Payment of the Purchase Money, or the Money, if any, to be received by His said Royal Highness for Equality of Exchange.

Incorporated Persons empowered to sell.

XIII. And be it enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, and for all Trustees, for the Time being possessed of or entitled to any Leases, Terms of Years, or Chattel Interests,

Interests, or to any Manors, Lordships, Messuages, Lands, Tenements, Hereditaments, Rents, Pensions, Annuities, Rights of Common or Mining, or other Charges or Rights which the Council of His said Royal Highness shall be desirous of purchasing, under the Powers herein-before given, and for all Tenants for any Interest short of an absolute Interest therein, and for the Guardian or Committee of any Person interested therein who shall be an Infant, Lunatic, Idiot, or otherwise incapacitated to act for himself, to contract and agree with the said Council for the absolute Sale to His said Royal Highness of such Leases, Terms, Chattel Interests, Manors, Lordships, Messuages, Lands, Tenements, Hereditaments, Rents, Annuities, Pensions, Rights of Common or Mining, Charges or Rights, and to assign, release, convey, or surrender the same accordingly; and every such Contract, Agreement, Assignment, Release, Conveyance, and Surrender shall be as good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, as if the same were made by a Person absolutely entitled to the Property sold, and under no Disability or Incapacity.

Application of Purchase Money in case of Purchase from Persons incapacitated.

XIV. And be it enacted, That where any Purchase shall be made from any Body Politic, Corporate, or Collegiate, or Person under any Disability or Incapacity, or not having Power to sell, except under the Provisions herein-before contained, the Purchase Money, in case the same shall amount to the Sum of Fifty Pounds, shall with all convenient Speed be paid into the Bank of *England*, with the Privity of the Accountant General of the Court of Chancery, to be placed to the Account of such Accountant General *ex parte* the Duke of *Cornwall*, without Fee or Reward; and such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, or otherwise, as the said Court shall think just and equitable, for the Benefit of the Party or Parties who shall have been interested in or entitled to such Property; and in the meantime, until the same shall be so applied, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities; and the Dividends and annual Produce of the said Consolidated Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Property sold; but such Money, in case the same shall not amount to the Sum of Fifty Pounds, shall be applied, in such Manner as the Council of His said Royal Highness shall think fit, for the Benefit of the Party or Parties who shall have been interested in or entitled to such Property.

Similar Provision as to Monies to be received for Equality of Exchange.

XV. And be it enacted, That where any Exchange shall be made with any Body Politic, Corporate, or Collegiate, or Person under any Disability or Incapacity, or not having Power to exchange, except under the Provisions herein-before contained, and any Money shall on such Exchange be agreed to be paid by the Council of His said Royal Highness for Equality of Exchange, such Money shall be paid and applied as herein-before directed in the Case of Purchase Money on a Purchase from any Body Politic, Corporate, or Collegiate, or Person under Disability or Incapacity, or not having Power to sell, except under the Provisions herein-before contained.

Persons in possession to be deemed entitled till the contrary be shown.

XVI. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, pursuant to the Directions of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of such Bank Annuities, the Person who shall have been in possession of the Property so purchased or exchanged at the Time of the Purchase or Exchange shall be deemed to have been lawfully entitled to such Property according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession or Receipt was wrongful, and that some other Person was lawfully entitled to such Property.

The Council to cause all Sums received by the Receiver General, &c. under this Act to be paid into the Bank.

XVII. And be it enacted, That the Council of His said Royal Highness shall cause all Sums of Money, Bills or Drafts, received under the Authority of this Act by the Receiver General of the said Duchy, or by any other Receiver or Agent to be appointed as aforesaid, on the Sale or Exchange of any Parts of the Lands or Possessions of the said Duchy, or on the Enfranchisement of any Messuages, Lands, or Tenements, to be paid, as soon as conveniently may be, into the Bank of *England*, to the Account of the Duke of *Cornwall*.

Application of the Monies to arise from Sales, &c.

XVIII. And be it enacted, That all Sums so to arise and be received under the Authority of this Act for or in respect of any Sales of any of the Lands and Possessions of the said Duchy, or for the Enfranchisement of any Messuages, Lands, or Tenements, or for Equality of Exchange of any of the said Lands and Possessions of the said Duchy, shall be applied in the Payment of the Expences on the Part of His said Royal Highness of or relating to such Sales, Enfranchisements, or Exchanges, and in Payment of the Purchase Monies of any Manors, Messuages, Lands, Tenements, Leases, Terms of Years, Chattel Interests, Hereditaments, Rents, Pensions, Annuities, Rights of Common or Mining, Charges or other Interests, to be purchased under the Authority of this Act, and in Payment of the Monies to be paid for Equality of Exchange on any Exchange to be made under the Authority of this Act, and of the Expences of the said Duchy in or relating to such Purchases or Exchanges, and in Payment of all Sums payable by the Duke of *Cornwall* under or by virtue of an Act passed in the present Year of the Reign of Her Majesty, intituled *An Act for confirming and enfranchising the Estates of the Conventionary Tenants of the ancient Assessionable Manors of the Duchy of* Cornwall, *and for quieting Titles as against the Duchy; and for other Purposes*, and in improving the Lands or Possessions of the said Duchy, by

7&8 Vict. c.106.

erecting

erecting Buildings or executing other Works thereon, or in reclaiming Waste Lands, or otherwise, and in the Discharge of any Incumbrances which now or hereafter are or may be charged upon or affect any of the said Lands and Possessions of the said Duchy.

Payments to be made by Drafts on the Bank, and such Drafts to be an Authority to the Bank.

XIX. And be it enacted, That all Payments out of the Monies which shall have been paid into the Bank of *England* to the Account of the Duke of *Cornwall*, under the Authority of this Act, shall be made by Drafts under the Hands of any Three or more Members of the Council of His said Royal Highness; and Drafts so drawn, and such only, shall be sufficient Authority to the Governor and Company of the Bank of *England* to pay the Amounts thereof to the Persons mentioned in such Drafts, or to the Bearers of them.

Sums arising from Sales, and not immediately wanted, to be invested in the Three per Cents.

XX. And be it enacted, That it shall be lawful for the Council of His said Royal Highness to cause any Monies to arise or be received from or in respect of any Sale or Exchange of any of the Lands or Possessions of the said Duchy, or for the Enfranchisement of any Messuages, Lands, or Tenements as aforesaid, and which may not be immediately wanted for any of the Purposes to which the same are hereby made applicable, to be laid out in the meantime in the Purchase of Three Pounds *per Centum* Bank Annuities in the Name of the Duke of *Cornwall*, in which Name the Governor and Company of the Bank of *England* are hereby authorized and required to permit Transfers to be made of the Annuities to be so purchased; and such Transfers shall be accepted by some Officer of the said Duchy, or other Person authorized in that Behalf by the said Council.

Application of Dividends of Stock.

XXI. And be it enacted, That the Amount of the Dividends of the Stocks and Annuities to be purchased as last aforesaid shall, from Time to Time as the said Dividends shall become due, be paid by the Governor and Company of the Bank of *England* to the Receiver General of the said Duchy, and shall be deemed and taken to be Part of the Revenues of the said Duchy, and shall be from Time to Time answered, accounted for, applied, and appropriated to such and the same Uses and Purposes as the other Revenues of the said Duchy.

Stock may be sold when wanted.

XXII. And be it enacted, That when and so often as it shall be necessary or expedient to raise any Sum of Money for any Purpose to which Monies to be received under the Authority of this Act from any Sale or Exchange of any of the Lands and Possessions of the Duchy, or from the Enfranchisement of any Messuages, Lands, or Tenements as aforesaid, are hereby made applicable, it shall be lawful for the Council of His said Royal Highness from Time to Time to sell out all or any Part of the said Bank Annuities so to be purchased as aforesaid, and also all or any Part of the said Bank Annuities mentioned in the said First Schedule to this Act annexed, and also all or any Part of such Bank Annuities as shall or may hereafter, under or by virtue of any Acts of Parliament, be purchased with Monies arising from Lands or Possessions of the said Duchy, and for the Benefit of the said Duchy; and the Monies produced by the Sale of any of the said Bank Annuities shall be paid into the Bank of *England*, and be placed to the Credit of the Duke of *Cornwall*, and shall be applied and disposed of by the Council of His Royal Highness in the same Manner and for the same Purposes as and considered in all respects as Part of the Sums to be received under the Authority of this Act for or in respect of any Sales or Exchanges of any of the Lands or Possessions of the said Duchy.

Transfers may be made by Power of Attorney.

XXIII. And be it enacted, That all Sums of Stock which shall be sold under the Provisions hereinbefore contained may be transferred by any Person or Persons to be appointed by the Council of His said Royal Highness for that Purpose by any Letter of Attorney under the Hands of any Three Members of the said Council, or under the Seal of the said Council; and the said Governor and Company of the Bank of *England* shall and they are hereby authorized and required to permit all such Transfers to be so made, and shall be and they are hereby exonerated and precluded from seeing or inquiring whether the Bank Annuities sold were duly and properly sold for the Purposes of and in pursuance of this Act, or otherwise as to the Propriety or Regularity of the Sale or Transfer thereof.

Council may apply the ordinary Revenues of Duchy for general Purposes of Act.

XXIV. And be it enacted, That it shall be lawful for the Council of His said Royal Highness, and they are hereby authorized and empowered, at any Time during the Minority of His said Royal Highness, to apply and expend any Part of the accruing and ordinary Revenues of the said Duchy for any of the Purposes for which Monies to be received under the Authority of this Act are hereby made applicable.

His Royal Highness may grant Licences to Copyholders to improve their Tenements, and to demise the same.

XXV. And be it enacted, That it shall be lawful for His said Royal Highness, His Heirs or Successors, to grant to any Copyhold or Customary Tenant of any Messuages, Lands, or Tenements holden of any Manor, Parcel of the Possessions of the said Duchy, a Licence authorizing such Tenant to build on or otherwise improve all or any Part of his Tenement, and to make Roads and Streets in, upon, or through the same, and to annex the same or any Part thereof to adjacent Ground for the Purpose of Improvement, and to pull down any of the Messuages or Erections which now are or at any Time or Times hereafter shall be standing or being on the same Tenement or any Part thereof, and to demise all or any Part of the same Tenement for any Term or Number of Years not exceeding Twenty-one Years, or, for building, rebuilding, or repairing Purposes, for any Term of Years not exceeding Ninety-nine Years, to commence from the Time of granting such Licence, or for any One or more of the Purposes aforesaid; and in every such Licence shall be expressed and fixed the Sum which during the Term to be mentioned in such Licence shall be considered as the annual Value for assessing the Fines payable to His Royal Highness, His Heirs and Successors, upon the Admission of any new Tenant to any Tenement which shall have been built on or improved, or for the building on and improving of which such Licence shall be granted, so that the Sum to be fixed shall not in any Case be less than the best annual Rent which might at the Date of such Licence be reasonably obtained on a Demise of the Premises therein

mentioned for a Term of Ninety-nine Years, or for such shorter Term as shall be expressed in any such Licence, without taking any Fine, Premium, or Foregift for the making of such Demise; and so that the Sum so to be fixed shall not be considered as the annual Value according to which the Fine is to be assessed for any greater Number of Years than the Term of Ninety-nine Years, to commence from the Date of such Licence, or such shorter Term as in the said Licence shall be expressed; and so that no Fine, Premium, or Foregift shall be taken for the making or granting of such Licence, save and except the customary annual Fine (if any) for every Year of the said Term to be expressed in such Licence, and such Fees as shall be usual or reasonable in that Behalf; and so that upon the Grant of every such Licence there be saved and reserved to His said Royal Highness, His Heirs and Successors, all Fines, Heriots, Rents, Customs, and Services due and to grow due in respect of the Tenements in respect of which such Licence shall be granted: Provided always, that every such Licence shall be entered on the Court Rolls or Court Books of the Manor of which the Tenement in respect of which such Licence shall be granted is holden.

His Royal Highness may make Grants of Land for Sites for Churches, &c.

XXVI. And be it enacted, That it shall be lawful for His said Royal Highness, His Heirs or Successors, out of the Lands and Possessions of the said Duchy, to give and grant to and vest in any Person, or Body Politic or Corporate, his or their Heirs, Executors, Administrators, or Successors, any Building proper to be used as or converted into a Church or Chapel, or Parochial or District School, and any Ground proper for the Site of any Church or Chapel, with or without a Cemetery or Burial Ground thereto, and any Ground proper for a Cemetery or Burial Ground to any Church or Chapel, and any House, with its Appurtenances, and with or without a Garden thereto, proper for the Residence of the spiritual Person who may serve such Church or Chapel, or of the Master or Mistress of such School, and any Ground proper for the Site or Sites of any such Residence, or of any Parochial or District School, any thing in this Act or any other Law or Statute to the contrary in anywise notwithstanding; and such Person, or Body Politic or Corporate, his or their Heirs, Executors, Administrators, or Successors, shall have full Capacity and Ability to take, hold, and enjoy the same; and whenever it shall be the Pleasure of the said Council, or of His said Royal Highness, His Heirs or Successors, to make a Grant for any of the Purposes aforesaid, it shall be lawful for the said Council, or for His said Royal Highness, His Heirs or Successors, to make a Grant thereof to any such Person, Body Politic or Corporate, which Grant shall be enrolled in the Office of the Duchy of *Cornwall* as aforesaid, and the Enrolment of such Grant shall be certified at the Foot or on the Back thereof, by the Keeper of the Records of the said Duchy, or his Deputy; and the said Grant, when so enrolled, shall be returned, with such Certificate of Enrolment, to the Grantee or Grantees of such Lands and Premises; and from and immediately after such Enrolment thereof the Grantee named in such Grant, and his or their Heirs, Executors, Administrators, or Successors, shall, by force of this Act, be adjudged, deemed, and taken to be in the actual Seisin or Possession of the Premises in the said Grant specified, and shall hold and enjoy the same, either absolutely and in perpetuity, or for such limited Estate, Term, or Interest, and under and subject to such Reservations of Rent, or other Acknowledgments, Conditions, or Restrictions, and upon such Trusts and for such Purposes, as shall be specified, inserted, directed, or contained in such Grant, any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding: Provided always, that nothing in this Act contained shall extend or be construed to extend to enable His said Royal Highness, His Heirs or Successors, or His said Council, to grant more than Five Acres in any One Grant for any of the Purposes aforesaid, or to grant any Premises in any One Instance which shall exceed in Value the Sum of Three hundred Pounds.

Sales, &c. not to be made except under Warrant from the Treasury.

XXVII. Provided always, and be it enacted, That no Purchase or Sale, except any Purchase or Sale where the Purchase Money shall not exceed One hundred Pounds, and no Exchange, Enfranchisement, or Grant, shall be made under the Powers of this Act without the previous Sanction and Approval of the Lord High Treasurer, or of the Commissioners of Her Majesty's Treasury for the Time being, or some Two or more of them, to be signified by some Warrant under his or their Hand or Hands: Provided nevertheless, that such Sanction and Approval may be given either generally for any particular Class of Cases, or for any particular Purchase, Sale, Exchange, Enfranchisement, or Grant, and either with or without any Condition or Restriction, as to the said Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, or any Two of them, may seem meet.

Purchasers, &c. not to be bound to see that Provisions of the Act have been complied with;

XXVIII. And be it enacted, That no Person claiming under any Deed or Instrument by which any Sale, Enfranchisement, Exchange, Licence, or Grant shall be made or purport to be made under the Authority of this Act shall be bound to inquire whether the Provisions of this Act have been duly complied with or not, or whether such Sale, Enfranchisement, Exchange, Licence, or Grant has been in fact authorized by this Act or not, or whether it has or has not been within the Provisions and the true Intent and Meaning of this Act; but every Deed or Instrument by which any Sale, Enfranchisement, Exchange, Licence, or Grant shall purport to be made under the Authority of this Act shall be good, valid, and effectual, as against His said Royal Highness, His Heirs and Successors, for the Purposes for which the same shall have been executed.

nor to see to the Application of the Purchase Money.

XXIX. And be it enacted, That no Person paying any Sum of Money under the Authority or supposed Authority of this Act, or in pursuance of or purporting to be in pursuance of any Provision herein contained, shall be bound to see to the Application or be answerable for the Misapplication or Nonapplication of the Money so paid.

Deeds, &c. relating to

XXX. And be it enacted, That every Deed or Instrument whereby any Manors, Messuages, Lands, Tenements, or Hereditaments now or at any Time hereafter Parcel of the Lands or Possessions of the Duchy

'Duchy of *Cornwall* shall be hereafter purchased, sold, exchanged, leased, licensed to be demised, enfranchised, or granted, under the Authority of this Act or of any other Act, or otherwise, shall, within Six Calendar Months after the Date of such Deed or Instrument, be enrolled in the Office of the Duchy of *Cornwall*. Lands, &c. to be enrolled.

XXXI. And be it enacted, That the Keeper of the Records of the Duchy of *Cornwall* shall be and he is hereby required to enrol every Deed and Instrument hereby directed to be enrolled in the Office of the said Duchy in Order of Time as the same shall respectively be brought to the said Office for that Purpose, and certify under his Hand, or under the Hand of his Deputy for the Time being, upon the said Deeds or Instruments respectively, when enrolled, the Fact of their having been so enrolled. Keeper of the Records to enrol all Deeds, &c. in due Order of Time, and certify same.

XXXII. Provided always, and be it enacted, That in case of Sales where the Purchase Money shall not amount to the Sum of One hundred Pounds it shall not be necessary to enrol the Conveyances by which such Sales shall be carried into effect; but the said Council of His Royal Highness, or others the Commissioners for managing the Affairs of the said Duchy for the Time being, shall once in every Year cause a Statement of the Part or Parts of the said Possessions and Land Revenues of the said Duchy which shall have been so sold, and of the Sum for which the same shall have been sold, and the Names of the respective Purchasers, to be made out, and the same to be enrolled in the Office of the said Duchy. Exception as to Conveyances on Sales under 100*l*.

XXXIII. And be it enacted, That every Conveyance, Deed, or Instrument whereby any Estate, Manor, Lordship, Messuage, Lands, Tenements, or Hereditaments, or any Interest therein, shall be conveyed or assigned to His said Royal Highness, His Heirs and Successors, under the Authority of this Act, shall, when so enrolled as herein-before directed, without any Enrolment or Acknowledgment thereof in any Court or Courts of Law or Equity, or any Registry thereof, be as good and available, and of the like Force and Effect in all respects, and to all Intents and Purposes, as if the same had been or was enrolled in any of Her Majesty's Courts at *Westminster*, or as if a Memorial had been entered or registered in the Office appointed for registering Deeds and other Conveyances of Land and Tenements in the County or Counties in which the same Estates or any of them are situate, any Act, Law, Practice, or Usage to the contrary in anywise notwithstanding; and the Memorandum of such Enrolment, written or endorsed on such Conveyance, Deed, or Instrument, and purporting to be signed by the Keeper of the Records of the Duchy, or his Deputy, shall be Evidence that the same has been duly enrolled according to the Purport and Effect of such Memorandum and to the Provisions of this Act. Deeds, &c. so enrolled not to require any Enrolment in Courts of Law, &c.

XXXIV. And be it declared and enacted, That where any Deed, Certificate, Receipt, or other Instrument which shall appear or purport to have been made, given, or executed under the Authority of this Act, or of any Act heretofore passed relating to the Lands or Possessions of the said Duchy, shall have been enrolled in the Office of the said Duchy, the Enrolment in the Books of the said Office, or an examined Copy thereof, shall, in the Absence of Evidence to the contrary, and without requiring the Production or accounting for the Non-production of the original Deed, Certificate, Receipt, or Instrument, and without calling any attesting Witness thereof, be sufficient Proof of such Original, and of its having been duly made, granted, given, or executed by the Party or Parties by whom the same shall purport to have been signed or executed. Enrolments to be received as Evidence.

XXXV. And be it enacted, That in all Cases where the Enrolment of any Deed or other Instrument, or Minute or Document, before the said Keeper of the Records, has been or shall be omitted or delayed beyond the Period provided for the Enrolment and Entry thereof respectively, it shall be lawful for the Council of His said Royal Highness, or others the Commissioners for managing the Affairs of the said Duchy for the Time being, for every reasonable Cause to them shown for the Omission or Delay, and they are hereby authorized and empowered, to permit the making of any such Enrolment or Entry *nunc pro tunc*; and the same respectively when made under such Authority shall be as valid and effectual as if made within the Period herein-before limited for that Purpose. The Council may authorize Enrolments to be made nunc pro tunc.

XXXVI. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend or be construed to take away, abridge, or diminish any Fees which are or may hereafter be payable upon the Enrolment of Deeds or other Instruments, or for the Use of or for making Copies of Records in the Office of the said Duchy; and the Council of His said Royal Highness shall have Power from Time to Time to fix the Amount of Fees to be paid for the Use of the said Records, and for making Copies thereof. The Act not to affect Fees on Enrolments, &c., to be fixed by the Council.

XXXVII. 'And whereas, in Leases heretofore granted and now subsisting of Parts of the Lands and 'Possessions of the said Duchy, there are contained Covenants or Agreements entered into by the respective 'Lessees with certain Officers of the said Duchy, and Conditions to be taken advantage of or enforced by 'certain Officers of the said Duchy, and in the same Leases, or in other Leases heretofore granted and 'now subsisting of Parts of the Lands and Possessions of the said Duchy, there are contained Covenants, 'Agreements, or Conditions, as to Acts or Things on the Part of the respective Lessees, their Executors, 'Administrators, or Assigns, to be observed, done, or performed before, with the Consent, or under the 'Direction of certain Officers of the said Duchy, and by certain Acts of Parliament and otherwise various 'Duties and Powers are imposed upon and and given to certain Officers of the said Duchy: And whereas 'Changes have taken place and may hereafter take place in the Persons of such Officers, or in the Titles 'and Duties of their Offices, and it is expedient that Provision should be made in respect thereof;' be it therefore enacted, That it shall be lawful for His said Royal Highness, His Heirs or Successors, from Time to Time or at any Time, to appoint any Officer of the said Duchy, or other Person, by whom and in whose Name any Covenants or Agreements entered into by any Lessee with any other Officer of the said Duchy may be sued upon and enforced, and by whom and in whose Name any Conditions which might be taken advantage of and enforced by any other Officer of the said Duchy may be taken advantage For the Enforcement of certain Covenants in existing Leases.

of

of and enforced; and every such Covenant, Agreement, and Condition shall and may be sued upon, taken advantage of, and enforced by and in the Name of the Officer or other Person for that Purpose appointed as aforesaid, as fully and effectually to all Intents and Purposes, and in the same Manner, as the same might have been sued upon or taken advantage of and enforced by and in the Name of the Officer with whom such Covenants or Agreements were entered into, or by whom such Conditions were to be taken advantage of or enforced; and any such Appointment as aforesaid may be made either for any One Case or for any Class of Cases, or for all Cases generally.

An Officer of the Duchy to be appointed to control Execution of Leases.

XXXVIII. And be it enacted, That it shall be lawful for His said Royal Highness, His Heirs or Successors, from Time to Time or at any Time, to appoint any Officer of the said Duchy or other Person before or with the Consent or under the Direction of whom all Acts or Things on the Part of any Lessees, their Executors, Administrators, or Assigns, to be observed, done, or performed before or with the Consent or under the Direction of any Officer of the said Duchy, may be observed, done, or performed, instead of before or with the Consent or under the Direction of the Officer named or described in such Leases as aforesaid; and in every Case in which in any Lease heretofore granted and now subsisting of any Part of the Lands or Possessions of the said Duchy there are contained any Covenants, Agreements, or Conditions as to any Acts or Things on the Part of the respective Lessees, their Executors, Administrators, or Assigns, to be observed, done, or performed before or with the Consent or under the Direction of any Officer of the said Duchy therein named or described, all and every such Acts or Things shall and may be lawfully and effectually observed, done, or performed before, with the Consent, or under the Direction of any such other Officer of the said Duchy, or other Person for the Time being appointed or authorized in that Behalf as aforesaid; and every Lessee and other Person who, under any Covenant, Agreement, or Condition in any such Lease as aforesaid contained, now is or hereafter shall be bound or liable to observe, do, or perform any such Act or Thing as aforesaid before or with the Consent or under the Direction of any Officer of the said Duchy in the said Lease named or described, shall at all Times hereafter be bound and liable to observe, do, or perform every such Act or Thing before or with the Consent or under the Direction of such other Officer of the said Duchy, or other Person for the Time being appointed or authorized in that Behalf as aforesaid; and in case of any such Lessee or other Person as aforesaid refusing, omitting, or neglecting to observe, do, or perform any such Act or Thing as aforesaid before or with the Consent or under the Direction of such Officer of the said Duchy, or other Person for the Time being to be appointed or authorized as aforesaid, then and in every such Case His said Royal Highness, His Heirs and Successors, shall have and be entitled to all and every the same Rights of Entry, Action, and Suit, and other Rights and Remedies, against the said Lessee or other Person so refusing, omitting, or neglecting as aforesaid, and upon the demised Premises, as His said Royal Highness, His Heirs or Successors, would or might have had if such Lessee or other Person had refused, neglected, or omitted to observe, do, or perform the same Act or Thing before the Officer of the said Duchy in the Lease named or described in that Behalf; and every such Appointment as last aforesaid may be made either for any One Case or for any Class of Cases, or for all Cases generally.

As to the Performance of Duties imposed on certain Officers.

XXXIX. And be it enacted, That where at any Time heretofore any Duties or Powers have, by any Act of Parliament or otherwise, been imposed upon or given to any Officer of the said Duchy, and such Changes have taken or shall take place in the Functions of such Officer or otherwise as shall render it expedient that such Duties or Powers shall be imposed upon or given to some other Officer of the said Duchy, then and in every or any such Case it shall be lawful for His said Royal Highness to appoint any Officer of the said Duchy to fulfil the Duties and exercise the Powers so imposed upon or given to any other Officer of the said Duchy as aforesaid; and all such Duties and Powers shall and may be fulfilled and executed by the Officer so appointed as aforesaid in his own Name or otherwise, as effectually to all Intents and Purposes, and in the same Manner, as the same may or might be fulfilled or executed by the Officer originally named or appointed for the Purpose thereof; and every such Appointment as last aforesaid may be made either for One Case or for any Class of Cases, or for all Cases generally, and either as to all of the Duties or Powers of any Officer, or for some exclusively of the other of such Duties or Powers.

For securing the Use of certain Rooms in or belonging to the Town Hall of Truro for the Vice Warden and Officers of the Court of the Stannaries of Cornwall.

XL. 'And whereas the Business of the Court of the Vice Warden of the Stannaries of *Cornwall* is 'usually carried on in the Borough of *Truro*, but there is at present no proper Court House or other 'Accommodation for the said Court, and for the Officers and Suitors thereof: And whereas the Mayor, 'Aldermen, and Burgesses of the Borough of *Truro* in the County of *Cornwall* intend shortly to rebuild 'the Town Hall of the said Borough, and have offered, in consideration of the Sum of One thousand five 'hundred Pounds to be paid to them by the Duke of *Cornwall*, to provide such sufficient Accommodation 'for the said Court and Officers as herein-after mentioned within the new Town Hall of the said 'Borough;' be it therefore enacted, That, provided the said Mayor, Aldermen, and Burgesses of *Truro* aforesaid shall within Two Years after the passing of this Act rebuild the said Town Hall, and provide within the said Town Hall a Court Room, Record Office, and other Rooms proper and sufficient for the Accommodation of the said Vice Warden and Officers and Suitors of the Court of the Stannaries of *Cornwall*, according to Plans to be approved of by the Council of His said Royal Highness, it shall be lawful for the Council of His said Royal Highness, out of the Revenues of the said Duchy, or out of any Sums of Money to be received under the Authority of this Act, to pay to the said Mayor, Aldermen, and Burgesses of the said Borough of *Truro* the Sum of One thousand five hundred Pounds (the Receipt whereof shall be acknowledged under the Common Seal of the Corporation of *Truro*) towards the Expence of erecting the said Town Hall, and that from and after the Payment of the said Sum of One thousand five hundred Pounds the said Court Room shall at all Times when the same shall be required by the

the said Vice Warden (except at the Times herein-after mentioned) be exclusively appropriated to the Use of the Vice Warden, Officers, and Suitors of the said Court of the Stannaries of *Cornwall* during the Sittings thereof, and shall be at all such Times, as to the cleaning, lighting, warming thereof, and the Attendance therein, and in all other respects, at the entire Disposal of the said Vice Warden; and as to the said Record Office and other Rooms to be provided as aforesaid, the Registrar and other Officers of the said Court shall at all Times thereafter be entitled to the exclusive Use and Occupation of the same, for the Custody of the Records of the said Court, and the Performance of the Duties of their respective Offices: Provided nevertheless, that the said Court Room shall not be required to be so appropriated as aforesaid on the Ninth Day of *November* in any Year, nor during the Election of a Member of Parliament for the County of *Cornwall* or the Borough of *Truro;* but that the said Mayor, Aldermen, and Burgesses shall at such Times, if necessary, provide some other sufficient Room for the Sittings of the said Court: Provided also, that it shall be lawful for the said Mayor, Aldermen, and Burgesses, or their Successors, at any Time hereafter, to repay to His said Royal Highness, His Heirs or Successors, the said Sum of One thousand five hundred Pounds; and that if at any Time hereafter the said Mayor, Aldermen, and Burgesses, or their Successors, shall cease or neglect to provide and maintain such sufficient Rooms and other Accommodation for the Vice Warden, Officers, and Suitors of the said Court, it shall be lawful for His said Royal Highness, His Heirs and Successors, to require such Repayment; and that from and after such Repayment by the said Mayor, Aldermen, and Burgesses, or their Successors, the Obligation to provide and maintain such Rooms and Accommodation as aforesaid shall cease.

Her Majesty may exercise the Powers vested in the Prince by this Act.

XLI. And be it declared and enacted, That it shall be lawful for Her Majesty, or for any Persons acting under the Authority of Her Majesty, during the Minority of His said Royal Highness, to exercise, in the Name and on the Behalf of His said Royal Highness, all the Rights and Powers given to or which might be exercised by His said Royal Highness under or by virtue of this Act; and that all Acts, Matters, and Things which shall be done during such Minority, under and by virtue of this Act, in the Name and on the Behalf of His said Royal Highness, by Her Majesty, or any Persons acting under the Authority of Her Majesty, in pursuance of and in conformity with the Powers and Authorities to them in that Behalf committed by Her Majesty, shall be good, valid, and effectual in Law as if the same had been done by His said Royal Highness in His own Person and at His full and perfect Age.

Contracts, &c. may be made by any Three Members of the Council.

XLII. And be it enacted, That where by this Act any Contracts, Assurances, Matters, or Things are directed to be entered into, made, or done by the Council of His said Royal Highness (except in Cases which are herein otherwise specially provided for) it shall be lawful and sufficient for such Contracts, Assurances, Matters, and Things to be entered into, made, or done by any Three or more of the Members of the said Council for the Time being; and all Contracts and Assurances purporting to be signed by any Three or more Members of the said Council as aforesaid shall be received in Evidence without any further Proof thereof.

Licences to get Minerals not subject to Stamp Duty.

XLIII. And be it enacted, That no Licence, Grant, or Lease to search for or work or get Mines, Minerals, Stone, or Substrata belonging to the Duchy of *Cornwall*, for a Period not exceeding One Year from the Date of such Licence, Grant, or Lease, shall be subject to any Stamp Duty whatsoever.

Interpretation of Act.

XLIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, over and above their several ordinary Meetings, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Person" shall include a Body Politic or Corporate:

The Words "His Royal Highness, His Heirs and Successors," shall include the Queen's most Excellent Majesty, Her Heirs and Successors, Kings and Queens of *England* for the Time being, entitled to the Lands and Possessions of the Duchy of *Cornwall*, or the Revenues thereof, during a Vacancy of the said Duchy:

The Words "Lands and Possessions of the Duchy of *Cornwall*," the Words "Lands or Possessions of the Duchy of *Cornwall*," and the Words "Lands and Possessions," and "Lands or Possessions," applied to the Duchy of *Cornwall*, shall include all Hundreds, Castles, Honors, Lordships, Manors, Forests, Chases, Woods, Parks, Messuages, Lands, Tithes, Fixtures, Franchises, Services, Rents, Pensions, Annuities, Rights, Privileges, Easements, and other Land Revenues, Possessions, Tenements, and Hereditaments whatsoever, Parcel of the Duchy of *Cornwall*, or annexed to the same.

Act may be amended, &c.

XLV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES to which this Act refers.

FIRST SCHEDULE.

SUMS of STOCK standing in the Name of the Duke of Cornwall, and Acts under which they were invested.

£	s.	d.				
5,275	7	2	-	3 per Cent. Reduced.	38 Geo. 3. c. 60.	Land Tax Redemption Act.
4,576	19	11	-	3 per Cent. Consols.	38 Geo. 3. c. 60.	Land Tax Redemption Act.
6,697	2	9	-	3 per Cent. Consols.	5 Geo. 4. c. 78.	Act relating to the Rights of Prisage and Butlerage of Wines belonging to the Duchy.
3,741	10	6	-	3 per Cent. Consols.	3 Will. 4. c. 36.	Act for making a Railway from London to Birmingham.

SECOND

SECOND SCHEDULE.

FORM of CONVEYANCE on SALES by Authority of the Council of His Royal Highness.

KNOW all Men by these Presents, That We, Albert Edward Prince of Wales, Duke of Saxony, Duke of Cornwall and Rothsay, Earl of Chester and Carrick, Baron of Renfrew, Lord of the Isles and Great Steward of Scotland, under the Authority of an Act passed [*here set forth the Title of this Act*], in consideration of the Sum of by *A.B.* of, *&c.* paid [*here describe the Mode of Payment, whether into the Bank of England, or to the Receiver General, Receiver, or Agent of the Duchy*], do by these Presents grant unto the said *A.B.*, his Heirs and Assigns, [*or, if the Conveyance be to a Trustee or Trustees for the Purchaser,*] do by these Presents, by the Direction and on the Nomination of the said *A.B.*, grant unto *C.D.* of, *&c.*, and his Heirs, all that [*here describe the Premises to be sold, and any subsisting Leases, Contracts, or Charges affecting the same, and in case of Rents, or other incorporeal Hereditaments, Rights, or Charges, describe the Lands which the same are charged on or extend over*], together with [*insert here the general Words applicable to the particular Description of Property*], to have and to hold the said Premises unto and to the Use of the said *A.B.*, his Heirs and Assigns for ever, [*or* unto the said *C.D.*, his Heirs and Assigns, *as the Case may be; and any Uses to which the Grant is intended to enure, or any Trusts or Purposes upon or for which the Grantees are to hold the Premises, may be declared either by setting out the same on the Grant or by Reference to any other Deed or Instrument; and if the Purchase is of a Rent, Right, or Charge which is meant to be extinguished, add*] to the Intent that the said [*here describe the Rent, Right, or Charge,*] shall cease and be extinguished, and the said [*describe shortly the Premises on which the Rent, Right, or Charge is charged,*] may be absolutely freed and for ever discharged from the same; [*or if the Purchase be of a Rent, Right, or Charge that is not meant to be extinguished, add*] and it is hereby declared that the said [*here describe the Rent, Right, or Charge,*] shall not become extinguished by the Grant thereof hereby made, but shall subsist and continue for the Benefit of the Parties entitled thereto under this Grant. In witness whereof to these Presents the Great [*or* Privy] Seal of Our Duchy of Cornwall hath been affixed and set, this Day of in the Year of our Lord

FORM OF RECEIPT.

RECEIVED the Day of of and from the above-named [*or, if the Receipt is endorsed,* the within-named,] the Sum of being the Consideration Money expressed in the above- [*or* within-] written Conveyance.

Witness my Hand,
A.B., Receiver General of the Duchy of Cornwall.

FORM OF ENFRANCHISEMENT DEED.

KNOW all Men by these Presents, That We, Albert Edward Prince of Wales, *&c.* [*insert the Titles of the Prince, as in the Form of Conveyance on Sales*], under the Authority of an Act passed [*set forth the Title of this Act*], in consideration of the Sum of by *A.B.* of paid [*describe the Mode of Payment as directed in the said Form of Conveyance on Sales, or otherwise as may be proper*], do by these Presents enfranchise and grant unto the said *A.B.*, his Heirs and Assigns, all that [*here describe the Premises to be enfranchised, including any Rights of Common, &c. intended to be comprised in the Grant*], and all Heriots, Quit Rents, Duties, Suit and Service of Court, and all other Customs and Services due and payable for or in respect of the same Premises or any of them, together with [*insert here the general Words applicable to the particular Description of Property*], but saving and excepting out of this present Enfranchisement and Grant [*insert here the Description of the Mines, Minerals, or other Things (if any) meant to be excepted out of the Enfranchisement, with appropriate Rights and Powers*], to have and to hold the said Premises unto the said *A.B.*, his Heirs and Assigns for ever, in Free and Common Socage, as of the Manor of [*specifying the Manor of which the Property is held*], freed and absolutely discharged from the Copyhold [*or* Customary] Tenure thereof, and of and from all Rents, Fines, Payments, Heriots, Suits, Customs, and Services incident thereto, or by Custom, Prescription, or otherwise howsoever to be paid, rendered, or performed to His said Royal Highness, His Heirs or Successors, for or in respect of the same, but subject [*here insert any Charge or Restriction subject to which the Enfranchisement is intended to be made*] to the Use of the said *A.B.*, his Heirs and Assigns for ever [*or to any other Uses, as in the Form of Conveyance on Sales*]. In witness whereof to these Presents the Great [*or* Privy] Seal of Our Duchy of Cornwall hath been duly affixed and set, this Day of in the Year of our Lord

FORM of CONVEYANCE to His Royal Highness of any Lands agreed to be received in exchange by the Council of His Royal Highness.

KNOW all Men by these Presents, That I *A.B.* of of the County of in consideration of the Conveyance to me, under the Authority of an Act passed [*here set forth the Title of this Act*], of [*here describe the Premises given in exchange*], and also of the Sum of paid to me by the Receiver General of the Duchy of Cornwall for Equality of Exchange, the Receipt whereof I hereby acknowledge, [*this is to be omitted if no Money is given for Equality of Exchange,*] do by these Presents grant and convey unto His Royal Highness Albert Edward Duke of Cornwall, His Heirs

Heirs and Successors, all that [*here describe the Premises received in exchange on the Part of His said Royal Highness, and any subsisting Leases, Contracts, or Charges affecting the same, and in case of Rents, Commons, or other incorporeal Hereditaments also describe the Lands, &c. which the same extend over*], together with [*insert here the general Words applicable to the particular Description of Property*], to have and to hold the said Premises to His said Royal Highness, His Heirs and Successors [*here insert any Covenants for Title or other Covenants which may have been required from the Party with whom the Exchange is made*]. In witness whereof I the said have hereunto set my Hand and Seal this Day of in the Year of our Lord

FORM of CONVEYANCE to His Royal Highness of any Lands or Property purchased by the Council of His Royal Highness.

KNOW all Men by these Presents, That I *A.B.* of in the County of in consideration of the Sum of Pounds paid to me by the Receiver General of the Duchy of Cornwall, the Receipt whereof I do hereby acknowledge, do by these Presents grant and convey unto His Royal Highness Albert Edward Duke of Cornwall, His Heirs and Successors, all that [*here describe the Premises purchased by His Royal Highness, and any subsisting Leases, Contracts, or Charges affecting the same, and in case of Rents, Commons, or other incorporeal Hereditaments also describe the Lands, &c. which the same extend over*], together with [*insert here the general Words applicable to the particular Description of Property*], to have and to hold the said Premises to His said Royal Highness, His Heirs and Successors [*here insert any Covenants for Title or other Covenants which may have been required from the Vendors*]. In witness whereof I the said *A.B.* have hereunto set my Hand and Seal, this Day of in the Year of our Lord

CAP. LXVI.

An Act to amend the Laws relating to Aliens. [6th *August* 1844.]

'WHEREAS it is expedient that the Laws now in force affecting Aliens should be amended, and that 'Her Majesty should be enabled to grant to Aliens the Rights and Capacities of *British* Subjects, 'under such Regulations and with such Restrictions and Exceptions as are herein-after provided: And 'whereas an Act of Parliament was made and passed in the Twelfth Year of the Reign of His late 'Majesty King *William* the Third, intituled *An Act for the further Limitation of the Crown, and better* 12&13 W.3. c.2. 'securing the Rights and Liberties of the Subject;' and another Act of Parliament was made and passed 'in the First Year of the Reign of His late Majesty King *George* the First, intituled *An Act to explain* 1 G.1. Sess.2. 'an Act made in the Twelfth Year of the Reign of King* William *the Third, intituled 'An Act for the* c.4. ''further Limitation of the Crown, and better securing the Rights and Liberties of the Subject;'* and 'another Act of Parliament was made and passed in the Fourteenth Year of the Reign of His late Majesty 'King *George* the Third, intituled *An Act to prevent certain Inconveniences that may happen by Bills* 14 G.3. c.84. 'of Naturalization:'* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That such Parts of the said recited Acts of Parliament as are inconsistent with the Provisions of this Act shall be repealed.

Provisions of recited Acts inconsistent herewith repealed.

II. And be it enacted, That so much of the said Act of the First Year of the Reign of King *George* the First as provides, that no Person shall hereafter be naturalized unless in the Bill exhibited for that Purpose there shall be a Clause or particular Words inserted to declare that such Person shall not thereby be enabled to be of the Privy Council, or a Member of either House of Parliament, or to take any Office either civil or military, or to have any Grant of Lands, Tenements, or Hereditaments from the Crown to himself or any other Person in trust for him, and that no Bill of Naturalization shall hereafter be received in either House of Parliament unless such Clause or Words be first inserted, be repealed.

Certain Provision of 1 G.1. c.4. repealed.

III. And be it enacted, That every Person now born, or hereafter to be born, out of Her Majesty's Dominions, of a Mother being a natural-born Subject of the United Kingdom, shall be capable of taking to him, his Heirs, Executors, or Administrators, any Estate, Real or Personal, by Devise or Purchase, or Inheritance of Succession.

Every Person born of a British Mother may hold Real or Personal Estate.

IV. And be it enacted, That from and after the passing of this Act every Alien, being the Subject of a friendly State, shall and may take and hold, by Purchase, Gift, Bequest, Representation, or otherwise, every Species of Personal Property, except Chattels Real, as fully and effectually to all Intents and Purposes, and with the same Rights, Remedies, Exemptions, Privileges, and Capacities, as if he were a natural-born Subject of the United Kingdom.

Alien Friends may hold every Species of Personal Property except Chattels Real.

V. And be it enacted, That every Alien now residing in, or who shall hereafter come to reside in, any Part of the United Kingdom, and being the Subject of a friendly State, may, by Grant, Lease, Demise, Assignment, Bequest, Representation, or otherwise, take and hold any Lands, Houses, or other Tenements, for the Purpose of Residence or of Occupation by him or her, or his or her Servants, or for the Purpose of any Business, Trade, or Manufacture, for any Term of Years not exceeding Twenty-one Years, as fully and effectually to all Intents and Purposes, and with the same Rights, Remedies, Exemptions, and Privileges, except the Right to vote at Elections for Members of Parliament, as if he were a natural-born Subject of the United Kingdom.

Subjects of a friendly State may hold Lands, &c. for the Purpose of Residence, &c. for Twenty-one Years.

VI. And be it enacted, That upon obtaining the Certificate and taking the Oath herein-after prescribed every Alien now residing in, or who shall hereafter come to reside in, any Part of *Great Britain* or *Ireland*

Aliens to become naturalized upon

obtaining Certificate, taking prescribed Oath, &c.

Ireland with Intent to settle therein, shall enjoy all the Rights and Capacities which a natural-born Subject of the United Kingdom can enjoy or transmit, except that such Alien shall not be capable of becoming of Her Majesty's Privy Council, nor a Member of either House of Parliament, nor of enjoying such other Rights and Capacities, if any, as shall be specially excepted in and by the Certificate to be granted in manner herein-after mentioned.

Aliens desirous of becoming naturalized to present a Memorial.

VII. And be it enacted, That it shall be lawful for any such Alien as aforesaid to present to One of Her Majesty's Principal Secretaries of State a Memorial, stating the Age, Profession, Trade, or other Occupation of the Memorialist, and the Duration of his Residence in *Great Britain* or *Ireland*, and all other the Grounds on which he seeks to obtain any of the Rights and Capacities of a natural-born *British* Subject, and praying the said Secretary of State to grant to the Memorialist the Certificate herein-after mentioned.

Memorial to be considered by the Secretary of State for the Home Department, who may issue a Certificate.

VIII. And be it enacted, That every such Memorial shall be considered by the said Secretary of State, who shall inquire into the Circumstances of each Case, and receive all such Evidence as shall be offered, by Affidavit or otherwise, as he may deem necessary or proper for proving the Truth of the Allegations contained in such Memorial; and that the said Secretary of State, if he shall so think fit, may issue a Certificate, reciting such of the Contents of the Memorial as he shall consider to be true and material, and granting to the Memorialist (upon his taking the Oath herein-after prescribed) all the Rights and Capacities of a natural-born *British* Subject, except the Capacity of being a Member of the Privy Council or a Member of either House of Parliament, and except the Rights and Capacities (if any) specially excepted in and by such Certificate.

Certificate to be enrolled in Chancery.

IX. And be it enacted, That such Certificate shall be enrolled for safe Custody as of Record in Her Majesty's High Court of Chancery, and may be inspected, and Copies thereof taken, under such Regulations as the Lord High Chancellor shall direct.

Oath to be taken.

X. And be it enacted, That, within Sixty Days from the Day of the Date of such Certificate, every Memorialist to whom Rights and Capacities shall be granted by such Certificate shall take and subscribe the following Oath; (that is to say,)

'I *A. B.* do sincerely promise and swear, That I will be faithful and bear true Allegiance to Her Majesty Queen *Victoria*, and will defend Her to the utmost of my Power against all Conspiracies and Attempts whatever which may be made against Her Person, Crown, or Dignity; and I will do my utmost Endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all Treasons and traitorous Conspiracies which may be formed against Her or them; and I do faithfully promise to maintain, support, and defend to the utmost of my Power the Succession of the Crown, which Succession, by an Act, intituled *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is and stands limited to the Princess *Sophia* Electress of *Hanover*, and the Heirs of her Body, being Protestants, hereby utterly renouncing and abjuring any Obedience or Allegiance unto any other Person claiming or pretending a Right to the Crown of this Realm.

'So help me GOD.'

Which Oath shall be taken and subscribed by such Memorialist, and shall be duly administered to him or her, before any of Her Majesty's Judges of the Court of Queen's Bench or Court of Common Pleas or Court of Exchequer, or before any Master or Master Extraordinary in Chancery; and that the Judge or Master or Master Extraordinary in Chancery, whether in *England* or in *Ireland*, before whom such Oath may be administered, shall grant to the Memorialist a Certificate of his or her having taken and subscribed such Oath accordingly; and such Certificate shall be signed by the Judge, Master or Master Extraordinary in Chancery, before whom such Oath shall be administered.

Proceedings for obtaining Certificate.

XI. And be it enacted, That the several Proceedings hereby authorized to be taken for obtaining such Certificate as aforesaid shall be regulated in such Manner as the Secretary of State shall from Time to Time direct.

Amount of Fees.

XII. And be it enacted, That the Fees payable in respect of the several Proceedings hereby authorized shall be fixed and regulated by the Commissioners of Her Majesty's Treasury.

Naturalized Persons resident Five Years to enjoy Rights as Aliens.

XIII. And be it enacted, That all Persons who shall have been naturalized before the passing of this Act, and who shall have resided in the United Kingdom during Five successive Years, shall be deemed entitled to and shall enjoy all such Rights and Capacities of *British* Subjects as may be conferred on Aliens by the Provisions of this Act.

Act not to affect pre-existing Rights.

XIV. Provided always, and be it enacted, That nothing in this Act shall prejudice, or be construed to prejudice, any Rights or Interests in Law or in Equity, whether vested or contingent, under any Will, Deed, or Settlement executed by any natural-born Subject of *Great Britain* or *Ireland* before the passing of this Act, or under any Descent or Representation from or under any such natural-born Subject who shall have died before the passing of this Act.

Act not to take away Rights of Aliens.

XV. And be it enacted, That nothing herein contained shall be construed so as to take away or diminish any Right, Privilege, or Capacity heretofore lawfully possessed by or belonging to Aliens residing in *Great Britain* or *Ireland*, so far as relates to the Possession or Enjoyment of any Real or Personal Property, but that all such Rights shall continue to be enjoyed by such Aliens in as full and ample a Manner as such Rights were enjoyed before the passing of this Act.

Women married to natural-born Subjects deemed naturalized.

XVI. And be it enacted, That any Woman married or who shall be married to a natural-born Subject or Person naturalized shall be deemed and taken to be herself naturalized, and have all the Rights and Privileges of a natural-born Subject.

Act may be amended, &c.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LXVII.

An Act to transfer the Collection of the Duty on Licences to let Horses for Hire in *Ireland* from the Commissioners of Stamps to the Commissioners of Excise. [6th *August* 1844.]

'WHEREAS it is expedient to transfer the Collection and Management of the Duty upon Licences for letting Horses to hire by the Mile or Stage for the Purpose of travelling Post, in *Ireland*, from the Commissioners of Stamps to the Commissioners of Excise:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Duty granted and made payable by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to grant certain Duties of Excise upon Licences for the Sale of spirituous and other Liquors by Retail, and upon Licences to Persons dealing in exciseable Commodities, in* Ireland, *in lieu of the Stamp Duties payable upon such Licences, and to secure the Payment of such Excise Duties, and to regulate the issuing of such Licences, and to discourage the immoderate Use of spirituous Liquors in* Ireland, and the Schedule to the said Act annexed, upon or in respect of Licences to Persons to let to hire any Horse for the Purpose of travelling Post by the Mile, or from Stage to Stage, in *Ireland*, shall continue in force, and shall be under the Collection and Management of the Commissioners of Excise, and shall be denominated and taken to be Excise Duties, and shall be paid and payable in *British* Currency. Duties of 55 G. 3. c. 19. on Licences for letting Horses to hire in Ireland put under the Management of the Commissioners of Excise.

II. And be it enacted, That all and singular the Powers and Authorities, Rules, Regulations, and Directions, in anywise relating to the granting any such Licences as aforesaid, or to the Duty upon or in respect of such Licences, contained in the said herein-before recited Act, or in any other Act or Acts relating to such Duty or Licences respectively, in force on or immediately before the passing of this Act, (except so far as the same shall be inconsistent with the express Provisions of this Act,) shall be used, executed, exercised, and put in force for the securing and collecting of such Duty as aforesaid and for the granting of any such Licences respectively by the Commissioners of Excise, as fully and effectually, to all Intents and Purposes, as if all and singular such Powers and Authorities had been originally given and granted to such Commissioners of Excise, and as if the same were repeated and re-enacted in this Act; and it shall be lawful for such Commissioners of Excise to grant such Licences and to manage such Duties respectively in like Manner as the Commissioners of Stamps might have done before the passing of this Act under and by virtue of the said Acts; and that all Fines, Penalties, and Forfeitures imposed by any such Act or Acts in respect of any such Matter or Thing to be done, or refused or neglected to be done, by any Person or Persons, in anywise relating to such Duty or Licences, shall be incurred and forfeited, and shall and may be sued for, recovered, levied, mitigated, and applied upon or in respect of the doing or neglecting or refusing to do any Acts, Matters, or Things relating to the said Duty and Licences by this Act placed under the Management of the said Commissioners of Excise. Powers of former Acts relating to such Licences to be put in force by the Commissioners of Excise.

III. And be it enacted, That all Powers, Provisions, Clauses, Regulations, and Directions, and all Fines, Forfeitures, Pains, and Penalties, contained in and imposed by any Act or Acts in force immediately before the passing of this Act, in relation to any of the Duties under the Collection and Management of the Commissioners of Excise, so far as the said Acts or any of them can be made applicable to the said Duty on such Licences as aforesaid, shall be of full Force and Effect, and shall be observed, applied, enforced, and put in execution with respect to the Duty by this Act placed under the Management of the said Commissioners of Excise, as fully and effectually, to all Intents and Purposes, as if all such Powers and Authorities, Rules, Regulations, and Directions, Provisions, Fines, Pains, Penalties, and Forfeitures, had been repeated and specially enacted in this present Act, and had been applied to the Duty by this Act continued in force and placed under the Management of the said Commissioners of Excise. Powers of Excise Acts to be put in force with respect to the Duty transferred.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. LXVIII.

An Act to suspend, until the Thirty-first Day of *December* One thousand eight hundred and forty-seven, the Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions, and for obtaining Returns from and the Inspection of the Registries of such Jurisdictions. [6th *August* 1844.]

'WHEREAS an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in* England *and* Wales, *with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage,* contains certain temporary Provisions relating to the State and Jurisdiction of all the Ecclesiastical Courts in *England* and *Wales:* And whereas the said Provisions have been from Time to Time continued by certain other Acts of Parliament, and were, by an Act passed in the last Session of Parliament, intituled *An Act for suspending, until the First Day of* October *One thousand eight hundred and forty-four, the Operation of the new Arrangement of Dioceses, so far as it affects the Ecclesiastical Jurisdictions,* further continued, and now stand continued until the First Day of *October* next, and it is expedient that they should be further continued 6 & 7 W. 4. c. 77. 6 & 7 Vict. c. 60.

' for a limited Time:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said herein-before mentioned Provisions shall continue and be in force until the Thirty-first Day of *December* in the Year One thousand eight hundred and forty-seven: Provided always, that any Bishop or Archdeacon may hold Visitations of the Clergy within the Limits of his Diocese or Archdeaconry, and at such Visitations may admit Churchwardens, receive Presentments, and do all other Acts, Matters, and Things by Custom appertaining to the Visitation of Bishops and Archdeacons in the Places assigned to their respective Jurisdiction and Authority under or by virtue of the Provisions of the said first-recited Act or of any subsequent Act, and any Bishop may consecrate any new Church or Chapel or any new Burial Ground within his Diocese.

Temporary Provisions relating to Ecclesiastical Courts continued.

Registrars of Ecclesiastical Courts to make certain Returns to Secretary of State.

II. And be it enacted, That the Registrar of every Court granting Probates and Administrations or exercising Ecclesiastical Jurisdiction, and the Registrar of every Vicar General or Diocese, shall, on or before the Twentieth Day of *January* in the Year One thousand eight hundred and forty-five, make out and transmit to One of Her Majesty's Principal Secretaries of State a true Account in Writing of the gross and net Amounts of all such Fees, Allowances, Gratuities, Perquisites, and Emoluments respectively as shall in each of the Five next preceding Years, each of such Years ending on the Fifth Day of *January*, have been received or become due on account of the Judge of such Court or Vicar General, by virtue of his Office as such Judge or Vicar General, or on account of himself, or (except of Surrogates) of any other Officer, Clerk, or Minister of such Court or Registry, by virtue of his Office or Employment, specifying the Particulars of the Payments, Disbursements, Allowances, and Charges, respectively constituting the Difference between such gross and net Amounts, and shall on or before the Twentieth Day of *January* in every succeeding Year transmit a like Account for the Year ending on the Fifth Day of *January* in such Year; and the several Officers, Clerks, and Ministers of each of the said Courts and Registries shall render to the Registrar thereof all such Statements in Writing as he may require for the Purpose of preparing such Account; and such Registrar shall transmit the said Statements to the said Secretary of State at the same Time with his aforesaid Account; and the said Secretary of State may at any Time or Times require that all or any of the several Accounts and Statements herein-before mentioned shall contain such Particulars and be in such Form and verified in such Manner as to him may seem proper.

Registrars to report on State of Offices to Secretary of State, who may direct Surveys.

III. And be it enacted, That on or before the Twentieth Day of *January* in every Year the Registrar of each of the said several Courts and Registries shall report in Writing to One of Her Majesty's Principal Secretaries of State on the State and Condition of his Registry, and the Buildings belonging thereto, and also upon all such other Matters connected with such Registry, and the Documents therein contained, as and in such Form as the said Secretary of State may from Time to Time require; and such Secretary of State may from Time to Time call for further or other Returns, and may also direct and cause to be made such Inspection or Survey of any Registry as he may think fit.

Registrar, who to include.

IV. And be it enacted, That the Word "Registrar" when used in this Act shall include all Registrars and Deputy Registrars.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXIX.

An Act for amending an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council;* and to extend its Jurisdiction and Powers. [6th *August* 1844.]

3&4W.4. c.41. ' WHEREAS the Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council*, hath been found beneficial ' to the due Administration of Justice: And whereas another Act, passed in the Sixth Year of the said
5&6W.4. c.83. ' Reign, intituled *An Act to amend the Law touching Letters Patent for Inventions*, hath been also found ' advantageous to Inventors and to the Public: And whereas the Judicial Committee acting under the ' Authority of the said Acts hath been found to answer well the Purposes for which it was so established ' by Parliament, but it is found necessary to improve its Proceedings in some respects, for the better ' Despatch of Business, and expedient also to extend its Jurisdiction and Powers: And whereas by the ' Laws now in force in certain of Her Majesty's Colonies and Possessions abroad no Appeals can be ' brought to Her Majesty in Council for the Reversal of the Judgments, Sentences, Decrees, and Orders of ' any Courts of Justice within such Colonies, save only of the Courts of Error or Courts of Appeal within ' the same, and it is expedient that Her Majesty in Council should be authorized to provide for the Admis- ' sion of Appeals from other Courts of Justice within such Colonies or Possessions:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be competent to Her Majesty, by any Order or Orders to be from Time to Time for that Purpose made with the Advice of Her Privy Council, to provide for the Admission of any Appeal or Appeals to Her Majesty in Council from any Judgments, Sentences, Decrees, or Orders of any Court of Justice within any *British* Colony or Possession abroad, although such Court shall not be a Court of Errors or a Court of Appeal within such Colony or Possession; and it shall also be competent to Her Majesty,

Her Majesty, by Order in Council, may provide for the Admission of an Appeal from any Colony, although there shall not be a Court of Error

Majesty, by any such Order or Orders as aforesaid, to make all such Provisions as to Her Majesty in Council shall seem meet for the instituting and prosecuting any such Appeals, and for carrying into effect any such Decisions or Sentences as Her Majesty in Council shall pronounce thereon: Provided always, that it shall be competent to Her Majesty in Council to revoke, alter, and amend any such Order or Orders as aforesaid, as to Her Majesty in Council shall seem meet: Provided also, that any such Order as aforesaid may be either general and extending to all Appeals to be brought from any such Court of Justice as aforesaid, or special and extending only to any Appeal to be brought in any particular Case: Provided also, that every such general Order in Council as aforesaid shall be published in the *London Gazette* within One Calendar Month next after the making thereof: Provided also, that nothing herein contained shall be construed to extend to take away or diminish any Power now by Law vested in Her Majesty for regulating Appeals to Her Majesty in Council from the Judgments, Sentences, Decrees, or Orders of any Courts of Justice within any of Her Majesty's Colonies or Possessions abroad.

or of Appeal in such Colony; and may revoke such Orders.

Orders may be either general or special.

General Orders to be published.

Not to affect present Powers for regulating Appeals from the Colonies.

II. 'And whereas it is expedient, for the further Encouragement of Inventions in the useful Arts, 'to enable the Time of Monopoly in Patents to be extended in Cases in which it can be satisfactorily 'shown that the Expence of the Invention hath been greater than the Time now limited by Law will 'suffice to reimburse;' be it enacted, That if any Person, having obtained a Patent for any Invention, shall before the Expiration thereof present a Petition to Her Majesty in Council, setting forth that he has been unable to obtain a due Remuneration for his Expence and Labour in perfecting such Invention, and that an exclusive Right of using and vending the same, for the further Period of Seven Years, in addition to the Term in such Patent mentioned, will not suffice for his Reimbursement and Remuneration, then, if the Matter of such Petition shall be by Her Majesty referred to the Judicial Committee of the Privy Council, the said Committee shall proceed to consider the same after the Manner and in the usual Course of its Proceedings touching Patents, and if the said Committee shall be of opinion, and shall so report to Her Majesty, that a further Period greater than Seven Years Extension of the said Patent Term ought to be granted to the Petitioner, it shall be lawful for Her Majesty, if She shall so think fit, to grant an Extension thereof for any Time not exceeding Fourteen Years, in like Manner and subject to the same Rules as the Extension for a Term not exceeding Seven Years is now granted under the Powers of the said Act of the Sixth Year of the Reign of His late Majesty.

On Petition, Her Majesty may grant an Extension of Patent Term in certain Cases.

III. Provided always, and be it enacted, That nothing herein contained shall prevent the said Judicial Committee from reporting that an Extension for any Period not exceeding Seven Years should be granted, or prevent Her Majesty from granting an Extension for such lesser Term than the Petition shall have prayed.

Her Majesty may grant a lesser Term than that prayed.

IV. 'And whereas Doubts have arisen touching the Power given by the said recited Act of the Sixth 'Year of the Reign of His late Majesty in Cases where the Patentees have wholly or in part assigned 'their Right;' be it enacted, That it shall be lawful for Her Majesty, on the Report of the Judicial Committee, to grant such Extension as is authorized by the said Act and by this Act, either to an Assignee or Assignees or to the original Patentee or Patentees, or to an Assignee or Assignees and original Patentee or Patentees conjointly.

As to Extension of Term where Patentees have assigned their Patent Rights.

V. And be it enacted, That in case the original Patentee or Patentees hath or have departed with his or their Whole or any Part of his or their Interest by Assignment to any other Person or Persons, it shall be lawful for such Patentee, together with such Assignee or Assignees if Part only hath been assigned, and for the Assignee or Assignees if the whole hath been assigned, to enter a Disclaimer and Memorandum of Alteration under the Powers of the said recited Act; and such Disclaimer and Memorandum of such Alteration, having been so entered and filed as in the said recited Act mentioned, shall be valid and effectual in favour of any Person or Persons in whom the Rights under the said Letters Patent may then be or thereafter become legally vested; and no Objection shall be made in any Proceeding whatsoever on the Ground that the Party making such Disclaimer or Memorandum of such Alteration had not sufficient Authority in that Behalf.

Disclaimer and Memorandum of Alteration under 5 & 6 W. 4. c. 83. may be made notwithstanding original Patentee may have assigned his Patent Right.

VI. And be it enacted, That any Disclaimer or Memorandum of Alteration before the passing of this Act, or by virtue of the said recited Act, by such Patentee with such Assignee or by such Assignee as aforesaid, shall be valid and effectual to bind any Person or Persons in whom the said Letters Patent might then be or have since become vested; and no Objection shall be made in any Proceeding whatsoever that the Party making such Disclaimer or Memorandum of Alteration had not Authority in that Behalf.

Disclaimer and Memorandum of Alteration already made to be deemed valid.

VII. And be it enacted, That any new Letters Patent which before the passing of this Act may have been granted, under the Provisions of the above-recited Act of the Sixth Year of the Reign of His late Majesty, to an Assignee or Assignees, shall be as valid and effectual as if the said Letters Patent had been made after the passing of this Act, and the Title of any Party to such new Letters Patent shall not be invalidated by reason of the same having been granted to an Assignee or Assignees: Provided always, that nothing herein contained shall give any Validity or Effect to any Letters Patent heretofore granted to any Assignee or Assignees where any Action or Proceeding in Scire facias or Suit in Equity shall have been commenced at any Time before the passing of this Act, wherein the Validity of such Letters Patent shall have been or may be questioned.

New Letters Patent granted under 5 & 6 W. 4. to Assignees before passing of this Act declared valid.

Proviso.

VIII. Provided always, and be it enacted, That in the Case of any Matter or Thing being referred to the Judicial Committee, it shall be lawful for the said Committee to appoint one or other of the Clerks of the Privy Council to take any formal Proofs required to be taken in dealing with the Matter or Thing

Judicial Committee may appoint Clerk of Privy Council to take

Proofs in Matters referred to them.

so referred, and shall, if they so think fit, proceed upon such Clerk's Report to them as if such formal Proofs had been taken by and before the said Judicial Committee.

Judicial Committee may proceed to hearing of Appeals without special Order of Reference.

IX. And be it enacted, That in case any Petition of Appeal whatever shall be presented, addressed to Her Majesty in Council, and such Petition shall be duly lodged with the Clerk of the Privy Council, it shall be lawful for the said Judicial Committee to proceed in hearing and reporting upon such Appeal, without any special Order in Council referring the same to them, provided that Her Majesty in Council shall have, by an Order in Council in the Month of *November*, directed that all Appeals shall be referred to the said Judicial Committee on which Petitions may be presented to Her Majesty in Council during the Twelve Months next after the making of such Order; and that the said Judicial Committee shall proceed to hear and report upon all such Appeals in like Manner as if each such Appeal had been referred to the said Judicial Committee by a special Order of Her Majesty in Council: Provided always, that it shall be lawful for Her Majesty in Council at any Time to rescind any general Order so made; and in case of such Order being so rescinded all Petitions of Appeal shall in the first instance be preferred to Her Majesty in Council, and shall not be proceeded with by the said Judicial Committee without a special Order of Reference.

Proviso.

Judicial Committee may require Notes of Evidence taken in the Courts of any Colony, &c.

X. And be it enacted, That it shall be lawful for the said Judicial Committee to make an Order or Orders on any Court in any Colony or Foreign Settlement, or Foreign Dominion of the Crown, requiring the Judge or Judges of such Court to transmit to the Clerk of the Privy Council a Copy of the Notes of Evidence in any Cause tried before such Court, and of the Reasons given by the Judge or Judges for the Judgment pronounced in any Case brought by Appeal or by Writ of Error before the said Judicial Committee.

Judicial Committee may make Rules to be binding upon such Courts requiring Judges Notes of Evidence, &c.

XI. And be it enacted, That it shall and may be lawful for the said Judicial Committee to make any general Rule or Regulation, to be binding upon all Courts in the Colonies and other Foreign Settlements of the Crown, requiring the Judges Notes of the Evidence taken before such Court on any Cause appealed, and of the Reasons given by the Judges of such Court, or by any of them, for or against the Judgment pronounced by such Court; which Notes of Evidence and Reasons shall by such Court be transmitted to the Clerk of the Privy Council within One Calendar Month next after the Leave given by such Court to prosecute any Appeal to Her Majesty in Council; and such Order of the said Committee shall be binding upon all Judges of such Courts in the Colonies or Foreign Settlements of the Crown.

In Cases of Neglect to comply with Order of Council Persons so neglecting may be punished as for Contempt.

XII. And be it enacted, That in all Causes of Appeal to Her Majesty in Council from Ecclesiastical Courts, and from Admiralty or Vice Admiralty Courts, which now are or may hereafter be depending, in which any Person duly monished or cited or requested to comply with any lawful Order or Decree of Her Majesty in Council, or of the Judicial Committee of the Privy Council or their Surrogates, made before or after the passing of this Act, shall neglect or refuse to pay Obedience to such lawful Order or Decree, or shall commit any Contempt of the Process under the Seal of Her Majesty in Ecclesiastical and Maritime Causes, it shall be lawful for the said Judicial Committee or their Surrogates to pronounce such Person to be contumacious and in contempt, and, after he or she shall have been so pronounced contumacious and in contempt, to cause Process of Sequestration to issue under the said Seal of Her Majesty against the Real and Personal Estate, Goods, Chattels, and Effects, wheresoever lying within the Dominions of Her Majesty, of the Person against or upon whom such Order or Decree shall have been made, in order to enforce Obedience to the same and Payment of the Expences attending such Sequestration, and all Proceedings consequent thereon, and to make such further Order in respect of or consequent on such Sequestration, and in respect to such Real and Personal Estates, Goods, Chattels, and Effects sequestrated thereby, as may be necessary, or for Payment of Monies arising from the same to the Person to whom the same may be due, or into the Registry of the High Court of Admiralty and Appeals, for the Benefit of those who may be ultimately entitled thereto.

Act may be repealed, &c.

XIII. And be it enacted, That this Act may be repealed or amended during this Session of Parliament.

CAP. LXX.

An Act for facilitating Arrangements between Debtors and Creditors. [6th *August* 1844.]

'WHEREAS it is expedient that Trust Deeds and other amicable Modes of Arrangement between 'Debtors and their Creditors should be facilitated, and that better Means should be provided for 'carrying the same into effect:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *September* next after the passing of this Act it shall be lawful for any Debtor who is unable to meet his Engagements with his Creditors, such Debtor not being a Trader within the Meaning of the Statutes now in force relating to Bankrupts, with the Concurrence of One Third in Number and Value of his Creditors (testified by their signing his Petition), to present a Petition to the Court of Bankruptcy, setting forth a full Account of his Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of his Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property of what Kind soever held in trust for him; and also setting forth that he is unable to meet his Engagements with his Creditors, and the true Cause of such Inability; and also setting forth such Proposal as he is able to make for the future

Petition.

Payment

Payment or the Compromise of such Debts or Engagements; and that One Third in Number and Value of his Creditors have assented to such Proposal; and praying that such Proposal (or such Modification thereof as by the Majority of his Creditors should be determined) should be carried into effect under the Superintendence and Control of the said Court; and that he the said Petitioning Debtor should in the meantime be protected from Arrest, by Order of the said Court.

Preliminary Examination.

II. And be it enacted, That, upon the Presentation of such Petition, One of the Commissioners of the said Court, in such Rotation as by Order of the said Court shall be appointed, shall privately examine into the Matter of the said Petition, and for that Purpose shall have Power to examine upon Oath such Petitioning Debtor, and any Creditor concurring in his Petition, and any Witness produced by such Petitioning Debtor; and if such Commissioner shall be satisfied of the Truth of the several Matters alleged in such Petition, and that the Debts of such Petitioning Debtor have not been contracted by reason of any Manner of Fraud or Breach of Trust, or without reasonable Probability at the Time of Contract of being able to pay the same, or by reason of any Judgment in any Prosecution for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious suing out a Fiat in Bankruptcy, or malicious Trespass, and that such Petitioning Debtor has made a full Disclosure of his Debts and Credits, Estate and Effects, and is desirous of making a *bonâ fide* Arrangement with all his Creditors, and that his Proposal to that Effect is reasonable, and proper to be executed under the Direction of the said Court, it shall be lawful for such Commissioner to direct that a Meeting of all the Creditors of such Petitioning Debtor should be convened at such Time and Place as the said Commissioner shall appoint, Notice of which Meeting shall be given in Writing to every such Creditor not less than Seven or more than Twenty-eight Days before the same is held.

Disqualifications.

Meeting of Creditors.

President.

III. And be it enacted, That the said Commissioner shall appoint a fit and proper Person, being a Registrar or Official Assignee of the said Court, or One of the principal Creditors of the said Petitioning Debtor, to preside at such Meeting of Creditors, and to report the Resolutions thereof to the said Commissioner.

First Meeting of Creditors.

IV. And be it enacted, That if at such Meeting of Creditors the major Part in Number and Value, or Nine Tenths in Value, or Nine Tenths in Number whose Debts exceed Twenty Pounds, shall assent to the Proposal of such Petitioning Debtor, or to any Modification thereof, the President of such Meeting shall appoint another Meeting of the Creditors of such Petitioning Debtor to be held not earlier than Seven or later than Twenty-eight Days from such First Meeting, of which Second Meeting, and of the Purpose thereof, Notice in Writing shall be personally served on every Creditor who was not present by himself or his appointed Agent at such First Meeting, Three clear Days at least before the Day appointed for such Second Meeting; provided, however, that the Commissioner to whom such Petition as aforesaid is referred may, if he shall think fit, make an Order, in any special Case, that Service of such Notice at the last Place of Abode or Business of any Creditor shall be deemed good Service.

Second Meeting of Creditors.

V. And be it enacted, That if at such Second Meeting of Creditors Three Fifths in Number and Value of all the Creditors present, or Nine Tenths in Value, or Nine Tenths in Number whose Debts exceed Twenty Pounds, shall agree to accept such Arrangement or Composition as was assented to at the said First Meeting of Creditors, and shall reduce the Terms thereof into Writing, and sign the same; such Resolution or Agreement (subject to such Confirmation as is herein-after enacted) shall thenceforth be binding and of full Force, as well against the said Petitioning Debtor as against all Persons who were Creditors of the said Petitioning Debtor at the Date of his said Petition, and who had Notice of the said several Meetings of Creditors; provided, however, that such Resolution or Agreement shall not be valid unless One full Third in Number and Value of all the Creditors of such Petitioning Debtor were present at such Second Meeting, either in Person or by an authorized Agent.

Confirmation.

Certificate.

Protection.

VI. And be it enacted, That within Fifteen Days next after the passing of such Resolution or Agreement the same shall be submitted to the Commissioner acting in the Matter of the said Petition, who, if he shall think the same reasonable, and proper to be executed under the Direction of the said Court, shall cause the same to be filed and entered of Record therein, and shall grant to the said Petitioning Debtor a Certificate of such filing, and shall from Time to Time endorse on such Certificate his Protection of such Petitioning Debtor from Arrest; and such Petitioning Debtor shall be free from Arrest at the Suit of any Person being a Creditor at the Date of his said Petition, and having had such several Notice or Notices as aforesaid; and any Officer arresting such Petitioning Debtor at the Suit of any such Creditor, and on Sight of such Certificate and Protection not releasing such Petitioning Debtor, shall be liable to such Penalty as is provided respecting Bankrupts in the like Case by the Statutes now in force concerning Bankrupts; provided, however, that no such Protection shall be valid in favour of any Petitioning Debtor who shall be proved to have been about to abscond beyond the Jurisdiction of the said Court of Bankruptcy, or who has concealed or is concealing any Part of his Estate or Effects, or against any Creditor whose Debt is not truly specified in the said Petition, nor against any Creditor whose Debt has been contracted by reason of any Manner of Fraud or Breach of Trust.

Temporary Protection.

VII. And be it enacted, That it shall be lawful for such Commissioner as aforesaid, upon the Examination of such Petition as aforesaid, to grant to such Petitioning Debtor a temporary and limited Protection from Arrest, and such Petitioning Debtor shall be accordingly free from Arrest for such Time and within such Limits and Conditions as shall be specified in the said Protection, with the like Penalties on any Officer arresting him as aforesaid; and it shall be lawful for such Commissioner to require such Petitioning Debtor

Debtor to give Bail for his Appearance at the said several Meetings of his Creditors; and every Petitioning Debtor shall have such Protection from Arrest when going to, remaining in, and returning from his necessary Attendance on the said Commissioner, or the said Meetings of Creditors, as is enjoyed by any Party or Witness attending any Court of Record.

Vesting of Estate.

VIII. And be it enacted, That from and after the Date of the filing of such Resolution and Agreement as aforesaid all the Estate and Effects of such Petitioning Debtor shall vest in the Trustee (if any such shall be appointed) by virtue of such Resolutions, and without any Deed, as fully as if such Trustee were an Assignee under the Statutes relating to Bankrupts; and every such Trustee may sue and be sued as if he were such Assignee in Bankruptcy.

Audits.

IX. And be it enacted, That every such Trustee as aforesaid shall, once at least in every Six Months, or oftener if the said Commissioner or any Two or more of the Creditors of such Petitioning Debtor whose Debts amount to One Tenth of the Amount of the Debts of such Debtor require it, produce to the said Commissioner, on Oath or solemn Declaration, a full and true Account of all Monies, Property, and Effects of such Petitioning Debtor which have come to his Hands, and of the Disposal thereof; and the said Commissioner shall examine the same, and shall certify the Result of such Examination, and shall, if need be, order Payment to the Creditors of such Petitioning Creditor, according to the Terms of such Resolution or Agreement as aforesaid.

Examinations.

X. And be it enacted, That if it shall at any Time appear to the said Commissioner, on the Representation of such Trustee as aforesaid, or of any Two Creditors as aforesaid, that such Petitioning Debtor has not made a true Discovery of his Estate and Effects, or has not duly accounted for any subsequently acquired Property (if required by the true Intent and Meaning of the said Resolution or Agreement), or has wilfully made any false Return of Creditors, it shall be lawful for the said Commissioner to summon such Petitioning Debtor to be examined before him upon Oath touching such Matters; and such Summons and Examination shall be enforced in such Manner as is now practised in the summoning and Examination of Bankrupts.

Special Meetings.

XI. And be it enacted, That in case any Difficulty shall arise in the Execution of the said Resolution or Agreement it shall be lawful for the said Commissioner to cause a Special Meeting of the Creditors of such Petitioning Debtor to be assembled; and the Resolution of the Majority of the said Creditors at such Meeting, to confirm, alter, or annul the Whole or any Part of the said Resolution or Agreement, shall be as valid as if it had been Part of the original Resolution or Agreement: Provided, however, that if One Third in Number and Value of the Creditors of such Petitioning Debtor do not attend such Meeting in manner aforesaid the Resolution thereof shall not be valid unless the same is approved and confirmed by the said Commissioner.

Meeting of Creditors.

XII. And be it enacted, That so soon as the said Resolution or Agreement shall have been carried into effect, and the Creditors of the said Petitioning Debtor shall have been satisfied, according to the Tenor of the same, the said Commissioner shall cause a Meeting of the said Creditors to be held before him, and, on being satisfied that the Trustee has fully performed his Trust, shall give to such Trustee a Certificate thereof under his Hand and Seal; and such Certificate shall be a full Release and Acquittance to the said Trustee, both in Law and Equity, for all Matters done by him as such Trustee: Provided always, that it shall be lawful for such Trustee to receive for his Services in the Execution of his said Trust such Sum of Money as the major Part in Number and Value of the Creditors assembled at such last-mentioned Meeting shall appoint, subject to the Approval and Allowance of the said Commissioner.

Certificate.

XIII. And be it enacted, That at such last-mentioned Meeting the said Commissioner shall give to the said Petitioning Debtor a Certificate, under the Hand and Seal of the said Commissioner, of the filing of the said Petition, and of the Resolution or Agreement of the Creditors of the said Petitioning Debtor, and that the said Resolution or Agreement has been fully carried into effect; and such Certificate shall thenceforth operate to all Intents and Purposes as fully as if the same were a Certificate of Conformity under the Statutes relating to Bankrupts, excepting only that no Debt herein excepted from the Operation of this Act shall be barred by the said Certificate.

Rules and Orders.

XIV. And be it enacted, That for the better carrying into effect the several Purposes of this Act it shall be lawful for the said Court of Bankruptcy from Time to Time to make such Rules, Regulations, and Orders as the said Court shall think fit: Provided, however, that such Rules, Regulations, and Orders shall be laid before both Houses of Parliament within Twenty-one Days from the making the same, if Parliament be then sitting, or if not, Twenty-one Days from the Commencement of the Session next after the making of such Rules, Regulations, or Orders.

Interpretation of Act.

XV. And be it enacted, That this Act shall extend to Aliens, Denizens, and Women; and that all Words in the Singular Number may be interpreted in the Plural Number, and *vice versâ;* and that all Words in the Masculine Gender may be interpreted to include the Feminine Gender; and that this Act be construed beneficially to Creditors; and, if any Doubts should arise in the Construction thereof, that it be construed by Analogy to the Laws now in force relating to Bankrupts and the Practice thereof.

Extent of Act.

XVI. And be it enacted, That this Act shall not extend to *Scotland* or *Ireland.*

CAP. LXXI.

An Act for the better Administration of Criminal Justice in *Middlesex*. [6th *August* 1844.]

'WHEREAS it is desirable, for the better Administration of Criminal Justice in the County of *Middlesex*, that Sessions of the Peace for the Trial of Felonies and Misdemeanors committed within the said County should be holden more frequently, and that an Assistant Judge, of competent legal Knowledge, should be appointed to preside at such Sessions:' Be it enacted by the Queen's most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act there shall be holden in and for the County of *Middlesex* Two Sessions or adjourned Sessions of the Peace at least in every Calendar Month, and the First Sessions holden in the Months of *January*, *April*, *July*, and *October* respectively shall be the General Quarter Sessions of the said County. Two Sessions to be held monthly. Quarter Sessions.

II. And be it enacted, That the Second Sessions, or the adjourned Sessions, holden in the Months of *February*, *May*, *August*, and *November* respectively, and such other Sessions as the Justices for the County in the First Sessions holden in the Month of *December* assembled shall from Time to Time appoint, shall be General Sessions of the Peace; and such General Sessions shall have Power to try and determine all Appeals, and all other Powers which now or shall hereafter belong to the General Quarter Sessions. General Sessions.

III. And be it enacted, That all Orders heretofore made and all Things heretofore done at any General Session of the Peace for the County of *Middlesex* shall be as good in Law as if made and done at the General Quarter Sessions of the Peace for the said County. Validity of General Sessions.

IV. And be it enacted, That the Second Sessions holden in the Months of *January*, *April*, *July*, and *October* shall be Adjournments of the General Quarter Sessions. Adjournments of Quarter Sessions.

V. And be it enacted, That after the passing of this Act it shall be lawful to begin and continue, or to continue when begun, any Session of the Peace for the said County so to be holden as aforesaid, until the Business thereof shall be ended, notwithstanding that Her Majesty's Court of Queen's Bench may sit at *Westminster* or elsewhere in the said County before or at the Beginning or during the Continuance of any such Session. Sessions may be held notwithstanding the sitting of the Queen's Bench.

VI. And be it enacted, That no Person against whom any Bill of Indictment shall be found for Misdemeanor at the Central Criminal Court, or at any Session of the Peace for the County of *Middlesex*, shall be entitled to traverse the same to any subsequent Sitting of the Court, but the Court shall forthwith proceed to try the same, unless upon good Cause to be shown by the Person against whom the same is found, or the Prosecutor, and to be allowed by the Court, for the Postponement of the Trial. Indictments for Misdemeanor not to be traversed without Cause shown.

VII. And be it enacted, That the Justices of the said County shall cause an Account to be taken of the Fees received by the Sheriff or his Deputy for summoning Traverse Juries during the last Three Years, and shall be authorized to allow and cause to be paid yearly, for such Time as to them shall seem fit, to the said Sheriff or his Deputy, out of the County Rates of the said County, in addition to the other Emoluments of his Office, any Sum not exceeding the average yearly Amount of the Fees received by him for summoning Traverse Juries during the said Three Years. Allowance out of County Rates to be made to Sheriff, &c., in addition to other Emoluments.

VIII. And be it enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, by Sign Manual, to appoint a Person, being a Serjeant or Barrister at Law of not less than Ten Years standing, and in the Commission of the Peace for the said County, and qualified by Law to act as a Justice of the Peace, to be the Assistant Judge of the said Court of the Sessions of the Peace, which said Assistant Judge shall preside at the hearing of all Appeals, and at the Trial of all Felonies and Misdemeanors in the said Court, and all Matters connected therewith, and shall hold his Office during good Behaviour; and in case of Sickness or unavoidable Absence, and on such other Occasions as shall be allowed by One of Her Majesty's Principal Secretaries of State, such Assistant Judge shall be empowered from Time to Time to appoint a Deputy, qualified to be appointed Assistant Judge, who shall have Power to act for him for such Time as shall be in each Case allowed by the Secretary of State, not being in any Case later than the End of the Business at the Session of the Peace then next but one following: Provided always, that nothing in this Act contained shall interfere with the Appointment of the Chairman of the said Court for all Purposes except the Trials of Appeals and of Felonies and Misdemeanors, and other Matters connected therewith, but such Appointment shall remain in the said Justices as before the passing of this Act; provided also, that the said Assistant Judge, so long as he shall hold the said Office, shall not be eligible to sit in Parliament. An Assistant Judge to be appointed to preside at the Sessions, in certain Cases. Deputy. Nothing herein to interfere with the Appointment of the Chairman of the Court.

IX. And be it enacted, That the Presence of another Justice of the Peace shall not be essential to the Formation of the Court in those Cases in which it is directed by this Act that the Assistant Judge or his Deputy for the Time being shall preside; but nothing in this Act contained shall lessen the Jurisdiction of the Justices at the said Sessions. Formation of the Court. Jurisdiction of Justices.

X. And be it enacted, That from and after the Appointment of such Assistant Judge as aforesaid there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* the Sum of One thousand two hundred Pounds to such Assistant Judge for a yearly Salary, to be paid from Time to Time quarterly, free and clear from all Taxes and Deductions whatsoever (except the Income Tax), on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October*, by equal Portions, the first Payment to be made on the first of such Days as shall occur after the Appointment of the said Assistant Judge; and that if any Person appointed to such Office shall Salary to Assistant Judge.

die, or resign the same, the Executors or Administrators of such Person so dying, or the Person resigning, shall be entitled to receive such Portion of the Salary aforesaid as shall have accrued during the Time that such Person shall have executed such Office since the last Payment, and that the Successor of any such Person so dying or resigning shall be entitled to receive such Portion of the Salary as shall accrue from the Day of such Death, Resignation, or Dismissal.

Sessions of the Peace for Westminster not to be holden.

XI. 'And whereas by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, 'intituled *An Act to enable the Justices of the Peace for* Westminster *to hold their Sessions of the Peace* 'during Term and the sitting of the Court of King's Bench, the Sessions of the Peace for the said City 'and Liberty are limited to the Weeks preceding the holding of each of the Quarter or General Sessions 'of the Peace for the said County of *Middlesex:* And whereas by ancient Usage and of Right the 'Justices of the Peace for *Middlesex* have constantly holden and may hold their Sessions of the Peace for 'the said County within the said City and Liberty, and the holding of Sessions for the City and Liberty 'has become unnecessary;' be it enacted, That after the Session of the Peace which shall be holden in and for the said City and Liberty next after the passing of this Act Sessions of the Peace in and for the said City and Liberty shall cease to be holden, and the Sessions to be holden in and for the said County of *Middlesex* shall be holden by Adjournment within the said City and Liberty, and shall have full Jurisdiction over all Things cognizable by the Sessions for the said City and Liberty; and that the Inhabitants of the said City and Liberty shall not be exempted from serving on Juries at the Sessions of the Peace for the County of *Middlesex* holden within the said City and Liberty.

Officers belonging to the City of Westminster to be compensated while executing their Duties.

XII. And be it enacted, That the Persons holding the several Offices of High Bailiff of *Westminster*, Clerk of the Peace, and all other Officers of the Court of Sessions of the Peace for the said City and Liberty, shall, so long as they shall be entitled to hold their several Offices, execute the Duties and be entitled to the Emoluments within the said City and Liberty of the several Offices of Sheriff, Clerk of the Peace, and other corresponding Officers of the County of *Middlesex:* Provided always, that the Records of every Session of the Peace for the said County holden within the said City and Liberty shall be sent, within Fourteen Days after such Session, by the Clerk of the Peace of the said City and Liberty, to the Clerk of the Peace of the said County, and shall be kept by him with the other Records of his Office.

Justices for the County to have the sole Control over the County Rate.

7 G. 4. c. xlii.

XIII. 'And whereas by an Act passed in the Twelfth Year of the Reign of King *George* the Second, 'intituled *An Act for the more easy assessing, levying, and collecting County Rates*, it was enacted, that 'there should be but One Rate made and assessed by the Justices of the Peace of the said County of '*Middlesex* and the said City and Liberties of *Westminster* for the several Purposes enumerated in that 'Act: And whereas by an Act passed in the Seventh Year of the Reign of King *George* the Fourth, 'intituled *An Act for building a new Bridewell or House of Correction for the said City and Liberty of* 'Westminster, a House of Correction, commonly called the New Bridewell, was built out of Monies 'charged and assessed upon the County Rates, which said Bridewell is much larger than is needed for 'the said City and Liberty; but the House of Correction for the County of *Middlesex* is so small that 'the Prisoners therein cannot be properly classified: And whereas Inconveniences arise from the present 'Management of the County Rate being vested partly in the Justices for the said County and partly in 'the Justices for the said City and Liberty, and it would be a public Advantage if the Management 'of the County Rate were solely in the Justices of the said County, and if the said New Bridewell were 'made a House of Correction for the whole County, and placed under the Control and Management of 'the Justices of the said County;' be it enacted, That after the passing of this Act the Justices for the said City and Liberty shall cease to exercise any Control over the County Rate, and the Justices of the said County shall have the sole Control and Management thereof; and all Orders for the Payment of any Sums of Money out of the County Rate, in respect of any Expenditure within the said City and Liberty, shall be made by the Justices for the said County upon the County Treasurer, in like Manner as all other Orders are made by them upon him; and the said Treasurer shall obey the same, and shall from Time to Time include the same in his Accounts, and the same shall be subject to all the Statutes and Provisions for the Regulation of the Rate for the said County, and shall form Part of the general Expenditure for the said County.

Justices for the County to have the sole Control over the Court House for Westminster.

47 G. 3. c. vii.

XIV. And be it enacted, That so much of an Act passed in the Forty-seventh Year of the Reign of King *George* the Third, intituled *An Act to amend Three Acts, of the Eighteenth, Thirty-ninth, and Forty-fourth Years of His present Majesty, for erecting a Court House for the holding of Sessions of the Peace in the City of* Westminster, as enacts that the Court House for the said City of *Westminster* shall be under the sole Direction and Management of the Justices of the Peace for the Time being of the City and Liberty of *Westminster*, shall be repealed; and that after the passing of this Act the Control and Management of the said Court House, and all the Powers and Provisions respecting the same, in the said Acts vested in the Justices for the City and Liberty, shall be vested in the Justices for the said County of *Middlesex*, as fully as if they had been named in the said Acts.

Property in the New Bridewell to be vested in the Justices of the County.

XV. And be it enacted, That after the passing of this Act all the Powers and Property in respect of the said New Bridewell by the before-mentioned Act of the Seventh Year of the Reign of King *George* the Fourth, vested in the Justices for the said City and Liberty of *Westminster*, and also all the Furniture, Goods, and Chattels belonging to the said New Bridewell, shall be transferred to and vested in the Justices for the said County.

The New Bridewell to be a House of

XVI. And be it enacted, That so much of the said Act of the Seventh Year of the Reign of King *George* the Fourth as enacts that no Person or Persons, other than or beside the Justices of the Peace for the said City and Liberty of *Westminster*, and also the Commissioners for executing an Act passed

in

in the Twenty-third Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the more easy and speedy Recovery of Small Debts within the City and Liberty of* Westminster, *and that Part of the Duchy of* Lancaster *which adjoins thereto*, shall have Power or Authority to commit any Person or Persons to the said New Bridewell or House of Correction, or to the Custody of the Keeper thereof, shall be repealed; and that after the passing of this Act the said New Bridewell shall become and be a House of Correction for the County of *Middlesex*, under the Management and Control of the Justices of the said County; and the Justices of the said County, the Magistrates of the Police Courts, the Judges of the Central Criminal Court, and all Persons having by Law the Right to commit any Offender or Offenders to the House of Correction in *Cold Bath Fields*, or to the Gaol of *Newgate* as the Common Gaol of *London* and *Middlesex*, in execution of their Judgments, shall have the like Power of Committal to the said New Bridewell which they have of committing to the said House of Correction or the said Gaol of *Newgate*: Provided always, that nothing in this Act contained shall take away the Right of the Justices for the City and Liberty of *Westminster* and the said Commissioners to commit Offenders to the said New Bridewell, or enable any of the aforesaid Judges, Justices, or other Persons to commit thereto any Offender for any Offence committed within the City of *London*, or elsewhere than in the County of *Middlesex*.

Correction for the County generally. 23 G. 2. c. 27.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. LXXII.

An Act to clear up Doubts as to the Regulation and Audit of the Accounts of the Customs in *New South Wales*. [6th *August* 1844.]

'WHEREAS by an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled 'An Act for the Government of New South Wales and Van Diemen's Land, it was enacted, that 'the Revenue therein mentioned of the Colony of *New South Wales* shall be permanently charged with 'all the Costs, Charges, and Expences incident to the Collection, Management, and Receipt thereof; 'such Costs, Charges, and Expences being subject, nevertheless, to be regulated and audited in such 'Manner as shall be directed by any Law of the Governor and Legislative Council: And whereas Doubts 'have arisen whether under and in pursuance of the said Act the Costs, Charges, and Expences incident 'to the Collection, Management, and Receipt of the Duties on Goods imported and exported at the said 'Colony are not subject to be regulated and audited in manner therein mentioned:' Be it and it is hereby declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Costs, Charges, and Expences incident to the Collection, Management, and Receipt of Duties of Goods imported or exported at the said Colony are not, according to the true Intent and Meaning of the said recited Act, subject, and shall not be subject, to be regulated and audited in such Manner as shall be directed by any Law of the Governor or the Legislative Council, but that all such Costs, Charges, and Expences of such Duties of Import and Export are and shall be subject to be regulated and audited in such Manner as shall be directed by the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or by any Three of them, any thing in the said recited Act to the contrary notwithstanding.

5 & 6 Vict. c. 76.

Charges and Expences incident to the Collection of the Imports and Exports to be audited in such Manner as shall be directed by the Treasury.

CAP. LXXIII.

An Act to reduce, under certain Circumstances, the Duties payable upon Books and Engravings. [6th *August* 1844.]

'WHEREAS by an Act passed in the Session of Parliament held in the Fifth and Sixth Years of 'Her present Majesty, intituled *An Act to amend the Laws relating to the Customs*, certain 'Duties of Customs were granted and made payable upon Books and Prints of or from Foreign Coun- 'tries: And whereas by an Act passed in the present Session of Parliament, intituled *An Act to amend* 'the Law relating to International Copyright, it is amongst other things enacted, that it shall be lawful 'for Her Majesty, by any Order in Council, to grant unto the Authors, Inventors, Designers, Engravers, 'or Makers of any Books, Prints, or other Works of Art first published in any Foreign Country specified 'in such Order, the Privilege of Copyright therein for certain Periods, and under certain Conditions, in 'the said last-mentioned Act defined and contained: And whereas it is expedient that Provision should 'be made in the Manner herein-after mentioned for reducing, in Cases where Her Majesty shall have 'issued any such Order in Council as aforesaid, the Duties of Customs now payable on the Importation 'of Books and Prints:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever and so often as Her Majesty shall by virtue of the said recited Power, by any Order or Orders in Council, declare that the Authors, Inventors, Designers, Engravers, or Makers of any Books, Prints, or other Works of Art first published in any Foreign Country shall have the Privilege of Copyright therein, then and in every such Case it shall be lawful for Her Majesty, by any Order or Orders in Council, to declare that in respect of Books and Prints, or either of them, published in and imported from such Foreign Country, the Duties of Customs now payable on the Importation of Books and Prints respectively shall, from and after a Time to be named in such Order or Orders, altogether cease and determine; and that in lieu thereof there shall be payable

5 & 6 Vict. c. 47.

7 & 8 Vict. c. 12.

Her Majesty, by Order in Council, may reduce the Duties on Foreign Books and Prints in Cases in which Copyright is allowed to the Country of Ex-

port under 7&8 Vict. c. 12.; and may reduce the Duties on Books and Prints in favour of Countries with which Her Majesty has Treaties of Reciprocity.

payable on such Books or Prints respectively, from and after such Time as aforesaid, only such Duties of Customs as are set forth in the Schedule to this Act annexed.

II. And be it enacted, That with regard to Books and Prints published in and imported from any Foreign Country, between which Country and Her Majesty there is now subsisting, and shall at the Time of the making of any such Order in Council as is herein-after described subsist, any Treaty or Convention binding Her Majesty to admit the Books and Prints of such Country, either conditionally or unconditionally, into the United Kingdom, on the same Terms as those of the most favoured Nation, it shall be lawful for Her Majesty, by any Order or Orders in Council, to declare that in respect of Books and Prints, or either of them, published in and imported from such Foreign Country, the Duties of Customs now payable on the Importation of Books and Prints respectively shall, from and after a Time to be named therein, altogether cease and determine, and that in lieu thereof there shall be payable on the Importation of such Books or Prints respectively, from and after such Time as aforesaid, only such Duties of Customs as are set forth in the Schedule to this Act annexed: Provided always, that in case the Privileges granted by any Treaty to any Foreign Country, in respect of which any such Order or Orders in Council as last aforesaid shall by virtue of this Enactment be issued, shall have been granted conditionally, such Order shall expressly declare that such Foreign Country hath duly fulfilled the Conditions required in return for such Privileges, and that it is entitled thereto.

If any Treaty be conditional, Order to state the Fulfilment of Condition.

Power to Her Majesty in Council to revoke any Orders.

III. And be it enacted, That it shall be lawful for Her Majesty, by any further Order or Orders in Council, from Time to Time to revoke the Whole or any Part of any Order or Orders issued by Her Majesty in Council under the Authority of this Act; and that from and after a Day to be named in such Order or Orders of Revocation such Order or Orders issued under the Authority of this Act, or such Part thereof as shall be specified in such Order or Orders of Revocation, shall cease and determine, and that the Duties of Customs now payable upon Books and Prints respectively shall be payable in like Manner as if such Order or Orders, or such Part or Parts thereof respectively, had not been made.

Orders to be in the Gazette; and to be laid before Parliament.

IV. And be it enacted, That every Order or Orders in Council issued under the Authority of this Act shall, within Fourteen Days after the issuing thereof, be twice published in the *London Gazette*.

V. And be it enacted, That a Copy of every Order or Orders in Council issued under the Authority of this Act shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if not then within Six Weeks after the Commencement of the then next Session of Parliament.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

Books; viz.		s.	d.
Works in the Language or Languages of the Country of Export, originally produced therein, or original Works of that Country in the dead Languages, or other Works in the dead Languages with original Commentaries produced in that Country	the Cwt.	15	0
All other Works published in the Country of Export, if printed prior to the Year 1801	the Cwt.	20	0
If printed in or since the Year 1801	the Cwt.	50	0
Prints and Drawings, plain or coloured, single	each	0	0½
Ditto bound or sewn	the Dozen	0	1½

CAP. LXXIV.

An Act to explain and amend the Act for the Government of *New South Wales* and *Van Diemen's Land*. [6th *August* 1844.]

5&6 Vict. c. 76.

'WHEREAS by an Act passed in the Sixth Year of the Reign of Her present Majesty intituled *An Act for the Government of* New South Wales *and* Van Diemen's Land, it is amongst other 'things enacted, that one Half of the Expence of the Police Establishment of the Colony of *New* 'South Wales (exclusive of the Convict Establishment) shall be defrayed out of the general Revenue 'arising from Taxes, Duties, Rates, and Imposts within the said Colony, and the other Half shall be 'defrayed by Assessment upon the several Districts of the Colony in such Proportions as shall be from 'Time to Time fixed by the Governor and Legislative Council of the said Colony: And whereas 'Doubts have arisen as to what is the Convict Establishment so mentioned and referred to as afore-'said:' Now therefore, for the Removal of such Doubts, be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Convict Establishment mentioned and referred to in the said recited Enactment doth comprise and shall be construed to comprise such Gaols and Places of safe Custody only as are or as shall be maintained for the Reception of Convicts actually undergoing therein Sentences or commuted Sentences of Transportation from the United Kingdom, such Gaols or Places of safe Custody being under the Superintendence of Officers for that Purpose appointed by or under the Authority of Her Majesty, and remunerated by Funds for that Purpose appropriated by some Act of Parliament: Provided always, that if at any Time any such Gaol or Place of safe Custody shall be used for the Imprisonment of any other Offenders jointly with such Convicts as aforesaid, then such Gaol or Place of safe Custody shall be taken to be a Convict Establishment

Defining Extent of Convict Establishment.

Proviso.

Establishment within the Meaning of this Act and the said recited Act, so far only as relates to such Convicts as aforesaid.

Repeal of Part of 5 & 6 Vict. c. 76. s. 13.

II. 'And whereas Doubts have arisen as to the Manner in which the Declaration required by the said 'recited Act to be made in certain Cases by Candidates at the Election of a Member of the Legislative 'Council is to be made by Candidates not present at the Election;' be it enacted, That so much of the said recited Act as renders any such Candidate incapable of being elected until he shall have made such Declaration shall be repealed.

Declaration of Qualification to be made in the Council.

III. And be it enacted, That every elective Member of the said Legislative Council, before he shall sit or vote in the said Council after the Election of a Speaker, shall make the said Declaration in Writing under his Hand, by delivering to the Clerk of the Council, at the Place where and while the Council is sitting, with the Speaker in the Chair, a Paper signed by such Member containing the said Declaration, and also a Statement of the County or Counties in which the Lands or Tenements are situated out of which his Qualification arises, with such other Description thereof as may serve to identify the same, and the Nature of his Estate or Interest therein or in the Rents and Profits thereof; and the said Papers shall be filed and kept by the Clerk with the other Records of his Office; and every elective Member of the said Council who shall sit and vote in the said Council after the Election of a Speaker before making such Declaration as aforesaid shall be liable, for every Day on which he shall so offend, to a Penalty of Two hundred Pounds; and if he shall not be qualified according to the true Intent and Meaning of the said recited Act, his Election shall be void, and a new Writ shall be issued to elect another Member in his Stead.

Repealing Provision in recited Act as to Payment of Sums to be levied.

IV. 'And whereas by the said recited Act it is amongst other things enacted, that the Treasurer of 'each District Council of the said Colony to whom any such Warrant as therein mentioned shall come 'shall pay the Amount mentioned in the Warrant out of any Monies in his Hands belonging to the 'District, or, if there be no Monies or an insufficient Sum in his Hands, the District Council shall 'assess and levy the Amount by a fair and equal Rate upon all Property within the District which the 'Legislative Council, or, until a Bill for that Purpose shall have been passed by the Legislative Council, 'and assented to by the Governor, with the Advice of his Executive Council, shall declare to be liable 'thereunto: And whereas the said recited Enactment hath, by the accidental Omission therein of certain 'Words, been rendered obscure and ineffectual for the Purposes thereof;' be it enacted, That the said last-recited Enactment shall be repealed.

Enabling Treasurer to pay Amount named in the Warrant.

V. And be it enacted, That the Treasurer of each District Council of the said Colony of *New South Wales* to whom any such Warrant as in the said recited Act mentioned shall come shall pay the Amount mentioned in the Warrant out of any Monies in his Hands belonging to the District, or, if there be no Monies or an insufficient Sum in his Hands, the District Council shall assess and levy the Amount by a fair and equal Rate upon all Property within the District which the Legislative Council, or (until a Bill for that Purpose shall have been passed by the Legislative Council, and assented to by the Governor), which the Governor, with the Advice of his Executive Council, shall declare to be liable thereunto.

Defining Colony.

VI. 'And whereas it is by the said Act amongst other things provided, that it shall be lawful for the 'Governor and Legislative Council of the said Colony, in exercise of the Powers to them respectively 'granted by the said Act, and in the Manner and subject to the Rules therein-before prescribed, to repeal 'vary, or alter all or any Part of the Acts therein recited, or any of them, or any Law or Ordinance 'made in pursuance thereof: And whereas Doubts may arise whether the Colony mentioned in the last 'said recited Enactment is the Colony of *New South Wales* or the Colony of *Van Diemen's Land*;' be it declared and enacted, That by the Colony in the said last-recited Enactment mentioned is and shall be understood the Colony of *New South Wales*, and not the Colony of *Van Diemen's Land*.

Extending the Governor's Powers as to giving or withholding the Royal Assent.

VII. 'And whereas by the said recited Act it is provided, that certain Bills shall in every Case be 'reserved by the Governor for the Signification of Her Majesty's Pleasure thereon, and the Intent of 'such Provision was to ensure that such Bills as aforesaid should not be assented to by the Governor 'without due Consideration;' be it enacted, That it shall not be necessary for the Governor to reserve any such Bill for the Signification of Her Majesty's Pleasure thereon from which in the Exercise of his Discretion, as limited in the said recited Act, he shall declare that he withholds Her Majesty's Assent, or to which he shall have previously received Instructions on the Part of Her Majesty to assent, and to which he shall assent accordingly.

Defining "Governor."

VIII. And be it enacted, That by the Word "Governor," as employed in this Act, shall be understood the Person for the Time being lawfully administering the Government of the said Colony of *New South Wales*.

Commencement of Act.

IX. And be it enacted, That this Act shall be proclaimed by the Governor of *New South Wales* within Six Weeks after a Copy of it shall have been received by him, and shall take effect within the said Colony from the Day of the Proclamation thereof.

Act may be amended, &c.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXXV.

An Act to defray until the First Day of *August* One thousand eight hundred and forty-five the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers. [6th *August* 1844.]

[*This Act is the same, except as to Dates and the Section here inserted, as* 6 & 7 *Vict. c.* 70.]

Allowances to be paid quarterly.

XV. And be it enacted, That upon such Declarations and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Declarations being produced to the Paymaster General, the Paymaster General shall pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned for the usual quarterly or other proper Periods, without any Deduction whatsoever, save and except that provided by an Act passed in the last Session of Parliament, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of* April *One thousand eight hundred and forty-five*, or by any other Act which may be passed continuing the Payment of such Duties for a further Period, the Declarations and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

5 & 6 Vict. c. 35.

CAP. LXXVI.

An Act to simplify the Transfer of Property. [6th *August* 1844.]

FOR simplifying the Assurance of Property by Deed, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Meaning of Words defined:

I. That the Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; (that is to say,) the

"Land:"

Word "Land" shall extend to Manors, Advowsons, Messuages, Lands, Tithes, Tenements, and Hereditaments, whether corporeal or incorporeal, and to any undivided Share thereof, and to any Estate or Interest therein, and to Money subject to be invested in the Purchase of Land or any Interest therein;

"Freehold:" "Conveyance:" "Person:" Number and Gender.

the Word "Freehold" shall extend to Customary Freehold, or such Customary Land as will pass by Deed, or Deed and Surrender, and not by Surrender alone; the Word "Conveyance" shall extend to a Feoffment, Grant, Release, Surrender, or other Assurance of Freehold Land; the Word "Person" shall extend to a Corporation as well as an Individual; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as to one Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Freehold Land may be conveyed by Deed, without Livery of Seisin, &c.

II. That every Person may convey by any Deed, without Livery of Seisin, or Enrolment, or a prior Lease, all such Freehold Land as he might before the passing of this Act have conveyed by Lease and Release; and every such Conveyance shall take effect as if it had been made by Lease and Release*: Provided always, that every such Deed shall be chargeable with the same Stamp Duty as would have been chargeable if such Conveyance had been made by Lease and Release.

Partitions, &c. to be by Deed.

III. That no Partition or Exchange or Assignment of any Freehold or Leasehold Land shall be valid at Law unless the same shall be made by Deed.

Leases and Surrenders in Writing to be by Deed.

IV. That no Lease in Writing of any Freehold, Copyhold, or Leasehold Land, or Surrender in Writing of any Freehold or Leasehold Land, shall be valid as a Lease or Surrender unless the same shall be made by Deed; but any Agreement in Writing to let or to surrender any such Land shall be valid and take effect as an Agreement to execute a Lease or Surrender; and the Person who shall be in the Possession of the Land in pursuance of any Agreement to let may, from Payment of Rent or other Circumstances, be construed to be a Tenant from Year to Year.

Contingent Interests may be conveyed by Deed.

V. That any Person may convey, assign, or charge by any Deed any such contingent or executory Interest, Right of Entry for Condition broken, or other future Estate or Interest as he shall be entitled to, or presumptively entitled to, in any Freehold or Copyhold or Leasehold Land, or Personal Property, or any Part of such Interest, Right, or Estate respectively; and every Person to whom any such Interest, Right, or Estate shall be conveyed or assigned, his Heirs, Executors, Administrators, or Assigns, according to the Nature of the Interest, Right, or Estate, shall be entitled to stand in the Place of the Person by whom the same shall be conveyed or assigned, his Heirs, Executors, Administrators, or Assigns, and to have the same Interest, Right, or Estate, or such Part thereof as shall be conveyed or assigned to him, and the same Actions, Suits, and Remedies for the same, as the Person originally entitled thereto, his Heirs, Executors, or Administrators, would have been entitled to if no Conveyance, Assignment, or other Disposition thereof had been made; provided that no Person shall be empowered by this Act to dispose of any Expectancy which he may have as Heir, or Heir of the Body inheritable, or as next of Kin, under the Statutes for the Distribution of the Estates of Intestates of a living Person,

* *See* 4 & 5 *Vict. c.* 21.

or

nor any Estate, Right, or Interest to which he may become entitled under any Deed thereafter to be executed, or under the Will of any living Person, and no Deed shall by force of this Act bar or enlarge any Estate Tail: Provided also, that no Chose in Action shall by this Act be made assignable at Law.

No implied Warranty to be created by "Grant" or "Exchange."

VI. That neither the Word "Grant" nor the Word "Exchange" in any Deed shall have the Effect of creating any Warranty or Right of Re-entry, nor shall either of such Words have the Effect of creating any Covenant by Implication, except in Cases where by any Act of Parliament it is or shall be declared that the Word "Grant" shall have such Effect.

No Conveyances to operate by Wrong, or have greater Effect than a Release.

VII. That no Conveyance shall be voidable only when made by Feoffment or other Assurance where the same would be absolutely void if made by Release or Grant; and that no Assurance shall create any Estate by Wrong, or have any other Effect than the same would have if it were to take effect as a Release, Surrender, Grant, Lease, Bargain and Sale, or Covenant to stand seised (as the Case may be).

Contingent Remainders abolished.

VIII. That after the Time at which this Act shall come into operation no Estate in Land shall be created by way of contingent Remainder; but every Estate which before that Time would have taken effect as a contingent Remainder shall take effect (if in a Will or Codicil) as an executory Devise, and (if in a Deed) as an executory Estate of the same Nature and having the same Properties as an executory Devise; and contingent Remainders existing under Deeds, Wills, or Instruments executed or made before the Time when this Act shall come into operation shall not fail, or be destroyed or barred, merely by reason of the Destruction or Merger of any preceding Estate, or its Determination by any other Means than the natural Effluxion of the Time of such preceding Estate, or some Event on which it was in its Creation limited to determine.

Executory Devises, &c.

Existing contingent Remainders to continue.

Executor or Administrator of Mortgagee empowered, on Discharge of Mortgage, to convey the legal Estate vested in the Heir, &c.

IX. That when any Person entitled to any Freehold or Copyhold Land by way of Mortgage has or shall have departed this Life, and his Executor or Administrator is or shall be entitled to the Money secured by the Mortgage, and the legal Estate in such Land is or shall be vested in the Heir or Devisee of such Mortgagee, or the Heir, Devisee, or other Assign of such Heir or Devisee, and Possession of the Land shall not have been taken by virtue of the Mortgage, nor any Action or Suit be depending, such Executor or Administrator shall have Power, upon Payment of the Principal Money and Interest due to him on the said Mortgage, to convey by Deed or Surrender (as the Case may require) the legal Estate which became vested in such Heir or Devisee; and such Conveyance shall be as effectual as if the same had been made by any such Heir or Devisee, his Heirs or Assigns.

Receipts of Trustees to be effectual Discharges.

X. That the *bonâ fide* Payment to and the Receipt of any Person to whom any Money shall be payable upon any express or implied Trust or for any limited Purpose, or of the Survivors or Survivor of Two or more Mortgagees or Holders, or the Executors or Administrators of such Survivor, or their or his Assigns, shall effectually discharge the Person paying the same from seeing to the Application or being answerable for the Misapplication thereof, unless the contrary shall be expressly declared by the Instrument creating the Trust or Security.

Indenting a Deed unnecessary.

XI. That it shall not be necessary in any Case to have a Deed indented; and that any Person, not being a Party to any Deed, may take an immediate Benefit under it in the same Manner as he might under a Deed Poll.

The Remedies for the Rent and Covenants in a Lease not to be extinguished by the Merger of the immediate Reversion.

XII. That where the Reversion of any Land, expectant on a Lease, shall be merged in any Remainder or other Reversion or Estate, the Person entitled to the Estate into which such Reversion shall have merged, his Heirs, Executors, Administrators, Successors, and Assigns, shall have and enjoy the like Advantage, Remedy, and Benefit against the Lessee, his Heirs, Successors, Executors, Administrators, and Assigns, for Nonpayment of the Rent, or for doing of Waste or other Forfeiture, or for not performing Conditions, Covenants, or Agreements contained and expressed in his Lease, Demise, or Grant, against the Lessee, Farmer, or Grantee, his Heirs, Successors, Executors, Administrators, and Assigns, as the Person who would for the Time being have been entitled to the mesne Reversion which shall have merged would or might have had and enjoyed if such Reversion had not been merged.

Act to commence from 31st Dec. 1844.

XIII. That this Act shall commence and take effect from the Thirty-first Day of *December* One thousand eight hundred and forty-four, and shall not extend to any Deed, Act, or Thing executed or done, or (except so far as regards the Provisions herein-before contained as to existing contingent Remainders) to any Estate, Right, or Interest created, before the First Day of *January* One thousand eight hundred and forty-five.

Not to extend to Scotland.

XIV. And be it enacted, That this Act shall not extend to *Scotland*.

CAP. LXXVII.

An Act to amend so much of an Act of the Fifth and Sixth Years of His late Majesty as relates to the Salary of the Clerk of the Crown in Chancery; and to make other Provisions in respect of the said Office. [6th *August* 1844.]

'WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King 'William the Fourth, intituled *An Act to repeal so much of an Act passed in the Third and* 5&6 W.4. c.47. 'Fourth Years of His present Majesty as relates to the Salary granted to the Clerk of the Crown in 'Chancery; and to make other Provisions in relation to the said Office*, the Salary of the Clerk of the 'Crown in Chancery was fixed at Five hundred Pounds *per Annum* for the Duties of the said Office:

'And

'And whereas increased Business and Responsibility have been imposed upon the said Officer since the 'passing of the said recited Act, and the Salary now allowed to him is not considered to be commensurate 'with the Importance of the Office and the Extent of its Responsibility:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act by which the yearly Salary of Five hundred Pounds was granted to the said Clerk of the Crown in Chancery shall be and the same is hereby repealed; and instead and in lieu thereof there shall be paid to the said Clerk of the Crown in Chancery for the Time being the Salary of One thousand Pounds *per Annum*, which shall be issued and payable out of, and be charged and chargeable upon, the same Fund as the before-mentioned yearly Salary of Five hundred Pounds was directed to be issued out of, and made chargeable upon, by the said recited Act; and the said Salary of One thousand Pounds *per Annum* shall commence and be payable from the First Day of *July* One thousand eight hundred and forty-four.

Part of recited Act repealed.

Salary of 1,000*l.* per Annum to be paid to the Clerk of the Crown.

Officers, Clerks, &c. entitled to Superannuation out of Fee Fund.

II. And be it enacted, That every Officer, Clerk, and Messenger now in the Crown Office in Chancery, or who may hereafter be appointed in the said Office, shall, in the case of his becoming incapable, by reason of Infirmity of Mind or Body, to perform the Duties of his Office, be entitled to receive such Superannuation Allowance as the Commissioners of Her Majesty's Treasury shall direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in the Crown Office or in any other public Office or Situation prior to the passing of this Act, and shall proceed according to the Principles laid down by an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service;* and the Allowances which shall be so awarded and granted by way of Superannuation, under the Authority aforesaid, shall be paid out of the Fee Fund of the said Office, in the same Way as the Salaries of the Clerks and the other incidental Expences of the Office are now paid; and every Officer, Clerk, or Messenger who shall hereafter be appointed in the said Office shall be subject to the Deduction from his Salary which is imposed by the said Superannuation Act; and the Sums so deducted shall from Time to Time be carried to and made Part of the Fee Fund of the said Office.

4 & 5 W. 4. c. 24.

Deficiency of Fee Fund to be paid out of Consolidated Fund.

III. And be it enacted, That if the Fee Fund of the said Office of Clerk of the Crown in Chancery shall at any Time hereafter prove insufficient to defray the Salaries of the Clerks, and the Superannuation Allowances hereby made chargeable upon the said Fund, and the incidental and necessary Expences of the Office, it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, and they are hereby authorized and required, from Time to Time to direct the Amount of such Deficiency to be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, into which Fund the surplus Fees and Emoluments of the said Office are now paid, according to the Provisions of the before-recited Act passed in the Fifth and Sixth Years of His late Majesty King *William* the Fourth.

CAP. LXXVIII.

An Act to continue for One Year an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in* Ireland. [6th *August* 1844.]

[2 & 3 *Vict. c.* 74. *continued to the* 1st *Day of September* 1845.]

CAP. LXXIX.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes. [6th *August* 1844.]

7 & 8 G. 4. c. 75.

9 G. 4. c. 38.

2 & 3 W. 4. c. 127.

3 & 4 W. 4. c. 95.

'WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King 'George the Fourth, intituled *An Act to appoint Commissioners for carrying into execution several 'Acts granting an Aid to His Majesty by a Land Tax to be raised in* Great Britain, *and continuing to 'His Majesty certain Duties on Personal Estates, Offices, and Pensions in* England: And whereas 'another Act was passed in the Ninth Year of the Reign of His said Majesty, intituled *An Act for 'rectifying Mistakes in the Names of the Land Tax Commissioners, and for appointing additional Com-'missioners, and indemnifying such Persons as have acted without due Authority in execution of the Acts 'therein recited:* And whereas another Act was passed in the Second and Third Years of the Reign 'of His late Majesty King *William* the Fourth, intituled *An Act for appointing additional Commis-'sioners to put in execution the Acts for granting an Aid to His Majesty by a Land Tax, and continuing 'the Duties on Personal Estates, Offices, and Pensions:* And whereas another Act was passed in the 'Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to appoint additional 'Commissioners for executing the Acts for granting an Aid by a Land Tax, and for continuing the Duties 'on Personal Estates, Offices, and Pensions:* And whereas another Act was passed in the Sixth and

'Seventh

'Seventh Years of the Reign of His said late Majesty, intituled *An Act to appoint additional Commissioners for executing the Acts for granting an Aid by a Land Tax, and for continuing the Duties on Personal Estates, Offices, and Pensions:* And whereas another Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to appoint additional Commissioners for executing the Acts granting a Land Tax, and Duties on Personal Estates, Offices, and Pensions:* And whereas it is expedient to appoint additional Persons to put in execution the several Acts for granting an Aid to Her Majesty by a Land Tax in *Great Britain*, and several other Acts for continuing or granting to Her Majesty Rates and Taxes:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several and respective Persons herein-after named shall and may and are hereby empowered and authorized (being duly qualified) to put in execution the said Acts, and all the Clauses, Powers, Matters, and Things whatsoever therein contained, as Commissioners in and for the several and respective Counties, Shires, Stewartries, and Places of *Great Britain* herein-after severally and respectively mentioned and expressed, as fully and effectually as if they had been named with the other Commissioners in the said recited Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth; (that is to say,) 6&7 W.4. c.80. 1&2 Vict. c.57. Appointment of additional Commissioners.

[*Here follow the Names of the Commissioners for England, Wales, and Scotland.*]

II. And be it enacted, That all the Powers, Authorities, Provisions, Matters, and Things contained in the said recited Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, and in the said several recited Acts, and in any other Act in force in relation to any Acts, Matters, and Things to be done by Commissioners of Land Tax, shall extend to this Act, and to the Commissioners named therein, and shall be construed therewith, as fully and effectually, to all Intents and Purposes whatsoever, as if the same had been severally and separately repeated and re-enacted in this Act, and made Part thereof. Powers of former Acts extended to this Act.

CAP. LXXX.

An Act for completing the Guarantee Fund of the *South Sea* Company, for advancing for the Public Service Part of the unclaimed Stock and Dividends in the Hands of the said Company, and for regulating the Allowance to be paid for the Management of the *South Sea* Stock and Annuities. [9th *August* 1844.]

'WHEREAS by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act to repeal the Provisions of former Acts granting exclusive Privileges of Trade to the* South Sea *Company, and to indemnify the said Company for the Loss of such Privileges*, it was enacted, that in consideration of the Surrender by the *South Sea* Company of their exclusive Privileges of Trade a Guarantee Fund should be formed and established, under the Provisions of the said Act, in some of the Public Stocks or Funds of *Great Britain*, bearing Interest at the Rate of Three Pounds *per Centum per Annum*, and that a separate Account should be opened for that Purpose at the Bank of *England* in the Names of the Commissioners for the Reduction of the National Debt of *Great Britain*, to be called "The *South Sea* Company Guarantee Fund;" and that when and as soon as such Fund should amount in the whole to the Sum of Six hundred and ten thousand four hundred and sixty-four Pounds Three Shillings, bearing an Interest at Three Pounds *per Centum per Annum*, the said Commissioners should forthwith transfer the same to the *South Sea* Company, in full Satisfaction to the said Company of and for the said exclusive Rights of the said Company; and by the same Act it was also enacted, that the Commissioners of His Majesty's Treasury should order Payment out of the Consolidated Fund of *Great Britain* of such Sums of Money to the said Company, from Time to Time, as should be sufficient to enable the Company to continue to pay an additional Dividend of One Half *per Centum per Annum*, in addition to the Three Pounds *per Centum per Annum* payable upon the Capital Trading Stock of the said Company: And whereas by an Act passed in the Second Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to the Customs*, the Commissioners of Her Majesty's Treasury were authorized to direct the Payment by the Commissioners of Her Majesty's Customs, out of any Monies in their Hands, of the annual Sum of Three thousand seven hundred and twenty Pounds to the Commissioners for the Reduction of the National Debt, for the Purpose of being applied toward the Completion of the said Guarantee Fund, and to cease when the said Fund should be completed: And whereas the said Fund now amounts to a Capital Stock of Three hundred and seventy-nine thousand four hundred and forty-six Pounds Ten Shillings, bearing an Interest of Three Pounds *per Centum per Annum*, standing in the Name of the said Commissioners, and the further Amount of Two hundred and thirty-one thousand and seventeen Pounds Thirteen Shillings is required to complete the said Fund to the stipulated Amount of Six hundred and ten thousand four hundred and sixty-four Pounds Three Shillings: And whereas it is expedient that the said Guarantee Fund should be forthwith completed, in order that all further Payments out of the Consolidated Fund toward making good any Deficiency in the Dividends upon the Capital Trading Stock of the said Company may cease:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, by Warrant under the Hands of any Three or more of them, to direct to be charged 55 G. 3. c. 57. 1&2 Vict. c.113. Guarantee Fund to be completed.

charged upon and paid to the Commissioners for the Reduction of the National Debt, out of the Consolidated Fund of the said United Kingdom, or out of the growing Produce thereof, such Sum as shall be necessary for completing the said Guarantee Fund to the stipulated Amount of Six hundred and ten thousand four hundred and sixty-four Pounds Three Shillings; and that the said Commissioners for the Reduction of the National Debt shall forthwith invest the same in some of the Public Stocks or Funds of the said United Kingdom, bearing an Interest of Three Pounds *per Centum per Annum*, so as to complete the said Guarantee Fund, and shall certify the Completion thereof to the Commissioners of Her Majesty's Treasury.

Annuities on which Dividends are unclaimed for Ten Years to be transferred to Commissioners for Reduction of National Debt. 24 G. 2. c. 2.

II. And be it enacted, That within Thirty Days after the passing of this Act, and thereafter from Time to Time, all the Capital Stock of the Old and New *South Sea* Annuities, and of the Annuities created under the Provisions of an Act passed in the Twenty-fourth Year of the Reign of King *George* the Second, intituled *An Act for granting to His Majesty the Sum of Two million one hundred thousand Pounds, to be raised by Annuities and a Lottery, and charged on the Sinking Fund, redeemable by Parliament*, and managed by the said Company, upon which no Dividends shall have been demanded for the Period of Ten Years or upwards next before the last Day upon which any Dividend upon any such Annuities shall have become due or payable (except where the Payment of any such Dividends shall have been or shall be restrained by the Order or Injunction of a Court of Equity), shall be transferred, in manner herein-after mentioned, in the Books of the said Company, from the Account or Accounts, Name or Names in which the same stands in the Books of the said Company, unto a new and separate Account to be raised in the Names of the Commissioners for the Time being for the Reduction of the National Debt; and immediately after such Transfer the Name or Names in which such Annuities stood immediately before such Transfer, and the Residence and Description of the Parties, the Amount transferred, and the Dates of such Transfers, shall be entered upon a List to be kept at the *South Sea* House for that Purpose, which List shall be open for Inspection at the usual Hours of Transfer at the *South Sea* House.

Duplicate Register to be kept.

III. And be it enacted, That a Duplicate Register of the List so made and kept at the *South Sea* House of all such Transfers as aforesaid shall be kept in the Office of the Commissioners for the Reduction of the National Debt, in which an Entry shall be made of every such Transfer immediately after the same shall have been made.

Unclaimed Dividends and Balances of Repayments to be invested by the Commissioners.

IV. And be it enacted, That all Dividends upon the Annuities so transferred, from the respective Times of the Transfer thereof, and all Balances of Sums issued for paying any Part of the Principal Sums invested in such Annuities which shall not have been demanded for the same Period, shall be paid to the Account of the Commissioners for the Reduction of the National Debt for the Time being, and shall be from Time to Time invested by the said Commissioners in the Purchase of Capital Stock in some of the Public Stocks or Funds of the United Kingdom of *Great Britain* and *Ireland*, to be placed to a separate Account to be called "The Account of Unclaimed Dividends," and so from Time to Time as such Dividends and Balances of Principal Sums become due, and can be so invested; and all such Dividends and Balances, and the Capital Stock arising from the Investment thereof as aforesaid, shall be held by the said Commissioners for the Public, subject nevertheless to such Claims to such Stock, and the Dividends due thereon, as may thereafter be made by the respective Parties entitled thereto.

By whom Transfers shall be made.

V. And be it enacted, That all Transfers to be made by the said Company in pursuance of this Act shall be made and signed by the Accountant or the Secretary of the said Company for the Time being, and shall be as valid as if signed by the Party or Parties in whose Name or Names the Stock or Annuities so transferred shall stand at the Time of such Transfer; and the said Company, and the said Accountant and Secretary of the said Company, shall be indemnified and saved harmless for making and executing all such Transfers under this Act, and shall not be in any Manner accountable to the Person or Persons entitled or claiming to be entitled to the Annuities which shall be so transferred, or to his, her, or their Executors, Administrators, or to any other Person claiming by, from, or under him, her, or them, or to any other Person or Persons whatsoever having or claiming any Interest whatsoever therein.

Annuities may be re-transferred to Claimants.

VI. Provided always, and be it enacted, That it shall be lawful for the Governor, Sub-Governor, or Deputy Governor of the said Company for the Time being to give to any Person or Persons who shall show, to the Satisfaction of such Governor, Sub-Governor, or Deputy Governor, his, her, or their Right and Title to any such Capital Stock, a Certificate thereof, directed to the said Commissioners; and on Production of such Certificate it shall be lawful for the said Commissioners, or the Comptroller General or Assistant Comptroller, or Chief Clerk acting under the said Commissioners, to re-transfer any such Capital Stock, and to pay the Dividends due thereon, and also to pay any such Principal Sum of Money as aforesaid, as if the same had not been transferred or paid to the Commissioners for the Reduction of the National Debt; but in case the said Governor, Sub-Governor, or Deputy Governor shall not be satisfied of the Justice or Legality of any Claim or Claims which shall be made to any Stock or Annuities so transferred or paid to the Account of the Commissioners for the Reduction of the National Debt, then the Claimant or Claimants may, by Petition in a summary Way, state and verify his, her, or their Claim to such Stock or Money to the High Court of Chancery; and a Copy of every such Petition shall be served upon Her Majesty's Attorney General for the Time being, and also upon the Commissioners for the Reduction of the National Debt; and the Court to which such Petition shall be presented shall make such Order thereon, either for the Transfer of the Stock or Annuities to which such Petition shall refer, and for Payment of the Dividends which shall have become due and payable thereon, or for the Payment of such Principal Sum of Money as aforesaid, or otherwise relating thereto, and to the Costs of such

such Application, as to such Court shall seem just; and all Costs and Expences which shall be incurred by or on behalf of Her Majesty's Attorney General, or the said Commissioners for the Reduction of the National Debt, in resisting or appearing upon every such Petition, (if not ordered by the Court to which the Application shall be made to be paid out of the Stock or Annuities, and the Dividends thereby claimed,) shall be paid by the said Commissioners for the Reduction of the National Debt out of the Dividends or Money to be received by them under this Act, and which shall not be claimed.

Indemnity against new Claims.

VII. And be it enacted, That the said Company, and the Governor, Sub-Governor, and Deputy Governor of the said Company, and the Accountant and Secretary of the said Company, and the said Commissioners, Comptroller General, Assistant Comptroller, or Chief Clerk, shall be indemnified and saved harmless for any Transfer or Transfers which shall be made from the Account of the Commissioners for the Reduction of the National Debt for the Time being of any such Stock or Annuities as aforesaid, and also for Payment of the Dividends due thereon, and also for the Payment of any such Principal Sums of Money as aforesaid, to any Person or Persons claiming such Annuities and Sums of Money respectively, and shall not be answerable for the same to any new or other Claimant or Claimants; but such new or other Claimant or Claimants shall have their Recourse against the Person or Persons to whom such Transfer or Payment of the said Annuities or Monies shall have been made.

Relief for new Claimants.

VIII. Provided always, and be it enacted, That if in any Case where such new or other Claimant or Claimants as aforesaid shall have established his, her, or their Right and Title to any such Annuities or Monies as shall have been transferred or paid to a first Claimant or Claimants, and shall not be able to obtain the Transfer and Payment thereof from such first Claimant or Claimants to whom the same shall have been erroneously transferred and paid, then the said Court of Chancery, upon Application by Petition of such new or other Claimant or Claimants, verified as such Court shall require, shall order the Commissioners for the Reduction of the National Debt to transfer to such new or other Claimant or Claimants such Sum or Sums in Stock, and to pay him, her, or them such Sum or Sums in Money, as and for the Dividends, Annuities, and Monies aforesaid, as to such Court shall appear to be just, which Transfers shall be made from Stock transferred into the Names of the said Commissioners under this Act; and the Payment of Dividends and Annuities shall be made from Dividends received by such Commissioners upon such Stock transferred into their Names as aforesaid, or the Accumulations thereof, or from the Sale of Stock purchased from such Dividends or Accumulations, or any other Monies at the Disposition of the said Commissioners.

Balances of unclaimed Dividends to be paid into the Bank.

IX. And be it enacted, That within Thirty Days after the Tenth Day of *October* next, and within Thirty Days after the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October*, in the Year One thousand eight hundred and forty-five, and in every following Year, an Account shall be taken of the lowest Amount of the Balances in the Hands of the said Company on account of the said Old and New *South Sea* Annuities, and the Annuities created by the said Act of the Twenty-fourth Year of the Reign of King *George* the Second due and not demanded, and also of Sums which shall have been issued for the Payment of any of the Principal Sums invested in such Annuities remaining unclaimed; and it shall be lawful for the said Company to retain a Balance not exceeding Ten thousand Pounds out of such Balances; and the whole of the Surplus of such Balances over and above the said Sum of Ten thousand Pounds shall be paid, on or before the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October*, in the Year One thousand eight hundred and forty-five, and every following Year, into the Bank of *England* to the Credit of Her Majesty's Exchequer, and shall be carried to the Account of the Consolidated Fund; and if at any Time before the Payment of the whole of the Principal Sums invested in the said Annuities the Monies remaining in the Hands of the said Company for Payment of the said Annuities or Principal Sums shall be reduced by any such Payment into the Bank of *England* below the Sum of Seven thousand Pounds, the said Company shall in every such Case send a Certificate signed by their Accountant to the Commissioners of the Treasury, and also to the Comptroller General of the Exchequer, setting forth the true Amount of the Balance of the said Monies in their Hands; and the Commissioners of the Treasury, by Warrant under the Hands of any Three or more of them, shall direct to be charged upon and paid out of the growing Produce of the Consolidated Fund such Sum of Money to the said Company as shall be sufficient to make up the said Balance to the Sum of Ten thousand Pounds; and in every Case in which such Sum shall not be issued to the said Company upon such Certificate as aforesaid, Interest after the Rate of Five Pounds in the Hundred by the Year shall be charged by and paid to the said Company upon such Sum until the same shall be issued and paid to the said Company.

Charge for Management.

X. 'And whereas the said *South Sea* Company have assented to a Reduction of the Sums heretofore 'allowed to them for the Charges of the Management of the Unredeemed Public Debt managed by them;' be it enacted, That after the Fifth Day of *January* in the Year One thousand eight hundred and forty-five there shall be issued and paid to the said Company, for the Charges of Management of the Unredeemed Public Debt managed by the said Company, a Sum estimated at the Rate of Three hundred Pounds by the Year for each Million of the Capital of such Debt; and as soon after the said Fifth Day of *January* as conveniently may be there shall be made out an Account of the total Capital of Unredeemed Public Debt by the said Company as it shall stand on the said Fifth Day of *January*; and the said Allowance for the Management of the said Debt for the Year ending on the Fifth Day of *January* in the Year One thousand eight hundred and forty-six shall be computed on the Capital as it stood on the Fifth Day of *January* in the Year One thousand eight hundred and forty-five, and shall be paid to the said Company in One Sum before the Fifth Day of *April* in the Year One thousand eight hundred and forty-six; and

the Allowance for Management shall be computed and paid in like Manner in every succeeding Year; and the said Allowances shall be instead of all other Charges and Allowances made or to be made to the said Company for Management of the said Debt during the Year One thousand eight hundred and forty-five, and the following Years, by any Act or Agreement now in force: Provided always, that no such Reduction as aforesaid in the Charge of Management shall be made until the said Guarantee Fund shall have been completed and transferred to the said Company.

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXXXI.

An Act for Marriages in *Ireland*; and for registering such Marriages. [9th *August* 1844.]

'WHEREAS it is expedient to amend the Law of Marriages in *Ireland*, and to provide the Means 'for a Register of the Marriages of Her Majesty's Subjects in that Part of the United Kingdom:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the Thirty-first Day of *March* in the Year One thousand eight hundred and forty-five all the Rules prescribed by the Rubrick concerning the solemnizing of Marriages shall continue to be duly observed, except as herein-after provided, by every Person in Holy Orders of the United Church of *England* and *Ireland* who shall solemnize any Marriage in *Ireland:* Provided always, that the giving of Notice to the Registrar and the Issue of the Registrar's Certificate for Marriage without Licence, as herein-after mentioned, may be used and shall stand instead of the Publication of Banns, to all Intents and Purposes, where no such Publication shall have been made; and every Person in Holy Orders of the United Church of *England* and *Ireland* shall be bound to solemnize Marriage on Production of such Certificate, in like Manner as he is required to do by any Law or Canon now in force, after due Publication of Banns, so nevertheless that the Church wherein any Marriage according to the Rites of the United Church of *England* and *Ireland* shall so be solemnized shall be within the District of the Registrar by whom such Certificate as aforesaid shall have been issued.

After 31st of March 1845 all Rules prescribed by the Rubrick to continue to be observed.

Marriages shall be solemnized on Production of Registrar's Certificate.

Not to affect the Right of granting Special Licences.

II. And be it enacted, That nothing in this Act contained shall affect the Right of the Archbishop of *Armagh* and his Successors, and his and their proper Officers, to grant Special Licences to marry at any convenient Time or Place, or, except as herein-after provided, the Right of any Surrogate or other Person now having Authority to grant Licences for Marriage; provided that no Surrogate or other Person now having Authority to grant Licences for Marriages shall grant any Licence for Marriage, not being a Special Licence, until Seven Days after Notice shall have been given by one of the Parties who shall have resided for not less than Seven Days then next preceding in the Parish named in that Notice, under his or her Hand, in the Form of Schedule (A.) to this Act annexed, or to the like Effect, to such Surrogate or other Person having Authority to grant Licences as aforesaid, which Notices he shall file and keep with the Records of his Office, and he shall also forthwith enter a true Copy of such Notices fairly in a Book to be for that Purpose furnished to him by the Registrar General herein-after mentioned, to be called "The Marriage Notice Book," which Book shall be open at all reasonable Times, without Fee, to all Persons desirous of inspecting the same; and such Surrogate or other Person shall forthwith send a Copy of such Notice to the Incumbent or Incumbents of the Parish or Parishes in which the Parties intending Marriage dwell; and for entering every such Notice the Surrogate or other Person shall be entitled to have a Fee of One Shilling over and above the accustomed Fee for granting the Licence; and after the said Thirty-first Day of *March* no Person applying for any such Licence shall be required to give any Security by Bond or otherwise before the Grant of such Licence; and whenever a Marriage shall not be had within Three Calendar Months after the Notice shall have been so given to the Surrogate or other Person as aforesaid, the Notice, and any Licence which may have been granted thereupon, shall be utterly void.

Notice to be given to Surrogate before Licence.

Entry of Notices.

Fee for Entry.

No Security required before Licence.

Notice void after Three Months.

Roman Catholic Marriages not affected.

III. And be it enacted, That nothing in this Act contained shall affect any Marriages by any Roman Catholic Priest which may now be lawfully celebrated, nor extend to the Registration of any Roman Catholic Chapel, but such Marriages may continue to be celebrated in the same Manner and subject to the same Limitations and Restrictions as if this Act had not been passed.

Marriages between Parties, one or both of whom are Presbyterians, may be solemnized in certified Meeting Houses.

IV. And be it enacted, That Marriages between Parties, both of whom are Presbyterians, may be solemnized according to the Forms used by Presbyterians, either by the Licence of a Presbyterian Minister, or by Publication of Banns, as herein-after respectively mentioned, in Meeting Houses to be certified as herein-after mentioned, between the Hours of Eight in the Morning and Two in the Afternoon, with open Doors, and in the Presence of Two or more credible Witnesses; and Marriages between Parties, of whom one only is a Presbyterian, may be solemnized according to the same Forms, by such Licence of a Presbyterian Minister, in such Meeting Houses, between the same Hours, with open Doors, and in the Presence of Two or more credible Witnesses; provided that in either Case there be no lawful Impediment to the Marriage of such Parties.

Banns to be published in Cases where both of the Parties to be married are

V. And be it enacted, That after the said Thirty-first Day of *March*, in every Case in which a Marriage shall be proposed to be solemnized by a Presbyterian Minister between Two Presbyterians, otherwise than by Licence, Banns of Matrimony shall be published by or in the Presence of a Presbyterian Minister in the Presbyterian Meeting House, certified as herein-after is mentioned, frequented by the Congregation of which the Parties to be married shall be Members, upon Three *Sundays* preceding the Solemnization of the

the Marriage, during the Time of Divine Service, and any such Marriage by a Presbyterian Minister shall be solemnized in such Meeting House, and not elsewhere; and whenever it shall happen that the Parties to be married by a Presbyterian Minister shall be Members of different Congregations the Banns shall in like Manner be published in the certified Presbyterian Meeting House frequented by the Congregation of which each of the Parties to be married shall be a Member; and in every such last-mentioned Case of Publication of Banns the Presbyterian Minister by or in whose Presence such Banns shall be published shall, in Writing under his Hand, certify the Publication thereof; and any such Marriage by a Presbyterian Minister shall be solemnized in one of the certified Presbyterian Meeting Houses where such Banns shall have been published, and in no other Place whatsoever; and before such Marriage shall be solemnized the Certificate of the Presbyterian Minister by whom or in whose Presence the Banns shall have been published in the other certified Meeting House shall be delivered to the Presbyterian Minister solemnizing such Marriage.

Members of Presbyterian Congregations.

VI. And be it enacted, That no Presbyterian Minister shall publish or allow to be published any Banns of Matrimony in any Presbyterian Meeting House of which he is Minister, unless the Persons to be married shall, Six Days at the least before the Time required for the first Publication of such Banns, deliver or cause to be delivered to such Presbyterian Minister a Notice in Writing of their true Christian and Surnames, and of the Congregation or Congregations of which they shall respectively be Members, and of the House or Houses of their respective Abodes, and of the Time during which they have dwelt, inhabited, or lodged in such House or Houses respectively.

Names, Places of Abode, &c. of Parties to be given to the Minister Six Days before Publication of Banns.

VII. And be it enacted, That each Presbytery of Presbyterians in *Ireland* may from Time to Time, subject to the Approbation of the Lord Lieutenant, appoint One or more Ministers, who shall certify to the Registrar herein-after mentioned that the Meeting House to be described in every such Certificate is within such Presbytery, and is used as a Place of public Religious Worship by Presbyterians in connection with such Presbytery; and such Minister shall deliver to the Registrar such Certificate, signed in Duplicate by him; and the Registrar shall send both Certificates to the Registrar General, who shall cause such Meeting House to be registered accordingly in a Book to be kept for that Purpose at the General Register Office herein-after mentioned; and the Registrar General shall cause to be endorsed on both Certificates the Date of the Registry, and shall keep one Certificate with the other Records of the General Register Office, and shall return the other Certificate to the Registrar, who shall keep the same with the other Records of his Office; and the Registrar shall enter the Date of the Registry of such Meeting House in a Book to be furnished to him for that Purpose by the Registrar General, and shall give a Certificate of such Registry, under his Hand, on Parchment or Vellum, to the Minister by whom the Certificates shall have been signed, and shall give public Notice of the Registry thereof by Advertisement in some Newspaper circulating within the County, and in the *Dublin Gazette;* and for every such Entry, Certificate, and Publication the Registrar shall receive at the Time of Delivery to him of the Certificates the Sum of One Pound; and every such Minister shall continue to exercise the Powers given to him by this Act during the Pleasure of the Lord Lieutenant.

Each Presbytery to appoint Ministers to certify Meeting Houses.

Registry thereof.

VIII. And be it enacted, That every such Minister so appointed and approved as aforesaid shall have Authority to grant Licences for Marriage in any Presbyterian Meeting House, certified as aforesaid within his Presbytery, in the Form of Schedule (C.) to this Act annexed, and for every such Licence shall be entitled to have of the Party requiring the same the Sum of Five Shillings; and in any Case in which such Minister shall refuse to grant such Licence the Person applying for the same shall be entitled to appeal to the Presbytery by which such Minister shall have been appointed, which shall thereupon either confirm the Refusal or direct the Grant of the Licence; and every such Presbyterian Minister shall Four Times in every Year, on such Days as shall be appointed by the Registrar General, make a Return to the Registrar General of every Licence granted by him since his last Return, and of the Particulars stated concerning the Parties: Provided always, that no such Minister shall grant any such Licence until he shall have given Security by his Bond in the Sum of One hundred Pounds to the Registrar General for the due and faithful Execution of his Office.

Such Ministers to grant Licences for Marriages to be solemnized in Presbyterian Meeting Houses.

Minister to give Security.

IX. And be it enacted, That before any Licence for Marriage as last aforesaid shall be granted by any such Presbyterian Minister, one of the Parties intending Marriage shall appear personally before such Minister, and such Party shall make and subscribe an Oath, or a solemn Affirmation or Declaration instead of taking an Oath, which Oath, Affirmation, or Declaration such Minister is hereby authorized to administer, that he or she believeth that there is not any Impediment of Kindred or Alliance, or other lawful Hindrance to the said Marriage, and that one of the said Parties hath for the Space of Fifteen Days immediately before the Day of the Grant of such Licence had his or her usual Place of Abode within the Presbytery within which the Marriage is to be solemnized, and that they are both of the full Age of Twenty-one Years, or, when either of the Parties shall be under the Age of Twenty-one Years, that the Consent of the Person or Persons whose Consent to such Marriage is required by Law has been obtained thereto, or that there is no Person having Authority to give such Consent, or that such Party is a Widower or Widow, as the Case may be.

Before Licence granted One of the Parties to appear before the Minister, and to take a certain Oath, &c.

X. And be it enacted, That the Party so appearing personally before the Minister authorized to grant Licences as aforesaid shall, Seven Days before the Licence shall be delivered to him, produce to such Minister a Certificate according to the Form in Schedule (D.) to this Act annexed, or to the like Effect, from the Minister of the Congregation of which he or she shall be a Member, and has been a Member for at least One Calendar Month preceding, which Certificate the Minister authorized to grant Licences as aforesaid shall carefully file and preserve in such Place and Manner as the Presbytery shall direct, and

Person applying for a Licence to produce from the Minister of the Congregation of which such Person shall be a

Member a Certificate in a given Form.

and shall also forthwith enter a true Copy of all such Certificates fairly into a Book to be for that Purpose furnished to him by the Registrar General, to be called "The Marriage Notice Book," which Book shall be open at all reasonable Times, without Fee, to all Persons desirous of inspecting the same; and for entering every such Notice the Minister shall be entitled to a Fee of One Shilling.

Caveat may be lodged with the Minister against Grant of Licence.

XI. And be it enacted, That any Person may enter a Caveat with the Minister so appointed and approved against the Grant of a Licence for the Marriage of any Person named therein; and if any Caveat be entered with such Minister, such Caveat being duly signed by or on behalf of the Person who enters the same, together with his or her Place of Residence, and the Ground of Objection on which his or her Caveat is founded, no Licence shall issue or be granted until the Minister shall have examined into the Matter of the Caveat, and is satisfied that it ought not to obstruct the Grant of the Licence for the said Marriage, or until the Caveat be withdrawn by the Party who entered the same; and in Cases of Doubt it shall be lawful for such Minister to refer the Matter of any such Caveat to the Presbytery by which he shall have been appointed, which shall decide upon the same.

Marriages of Quakers and Jews.

XII. And be it enacted, That the Society of Friends commonly called Quakers, and also Persons professing the Jewish Religion, may continue to contract and solemnize Marriage according to the Usages of the said Society and of the said Persons respectively; and every such Marriage shall be deemed good in Law, provided that the Parties to such Marriage be both of the said Society, or both Persons professing the Jewish Religion respectively; provided also, that Notice to the Registrar shall have been given, and the Registrar's Certificate shall have issued in manner herein-after provided.

Notice of intended Marriage to be given to the Registrar of the District.

XIII. And be it enacted, That in every Case of Marriage intended to be solemnized in *Ireland* after the said Thirty-first Day of *March* according to the Rites of the United Church of *England* and *Ireland* (unless by Licence or by Special Licence, or after Publication of Banns), and in every Case of Marriage intended to be solemnized in *Ireland* after the said Thirty-first Day of *March* according to the Usages of the Quakers or Jews, or according to any Form authorized by this Act, One of the Parties shall give Notice under his or her Hand, in the Form of Schedule (A.) to this Act annexed, or to the like Effect, to the Registrar, appointed as herein-after is mentioned, of the District within which the Parties shall have dwelt for not less than Seven Days then next preceding, or if the Parties dwell in the Districts of different Registrars shall give the like Notice to the Registrar of each District, and shall state therein the Name and Surname and the Profession or Condition of each of the Parties intending Marriage, the Dwelling Place of each of them, and the Time not being less than Seven Days during which each has dwelt therein, and the Church or other Building in which the Marriage is to be solemnized, which must be within the District within which one of the Parties shall have dwelt for the Time last aforesaid; but if either Party shall have dwelt in the Place stated in the Notice during more than One Calendar Month it may be stated therein that he or she hath dwelt there One Month and upwards: Provided always, that no such Notice shall be required for any Marriage by a Roman Catholic Priest which may now lawfully be celebrated, or when the Marriage is intended to be solemnized by a Presbyterian Minister between Two Persons, both or one of whom shall be Presbyterians, in a Presbyterian Meeting House certified as aforesaid.

Proviso.

Registrar to keep Notices in a Book.

XIV. And be it enacted, That the Registrar shall file all such Notices, and keep them with the Records of his Office, and shall also forthwith enter a true Copy of all such Notices fairly into a Book, to be for that Purpose furnished to him by the Registrar General, to be called "The Marriage Notice Book;" the Cost of providing which shall be defrayed in like Manner as the Cost of providing the Register Book, herein-after mentioned; and the Marriage Notice Book shall be open at all reasonable Times without Fee, to all Persons desirous of inspecting the same; and for every such Entry the Registrar shall be entitled to have a Fee of One Shilling.

Notices to be published.

XV. And be it enacted, That on the Day previous to each weekly Meeting of the Guardians of any Poor Law Union, or of any Parish or Place comprising the District for which such Registrar shall act, the Registrar shall transmit to the Clerk to the Guardians all such Notices of intended Marriage as he shall have received on or since the Day previous to the weekly Meeting immediately preceding the same; and such Clerk shall read such Notices immediately after the Minutes of the Proceedings of such Guardians at their last Meeting shall have been read; and such Notices shall be so read Three several Times in Three successive Weeks at the weekly Meetings of such Guardians, unless in any Case Licence for Marriage shall be sooner granted, and Notice of such Licence being granted shall have been given to such Clerk: Provided also, that if it shall happen that the Board of Guardians of any such Union, Parish, or Place shall not so meet, it shall be sufficient for the Purposes of this Act that such Notices shall be read at every Meeting of such Guardians which shall be held within Twenty-one Days from the Day of such Notice being entered; and if no Meeting be held within Twenty-one Days from the Day of such Notice being entered, the Entry of such Notice shall be sufficient for the Purposes aforesaid.

After Seven Days, or Twenty-one Days, Certificate of Notice to be given, upon Demand.

XVI. And be it enacted, That after the Expiration of Seven Days if the Marriage is to be solemnized by Licence, or of Twenty-one Days if the Marriage is to be solemnized without Licence, after the Day of the Entry of such Notice, the Registrar, upon being requested so to do by or on behalf of the Party by whom the Notice was given, shall issue under his Hand a Certificate in the Form of Schedule (B.) to this Act annexed, provided that no lawful Impediment be shown to the Satisfaction of the Registrar why such Certificate should not issue, and provided that the Issue of such Certificate shall not have been sooner forbidden in manner herein-after mentioned by any Person or Persons authorized in that Behalf as herein-after is provided; and every such Certificate shall state the Particulars set forth in the Notice, the Day on which the Notice was entered, and that the full Period of Seven Days or of Twenty-one Days

Days (as the Case may be) has elapsed since the Day of the Entry of such Notice, and that the Issue of such Certificate has not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Registrar shall be entitled to have a Fee of One Shilling.

Forms of Certificates to be furnished. Certificates for Marriage by Licence to be distinguishable from other Certificates.

XVII. And be it enacted, That the Registrar General shall furnish to every Registrar a sufficient Number of Forms of Certificates, the Cost of which shall be accounted for by the Registrar to the Registrar General; and in order to distinguish the Certificates to be issued for Marriages by Licence from the Certificates to be issued for Marriages without Licence, a Water-mark in the Form of the Word "Licence," in Roman Letters, shall be laid and manufactured in the Substance of the Paper on which the Certificates to be issued for Marriage by Licence shall be written or printed; and every Certificate to be issued for Marriage by Licence shall be printed with Red Ink, and every Certificate to be issued for Marriage without Licence shall be printed with Black Ink, and such other distinctive Marks between the Two Kinds of Certificate shall be used from Time to Time as shall seem fit to the Registrar General.

Issue of Registrar's Certificate may be forbidden.

XVIII. And be it enacted, That any Person authorized in that Behalf may forbid the Issue of the Registrar's Certificate by writing at any Time before the Issue of such Certificate the Word "forbidden" opposite to the Entry of the Notice of such intended Marriage in the Marriage Notice Book, and by subscribing thereto his or her Name and Place of Abode, and his or her Character, in respect of either of the Parties, by reason of which he or she is so authorized; and in case the Issue of any such Certificate shall have been so forbidden the Notice and all Proceedings thereupon shall be utterly void.

Who are to give Consent if Parties are under Age.

XIX. And be it enacted, That after the said Thirty-first Day of *March* no Marriage shall be solemnized in *Ireland* by Licence either of a Surrogate or Deputy Surrogate, or of a Presbyterian Minister or a Registrar, as herein provided, where either of the Parties, not being a Widower or Widow, shall be under the Age of Twenty-one Years, unless the Consent of the Father of such of the Parties so under Age (if then living) be first had and obtained, or if dead of the Guardian or Guardians of the Person of the Party so under Age lawfully appointed, or one of them, and in case there shall be no such Guardian or Guardians, then of the Mother of such Party, if unmarried, and if there shall be no Mother unmarried, then of the Guardian or Guardians appointed by the Court of Chancery, if any, or one of them; and every Person whose Consent to a Marriage by Licence is required as aforesaid shall be authorized to enter a Caveat against the Issue of Licence by any Person empowered by this Act to grant Licences, and shall be also authorized to forbid the Publication of Banns in any Church or Chapel, or certified Presbyterian Meeting House, and to forbid the Issue of the Registrar's Certificate.

Who to give Consent in case of Incapacity of Parents and Guardians.

XX. Provided always, and be it enacted, That if the Father or Fathers of the Parties to be married, or one of them, so under Age as aforesaid, shall be *non compos mentis*, or the Guardian or Guardians, Mother or Mothers, or any of them, whose Consent is made necessary as aforesaid to the Marriage of such Party or Parties, shall be *non compos mentis*, or in Parts beyond the Seas, or shall unreasonably or from undue Motives refuse or withhold his, her, or their Consent to a proper Marriage, then it shall be lawful for any Person desirous of marrying in any of the before-mentioned Cases to apply by Petition to the Lord Chancellor or the Lords Commissioners of the Great Seal of *Ireland* for the Time being, or Master of the Rolls, who shall be empowered to proceed upon such Petition in a summary Way; and in case the Marriage proposed shall upon Examination appear to be proper, the said Lord Chancellor, Lords Commissioners of the Great Seal for the Time being, or Master of the Rolls, shall judicially declare the same to be so; and such judicial Declaration shall be deemed and taken to be as good and effectual to all Intents and Purposes as if the Father, Guardian or Guardians, or Mother, of the Person so petitioning, had consented to such Marriage.

Registrar may grant Licences for Marriage.

XXI. And be it enacted, That after the said Thirty-first Day of *March* every Registrar shall have Authority to grant Licences for Marriage in any Building registered as herein-after provided within his District, or in his Office, in the Form of Schedule (E.) to this Act annexed, and for every such Licence shall be entitled to have of the Party requiring the same the Sum of Five Shillings; and every Registrar shall Four Times in every Year, on such Days as shall be appointed by the Registrar General, make a Return to the Registrar General of every Licence granted by him since his last Return, and of the Particulars stated concerning the Parties: Provided always, that no Registrar shall grant any such Licence until he shall have given Security by his Bond in the Sum of One hundred Pounds to the Registrar General for the due and faithful Execution of his Office: Provided also, that nothing herein contained shall authorize any Registrar to grant any Licence for Marriage in any Church or Chapel in which Marriages may be solemnized according to the Rites of the United Church of *England* and *Ireland*, or in any Church or Chapel belonging to the said United Church, or licensed for the Celebration of Divine Worship according to the Rites and Ceremonies of the said United Church, or any Licence for a Marriage between Two Persons, both or one of whom shall be Presbyterians, in a Presbyterian Meeting House certified as aforesaid.

Registrar to give Security.

Proviso.

Certificate to be given before the Licence is granted.

XXII. And be it enacted, That before any Licence for Marriage shall be granted by any such Registrar One of the Parties intending Marriage shall appear personally before such Registrar, and, in case the Notice of such intended Marriage shall not have been given exclusively to such Registrar, shall deliver to him the Certificate of the other Registrar to whom such Notice shall have been given, and such Party shall make Oath, or shall make his or her solemn Affirmation or Declaration instead of taking an Oath, that he or she believeth that there is not any Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that One of the said Parties hath for the Space of Fifteen Days immediately before the Day of the Grant of such Licence had his or her usual Place of Abode within the District within which such Marriage is to be solemnized, and that they are both of the full Age of Twenty-one Years, or, where either of the Parties shall be under the Age of Twenty-one Years, that the Consent

Consent of the Person or Persons whose Consent to such Marriage is required by Law has been obtained thereto, or that there is no Person having Authority to give such Consent, or that such Party is a Widower, or Widow, as the Case may be.

Caveat may be lodged with Registrar against Grant of Licence or Certificate.

XXIII. And be it enacted, That any Person, upon the Payment of the Sum of Five Shillings, may enter a Caveat with the Registrar against the Grant of a Certificate or a Licence for the Marriage of any Person named therein; and if any Caveat be entered with the Registrar, such Caveat being duly signed by or on behalf of the Person who enters the same, together with his or her Place of Residence, and the Ground of Objection on which his or her Caveat is founded, no Certificate or Licence shall issue or be granted until the Registrar shall have examined into the Matter of the Caveat, and is satisfied that it ought not to obstruct the Grant of the Certificate or Licence for the said Marriage, or until the Caveat be withdrawn by the Party who entered the same; provided that in Cases of Doubt it shall be lawful for the Registrar to refer the Matter of any such Caveat to the Registrar General, who shall decide upon the same; provided likewise, that in case of the Registrar refusing the Grant of the Certificate or Licence the Person applying for the same shall have a Right to appeal to the Registrar General, who shall thereupon either confirm the Refusal or direct the Grant of the Certificate or Licence.

Marriages not to be solemnized until after 21 Days Notice, unless by Licence.

XXIV. And be it enacted, That after the said Thirty-first Day of *March* no Marriage after such Notice as aforesaid, unless by virtue of a Licence to be granted by the Registrar, shall be solemnized or registered in *Ireland* until after the Expiration of Twenty-one Days after the Day of the Entry of such Notice as aforesaid; and no Marriage shall be solemnized by the Licence of any Registrar or registered until after the Expiration of Seven Days after the Day of the Entry of such Notice as aforesaid.

New Notice required after Three Months.

XXV. And be it enacted, That whenever a Marriage shall not be had within Three Calendar Months after the Day on which the Notice shall have been so entered by the Registrar, the Notice and Certificate, and any Licence which may have been granted thereupon, and all other Proceedings thereupon, shall be utterly void; and no Person shall proceed to solemnize the Marriage, nor shall any Registrar register the same, until new Notice shall have been given, and Entry made, and Certificate thereof given, at the Time and in the Manner aforesaid.

Registrar's Certificate or Licence to be delivered to the Person by or before whom the Marriage is solemnized.

XXVI. And be it enacted, That the Registrar's Certificate, or, in case the Parties shall have given Notice to the Registrars of different Districts, the Certificate of each Registrar, shall be delivered to the Officiating Minister, if the Marriage shall be solemnized according to the Rites of the United Church of *England* and *Ireland*, or to the Registering Officer of the People called Quakers for the Place where the Marriage is solemnized, if the same shall be solemnized according to the Usages of the said People, or to the Officer of a Synagogue by whom the Marriage is registered, if the same shall be solemnized according to the Usages of Persons professing the Jewish Religion, and in all other Cases shall be delivered to the Registrar present at the Marriage, as herein-after provided, and shall be by him kept with the Records of his Office.

Places of Worship may be registered for solemnizing Marriages therein.

XXVII. And be it enacted, That any Proprietor or Trustee of a separate Building, being a Place of Religious Worship, may apply to the Registrar of the District, in order that such Building may be registered for solemnizing Marriages therein, and in such Case shall deliver to the Registrar a Certificate, signed in Duplicate by Ten Householders at the least, that such Building has been used by them during One Year at the least as their usual Place of public Religious Worship, and that they are desirous that such Place should be registered as aforesaid, each of which Certificates shall be countersigned by the Proprietor or Trustee by whom the same shall be delivered; and the Registrar shall send both Certificates to the Registrar General, who shall cause such Building to be registered accordingly in a Book to be kept for that Purpose at the General Register Office; and the Registrar General shall cause to be endorsed on both Certificates the Date of the Registry, and shall keep one Certificate with the other Records of the General Register Office, and shall return the other Certificate to the Registrar, who shall keep the same with the other Records of his Office; and the Registrar shall enter the Date of the Registry of such Building in a Book to be furnished to him for that Purpose by the Registrar General, and shall give a Certificate of such Registry under his Hand, on Parchment or Vellum, to the Proprietor or Trustee by whom the Certificates are countersigned, and shall give public Notice of the Registry thereof by Advertisement in some Newspaper circulating within the County, and in the *Dublin Gazette;* and for every such Entry, Certificate, and Publication the Registrar shall receive at the Time of the Delivery to him of the Certificates the Sum of One Pound.

On Removal of the same Congregation, the new Place of Worship may be immediately registered instead of the one disused.

XXVIII. And be it enacted, That if at any Time subsequent to the Registry of any such Building for solemnizing Marriages therein it shall be made to appear to the Satisfaction of the Registrar General that such Building has been disused for the public Religious Worship of the Congregation on whose Behalf it was registered as aforesaid, the Registrar General shall cause the Registry thereof to be cancelled; provided that if it shall be proved to the Satisfaction of the Registrar General that the same Congregation use instead thereof some other such Building for the Purpose of public Religious Worship, the Registrar General may substitute and register such new Place of Worship instead of the disused Building, although such new Place of Worship may not have been used for that Purpose during one Year then next preceding; and every Application for cancelling the Registry of any such Building, or for such Substitution and Registry of a substituted Building, shall be made to the Registrar General by or through the Registrar of the District; and such Cancelling or Substitution, when made, shall be made known by the Registrar General to the Registrar, who shall enter the Fact and the Date thereof in the Book provided for the Registry of such Buildings, and shall certify and publish such Cancelling or Substitution and Registry in manner herein-before provided in the Case of the original Registry of the disused

disused Building; and for every such Substitution the Registrar shall receive from the Party requiring the Substitution the Sum of One Pound; and after such Cancelling or Substitution shall have been made by the Registrar General it shall not be lawful to solemnize any Marriage in such disused Building, unless the same shall be again registered in the Manner herein-before provided.

Marriages may be solemnized in such registered Places in the Presence of Two Witnesses.

XXIX. And be it enacted, That after the Expiration of the said Period of Twenty-one Days, or of Seven Days if the Marriage is by Licence, Marriages may be solemnized in the registered Building stated as aforesaid in the Notice of such Marriage, between and by the Parties described in the Notice and Certificate, according to such Form and Ceremony as they may see fit to adopt: Provided nevertheless, that every such Marriage shall be solemnized with open Doors, between the Hours of Eight in the Forenoon and Two in the Afternoon, in the Presence of the Registrar of the District in which such registered Building is situate, and of Two or more credible Witnesses; provided also, that in some Part of the Ceremony, and in the Presence of such Registrar and Witnesses, each of the Parties shall declare,

'I do solemnly declare, That I know not of any lawful Impediment why I *A. B.* may not be joined 'in Matrimony to *C. D.*'

And each of the Parties shall say to the other,

'I call upon these Persons here present to witness, That I *A. B.* do take thee *C. D.* to be my lawful 'wedded Wife [*or* Husband].'

Provided also, that there be no lawful Impediment to the Marriage of such Parties.

Marriages may be celebrated before the Registrar at his Office.

XXX. And be it enacted, That any Persons who shall object to marry under the Provisions of this Act in any such registered Building may, after due Notice and Certificate issued as aforesaid, contract and solemnize Marriage on any Day except *Sunday* at the Office and in the Presence of the Registrar of the District, and in the Presence of Two Witnesses, with open Doors, and between the Hours aforesaid, making the Declaration and using the Form of Words herein-before provided in the Case of Marriage in any such registered Building.

Marriage Fees to the Registrar.

XXXI. And be it enacted, That the Registrar shall be entitled, for every Marriage which shall be solemnized under this Act in his Presence, to have from the Parties married the Sum of Ten Shillings if the Marriage shall be by Licence, and otherwise the Sum of Five Shillings.

Proof of Residence of Parties, or of Consent, &c., not necessary to establish the Marriage.

XXXII. And be it enacted, That after any Marriage shall have been solemnized it shall not be necessary in support of such Marriage to give any Proof of the actual Dwelling of either of the Parties previous to the Marriage within the District or Presbytery (as the Case may be) wherein such Marriage was solemnized for the Time required by this Act, or of the Consent of any Person whose Consent thereunto is required by Law; and where a Marriage shall have been solemnized in a certified Presbyterian Meeting House, it shall not be necessary to prove that either of the Parties was a Presbyterian, or, if the Marriage was by Licence, that the Certificate required to be delivered to the Minister granting such Licence had been so delivered, or, where the Marriage was by Banns, that a Certificate of the Publication of Banns had been produced to the Minister by whom the Marriage was solemnized, in Cases where such Production is required by this Act; nor shall any Evidence be given to prove the contrary of any of these several Particulars in any Suit touching the Validity of such Marriage, or in which such Marriage shall be questioned.

Bishops, with Consent of Patrons, may license Chapels for the Solemnization of Marriages in populous Places.

XXXIII. 'And whereas it is expedient that Provision should be made, under proper Restrictions, for 'relieving the Inhabitants of populous Districts remote from the Parish Church, or from any Chapel 'wherein Marriages may be lawfully celebrated according to the Rites and Ceremonies of the United 'Church of *England* and *Ireland*, from the Inconvenience to which they may be thereby subjected in 'the Solemnization of their Marriages;' be it therefore enacted, That, with the Consent of the Patron and Incumbent respectively of the Church of the Parish or District in which may be situated any public Chapel with or without a Chapelry thereunto annexed, or any Chapel duly licensed for the Celebration of Divine Service according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, or any Chapel the Minister whereof is duly licensed to officiate therein according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, or without such Consent after Two Calendar Months Notice in Writing given by the Registrar of the Diocese to such Patron and Incumbent respectively, the Bishop of the Diocese may, if he shall think it necessary for the due Accommodation and Convenience of the Inhabitants, authorize by a Licence under his Hand and Seal the Publication of Banns and Solemnization of Marriages in any such Chapel for Persons residing within a District the Limits whereof shall be specified in the Bishop's Licence, and under such Provisions as to the said Bishop may seem fit, and as may be specified in the said Licence; and the said Licence shall be construed to extend to and authorize Marriages in such Chapels between Parties, one or both of whom is or are resident within the said District: Provided always, that where the Parties to any Marriage intended to be solemnized after Publication of Banns shall reside within different Ecclesiastical Districts, the Banns for such Marriage shall be published as well in the Church or Chapel wherein such Marriage is intended to be solemnized as in the Chapel licensed under the Provisions of this Act for the other District within which one of the Parties is resident, and if there be no such Chapel then in the Church or Chapel in which the Banns of such last-mentioned Party may be legally published: Provided also, that it shall be lawful for any Patron or Incumbent who shall refuse or withhold Consent to the Grant of any such Licence to deliver to the Bishop, under his or her Hand and Seal, a Statement of the Reasons for which such Consent shall have been so refused or withholden; and no such Licence shall be granted by any Bishop until he shall have inquired into the Matter of such Reasons; and every Instrument of Consent of the Patron and Incumbent, or, if such Consent be refused or withholden, a Copy of the Notice under the Hand of the Registrar, and

every Statement of Reasons alleged as aforesaid by the Patron or Incumbent, with the Bishop's Adjudication thereupon under his Hand and Seal, shall be registered in the Registry of the Diocese; and thenceforth and until the said Licence be revoked Marriages solemnized in such Chapel shall be as valid to all Intents and Purposes as if the same had been solemnized in the Parish Church, or in any Chapel where Marriages might heretofore have been legally solemnized.

Appropriation of Fees on Marriages performed in such Chapels.

XXXIV. And be it enacted, That all Fees, Dues, and other Emoluments on account of the Solemnization of Marriages, which belong to the Incumbent or Clerk respectively of any Church or Chapel in any Parish or District within which the Solemnization of Marriages shall be authorized as aforesaid, shall respectively be received, until the Avoidance of such Church or Chapel next after the passing of this Act, for and on account of such Incumbent, and until the Vacancy in the Office of Clerk next after the passing of this Act for and on account of such Clerk, and be paid over to them, except such Portion of the Fees, Dues, or other Emoluments as the said Bishop of the Diocese, with the Consent of the said Incumbent and Clerk respectively, shall in such aforesaid Licence assign to the Minister and Clerk respectively of the Chapel in which the Solemnization of Marriages shall be authorized as aforesaid; and that it shall be lawful for the said Bishop, in and by such Licence, without any such Consent, to declare that from and after such next Avoidance or Vacancy respectively the Whole or such Part of the Fees, Dues, and other Emoluments on account of the Solemnization of Marriages in such last-mentioned Chapel, as shall be specified in such Licence, shall be receivable and the same shall thenceforth be received by or for the Minister and Clerk of such Chapel respectively.

Patron or Incumbent may appeal to the Archbishop against such Licences.

XXXV. And be it enacted, That when the said Bishop shall authorize the Solemnization of Marriages in any such Chapel as aforesaid, without the Consent of the Patron and Incumbent respectively, it shall be lawful for them or either of them to appeal within One Calendar Month to the Archbishop of the Province, who shall hear the same in a summary Manner, and shall make such Order, confirming, revoking, or varying the Licence so given, as to him shall seem meet and expedient, which Order shall be registered in the Registry of the Diocese, and shall be conclusive and binding on all Parties whatsoever.

Notice of such Licences to be affixed in Chapels.

XXXVI. And be it enacted, That there shall be placed in some conspicuous Part in the Interior of every Chapel in respect of which such Licence shall be given as aforesaid a Notice in the Words following: "Banns may be published and Marriages may be solemnized in this Chapel."

Marriages performed in such Chapels to be under the same Regulations as those in Parish Churches.

XXXVII. And be it enacted, That all Provisions which shall from Time to Time be in force relative to Marriages, and to providing, keeping, and transmitting Register Books and Copies of Registers of Marriages solemnized in any Parish Church, shall extend to any Chapel in which the Solemnization of Marriages shall be authorized as aforesaid, in the same Manner as if the same were a Parish Church; and every thing required by Law to be done relating thereto by the Rector, Vicar, Curate, or Churchwardens respectively of any Parish Church shall be done by the Officiating Minister, Chapelwarden, or other Person exercising analogous Duties in such Chapel respectively.

Option to Parties to be married at Parish Church.

XXXVIII. Provided always, and be it enacted, That, notwithstanding any such Licence as aforesaid to solemnize Marriages in any such Chapel, the Parties may, if they think fit, have their Marriage solemnized in the Parish Church, or in any Chapel in which heretofore the Marriage of such Parties or either of them might have been legally solemnized.

Bishop, with Consent of Archbishop, may revoke such Licences;

XXXIX. And be it enacted, That any such Licence or Order may at any Time be revoked by Writing under the Hand and Seal of the Bishop of the Diocese, with the Consent in Writing of the Archbishop of the Province; and such Revocation and Consent shall be registered in the Registry of the Diocese, the Registrar whereof shall notify the same in Writing to the Minister officiating in the Chapel, and shall also give public Notice thereof by Advertisement in some Newspaper circulating within the County, and in the *Dublin Gazette*, and thenceforth the Authority to solemnize Marriages in such Chapel shall cease.

in which Case Registers to be sent to the Incumbent of the Parish Church.

XL. And be it enacted, That in case of the Revocation of the Licence to solemnize Marriages in any such Chapel all Registers of Marriages solemnized therein under such Licence which shall be in the Custody or Possession of the Minister of such Chapel at the Time of such Revocation shall forthwith be transmitted to the Incumbent or Officiating Minister of the Parish Church, and shall thenceforth be preserved, and in all other respects dealt with in the same Manner, and be of the same Force and Validity, to all Intents and Purposes, as if they had been originally made by and deposited with such Incumbent or Officiating Minister; and that such Incumbent or Minister shall, when he next transmits to the Registrar Copies of the Registers of Marriages solemnized in such Parish Church, also therewith transmit Copies of all such Entries as shall have been made in such first-mentioned Registers subsequent to the Date of the last Entry a Copy whereof was transmitted to the Registrar, and shall also transmit to him One Copy of every Register Book so transmitted to him of which no Copy shall have been already transmitted to the Registrar, having first signed his Name at the Foot of the last Entry therein.

Registrars of Dioceses to send to the Register Office yearly Lists of licensed Chapels within their Districts.

XLI. And be it enacted, That the Registrar of every Diocese shall, within Fifteen Days after the said Thirty-first Day of *March*, and also within Fifteen Days after the First Day of *January* in every succeeding Year, make out and send through the Post Office, directed to the Registrar General of Marriages at his Office, a List of all Chapels belonging to the United Church of *England* and *Ireland* within that Diocese wherein Marriages may lawfully be solemnized according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, and shall distinguish in such List which have a Parish, Chapelry, or other recognized Ecclesiastical Division annexed to them, and which are Chapels licensed by the Bishop under this Act, and shall state therein the District for which each of such Chapels is licensed according

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to the Description thereof in the Licence; and the Registrar General shall in every Year cause to be made out and printed a List of all such Chapels, and also of all Places of Public Worship registered under the Provisions of this Act, and shall state in such List the County and Registrar's District within which each Chapel or registered Building is situated, and shall add also the Names and Places of Abode of the Registrars; and a Copy of such List shall be sent to every Registrar.

List of all Chapels and Buildings registered to be printed.

XLII. And be it enacted, That every Marriage solemnized under this Act shall be good and cognizable in like Manner as Marriages before the passing of this Act according to the Rites of the United Church of *England* and *Ireland*.

Marriages under this Act cognizable.

XLIII. And be it enacted, That every Person who shall enter a Caveat with the Registrar against the Grant of any Licence or Issue of any Certificate on Grounds which the Registrar General shall declare to be frivolous, and that they ought not to obstruct the Grant of the Licence, shall be liable for the Costs of the Proceedings, and for Damages, to be recovered in a special Action upon the Case by either of the Parties against whose Marriage such Caveat shall have been entered; and a Copy of the Declaration of the Registrar General, purporting to be sealed with the Seal of the General Register Office, and which Seal it shall not be necessary to prove, shall be Evidence that the Registrar General has declared such Caveat to be entered on frivolous Grounds, and that they ought not to obstruct the Grant of the Licence.

Persons vexatiously entering Caveat liable to Costs and Damages.

XLIV. And be it enacted, That every Person who shall knowingly and wilfully make any false Declaration or sign any false Notice or Certificate required by this Act, for the Purpose of procuring any Marriage, and every Person who shall forbid the Issue of any Registrar's Certificate, by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by this Act, or by falsely representing himself to be acting on behalf of such Person, knowing such Representation to be false, shall suffer the Penalties of Perjury.

Persons making false Declarations, &c. guilty of Perjury.

XLV. And be it enacted, That every Person who after the said Thirty-first Day of *March* shall knowingly and wilfully solemnize any Marriage or pretended Marriage in *Ireland* unless by Special Licence of the Archbishop of *Armagh* and his Successors, and his or their proper Officers, in any other Place than a Church or Chapel in which Marriages may be solemnized according to the Rites of the United Church of *England* and *Ireland*, or a Presbyterian Meeting House certified as aforesaid, or than the registered Building or Office specified in the Notice and Certificate as aforesaid, shall be guilty of Felony (except in the Case of a Marriage by any Roman Catholic Priest which may now be lawfully celebrated, or a Marriage between Two of the Society of Friends commonly called Quakers, according to the Usages of the said Society, or between Two Persons professing the Jewish Religion, according to the Usages of the Jews); and every Person who in any such registered Building or Office shall knowingly and wilfully solemnize any Marriage or pretended Marriage in the Absence of the Registrar shall be guilty of Felony; and every Person who shall knowingly and wilfully solemnize any Marriage or pretended Marriage in *Ireland* after the said Thirty-first Day of *March* (except by Licence) within Twenty-one Days after the Day of the Entry of the Notice to the Registrar as aforesaid, or if the Marriage is by Licence within Seven Days after the Day of the Entry required by this Act made in any Marriage Notice Book, or after Three Calendar Months after the Day of such Entry, shall be guilty of Felony.

Persons unduly solemnizing Marriage guilty of Felony.

XLVI. And be it enacted, That every Person knowingly and wilfully solemnizing any Marriage, unless after due Publication of Banns or Licence, or the Issue of the Registrar's Certificate, or who shall knowingly and wilfully grant any such Licence or publish any such Banns, after the Issue of such Licence or the Publication of such Banns shall have been lawfully forbidden by some Person authorized as aforesaid, shall be guilty of Felony.

Solemnizing Marriage without Publication of Banns, &c.

XLVII. And be it enacted, That every Registrar who shall knowingly and wilfully issue any Certificate for Marriage after the Expiration of Three Calendar Months after the Day on which the Notice shall have been entered by him as aforesaid, or any Certificate for Marriage by Licence before the Expiration of Seven Days after the Day of the Entry of the Notice, or any Certificate for Marriage without Licence before the Expiration of Twenty-one Days after the Day of the Entry of the Notice, or any Certificate the Issue of which shall have been forbidden as aforesaid by any Person authorized to forbid the Issue of the Registrar's Certificate, or who shall knowingly and wilfully register any Marriage herein declared to be null and void, and every Registrar who shall knowingly and wilfully issue any Licence for Marriage after the Expiration of Three Calendar Months after the Day on which the Notice shall have been entered by the Registrar as aforesaid, or who shall knowingly and wilfully solemnize or permit to be solemnized in his Office any Marriage herein declared to be null and void, shall be guilty of Felony.

Registrars unduly issuing Certificates guilty of Felony.

XLVIII. And be it enacted, That every Prosecution under this Act shall be commenced within the Space of Three Years after the Offence committed.

Limitation of Prosecution.

XLIX. And be it enacted, That, except in the Case of Marriages by Roman Catholic Priests which may now be lawfully celebrated, if any Persons shall knowingly and wilfully intermarry after the said Thirty-first Day of *March*, in any Place other than the Church or Chapel or certified Presbyterian Meeting House in which Banns of Matrimony between the Parties shall have been duly and lawfully published, or specified in the Licence, where the Marriage is by Licence, or the Church, Chapel, registered Building or Office, specified in the Notice and Registrar's Certificate or Licence as aforesaid, or without due Notice to the Registrar, or without Certificate of Notice duly issued, or without Licence from the Registrar, in case such Notice or Licence is necessary under this Act, or in the Absence of a Registrar where the Presence of a Registrar is necessary under this Act, or if any Persons shall knowingly or wilfully, after the said Thirty-first Day of *March*, intermarry in any certified Presbyterian Meeting

Marriages void if unduly solemnized with the Knowledge of both Parties.

House without Publication of Banns, or any Licence, the Marriage of all such Persons, except in any Case herein-before excepted, shall be null and void.

9 G. 2. (I.) and 23 G. 2. (I.) repealed; saving Enactments respecting degraded Clergymen.

L. And be it enacted, That after the said Thirty-first Day of *March* an Act passed by the *Irish* Parliament in the Ninth Year of the Reign of King *George* the Second, intituled *An Act for the more effectual preventing clandestine Marriages*, and so much of an Act passed in the Twenty-third Year of the same Reign, for explaining and making more effectual the last-recited Act, as relates to the last-recited Act, shall be repealed; but that nothing in this Act shall extend to repeal any Enactments now in force in *Ireland* for preventing the Performance of the Marriage Ceremony by degraded Clergymen.

In fraudulent Marriages, the guilty Party to forfeit all Property accruing from the Marriage, as in 4 G. 4. c. 76.

LI. And be it enacted, That if any valid Marriage shall be had under the Provisions of this Act by means of any wilfully false Notice, Certificate, or Declaration made by either Party to such Marriage, as to any Matter to which a Notice, Certificate, or Declaration is herein required, it shall be lawful for Her Majesty's Attorney General or Solicitor General for *Ireland* to sue in the Court of Chancery or Court of Exchequer in *Ireland* for a Forfeiture of all Estate and Interest in any Property accruing to the offending Party by such Marriage; and the Proceedings thereupon and Consequences thereof shall be the same as are provided in the like Case with regard to Marriages solemnized in *England* by Licence before the passing of this Act according to the Rites of the Church of *England*.

A General Registry Office to be provided in Dublin.

LII. And be it enacted, That, in order to provide the Means for a Register of the Marriages of Her Majesty's Subjects in *Ireland* who shall be married under the Provisions of this Act, it shall be lawful for the Lord Lieutenant to provide a proper Office in the City of *Dublin*, to be called "The General Register Office," for keeping a Register of such Marriages, and to appoint for the said Office a Registrar General of Marriages in *Ireland*, and from Time to Time at pleasure to remove the said Registrar General, and appoint some other Person in his Room.

Lord Lieutenant to appoint Officers, and fix the Salaries of Registrar General and other Officers.

LIII. And be it enacted, That the Lord Lieutenant, or the Registrar General, subject to the Approval of the Lord Lieutenant, shall appoint from Time to Time such Officers, Clerks, and Servants as he shall deem necessary to carry on the Business of the General Registry Office, and at pleasure remove them or any of them; and the Lord High Treasurer or Commissioners of Her Majesty's Treasury, or any Three of them, shall fix the Salary of the Registrar General, so that the same shall not at any Time exceed the Sum of Eight hundred Pounds yearly, and shall fix the Salaries of the Officers, Clerks, and Servants in fit Proportion, according to the Duties they may have to perform.

Salaries to be paid out of the Consolidated Fund.

LIV. And be it enacted, That the Salaries of the Registrar General, and of the said Officers, Clerks, and Servants, and all Expences of carrying on the Business of the General Registry Office, not herein otherwise provided for, shall be paid by the said Lord High Treasurer, or Commissioners of Her Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Regulations for Conduct of Officers to be framed under Direction of Lord Lieutenant.

LV. And be it enacted, That the Lord Lieutenant, or the Registrar General, with his Approbation, from Time to Time may make Regulations for the Management of the said Register Office, and for the Duties of the Registrar General, Clerks, Officers, and Servants of the said Office, and of the Registrars herein-after mentioned, in the Execution of this Act, so that they be not contrary to the Provisions herein contained; and the Regulations so made and approved shall be binding on the said Registrar General, Clerks, Officers, and Servants, and on the Registrars.

Annual Abstract of Registers to be laid before Parliament.

LVI. And be it enacted, That the Registrar General shall send once in every Year to the Lord Lieutenant, who shall forthwith transmit the same to One of the Principal Secretaries of State, a General Abstract of the Number of Marriages registered during the foregoing Year, in such Form as the said Secretary from Time to Time shall require; and every such annual General Abstract shall be laid before Parliament within One Calendar Month after Receipt thereof, or, if Parliament be not then sitting, within One Calendar Month after the next Meeting of Parliament.

Registrars to be appointed for Districts to be formed by Lord Lieutenant.

LVII. And be it enacted, That the Lord Lieutenant shall, as soon as may be after the passing of this Act, form all the Parishes, Townships, and Places in *Ireland* into Districts; and the Lord Lieutenant shall appoint a sufficient Number of fit Persons to be Registrars for such Districts, and shall appoint the Districts which each shall superintend; and every such Registrar shall hold his Office during the Pleasure of the Registrar General.

A Register Office to be provided in each District.

LVIII. And be it enacted, That a Register Office shall be provided and upheld in each District, according to a Plan to be approved by the Registrar General, for preserving the Registers to be deposited therein, as herein-after provided; and the Care of the said Office, and the Custody of the Registers deposited therein, shall be given to the Registrar of the District.

Appointments, &c. free from Stamp Duty.

LIX. And be it enacted, That the Appointments of Registrars, and the Duplicates and certified Copies of Registers, herein-after mentioned, shall be exempt from Stamp Duties.

Register Boxes to be provided.

LX. And be it enacted, That the Registrar General shall furnish to every Registrar a sufficient Number of strong Iron Boxes to hold the Register Books to be kept by every such Registrar; and every such Box shall be furnished with a Lock and Key, which Key shall be kept by the Registrar; and the Register Books of each District, while in the Custody of the Registrar, and not in use, shall be always kept in the Register Box, and the Register Box shall always be left locked.

All Books, &c. to be transferred on Removal of Registrars.

LXI. And be it enacted, That in every Case in which any Registrar shall be removed from or cease to hold the said Office, all Register Boxes, Keys, Books, Documents, and Papers in his Possession as such Registrar, shall be given as soon as conveniently may be to his Successor in Office; and if any Person shall refuse to give up any such Box, Key, Books, Documents, or Papers in such Case as aforesaid it shall be lawful for any Justice of the Peace for the County or other Jurisdiction where such Person shall be or reside, upon Application made for that Purpose, to issue a Warrant under his Hand and Seal for bringing

bringing such Person before any Two Justices of the Peace for the said County or other Jurisdiction; and upon such Person appearing, or not being found, it shall be lawful for such Justices to hear and determine the Matter in a summary Way; and if it shall appear to the Justices that any such Box, Key, Books, Documents, or Papers are in the Custody or Power of any such Person, and that he has refused or wilfully neglected to deliver the same, the said Justices shall commit such Offender to the Common Gaol or House of Correction for the said County or Jurisdiction, there to remain without Bail until he shall have delivered up the same, or until Satisfaction shall have been given in respect thereof to the Person in whose Custody the same ought to be; and the said Justices may grant a Warrant to search for such Box, Key, Books, Documents, or Papers, as in the Case of stolen Goods, in any Dwelling House or other Premises in which any credible Witness shall prove upon Oath before them that there is reasonable Cause to suspect the same to be; and the same when found shall be delivered to the Person in whose Custody they ought to be.

Register Books to be provided.

LXII. And be it enacted, That the Registrar General shall cause to be printed on account of the said Register Office a sufficient Number of Register Books for making Entries of all Marriages of Her Majesty's Subjects in *Ireland* who shall be married under the Provisions of this Act, according to the Form of Schedule (G.) to this Act annexed; and the said Register Books shall be of durable Materials, and in them shall be printed upon each Side of every Leaf the Heads of Information herein required to be known and registered of Marriages; and every Page of each of such Books shall be numbered progressively from the Beginning to the End, beginning with Number One; and every Place of Entry shall be also numbered progressively from the Beginning to the End of the Book, beginning with Number One; and every Entry shall be divided from the following Entry by a printed Line.

Registrars to furnish Marriage Register Books and Forms for certified Copies.

LXIII. And be it enacted, That the Registrar General shall furnish to every Registrar a sufficient Number of Marriage Register Books, and Forms for certified Copies thereof as herein-after provided, and also, on being thereunto required, shall furnish or cause to be furnished to the Rector, Vicar, or Curate of every Church and Chapel in *Ireland* wherein Marriages may lawfully be solemnized, and also to the Presbyterian Minister of every certified Presbyterian Meeting House, and also to every Person whom the Recording Clerk of the Society of Friends commonly called Quakers, at their Central Office in *Dublin*, shall from Time to Time certify in Writing under his Hand to the Registrar General to be a Registering Officer in *Ireland* of the said Society, and also to every Person whom the President for the Time being of the *London* Committee of Deputies of the *British* Jews shall from Time to Time certify in Writing under his Hand to the Registrar General to be the Secretary of a Synagogue in *Ireland* of Persons professing the Jewish Religion, a sufficient Number in Duplicate of Marriage Register Books, and Forms for certified Copies thereof, as herein-after provided; and the Cost of all such Books and Forms shall be paid by the High Constable out of the County Rates.

Marriage Registers to be kept in Duplicate.

LXIV. And be it enacted, That every Clergyman of the United Church of *England* and *Ireland*, immediately after every Office of Matrimony solemnized by him, shall register in Duplicate in Two of the Marriage Register Books the several Particulars relating to that Marriage according to the Form of the said Schedule (G.); and every Presbyterian Minister of a certified Presbyterian Meeting House, and every such Registering Officer of the Quakers, as soon as conveniently may be after the Solemnization of any Marriage between Two Quakers in the District for which he is Registering Officer, and every such Secretary of a Synagogue, immediately after every Marriage solemnized between any Two Persons professing the Jewish Religion, of whom the Husband shall belong to the Synagogue whereof he is Secretary, shall register or cause to be registered in Duplicate in Two of the said Marriage Register Books the several Particulars relating to that Marriage according to the Form of the said Schedule (G.); and every such Registering Officer or Secretary, whether he shall or shall not be present at such Marriage, shall satisfy himself that the Proceedings in relation thereto have been conformable to the Usages of the said Society, or of the Persons professing the Jewish Religion, as the Case may be; and every such Entry as herein-before is mentioned (whether made by such Clergyman, or by such Presbyterian Minister, or by such Registering Officer or Secretary respectively as aforesaid,) shall be signed by the Clergyman, or by such Presbyterian Minister, or by the said Registering Officer or Secretary, as the Case may be, and by the Parties married, and by Two Witnesses, and shall be made in order from the Beginning to the End of each Book, and the Number of the Place of Entry in each Duplicate Marriage Register Book shall be the same.

Duplicates and certified Copies of Registers of Marriages to be sent to Registrar.

LXV. And be it enacted, That the Rector, Vicar, or Curate of every such Church and Chapel, and every such Presbyterian Minister of a certified Presbyterian Meeting House, and every such Registering Officer and Secretary, shall, in the Months of *April*, *July*, *October*, and *January* respectively, make and deliver to the Registrar of the District in which such Church or Chapel or certified Presbyterian Meeting House or registered Place of Worship may be situated, or which may be assigned by the Registrar General to such Registering Officer or Secretary, on one of the Forms to be furnished to him as aforesaid by the Registrar General, a true Copy certified by him under his Hand of all the Entries of Marriages in the Register Book kept by him since the last Certificate, the first of such Certificates to be given in the Month of *April* One thousand eight hundred and forty-five, and to contain all the Entries made up to that Time, and if there shall have been no Marriage entered therein since the last Certificate shall certify the Fact under his Hand, and shall keep the said Marriage Register Books safely until the same shall be filled; and one Copy of every such Register Book, when filled shall be delivered to the Registrar of the District in which such Church or Chapel or certified Presbyterian Meeting House may be situated, or which shall have been assigned as aforesaid to such Registering Officer or Secretary, and the other

Copy

Copy of every such Register Book kept by any such Rector, Vicar, or Curate shall remain in the keeping of such Rector, Vicar, or Curate, and shall be kept by him with the Registers of Baptisms and Burials of the Parish or Chapelry within which the Marriages registered therein shall have been solemnized, and the other Copy of every such Register Book kept by any such Presbyterian Minister shall remain under the Care of such Presbyterian Minister, and be kept with the other Registers and Records of his Meeting House, and the other Copy of every such Register Book of Marriages among the People called Quakers and among Persons professing the Jewish Religion respectively shall remain under the Care of the said People or Persons respectively, to be kept with their other Registers and Records, and shall, for the Purposes of this Act, be still deemed to be in the keeping of the Registering Officer or Secretary for the Time being respectively.

Registrar to register all Marriages solemnized before him in Books to be sent by the Registrar General.

LXVI. And be it enacted, That the Registrar shall forthwith register every Marriage solemnized in manner aforesaid in his Presence, either in a registered Building or in his Office, in a Marriage Register Book to be furnished to him for that Purpose from Time to Time by the Registrar General according to the Form in Schedule (G.); and every Entry of such Marriage shall be signed by the Registrar, and also by the Parties married, and attested by Two Witnesses; and every such Entry shall be made in Order from the Beginning to the End of the Book; and the Registrar shall keep the said Marriage Register Books with the Records of his Office, and shall, in the Months of *April*, *July*, *October*, and *January* respectively, make, on one of the Forms to be furnished to him as aforesaid by the Registrar General, a true Copy, certified by him as aforesaid, in the Form of Schedule (F.) annexed to this Act, of all the Entries of Marriages in the Register Book kept by him since the last Certificate, the first of such Certificates to be given in the Month of *July* One thousand eight hundred and forty-five, and to contain all the Entries made up to that Time, and if there shall have been no Marriage entered therein since the last Certificate shall certify the Fact under his Hand.

Registrars to send certified Copies of Registers to the General Register Office.

LXVII. And be it enacted, That every Registrar shall Four Times in every Year, on such Days as shall be therefore named by the Registrar General, send to the Registrar General all the certified Copies of the Registers of Marriages which he shall have so made or received; and the Registrar General, if it shall appear, by Interruption of the regular Progression of Numbers or otherwise, that the Copy of any Part of any Book has not been duly delivered to him, shall procure, as far as possible, consistently with the Provisions of this Act, that the same may be remedied and supplied; and the certified Copies so sent to the General Registry Office shall be thereafter kept in the said Office in such Order and Manner as the Registrar General, under the Direction of the Lord Lieutenant, shall think fit, so that the same may be most readily seen and examined.

Searches may be made and Certificates given by the Persons keeping the Registers.

Fees.

LXVIII. And be it enacted, That every Rector, Vicar, or Curate, or Presbyterian Minister of a certified Presbyterian Meeting House, and every Registrar, Registering Officer, and Secretary, who shall have the keeping for the Time being of any Register Book of Marriages, wherein any Marriage shall have been registered under this Act, shall at all reasonable Times allow Searches to be made of any Register Book in his keeping, and shall give a Copy certified under his Hand of any Entry or Entries in the same, on Payment of the Fee herein-after mentioned; (that is to say,) for every Search extending over a Period not more than One Year the Sum of One Shilling, and Sixpence additional for every additional Year, and the Sum of Two Shillings and Sixpence for every single Certificate.

Indexes to be kept at Registrar's Office, and Searches allowed.

Fees.

LXIX. And be it enacted, That every Registrar shall cause Indexes of the Register Books in his Office to be made, and kept with the other Records of his Office; and that every Person shall be entitled at all reasonable Hours to search the said Indexes, and to have a certified Copy of any Entry or Entries in the said Register Books under the Hand of the Registrar, on Payment of the Fees herein-after mentioned; (that is to say,) for every general Search the Sum of Five Shillings, and for every particular Search the Sum of One Shilling, and for every certified Copy the Sum of Two Shillings and Sixpence.

Indexes to be kept at General Register Office, Searches allowed, and certified Copies given.

Fees.

LXX. And be it enacted, That the Registrar General shall cause Indexes of all the said certified Copies of the Registers to be made and kept in the General Register Office; and that every Person shall be entitled to search the said Indexes between the Hours of Ten in the Morning and Four in the Afternoon of every Day, except *Sundays*, *Christmas Day*, and *Good Friday*, and to have a certified Copy of any Entry in the said certified Copies of the Registers; and for every general Search of the said Indexes shall be paid the Sum of Twenty Shillings, and for every particular Search the Sum of One Shilling, and for every such certified Copy the Sum of Two Shillings and Sixpence, and no more, shall be paid to the Registrar General, or such other Officer as shall be appointed for that Purpose, on his Account.

Certified Copies given at General Registry Office to be sealed.

LXXI. And be it enacted, That the Registrar General shall cause to be made a Seal of the said Register Office, and the Registrar General shall cause to be sealed or stamped therewith all certified Copies of Entries given in the said Office; and all certified Copies of Entries purporting to be sealed or stamped with the Seal of the said Register Office, and which Seal it shall not be necessary to prove, shall be received as Evidence of the Marriage to which the same relates, without any further or other Proof of such Entry, and no certified Copy purporting to be given in the said Office shall be of any Force or Effect which is not sealed or stamped as aforesaid.

Clergymen, &c. may ask Parties married Particulars required.

LXXII. And be it enacted, That it shall be lawful for every Clergyman of the United Church of *England* and *Ireland* who shall solemnize any Marriage in *Ireland*, and for every Presbyterian Minister of a certified Presbyterian Meeting House, and for the Registrar before whom any Marriage is solemnized under this Act, either in any registered Building or in his Office, and for every Registering Officer of the Quakers, and every Secretary of a Synagogue, after the said Thirty-first Day of *March*, to

ask

ask of the Parties to be married the several Particulars herein required to be registered touching such Marriage.

Penalty for wilfully giving false Information.

LXXIII. And be it enacted, That every Person who shall wilfully make or cause to be made, for the Purpose of being inserted in any Register of Marriage, any false Statement touching any of the Particulars herein required to be known and registered, shall be subject to the same Pains and Penalties as if he were guilty of Perjury.

Penalty for not duly registering Marriages, or for losing or injuring the Registers.

LXXIV. And be it enacted, That every Person who shall refuse or without reasonable Cause omit to register any Marriage solemnized by him, or which he ought to register, and every Person having the Custody of any Register Book, or certified Copy thereof, or of any Part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a Sum not exceeding Fifty Pounds for every such Offence.

Penalty for destroying or falsifying Register Books.

LXXV. And be it enacted, That every Person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such Register Book, or any Part or certified Copy of any Part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any Part of any such Register Book or certified Copy thereof, or shall wilfully insert or cause to be inserted in any Register Book or certified Copy thereof any false Entry of any Marriage, or shall wilfully give any false Certificate, or shall certify any Writing to be a Copy or Extract of any Register Book, knowing the same Register to be false in any Part thereof, of which a Copy or Extract shall be so given, or shall forge or counterfeit the Seal of the Register Office, shall be guilty of Felony.

Accidental Errors may be corrected.

LXXVI. Provided always, and be it enacted, That no Person charged with the Duty of registering any Marriage, who shall discover any Error to have been committed in the Form or Substance of any such Entry, either by himself or any Predecessor in his Office, shall be therefore liable to any of the Penalties aforesaid if within One Calendar Month next after the Discovery of such Error, in the Presence of the Parties married, or in case of the Death or Absence of such Parties, then in the Presence of the Registrar and of Two other credible Witnesses who shall respectively attest the same, he shall correct the erroneous Entry, according to the Truth of the Case, by Entry in the Margin, without any Alteration of the original Entry, and shall sign the marginal Entry, and add thereunto the Day of the Month and Year when such Correction shall be made, and shall make the like marginal Entry, attested in like Manner, in the Duplicate Marriage Register Book to be made by him as aforesaid, and in every Case shall make the like Alteration in the certified Copy of the Register Book to be made by him as aforesaid, or in case such certified Copy shall have been already made he shall make and deliver in like Manner a separate certified Copy of the original erroneous Entry, and of the marginal Correction therein made.

Recovery of Penalties.

LXXVII. And be it enacted, That all Fines and Forfeitures by this Act imposed, unless otherwise directed, shall be recovered before any Two Justices of the Peace for the County, City, or Place where the Offence shall have happened, upon the Information or Complaint of any Person; and if on the Conviction of the Offender, either on his or her Confession, or by the Oath of any One or more credible Witness or Witnesses (which Oath such Justices are hereby empowered to administer), such Fines or Forfeitures, with the Costs of the Conviction, shall not be forthwith paid, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of such Justices; and for Want of Distress such Justices may commit every such Offender to the Common Gaol or House of Correction for the County, City, or Place where the Offence shall be committed, without Bail or Mainprize, for any Term not exceeding One Calendar Month, unless such Fine and Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid; and one Moiety of all such Fines and Forfeitures shall go to the Person who shall inform and sue or prosecute for the same, and the other Moiety shall go to the Registrar General, or to such other Person as the Commissioners of the Treasury shall appoint, for the Use of Her Majesty; and no Distress made by virtue of this Act shall be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, or Warrant of Distress, or on account of any Irregularity which shall be afterwards committed by the Party distraining, but the Person or Persons aggrieved by such Irregularity shall recover full Satisfaction for the special Damages sustained in an Action on the Case.

Limitation as to summary Convictions.

LXXVIII. And be it enacted, That the Prosecution for every Offence punishable on summary Conviction under this Act shall be commenced within Three Calendar Months next after the Commission of the Offence.

Appeal.

LXXIX. And be it enacted, That in all Cases where the Sum adjudged to be paid on any such summary Conviction shall exceed Five Pounds, any Person convicted may appeal to the next Court of General or Quarter Sessions which shall be holden not sooner than Twelve Days after the Day of such Conviction for the County or other District wherein the Cause of Complaint shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizances being entered into, the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet,

and

and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Certiorari.

LXXX. And be it enacted, That no such Conviction, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a valid Conviction to sustain the same.

Not to affect Officiating Minister's Fees.

LXXXI. Provided always, and be it enacted, That nothing herein contained shall affect the Right of any Officiating Minister to receive the Fees now usually paid for the Performance or Registration of any Marriage.

Registrar General to furnish Notices to Guardians of Unions, &c. of Acts to be done by Parties registering.

LXXXII. And be it enacted, That the said Registrar General shall, within Three Calendar Months after his Appointment to such Office, furnish to the respective Guardians of every Union, Parish, or Place printed Notices, which the said Guardians shall, as soon as conveniently may be after the Receipt thereof, cause to be fixed or placed on the Outside of the several Church and Chapel Doors, or other public and conspicuous Buildings or Places, within their respective Unions, Parishes, or Places, and which said Notices shall specify the several Acts required to be done by Persons who may be desirous of solemnizing Marriage under the Provisions of this Act.

Certain Marriages celebrated in Ireland to be the same in Law as if solemnized by Clergymen of the Established Church.

LXXXIII. 'And whereas Marriages have in divers Instances been had and celebrated in *Ireland* by 'Presbyterian and other Protestant Dissenting Ministers or Teachers, or those who at the Time of such 'Marriages had been such, between Persons of the same or different religious Persuasions, and it is 'expedient to confirm such Marriages;' be it therefore enacted, That all Marriages had and celebrated in *Ireland* since the passing of an Act passed in the last Session of Parliament, intituled *An Act for Confirmation of certain Marriages in* Ireland, and before the passing of this Act, by Presbyterian or other Protestant Dissenting Ministers or Teachers, or those who at the Time of such Marriages had been such, shall be and shall be adjudged and taken to have been and to be of the same Force and Effect in Law as if such Marriages had been solemnized by Clergymen of the United Church of *England* and *Ireland*, and of no other Force nor Effect whatsoever.

Extent of Act.

LXXXIV. And be it enacted, That this Act shall extend only to *Ireland*, and shall not extend to the Marriage of any of the Royal Family.

Act may be amended, &c.

LXXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

NOTICE OF MARRIAGE.

To *A.B.* [*or C.D.*] Surrogate [*or* Deputy Surrogate], *or*
To the Registrar of the District of [*Roscrea*] in the County of [*Tipperary,*] [*as the Case may be*].

I HEREBY give you Notice, That a Marriage is intended to be had, within Three Calendar Months from the Date hereof, between me and the other Party herein named and described; (that is to say,)

Name.	Condition.	Rank or Condition.	Age	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized.	District and County in which the other Party resides, when the Parties dwell in different Districts.
Lucius O'Hara	Widower	Carpenter	Of full Age	High Street, Roscrea.	23 Days	Sion Chapel, Roscrea, Tipperary.	Maryborough, Queen's County.
Margaret Shaw	Spinster	- -	Minor -	Grove Farm. Parish Maryborough.	More than a Month.		

Witness my Hand this [*Sixth*] Day of [*May 1845*].
(Signed) *Lucius O'Hara.*

[The Particulars in this Schedule to be entered according to the Fact.]

SCHEDULE (B.)

[No. 14.]

REGISTRAR'S CERTIFICATE.

I [*John Cox*], Registrar of the District of [*Roscrea*] in the County of [*Tipperary*], do hereby certify, That on the [*Sixth*] Day of [*May*] Notice was duly entered in the Marriage Notice Book of the said District of the Marriage intended between the Parties therein named and described, delivered under the Hand of [*Lucius O'Hara*], One of the Parties; (that is to say,)

Name.	Condition.	Rank or Condition.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized.	District and County in which the other Party dwells, where the Parties dwell in different Districts.
Lucius O'Hara	Widower	Carpenter	Of full Age	High Street	23 Days	Sion Chapel, Roscrea, Tipperary.	Maryborough, Queen's County.
Margaret Shaw	Spinster	- -	Minor -	Grove Farm.	More than a Month.		

Date of Notice entered, *6th May 1845.* Date of Certificate given, *28th May 1845.* } The Issue of this Certificate has not been forbidden by any Person authorized to forbid the Issue thereof.

Witness my Hand this [*Twenty-eighth*] Day of [*May One thousand eight hundred and forty-five*].

(Signed) *John Cox*,
Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the [*Seventh*] Day of [*August 1845*].

[The Particulars in this Schedule to be entered according to the Fact.]

SCHEDULE (C.)

LICENCE OF MARRIAGE.

WHEREAS a Marriage is intended to be solemnized between *A.B.* of and *C.D.* of : And whereas Application for a Licence hath been made to me *E.F.* the Presbyterian Minister duly authorized by His Excellency the Lord Lieutenant pursuant to the Provisions of an Act passed in the Eighth Year of the Reign of Queen Victoria, intituled "An Act," *&c.* [*here insert the Title of this Act*], to issue Marriage Licences within the Bounds of the Presbytery of : And whereas I have received the Certificate required by Law from the Reverend *G.H.*, Minister of the Congregation of of which *A.B.* [*or C.D.*] is a Member: And whereas I have duly ascertained, by the Oath [*or* Affirmation] of the said *A.B.* [*or C.D.*], that the Parties are respectively of the Age of Twenty-one Years, and that there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that *A.B.* [*or C.D.*] has had his [*or* her] usual Place of Abode for the Space of Fifteen Days last past within the Bounds of the Presbytery of , *or* [*in Cases where either Party is under Age, and not a Widower or Widow,*] that *A.B.* [*or C.D.*] is under the Age of Twenty-one Years, and that the Consent of *I.K.*, whose Consent to his [*or* her] Marriage is required by Law, has been obtained thereto [*or* that there is no Person having Authority to give such Consent, *or, where a Party so under Age is a Widower or Widow,* that *A.B.* [*or C.D.*] is under Twenty-one Years of Age, but is a Widower *or* Widow, *as the Case may be*]: Now I do hereby grant unto the Reverend or other the Minister officiating in the certified Presbyterian Meeting House of full Licence, according to the Authority in that Behalf given to me by the said Act, to proceed to solemnize such Marriage; provided that the said Marriage be publicly solemnized in the Presence of Two Witnesses, within One Calendar Month from the Date hereof, in the certified Presbyterian Meeting House of [*here describe the Meeting House in which the Marriage is to be solemnized*], between the Hours of Eight in the Forenoon and Two in the Afternoon. Given under my Hand this Day of One thousand eight hundred and

(Signed) *E.F.*
Licenser of Presbyterian Marriages.

SCHEDULE (D.)

PRESBYTERIAN MINISTER'S CERTIFICATE.

I [*John Mason*], Presbyterian Minister of in the Presbytery of do hereby certify, That on the Day of Notice was duly entered in a Book kept for that Purpose in my Congregation of the Marriage intended between the Parties therein named and described, delivered under the Hand of One of the Parties, who is and has been for the last Calendar Month a Member of my own Congregation; (that is to say,)

Name.	Condition.	Rank or Profession.	Age.	Residence.	Length of Residence.	Church or Building in which Marriage is to be performed.	County and Parish in which the other Party dwells, or where the Parties dwell in different Parishes, Congregations, or Districts.
John Brown	Widower	Mason	Full Age or 21.	County Down. Parish Comber. Town Comber. Townland Comber.	2 Years	1st Presbyterian Church, Comber.	Congregation of Kilrea, County of Derry.
Mary Mahon	Spinster	Milliner	Full Age	County Derry. Parish Kilrea. Town Kilrea.			

Witness my Hand, this Day of One thousand eight hundred and

(Signed) [*John Mason,*]
Minister of the Congregation of

[The Particulars in this Schedule to be entered according to the Fact.]

SCHEDULE (E.)

LICENCE of MARRIAGE.

A.B., Registrar of to *C.D.* of and *E.F.* of sendeth greeting.

WHEREAS ye are minded, as it is said, to enter into a Contract of Marriage under the Provisions of an Act passed in the Eighth Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], and are desirous that the same may be speedily and publicly solemnized: And whereas you *C.D.* [*or E.F.*] have made and subscribed a Declaration under your Hand that you believe there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that you *C.D.* [*or E.F.*] have [*or* has] had your [*or* his *or* her] usual Place of Abode for the Space of Fifteen Days last past within the District of ( ), and [*in Cases where either Party is under Age, and not a Widower or Widow,*] that you *C.D.* [*or E.F.*] are [*or* is] under the Age of Twenty-one Years, and that the Consent of *G.H.*, whose Consent to your [*or* his *or* her] Marriage is required by Law, has been obtained thereto [*or* that there is no Person having Authority to give such Consent], *or, where a Party so under Age is a Widower or Widow,* that you *C.D.* [*or E.F.*] are [*or* is] under Twenty-one Years of Age, but are [*or* is] a Widower or Widow, *as the Case may be*]: I do hereby grant unto you full Licence, according to the Authority in that Behalf given to me by the said Act, to proceed to solemnize such Marriage; provided that the said Marriage be publicly solemnized in the Presence of Two Witnesses, within Three Calendar Months from the [*here insert the Date of the Entry in the Notice Book of the Registrar*], in the [*here describe the Building in which the Marriage is to be solemnized*], between the Hours of Eight in the Forenoon and Two in the Afternoon. Given under my Hand this Day of One thousand eight hundred and

(Signed) *A.B.*
Registrar.

SCHEDULE (F.)

I [*John Cox*], Registrar of the District of [*Roscrea*] in the County of [*Tipperary*], do hereby certify, That this is a true Copy of the Entries of Marriage registered in the said District from the Entry of the Marriage of [*John Wood*] and [*Anne Simpson*], Number [*One*], to the Entry of the Marriage of [*Lucius O'Hara*] and [*Margaret Shaw*], Number [*Fourteen*]. Witness my Hand, this [*First Day of July 1845*].

(Signed) *John Cox,*
Registrar.

[The Particulars in this Schedule to be entered according to the Fact.]

SCHEDULE (G.)

1845.—MARRIAGES solemnized [*at the Parish Church*] in the [*Parish of St. Audeon*] in the City of [*Dublin*].

No.	When married.	Name and Surname.	Age.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	27 March 1845.	Patrick Donovan.	Of full Age.	Bachelor.	Carpenter.	3, South Street.	Peter Donovan.	Upholsterer.
		Mary O'Brien.	Minor.	Spinster.	—	17, High Street.	Laurence O'Brien.	Butcher.

Married in the [*Parish Church*], according to the Rites and Ceremonies of the [*United Church of England and Ireland, by Licence*], or [*after Banns*],

By me, [*William Jackson, Vicar.*]

This Marriage was solemnized between us, { *Patrick Donovan,* / *Mary O'Brien,* } In the Presence of us, { *Dennis Donovan.* / *Laurence O'Brien.* }

[The Particulars in this Schedule to be entered according to the Fact.]

CAP. LXXXII.

An Act to continue for Five Years so much of an Act of the Second and Third Years of Her present Majesty, as enables Justices to grant Warrants for entering Places in which Spirits are sold without Licence in *Ireland*. [9th *August* 1844.]

CAP. LXXXIII.

An Act to amend the Laws relating to Saving Banks, and to the Purchase of Government Annuities through the Medium of Savings Banks. [9th *August* 1844.]

'WHEREAS it is expedient to amend the Laws relating to Savings Banks, and to make other Provisions respecting Savings Banks, and the Purchase of Government Annuities through the Medium of Savings Banks: And whereas an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks;* and another Act was passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Depositors in Savings Banks and others to purchase Government Annuities through the Medium of Savings Banks, and to amend an Act of the Ninth Year of His late Majesty to consolidate and amend the Laws relating to Savings Banks:*' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the Twentieth Day of *November* One thousand eight hundred and forty-four the Interest payable on the Receipts issued to the Trustees of Savings Banks by the Commissioners for the Reduction of the National Debt shall cease, and that from and after the said Twentieth Day of *November* all Receipts issued prior to that Day shall carry Interest at the Rate of Three Pounds Five Shillings *per Centum per Annum;* and that from and after the said Twentieth Day of *November*, upon the Payment of any Sum or Sums of Money into the Banks of *England* or *Ireland*, to the Account of the said Commissioners, by the Trustees of any Savings Bank, it shall be lawful for the Officer or Officers of the said Commissioners in that Behalf, and he and they is and are hereby authorized and empowered, to issue, upon every such Payment being made, a Receipt, signed by One of the Cashiers of the Governor and Company of the Banks of *England* or *Ireland* respectively, for the Amount of such Payment, carrying Interest at the Rate of Three Pounds Five Shillings *per Centum per Annum* from the Day of such Payment inclusive, payable, with the Principal, at the Banks of *England* or *Ireland* respectively, whenever the same shall be required or drawn for in manner directed by the said recited Act; and such Receipt shall be dated on the Day on which the Payment of any such Sum or Sums of Money shall be made respectively; and every such Receipt shall be in such Form as shall be from Time to Time directed by the said Commissioners; and the Principal and Interest of all Sums mentioned in any Receipt shall be charged and chargeable upon, and the same are hereby charged and made payable out of all or any Monies standing in any Account in the Names of the said Commissioners, or out of any Monies produced by the Sale of any Stock or Annuities, Funds, or

9 G. 4. c. 92.

3 & 4 W. 4. c. 14.

From and after 20th November 1844 the Interest payable to Trustees of Savings Banks shall be at the Rate of 3*l.* 5*s.* per Cent.

Exchequer Bills standing in their Names in the Books of the Banks of *England* or *Ireland* respectively, as the said Commissioners shall from Time to Time direct: Provided always, that no fractional Part less than One Penny shall be allowed or paid as Interest upon the Principal Sum contained in any Receipt issued under the Provisions of this Act.

After 20th Nov. 1844 Interest not to exceed 3*l.* 0*s.* 10*d.*

II. And be it enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and forty-four the Interest payable to the Depositors by the Trustees or Managers of any Savings Banks shall not exceed the Rate of Three Pounds and Ten-pence *per Centum per Annum.*

Depositors to sign a Declaration, and a Copy thereof to be annexed to Deposit Book.

III. And be it enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and forty-four it shall not be lawful to receive from any Depositor his or her first Deposit in any Savings Bank without requiring him or her to sign the Declaration required by the said recited Act, and in the Manner therein mentioned, a Copy of which Declaration, with the Penalty attached thereto if false, shall also be annexed to or printed at the Beginning of the Deposit Book.

Punishment of Actuary, &c. receiving Deposits and not paying over same to Managers, &c.

IV. And be it enacted, That if any Actuary, Cashier, Secretary, Officer, or other Person holding any Situation or Appointment in any Savings Bank, shall receive any Sum or Sums of Money from or on account of any Depositor or Person desirous of becoming such, or on account of such Institution, and shall not, at the next Day on which the said Institution is opened for the Receipt of Deposits, or in the Case of Local Receivers acting on behalf of any Savings Bank shall not within the Time specified in the Rules of the said Institution, account for and pay over the same to the Trustees or Managers thereof, or to such Person as may be directed by the Rules of the Institution, such Actuary, Cashier, Secretary, Officer, or Local Receiver, or other Person as aforesaid, on being convicted thereof, shall be guilty of a Misdemeanor.

Depositor to produce his Book at Institution.

V. And be it enacted, That Provision shall be made in the Rules of every Savings Bank that every Depositor therein shall, once in every Year at least, cause his Deposit Book to be produced at the Office of the said Institution for the Purpose of being examined.

Limiting Responsibility of Trustees and Managers.

VI. And be it enacted, That no Trustee or Manager of any Savings Bank shall be liable to make good any Deficiency which may hereafter arise in the Funds of any Savings Bank, unless such Persons shall have respectively declared, by Writing under their Hands and deposited with the Commissioners for the Reduction of the National Debt, that they are willing so to be answerable; and it shall be lawful for each of such Persons, or for such Persons collectively, to limit his or their Responsibility to such Sum as shall be specified in any such Instrument: Provided always, that the Trustee and Manager of any such Institution shall be and is hereby declared to be personally responsible and liable for all Monies actually received by him on account of or to and for the Use of such Institution, and not paid over or disposed of in the Manner directed by the Rules of the said Institution; and an Abstract of the above Provisions shall be enrolled as one of the Rules of the Institution.

Trust Accounts.

VII. And be it enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and forty-four, when Deposits shall be made by a Trustee on behalf of another, the Sum shall be invested in the Name of such Trustee and the Name of the Person on whose Account such Sum shall be so deposited; and Repayment of the same or any Part thereof shall not be made by the Trustees or Managers of any Savings Bank without the Receipt and Receipts of the said Trustee and the Person on whose Account such Deposit may have been made, or the Survivor or Survivors, or the Executors or Administrators of such Survivor, whose Receipt and Receipts, either in Person or by Agent appointed by Power of Attorney, which Power of Attorney shall be valid if executed by an Infant of or exceeding the Age of Fourteen Years, shall alone be a good and valid Discharge to the said Trustees and Managers, except in case of the Insanity or Imbecility of the Party on whose Behalf the Deposit has been made, upon Proof of which to the Satisfaction of the said Trustees or Managers Repayment may be made to the said Trustee; and an Abstract of the above Provisions shall be enrolled as one of the Rules of the Institution: Provided always, that nothing herein contained shall extend or be construed to extend to interfere with any Trust Accounts opened before the passing of this Act.

Repayment of Trust Deposits.

Annuities not to exceed 30*l.* 3 & 4 W. 4. c. 14.

VIII. And be it enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and forty-four, so much of the Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Depositors in Savings Banks and others to purchase Government Annuities through the Medium of Savings Banks, and to amend an Act of the Ninth Year of His late Majesty to consolidate and amend the Laws relating to Savings Banks,* as provides that no Annuity or Annuities sold or granted to or possessed by any One Individual shall exceed in the whole the Sum of Twenty Pounds nor less than Four Pounds *per Annum,* shall be and the same is hereby repealed; and from and after the Twentieth Day of *November* One thousand eight hundred and forty-four, no Annuity or Annuities sold or granted to or possessed by any One Individual under the said recited Act or this Act shall exceed in the whole the Sum of Thirty Pounds nor less than Four Pounds *per Annum:* Provided also, that nothing in this or the said recited Act contained shall prevent such Annuity being sold or granted to or possessed by any married Man or Woman, although an Annuity to the same Amount or a less Amount may have been sold or granted to or possessed by the Wife or Husband of such Party.

Annuity may be granted to Husband and to Wife.

Amount payable on Purchase of Annuity.

IX. And be it enacted, That instead of the Sums allowed to be charged at the Time of purchasing an Annuity under this or the said recited Act, and the yearly Sum payable during the Continuance of the said Annuity, the said Trustees or Managers may at the Time of purchasing such Annuity charge any Sum not exceeding the following; (that is to say,) for every Annuity under Five Pounds the Sum of Five shillings; Five Pounds and under Ten Pounds, the Sum of Ten Shillings; Ten Pounds and under Fifteen

Fifteen Pounds, the Sum of Fifteen Shillings; Fifteen Pounds and under Twenty Pounds, the Sum of One Pound; Twenty Pounds and under Twenty-five Pounds, the Sum of One Pound Five Shillings; Twenty-five Pounds and not exceeding Thirty Pounds, the Sum of One Pound Ten Shillings.

Where Deposits and Interest do not exceed 50*l.* exclusive of Interest, if Will, &c. not proved within a Month, Money may be paid to Widow or to Party entitled to Effects of deceased.

X. And be it enacted, That in case any Depositor in any Savings Bank shall die, leaving any Sum of Money in the said Institution belonging to him or her at the Time of his or her Death, not exceeding in the whole the Sum of Fifty Pounds, exclusive of Interest, and Probate of the Will of the deceased Depositor, or Letters of Administration of his or her Estate and Effects, is not produced to the Trustees or Managers of the said Institution, or if Notice in Writing of the Existence of a Will and Intention to prove the same or to take out Letters of Administration is not given to the said Trustees or Managers within the Period of One Month from the Death of the said Depositor, and in the latter Case unless such Will is proved or Letters of Administration taken out within the Period of Two Months from the Death of the said Depositor, it shall be lawful for the said Trustees or Managers to pay and divide the same to or amongst any Person or Persons who shall appear to such Trustees or Managers to be the Widow, or entitled to the Effects of such deceased Depositor, according to the Statute of Distribution, or according to the Rules of the Institution, and the Payment of any such Sum of Money shall be valid and effectual with respect to any Demand of any other Person or Persons as next of Kin of such deceased Depositor, or as the lawful Representative of such Depositor, against the Funds of such Savings Bank, or against the Trustees and Managers thereof; but nevertheless such next of Kin or Representative shall have Remedy for Recovery of such Money so paid as aforesaid against the Person or Persons who shall have received the same.

Payment on Death of Depositor, being illegitimate, and dying intestate.

XI. And be it enacted, That if any Depositor, being illegitimate, shall die intestate, leaving any Person or Persons who but for the Illegitimacy of such Depositor and of such Person or Persons would be entitled to the Money due to such deceased Depositor, it shall be lawful for the Trustees or Managers, with the Authority in Writing of the Barrister appointed to certify the Rules of Savings Banks, to pay the Money due to such deceased Depositor to any One or more of the Persons as in their Opinion would have been entitled to the same, according to the Statute of Distributions, if the said Depositor and such Person or Persons had been legitimate.

Payment to married Women of Deposits made by them, when declared to be valid.

XII. 'And whereas Deposits in Savings Banks may have been made and may be made by married 'Women, and Deposits may have been made and may be made by Women who may have afterwards 'married;' be it enacted, That it shall be lawful for the Trustees or Managers of any Savings Bank to pay any Sum of Money in respect of any such Deposit to any such Woman, unless the Husband of such Woman shall give to such Trustees or Managers Notice in Writing of such Marriage, and shall require Payment to be made to him.

Time for making out half-yearly Receipts and annual Statement.

XIII. And be it enacted, That the Time for making out and issuing the half-yearly Receipts for Interest to the several Savings Banks and Friendly Societies shall be extended to Sixty Days from and after the Twentieth of *May* and Twentieth of *November* respectively in each Year, and the Time for transmitting the annual Statement mentioned in the said recited Act shall be extended to Nine Weeks next after the Twentieth Day of *November* in each Year.

Settlement of Disputes.

XIV. And be it enacted, That if any Dispute shall arise between the Trustees and Managers of any Savings Bank and any individual Depositor therein, or any Executor, Administrator, next of Kin, or Creditor, or Assignee of Depositor, who may become bankrupt or insolvent, or any Person claiming to be such Executor, Administrator, next of Kin, Creditor, or Assignee, or to be entitled to any Money deposited in such Savings Bank, then and in every such Case the Matter in dispute shall be referred in Writing to the Barrister at Law appointed under the said recited Acts, who shall have Power to proceed *ex parte* on Notice in Writing to the said Trustees or Managers left or sent by the said Barrister to the Office of the said Institution; and whatever Award, Order, or Determination shall be made by the said Barrister shall be binding and conclusive on all Parties, and shall be final to all Intents and Purposes without any Appeal; and no Submission to, or Award, Order, or Determination of the said Barrister shall be subject or liable to or charged with any Stamp Duty whatever.

On reference, Barrister may inspect Books and administer Oath to Witnesses.

XV. And be it enacted, That on any such Reference it shall be lawful for the said Barrister and he is hereby authorized to inspect any Book or Books belonging to the said Institution relating to the Matter in dispute, and to administer an Oath to any Witness appearing before him, or to take the Affirmation in Cases where Affirmation is allowed by Law instead of Oath; and if upon such Oath or Affirmation any Person making the same shall wilfully and corruptly give any false Evidence, every Person so offending shall be deemed and taken to be guilty of Perjury, and shall be prosecuted and punished accordingly.

Bonds given under 9 G. 4. c. 92. and 3 & 4 W. 4. c. 14. to be sent to Commissioners for Reduction of National Debt, and cancelled.

XVI. And be it enacted, That within One Month from the passing of this Act the Clerk of the Peace or Town Clerk with whom any Bond given as Security, pursuant to the Provisions of either of the said recited Acts, shall have been deposited shall transmit the same to the Commissioners for the Reduction of the National Debt, to be and remain in their Custody; and it shall be lawful for the said Commissioners, on any Application and Receipt signed by not less than Two Trustees and Three Managers, in such Form as the said Commissioners shall direct, to deliver up to the Trustees of the Institution any Bond or Bonds which may have been or shall hereafter be given by way of Security on behalf of such Institution, for the Purpose of being cancelled.

Treasurer and other Officers intrusted with Receipt or

XVII. And be it enacted, That every Treasurer, Actuary, or Cashier who shall be intrusted with the Receipt or Custody of any Sum of Money subscribed or deposited for the Purpose of such Institution, or any Interest or Dividend from Time to Time accruing therefrom, and every Officer or other Person receiving

Custody of Money, &c. to give Security.

Security to be given by Bond to Comptroller General.

Trustees may sue upon Bond.

Bond not liable to Stamp Duty.

receiving any Salary or Allowance for their Services from the Funds of any Savings Bank or Government Annuity Society (unless he shall have already given good and sufficient Security), shall give good and sufficient Security, to be approved of by not less than Two Trustees and Three Managers of such Savings Bank or Government Annuity Society, for the just and faithful Execution of such Office or Trust; and such Security when given by an Actuary or Cashier, or Officer or Person receiving any Salary or Allowance for his Services as aforesaid, shall be given by Bond or Bonds with One or more Sureties to the Comptroller General of the National Debt Office for the Time being, without Fee or Reward; and in case of Forfeiture it shall be lawful for the Trustees or Managers for the Time being of such Institution to sue upon such Bond or Bonds in the Name of such Comptroller General for the Time being, and to carry on such Suit at the Costs and Charges and for the Use of the said Institution, fully indemnifying and saving harmless such Comptroller General from all Costs and Charges in respect of such Suit; and no Bond to be so given shall be subject to or charged or chargeable with any Stamp Duty whatever; and such Bond shall, when executed, be deposited with the Commissioners for the Reduction of the National Debt.

Repeal of Part of 9 G. 4. c. 92. as to Deposit of Rules with Clerk of Peace.

XVIII. And be it enacted, That so much of the said recited Act as requires that the Transcript of the Rules of a Savings Bank or Government Annuity Society shall be deposited with or filed by the Clerk of the Peace, and a Certificate thereof returned to the Institution, and that such Transcript shall be laid before the Justices at Sessions, shall be and the same is hereby repealed.

Two written or printed Copies of Rules, &c. to be submitted to Barrister for his Certificate.

XIX. And be it enacted, That Two written or printed Copies of all Rules or Alterations of Rules made in pursuance of the said recited Acts or this Act, signed by Two Trustees, with all convenient Speed after the same shall be made, altered, or amended, and so from Time to Time after every making, altering, or amending thereof, shall be submitted to the Barrister at Law appointed under the Provisions of the said recited Act, for the Purpose of ascertaining whether the said Rules or Alterations, or Amendments thereof, are in conformity to Law and with the Provisions of the said Acts relating to Savings Banks or Government Annuity Society; and that the said Barrister shall give a Certificate on each of the said written or printed Copies that the same are in conformity to Law and the Provisions of the said last-mentioned Acts, or point out in what Part or Parts the said Rules, Alterations, or Amendments are repugnant thereto; and that the Barrister for perusing the Rules or Alterations or Amendments of the Rules of such respective Savings Bank or Government Annuity Society, and giving such Certificate as aforesaid, shall demand no further Fee than specified in the said recited Act; and one of such written or printed Copies, when certified by the said Barrister, shall be returned to the Trustees of the said Institution, and the other of such Transcripts or printed Copies shall be transmitted by such Barrister to the Commissioners for the Reduction of the National Debt; and that all Rules, Alterations, and Amendments thereof, from the Time when the same shall have been certified by the said Barrister, shall be binding on the Trustees, Managers, and Officers of the said Institution, and the Depositors therein and their Representatives; and the Copy of such Rules deposited with the said Commissioners, or a true Copy thereof, examined with the Original and proved to be a true Copy, shall be received as Evidence of such Rules respectively in all Cases, and no Certiorari shall be brought or allowed to remove any such Rules into any of Her Majesty's Courts of Record.

Barrister to return one Copy to Institution, and transmit the other Copy to Commissioners.

Adaptation of Provisions of this Act to the Law of Scotland.

XX. And be it enacted, That where this Act provides for Payments made or to be made to any of the Relations of any deceased intestate Depositor according to the Statute of Distribution, the Provisions thereof shall be held to apply to Payments made or to be made to Persons appearing to be next of Kin according to the Law of *Scotland;* and that where this Act refers to Probate of the Will of the Deceased, or Letters of Administration of his or her Estate and Effects, the said Provisions shall be held to apply to Confirmation by the Law of *Scotland.*

Provisions of this Act to apply to Purchasers of Annuities.

XXI. And be it enacted, That all the Provisions of this Act, in as far as the same can or may be applicable, shall apply to the Trustees and Managers of any Government Annuity Society, and to the Parties purchasing Annuities, and to the Rules and Regulations to be made for carrying the same into effect.

Extent of Act.

XXII. And be it enacted, That this Act shall extend to *Great Britain* and *Ireland, Berwick-upon-Tweed,* and the Islands of *Guernsey, Jersey,* and *Isle of Man.*

Act may be amended, &c.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXXXIV.

An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood. [9th *August* 1844.]

Extension of Limits, and Amendment of Law.

Improvement of Drainage.

'WHEREAS by the several Acts mentioned in Schedule (A.) to this Act annexed Provisions 'are made for regulating the Construction of Buildings in the Metropolis, and the Neighbourhood 'thereof, within certain Limits therein set forth; but forasmuch as Buildings have since been extended 'in nearly continuous Lines or Streets far beyond such Limits, so that they do not now include all the 'Places to which the Provisions of such Acts, according to the Purposes thereof, ought to apply, and 'moreover such Provisions require Alteration and Amendment, it is expedient to extend such Limits, 'and otherwise to amend such Acts: And forasmuch as in many Parts of the Metropolis and the Neigh-'bourhood thereof the Drainage of the Houses is so imperfect as to endanger the Health of the Inhabitants, 'it is expedient to make Provision for facilitating and promoting the Improvement of such Drainage:

'And

'And forasmuch as by reason of the Narrowness of Streets, Lanes, and Alleys, and the Want of a Thoroughfare in many Places, the due Ventilation of crowded Neighbourhoods is often impeded, and the Health of the Inhabitants thereby endangered, and from the close Contiguity of the opposite Houses the Risk of Accident by Fire is extended, it is expedient to make Provision with regard to the Streets and other Ways of the Metropolis for securing a sufficient Width thereof: And forasmuch as many Buildings and Parts of Buildings unfit for Dwellings are used for that Purpose, whereby Disease is engendered, fostered, and propagated, it is expedient to discourage and prohibit such Use thereof: And forasmuch as by the carrying on in populous Neighbourhoods of certain Works, in which Materials of an explosive or inflammable Kind are used, the Risk of Accidents arising from such Works is much increased, it is expedient to regulate not only the Construction of the Buildings in which such dangerous Works are carried on, but also to provide for the same being carried on in Buildings at safe Distances from other Buildings which are used either for Habitation or for Trade in populous Neighbourhoods: And forasmuch as by the carrying on of certain Works of a noisome Kind, or in which deleterious Materials are used, or deleterious Products are created, the Health and Comfort of the Inhabitants are extensively impaired and endangered, it is expedient to make Provision for the Adoption of all such Expedients as either have been or shall be devised for carrying on such Businesses, so as to render them as little noisome or deleterious as possible to the Inhabitants of the Neighbourhood; and if there be no such Expedients, or if such Expedients be not available in a sufficient Degree, then for the carrying on of such noisome and unwholesome Businesses at safer Distances from other Buildings used for Habitation: And forasmuch as great Diversity of Practice has obtained among the Officers appointed in pursuance of the said Acts to superintend the Execution thereof in the several Districts to which such Acts apply, and the Means at present provided for determining the numerous Matters in question which constantly arise tend to promote such Diversity, to increase the Expence, and to retard the Operations of Persons engaged in building, it is expedient to make further Provision for regulating the Office of Surveyor of such several Districts, and to provide for the Appointment of Officers to superintend the Execution of this Act throughout all the Districts to which it is to apply, and also to determine sundry Matters in question incident thereto, as well as to exercise in certain Cases, and under certain Checks and Control, a Discretion in the Relaxation of the fixed Rules, where the strict Observance thereof is impracticable, or would defeat the Object of this Act, or would needlessly affect with Injury the Course and Operation of this Branch of Business:' Now for all the several Purposes above mentioned, and for the Purpose of consolidating the Provisions of the Law relating to the Construction and the Use of Buildings in the Metropolis and its Neighbourhood, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That with regard to this Act generally, so far as relates to the Operation thereof in reference to Time, it shall come into operation at the following Times; (that is to say,) as to the Districts and the Officers to be appointed in pursuance hereof on the First Day of *September* next, and as to the Buildings, Streets, and other Matters on the First Day of *January* One thousand eight hundred and forty-five; and that on the said First Day of *January* all the Acts mentioned in the Schedule hereunto annexed, except so far as in the said Schedule is provided, shall be and are hereby repealed.

Securing a sufficient Width of Streets, &c.

Improper Use of Buildings.

Regulation of explosive Works.

Regulation of deleterious Works.

Execution of Act, and Superintendence thereof.

General Provisions.

Operation of Act.

Statutes repealed.

II. And be it declared, with regard to this Act generally, so far as relates to the Construction of certain Terms and Expressions used therein, That the following Terms and Expressions are intended to have the Meanings hereby assigned to them respectively, so far as such Meanings are not excluded by the Context, or by the Nature of the Subject Matter; (that is to say,)

Construction of Terms.

The Word "Street" to include every Square, Circus, Crescent, Street, Road, Place, Row, Mews, Lane, or Place along which Carriages can pass or are intended to pass, and that whether there be or be not, in addition to the Carriageway, a Footway, paved or otherwise: Street.

The Word "Alley" to include any Court, Alley, Passage, or other public Place which can be used as a Footway only: Alley.

The Word "Square," as applied to any Area of Building, to contain One hundred Superficial Feet: Square.

The Word "Floor" to mean the horizontal Platform forming the Base of any Story, and to include the Timber or Bricks or any other Substance constituting such Platform: Floor.

The Word "Story" to include the full Thickness of such Floor, as well as the Space between the upper Surface of one Floor and the under Surface of the Floor next above it; or if there be no Floor then the Space between the Surface of the Ground and the under Surface of the Floor next above it: Story.

The Term "external Wall" to apply to every outer Wall of Buildings now built or hereafter to be built, which (excepting the Footing thereof on one Side) shall stand wholly upon Ground of the Owner of such Buildings, and shall not be used or intended to be used as a Party Wall under the Definition herein-after contained, whether the same shall adjoin or not to other outer or to Party Walls: External Wall.

The Term "Party Wall" to apply to every Wall which shall be used, or be built in order to be used, as a Separation of Two or more Buildings with a view to the Occupation thereof by different Families, or which shall be actually occupied by different Families, and also every Wall which shall stand upon Ground not wholly belonging to the same Owner to a greater Extent than the Projection of its Footing on one Side: Party Wall.

The Term "already built," used in reference to Buildings, to apply to Buildings built before the First Day of *January* One thousand eight hundred and forty-five, or commenced before that Day, and covered Already built.

General Provisions.

covered in and rendered fit for Use within Twelve Months thereafter; and, used in reference to Streets and Alleys, to apply to all Streets or Alleys made or laid out before that Day, and which shall be formed and rendered fit for Use within Twelve Months thereafter:

Hereafter to be built. The Term "hereafter to be built," used in reference to Buildings, to apply to all Buildings to be built or commenced after the First Day of *January* One thousand eight hundred and forty-five, or which, being commenced, shall not be covered in within Twelve Months thereafter; and, used in reference to Streets and Alleys, to apply to all Streets or Alleys not laid out before the said First Day of *January*, or which, being laid out, shall not be rendered fit for Use within Twelve Months thereafter:

Parish. The Word "Parish" to include all parochial Districts and extra-parochial Places in which separate Churchwardens, Overseers, or Constables are appointed; and where Two Parishes have been united for Ecclesiastical Purposes, then to include such united Parishes:

Owner. The Word "Owner" to apply generally to every Person in possession or receipt either of the whole or of any Part of the Rents or Profits of any Ground or Tenement, or in the Occupation of such Ground or Tenement, other than as a Tenant from Year to Year, or for any less Term, or a Tenant at Will:

Official Referees. The Term "Official Referees" to mean the Persons appointed in pursuance of this Act to be Official Referees of Metropolitan Buildings:

Surveyor. The Word "Surveyor" to apply to all Surveyors to be appointed in pursuance of this Act, or whose Appointment is confirmed by this Act, and also to all Deputy or Assistant Surveyors to be appointed under this Act:

The Surveyor. The Words "the Surveyor," used without any Addition, to mean the Surveyor in whose District the Buildings, Street or Alley, or other Subject Matter shall be, or any Deputy or Assistant Surveyor duly acting in his Behalf:

Month. The Word "Month" to mean a Calendar Month:

The Commissioners of Works and Buildings. The Expression "the Commissioners of Works and Buildings" to mean the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings:

Justice of the Peace. The Expression "Justice of the Peace" to mean a Justice of the Peace for the County, Division, or Liberty within which the Building or other Subject Matter, or any Part thereof, is situate; unless it be situate within the City of *London* or the Liberties thereof, in reference to which any Matter or Thing elsewhere required or authorized to be done, either by One or by Two or more Justices of the Peace, may be done, either by the Lord Mayor of the City of *London*, or by any One, Two, or more Justices of the Peace for the said City; or unless the Subject Matter be situate in the District of any Police Court of the Metropolis, in reference to which any Matter or Thing elsewhere required or authorized to be done by Two or more Justices may be done by One Magistrate:

Local Officers. And, generally, whensoever the Name of an Officer having local Jurisdiction in respect of his Office is referred to, without mention of the Locality to which the Jurisdiction extends, such Reference is to be understood to indicate the Officer having Jurisdiction in that Place within which is situate the Building or other Subject Matter, or any Part thereof, to which such Reference applies:

Singular and Plural. Masculine and Feminine. Corporate Body. And, subject as aforesaid to the Context and to the Nature of the Subject Matter, Words importing the Singular Number are to be understood to apply to a Plurality of Persons or Things, and Words importing the Masculine Gender are to be understood to apply to Persons of the Feminine Gender, and Words importing an Individual are to be understood to apply to a Corporation or Company, or other Body of Persons.

Extent of Operation of Act in reference to Localities. III. And be it enacted, with regard to this Act generally, so far as relates to the Operation thereof in reference to Localities, That the Operation of this Act shall extend to all Places within the following Limits; (that is to say,)

To all such Places lying on the North Side or left Bank of the River *Thames* as are within the exterior Boundaries of the Parishes of *Fulham, Hammersmith, Kensington, Paddington, Hampstead, Hornsey, Tottenham, Saint Pancras, Islington, Stoke Newington, Hackney, Stratford-le-Bow, Bromley, Poplar*, and *Shadwell:*

And to such Part of the Parish of *Chelsea* as lies North of the said Parish of *Kensington:*

And to all such Parts and Places lying on the South Side or right Bank of the said River as are within the exterior Boundaries of the Parishes of *Woolwich, Charlton, Greenwich, Deptford, Lee, Lewisham, Camberwell, Lambeth, Streatham, Tooting*, and *Wandsworth:*

And to all Places lying within Two hundred Yards from the exterior Boundary of the District hereby defined, except the Eastern Part of the said Boundary which is bounded by the River *Lea.*

Power to extend the Limits of Act. IV. 'And forasmuch as, partly by the rapid Increase of Population in the Neighbourhood of the 'Districts to which this Act is to apply, and partly by the Tendency of this Act to induce building 'Speculation in such Neighbourhoods in order to evade the Provisions thereof, the Evils which have 'arisen in the Districts not now subject to Regulation will in all Probability arise in such Neighbourhoods, 'it is expedient to make Provision for the Prevention of such Evils, and, if they should arise, for the 'Remedy thereof;' now for those Purposes be it enacted, with regard to this Act generally, so far as relates to the Application thereof to other Parts and Places in the Neighbourhood of the Districts appointed by this Act, whether such Districts immediately adjoin such Parts or Places or not, That if, from the growing Increase of the Population or otherwise, it shall appear to Her Majesty in Council to be expedient that the Provisions of this Act should be extended to any Place within Twelve Miles from

Charing

Charing Cross in the City of *Westminster*, then it shall be lawful for Her Majesty in Council to direct, by Order in Council, that at or from a Time to be named in such Order the Provisions of this Act shall apply to such Places; and at or from such Time all such Provisions, of whatever Nature, whether penal or otherwise, so far as they shall be capable of Application to such Places, shall be and are hereby declared to apply thereto as if such Places were expressly named herein; and that Notice of the Time when it shall please Her Majesty to order any such Extension to be taken into consideration by Her Privy Council shall be published by Royal Proclamation in the *London Gazette* One Month at the least before such Extension shall be so taken into consideration; and that Three Weeks at the least before such Matter shall be so considered it shall be the Duty of the Official Referees, and the Overseers of the Parishes within which such Parts or Places are situate, to cause Copies of such Proclamation to be fixed on the Doors of the Churches and Chapels within such Parishes; and that every Order in Council made in pursuance of this Enactment shall be published in the *London Gazette*.

General Provisions.

Publication of Notice of Intention to extend Limits of Act.

V. And now generally, for the Purpose of regulating the building and the rebuilding upon Sites of former Buildings, and the enlarging and altering of all Buildings of what Nature soever, within the Limits aforesaid, be it enacted, with regard to every such Building hereafter to be built, (except the Buildings comprised in Schedule (B.) hereto annexed, and except Sewers made by or under the Direction of any Commissioners of Sewers,) so far as relates to building the same, and with regard to every such Building either already or hereafter built, (except the said Buildings comprised in the said Schedule (B.), and except the said Sewers,) so far as relates to the rebuilding and the enlarging or altering the same, and that whether such Buildings be built or rebuilt on old or new Foundations, or partly on old and partly on new Foundations, That, notwithstanding any thing contained to the contrary in any Act of Parliament now in force, every such Building shall be built, rebuilt, enlarged, or altered in reference to the Walls, whether external or Party Walls, and to the Number and Height of the Stories or Rooms therein, and to the Chimneys, and to the Roofs, and to the Timbers, and to the Drains, and to the Projections, and to any other Parts or Appendages of every such Building, in the Manner and of the Materials, and in every other respect in conformity with the several Particulars, Rules, and Directions which are specified and set forth in the several Schedules (C.), (D.), (E.), (F.), (G.), (H.), (I.), (K.) to this Act annexed, according to the Classes of Buildings, and the Rates of such Classes to which such Buildings are by the Schedule (C.) declared to belong; subject nevertheless to any other Rules and Directions in this Act contained in the same Behalf; and subject in every Case of Doubt, Difference, or Dissatisfaction in respect thereof, either between any Parties concerned or between any Party concerned and the Surveyor of the District, to the Determination of the Official Referees, upon a Reference of the Matter in question, according to the Provisions of this Act in that Behalf.

Buildings, new and old.

Regulation of Buildings.

Rates of Buildings, and Thicknesses of Walls and Footings, and Rules concerning Buildings.

VI. And be it enacted, with regard to all Buildings of the First Rate of the Second or Warehouse Class, and to all Buildings of the Third or Public Building Class (except the Buildings herein-before excepted), so far as relates to the Supervision thereof, That, subject to the Provisions in Schedule (C.) and elsewhere in this Act made in respect thereof, every such Building shall be built under the special Supervision of the Official Referees, according to the Provisions of this Act in that Behalf, as well as under the ordinary Supervision of the Surveyor; and if any Difference arise as to whether any such Building be liable to such special Supervision, the same shall be determined by the Official Referees; subject nevertheless to an Appeal, at the Instance of any Party interested, to the Commissioners of Works and Buildings, whose Decision in the Matter shall be final.

Buildings under Supervision of Official Referees.

VII. 'And whereas by several Acts now in force certain Buildings and Structures have been 'exempted from the Operation of the Act mentioned in the Schedule (A.) hereto annexed, for the Regu-'lation of Buildings and Party Walls within the Cities of *London* and *Westminster*, and the Liberties 'thereof, and other the Parishes and Places therein mentioned;' be it enacted, with regard to the Buildings herein-before exempted and comprised in Schedule (B.), so far as relates to the Supervision thereof, That, notwithstanding any thing contained to the contrary in any Act or Acts now in force, every such Building or other Structure mentioned in the said Schedule (B.) Part I. shall be subject to special Supervision by the Official Referees, according to the Provisions of this Act in that Behalf, and every such Building or other Structure mentioned in the said Schedule (B.) Part II. shall be exempt from Supervision.

Special Supervision of exempted Buildings.

VIII. Provided always, and be it enacted, with regard to any Building of whatever Kind which is not hereby expressly assigned to any Class or Rate of a Class, so far as relates to the Application of this Act thereto, That if any Party be desirous of erecting any Building which does not come within any one of the said Classes, or of any Rate of such Classes, then such Building shall be built in accordance with such Class and Rate as shall be directed by the Surveyor, subject, as in other Cases of Doubt, Difference, or Dissatisfaction, to an Appeal to the Official Referees.

Buildings not within Rates.

IX. Provided always, and be it enacted, with regard to any Building of whatever Class, so far as relates to the Modification of any written Contract or Agreement now in force for erecting or altering such Building (other than a Contract or Agreement in the Nature of a Building Lease), That it shall not be lawful to execute such Contract otherwise than in conformity with the Provisions of this Act; but it shall be lawful for either Party and he is hereby entitled to deviate from such Contract so far as any Part thereof may remain to be executed after this Act shall have come into operation; and the Alterations rendered necessary by this Act shall be performed as if this Act had been in force when such Contract was entered into; and that if the Parties thereto shall disagree about the Difference of the Costs and Expences of the Works when performed according to the Provisions of this Act, and the Works as stipulated for in such Contract, then, upon Notice being given in Writing by one Party to the other, it shall

Modification of Building Contracts.

Reference to Surveyor, or on Appeal to the Official Referees.

Buildings, new and old.

shall be lawful for either Party and he is hereby entitled to refer the Matter to the Surveyor, who shall determine the same, subject to Appeal as aforesaid to the Official Referees; and the Award of such Official Referees shall be final and binding on all the Parties, and in all respects as if such Award had formed Part of the Contract; and the Costs of the Reference shall be borne by all or any or either of the Parties in such Manner and Proportion as the Surveyor, or in case of Appeal as the Official Referees, shall appoint.

Modification of Building Leases.

X. Provided always, and be it enacted, with regard to any Building, of whatever Class, so far as relates to the Modification of any existing Lease or Agreement for a Lease, being of the Nature of a Building Lease, whereby any Person may be bound to erect Buildings, That, notwithstanding any thing herein contained, if it be made to appear to the Official Referees that any Rules by this Act prescribed will prevent the due Observance of or be at variance with any such Lease or Agreement, and that the Objects of this Act may be obtained by modifying such Rules, either entirely or partially, in conformity with such Lease or Agreement, then it shall be lawful for the said Official Referees by their Award to authorize such Modification, subject, nevertheless, to the Approbation of the Commissioners of Works and Buildings; and, subject to such Modification, or in default thereof, it shall be the Duty of such Person so bound to erect Buildings and he is hereby required to erect every Building agreed to be built by such Lease or Agreement according to the Conditions rendered necessary by this Act, in the same or like Manner as if this Act had been passed and in operation at the Time of making such Lease or Agreement;

Application to Official Referees.

and that on the Completion of such Works, either according to the Provisions of this Act or according to such Modification aforesaid, and on giving to the Lessor and other Owners of such Building Fourteen Days Notice of his Intention to apply to the Official Referees on this Behalf, it shall be lawful for the Lessee or Tenant and he is hereby entitled to require the Official Referees to ascertain what Loss, present and prospective, has been occasioned by the Observance of the Provisions of this Act, and, having regard to the respective Terms and Interests of the Lessee or Tenant, the Lessor, and other Owners of such Building, and having regard to any Profit, Benefit, or Advantage which may have accrued to such Lessee or Tenant since the Execution of such Lease or Agreement, and which may appear to the said Official Referees not to have been in the Contemplation of the Parties to such Lease or Agreement at the Time of such Execution thereof as aforesaid, to determine whether he is entitled to any and what Compensation,

Proceedings thereon.

whether by Payment of Money or Reduction of Rent, or both, or otherwise; and that on the Receipt of such Requisition, and on Proof of due Notice thereof having been given to the Lessor and other Owners of such Building, it shall be the Duty of such Official Referees and they are hereby required to proceed to ascertain if any and what Loss has been so occasioned, and, having regard as aforesaid to such Terms and Interest as aforesaid, and to such Profit, Benefit, or Advantage as aforesaid, to determine if any and what Compensation as aforesaid is to be paid in respect thereof, and by whom the same is to be paid, and in what Proportions, and their Decision in the Matter shall be final.

Commissioners of Works and Buildings empowered to modify Rules generally.

XI. And for the Purpose of preventing the express Provisions of this Act from hindering the Adoption of Improvements, and of providing for the Adoption of Expedients either better or equally well adapted to accomplish the Purposes thereof, be it enacted, with regard to every Building of whatever Class, so far as relates to the Modification of any Rules hereby prescribed, That if in the Opinion of the Official Referees the Rules by this Act imposed shall be inapplicable, or will defeat the Objects of this Act, and that by the Adoption of any Modification of such Rules such Objects will be attained either better or as effectually, it shall be the Duty of such Official Referees to report their Opinion thereon,

Report of Official Referees.

Extent of Modification.

stating the Grounds of such their Opinion to the Commissioners of Works and Buildings; and that if on the Investigation thereof it shall appear to the said Commissioners that such Opinion is well founded, then it shall be lawful for the said Commissioners or any Two of them to direct that such Modification may be made in such Rules as will in their Opinion give effect to the Purposes of this Act; and that although

Representation by Parties.

such Official Referees shall be of opinion that such Modifications are not requisite or admissible, yet if any Party interested present to the Official Referees a Representation, setting forth the Grounds whereon such Modification is claimed, it shall be the Duty of the Official Referees and they are hereby required to report such Representation, as well as their Opinion thereon, to the said Commissioners, with the Grounds of such their Report and Opinion; and that thereupon, if the said Commissioners think fit, it shall

Order thereupon.

be lawful for them or any Two of them to direct the Official Referees to make such Order in the Matter as may appear to them to be requisite.

Power to modify Provisions of this Act as to existing Buildings to be rebuilt.

XII. And be it enacted, with regard to Buildings already built, so far as relates to the rebuilding thereof in conformity with this Act in respect of the required Area, or in any other respect than the required Height and Thickness of Walls, That if a full Compliance with the Provisions of this Act be attended by great Loss and Inconvenience, then, subject to the Report of the Official Referees, and to the Consent of the Commissioners of Works and Buildings, and to such Terms as the said Commissioners may impose in that Behalf, it shall be lawful for the Parties concerned to rebuild such Buildings on the Site of the old Buildings as near as may be practicable, but so that nevertheless both the Party Walls and the external Walls be of the required Height and Thickness.

Builders.

Works to be executed.

Notice to Surveyors.

XIII. And be it enacted, with regard to the Works to be executed in pursuance of this Act, so far as relates to the Supervision thereof by the Surveyors, That Two Days before the following Acts or Events, that is to say,—

Before any Building shall be begun to be built; and also

Before any Addition or Alteration, which by this Act is placed under the Supervision of the Surveyor, shall be made to any Building; and also

Before

Builders.

Before any Party Wall, external Wall, Chimney Stack, or Flues shall be begun to be built, pulled down, rebuilt, cut into, or altered; and also

Before any Opening shall be made in any Party Wall; and also

Before any other Matter or Thing shall be done which by this Act is placed under the Supervision of the Surveyor, except as herein-after is provided;

It shall be the Duty of the Builder (by which Term is to be understood, both in this Provision and elsewhere throughout this Act, the Master Builder or other Person employed to execute any Work, or if there be no Master Builder or other Person so employed, then the Owner of the Building or other Person for whom or by whose Order such Work is to be done,) and he is hereby required to give to the Surveyor, at his Office, Notice in the Terms specified in the Form (No. 1.) contained in the Schedule of Notices annexed to this Act, or to the like Effect; and that if any Builder neglect to give such Notice, or begin to build, or do any of the Things aforesaid, before such Notice, or before the Expiration of such Period of Two Days, then in every such Case the Party offending shall for every such Default forfeit and pay to such Surveyor treble the Amount of the Fees which such Surveyor would have been entitled to receive for his Trouble in inspecting the same, and shall also forfeit for every such Default a Sum not exceeding Twenty Pounds; and that if for any Period exceeding Three Months any Builder, having duly begun any Building requiring Compliance with the Provisions of this Act, suspend the Progress of such Building, and again go on with the same, or if during the Progress thereof the Builder be changed, then, Two Days before such Builder shall enter upon the Performance of the Work, it shall be the Duty of such Builder to give Notice to the Surveyor, and such Notices must be in the Terms specified in the Forms (Nos. 2. and 3.) contained in the Schedule of Notices annexed to this Act, or to the like Effect, and must be given to the Surveyor, or left at the Surveyor's Office, in like Manner as is required upon beginning any new Building, and that if any Builder make default or neglect to give or leave such Notice he shall forfeit for every such Offence a Sum not exceeding Twenty Pounds; and that if any such Building, Chimney, or Wall be begun to be built, pulled down, rebuilt, cut into, or altered as aforesaid, or be proceeded with after any Suspension of the Progress thereof before such Notice has been given, or if such Surveyor or the Official Referees be refused Admittance to inspect the same Premises, then such Building or Work shall be liable to be abated as a Nuisance under the Provisions herein contained: Provided always, that if by reason of any Emergency any Act, Matter, or Thing placed under the Supervision of the Surveyor be required to be done immediately, or before Notice can be given to the Surveyor, then it shall be lawful for the Builder or any Person to do such Act, Matter, or Thing so requisite, but upon this Condition, that within Forty-eight Hours after beginning to execute such Work Notice thereof be given to the Surveyor.

20*l.* Penalty for Neglect to give Notice, &c.

20*l.* Penalty for not giving fresh Notices.

Penalty for beginning without Notice, or Refusal to admit Surveyor.

Emergency.

Buildings generally.

XIV. And be it enacted, with regard to such Buildings and Works, so far as relates to the Supervision thereof, That if in building, pulling down, rebuilding, cutting into or altering any Part of any Building, or Party Wall or external Wall, or Chimney Stack or Flue, Drains, Cesspools, or any Work or other Thing be done contrary to or not conformably with the Rules and Directions of this Act, then forthwith it shall be the Duty of the Surveyor and he is hereby required to give Forty-eight Hours Notice, according to the Form (No. 4.) in the Schedule of Notices, or to the like Effect, to the Builder, Foreman, or principal Workman on the Premises, to amend any such Irregularity which he shall deem to have been committed, and forthwith after the Expiration of such Notice to proceed to inspect the Work; and that if the Work be so far advanced that he cannot ascertain whether the Irregularity has been committed or not, or exists or not, then it shall be lawful for him and he is hereby empowered to order any Work to be cut into, laid open, or pulled down, which shall in his Opinion prevent his ascertaining whether any such Irregularity exists or not; and that if within Forty-eight Hours the Builder to whom any such Notice shall have been given refuse or fail to amend any irregular Work, or if any such Builder, when ordered by the Surveyor, refuse to cut into, lay open, or pull down any Work which shall in his Opinion prevent his ascertaining whether such irregular Work exists or not, then, as soon as conveniently shall be, it shall be the Duty of the Surveyor to give Information thereof to the Official Referees; and that upon the Receipt of such Information it shall be the Duty of such Official Referees and they are hereby required to proceed to hear the Matter, and if any Breach of the Rules, Regulations, and Directions of this Act be found to have been committed, or if there appear good Reason to suppose any such Breach has been committed and is concealed, then it shall be lawful for the Official Referees and they are hereby authorized to direct by their Award that such Building, Party Wall, external Wall, Chimney Stack, Flue, or other Thing, or such Part thereof as they shall deem necessary, shall be amended, removed, cut into, laid open, or pulled down; and that all the Costs, Charges, and Expences of the said Work, and of the said Application to the Official Referees, shall be borne by such Party or Parties as the Official Referees shall determine.

Supervision of Works.

Notice of Irregularities to Builders and others.

To cut into Works.

Amendment of Works.

Proceeding thereon by Official Referees.

Costs.

XV. And now, for the Purpose of making Provision for the Supervision of Buildings of the First Rate of the Second or Warehouse Class, and of all Buildings of the Third or Public Building Class (except the Buildings herein-before excepted), be it enacted, with regard to every such Building, so far as relates to the special Supervision thereof, That when all the Walls of any such Building shall have been built to their full Height, and all the Timbers of the Floors, Roofs, and Partitions shall have been fixed, it shall be the Duty of the Architect or Builder and he is hereby required to give Notice thereof to the Official Referees, according to the Form (No. 6.) in the Schedule of Notices, or to the like Effect; and if the Official Referees be of opinion that such Building is subject to the special Supervision herein provided, then within Seven Days after such Notice it shall be their Duty to survey the said Building;

Special Supervision of First Rate Buildings of Second and Third Class.

Notice to Official Referees.

Survey.

Approval. Disapproval.

and that if they approve of the same, then within Seven Days after such Survey to certify such Approval, under their Hands, to the Architect or Builder; or that if any Part of the Walls, Timbers, Roof, or internal Supports appear to such Official Referees defective, insufficient, or insecure, then within the said Seven Days after such Survey they are hereby required to give to such Architect or Builder Notice of such Parts as shall so appear to them defective, insufficient, or insecure, which Notice must be in Writing; and that upon the Receipt of such Notice it shall be the Duty of the said Architect or Builder and he is hereby required to amend and strengthen such defective, insufficient, or insecure Parts; and that during or within a Period of Seven Days after Notice has been given to the Official Referees that such Works have been amended or strengthened as aforesaid, it shall be the Duty of the Official Referees and they are hereby required to inspect the same, or in default thereof the said Parts may be covered up; and that upon Completion of every such Building it shall be the Duty of the Architect or Builder to give fresh Notice to the Official Referees, according to the Form (No. 7.) in the Schedule of Notices, or to the like Effect; and that thereupon, or within Seven Days after such Notice, it shall be the Duty of the Official Referees to survey the same; and that if upon such Survey it shall appear that such Building has been built sufficiently strong, and is sufficiently set to be safe, then within Fourteen Days after such Survey it shall be their Duty and they are hereby required to certify accordingly, which Certificate must be under their Hands and the Seal of Office of Registrar of Metropolitan Buildings; and that, until such Certificate shall have been made, or until Fourteen Days after such Survey shall have elapsed without the Official Referees having given Notice in Writing that they are not satisfied, it shall not be lawful to use such Building for any Purpose whatever without the express Authority in Writing of the Official Referees under their Hands and the Seal of Office of the Registrar of Metropolitan Buildings; and that if before the Certificate of Satisfaction shall have been made, or if such further Fourteen Days as aforesaid shall have elapsed without due Notice being given in Writing as aforesaid, any such Building subject to special Supervision shall be used for any Purpose without such express Authority in Writing, then, on Conviction thereof before Two Justices of the Peace, the Occupier of such Building, or other the Person by whom such Building shall be so used, shall forfeit for such Offence a Sum not exceeding Two hundred Pounds for every Day during which such Building shall be so used without having obtained such Certificate of Satisfaction, or such express Authority as aforesaid; and that, in determining the Amount of any such Penalty, it shall be the Duty of the Justices and they are hereby directed to have regard to the Size and Character of the Building, and to the Nature and Extent of Danger involved in the Use of such Building, and to the Amount of Profit which might be derived from such Use thereof.

Amendment of Defects.

Notice of Completion.

New Survey. Certificate.

Prohibition of Use.

Penalty.

Justices to consider Circumstances.

Special Supervision of Buildings in Schedule (B.) Part I.

Survey by Official Referees.

Occasional Inspection.

Notice of Deficiencies.

Amendment of Defects.

Approval by Official Referees.

Notice of Completion.

New Survey. Certificate.

Prohibition of Use.

Penalty.

Justices to consider Circumstances.

XVI. And be it enacted, with regard to the Buildings comprised in Schedule (B.) Part I. to this Act annexed, so far as relates to the Supervision thereof, That before the Builder begin to build the same it shall be the Duty of the Architect or the Builder and he is hereby required to give Notice thereof to the Official Referees, and also, at the same Time, to transmit for their Inspection the Plans, Elevations, and other Drawings which have been made for the same; and that forthwith thereupon it shall be the Duty of the Official Referees and they are hereby required to proceed to survey the Situation of the intended Building with a view to ascertain whether such Building can be erected on such Situation with due Regard to the Security of the Public; and that, from Time to Time during the Progress of such Building, it shall be the Duty of such Official Referees and they are hereby directed to inspect the same with a view to ascertain the Sufficiency thereof; and that if such Building or any Part thereof appear to such Official Referees defective, insufficient, or insecure, then they are hereby required to give to such Architect or Builder Notice of such Parts as shall so appear to them defective, insufficient, or insecure, which Notice must be in Writing; and that upon the Receipt of such Notice it shall be the Duty of the said Architect or Builder and he is hereby required to amend and strengthen such defective, insufficient, or insecure Parts; and that during or within a Period of Seven Days after Notice has been given to the Official Referees that such Works have been amended or strengthened as aforesaid, it shall be the Duty of the Official Referees and they are hereby required to inspect the same, or in default thereof the said Parts may be covered up; and that upon Completion of every such Building it shall be the Duty of the Architect or Builder to give fresh Notice to the Official Referees; and that thereupon, or within Seven Days after such Notice, it shall be the Duty of the Official Referees to survey the same; and that if upon such Survey it shall appear that such Building has been built sufficiently strong, then it shall be their Duty to certify accordingly, which Certificate must be under their Hands and the Seal of Office of Registrar of Metropolitan Buildings; and that until such Certificate shall have been made, or until Fourteen Days after such Survey shall have elapsed without the Official Referees having given Notice in Writing that they are not satisfied, it shall not be lawful to use such Building for any Purpose whatever without the express Authority in Writing of the Official Referees under their Hands and the Seal of Office of the Registrar of Metropolitan Buildings; and that if before the Certificate of Satisfaction shall have been made, or if such Fourteen Days as aforesaid shall have elapsed without due Notice in Writing being given as aforesaid, any such Building subject to special Supervision shall be used for any Purpose without such express Authority in Writing, then, on Conviction thereof before Two Justices of the Peace, the Occupier of such Building, or other the Person by whom such Building shall be so used, shall forfeit for such Offence a Sum not exceeding One hundred Pounds for every Day during which such Building shall be so used without having obtained such Certificate of Satisfaction, or such express Authority as aforesaid; and that, in determining the Amount of any such Penalty, it shall be the Duty of the Justices and they are hereby directed to have regard to the Nature and Extent of

Danger

Buildings generally.

Danger involved in the Use of such Building, and to the Amount of Profit which might be derived from such Use thereof.

Entry on Premises.

XVII. And be it enacted, with regard to Buildings and Works, so far as relates to the Entry thereon for the Supervision thereof, That at all Times during the Progress of any Operations in respect thereof within the Meaning of this Act, it shall be lawful for the Surveyor and for the Official Referees, and they are hereby respectively authorized, to enter upon the Premises upon which such Operations have been commenced; and that if at any Time whilst any Building is in course of Construction, Demolition, Alteration, or Re-construction any Person refuse to admit the Surveyor, or the Official Referees authorized under this Act, during the customary working Hours, to inspect such Building, or any Person refuse or neglect to afford such Surveyor or Official Referee every Assistance which may be reasonably required in and about such Inspection, then in every such Case on Conviction thereof the Party offending shall forfeit for every such Offence a Sum not exceeding Twenty Pounds; and that if at any Time during such customary working Hours the Surveyor or the Official Referees be refused Admittance to make Inspection of any Work, then for that Purpose it shall be lawful for such Surveyor or for such Official Referees, and they are hereby empowered, accompanied by a Peace Officer, to enter upon the Ground, Building, and Premises where the same shall be.

Refusal to permit Inspection.

Forcible Entry.

All Buildings not according to this Act declared a Nuisance.

XVIII. And for the Purpose of more effectually enforcing the Observance of the Provisions of this Act, be it enacted, with regard to any Buildings, Drains, Timber Buildings, Chimneys and Flues, Party Walls, Party Fence Walls, external Walls and Projections, and every other Part of every Building of every Class, or Rate of any Class, which shall be hereafter built, rebuilt, enlarged, or altered, within the Limits of this Act, contrary to the Provisions hereof, so far as relates to the Removal thereof, That if the same be not built, rebuilt, enlarged, or altered in the Manner and of the Materials, and in every other respect according to and in conformity with the several Rules and Directions which are in this Act particularly specified, and if any Person build or begin to build, or cause the building or beginning to build, or alter or cause to be altered, or use or cause to be used, any Part of any Ground or Building, Projection, Drain, or other Thing contrary thereunto, and if in either of such Cases it so appear by the Certificate of the Official Referees, then the said Building, Projection, Drain, or other Thing, or such Part thereof so irregularly built or begun to be built, or so irregularly altered or begun to be altered or so used, shall be deemed a Nuisance; and that thereupon it shall be the Duty of the Surveyor and he is hereby directed to summon the Builder before any Two Justices of the Peace; and that if at the Time and Place appointed on such Summons such Builder fail to appear, then it shall be lawful for the said Justices and they are hereby authorized to issue a Warrant under their Hands and Seals to compel such Builder to appear before such Justices or any other Two Justices; and that thereupon it shall be the Duty of such Builder and he is hereby required to enter into a Recognizance, in such Sum as the said Justices shall appoint, for abating and taking down the same within such convenient Time as the said Justices shall respectively appoint, or otherwise for amending the same according to such Rules and Directions as are herein contained, and also for paying the Costs, Charges, and Expences incurred by the Surveyor in laying the Information and obtaining the Conviction, including such Compensation for the Surveyor's Loss of Time as the said Justices shall think fit; and that if the Party so required fail to enter into such Recognizance, then it shall be lawful for either of such Justices or any Justice, and they are hereby required, to commit such Builder to the Common Gaol of the City, County, or Liberty where the Offence shall be committed, there to remain without Bail or Mainprize until he shall have entered into such Recognizance as aforesaid, or until such irregular Building shall have been abated or demolished or otherwise amended, or such Nuisance shall be abated or demolished by Order of such Justices respectively (which Order the said Justices are hereby empowered to make), and until the Costs, Charges, and Expences thereof, and of all Operations and Proceedings in relation thereto, shall have been paid; and further, that if Application be made to any Two or more Justices, then thereupon it shall be their Duty, and they are hereby empowered, to order the Surveyor or any other Person to abate or demolish such Nuisance, and to order the Persons authorized by them so to abate or demolish the same to sell and dispose of the Materials thereof, and out of the Moneys arising by such Sale to pay to themselves, and all Persons by them employed for such Purpose, the reasonable Charges for abating or demolishing such Nuisance, and also such Costs and Expences as aforesaid, and to pay the surplus Moneys arising by such Sale (if any) to such Owner of the Building as the Official Referees shall determine to be entitled thereto; and that if the Moneys arising by such Sale be not sufficient to pay such Charges, then it shall be the Duty of the Person entitled to the immediate Possession of such Building, or the Occupier, to make good the Deficiency, subject to Reimbursement as herein-after provided; and if he fail, then he shall be liable to the same Remedies for the Recovery thereof as are by this Act provided concerning the Expence of taking down ruinous Buildings, and putting up Hoards for the Safety of Passengers.

Summons before Justices.

Compulsory Appearance.

Recognizances to pull down and amend.

Imprisonment.

Removal of Buildings declared Nuisances.

Expences.

Fifty Shillings Penalty on Workmen offending.

XIX. And be it enacted, with regard to any Building or Work, so far as relates to the Nonobservance of the Provisions of this Act in that Behalf by Workmen and others, That if any Workman, Labourer, Servant, or other Person employed in any Building, or in the Alteration, fitting up, or Decoration of any Building, wilfully, and without the Direction, Privity, or Consent of the Person causing such Work to be done, do any thing in or about such Building contrary to the Rules and Directions of this Act, then upon Conviction thereof before any Two Justices of the Peace, upon the Oath of One or more credible Witness or Witnesses (which Oath the said Justices are hereby empowered and required to administer), every such Offender shall be liable to forfeit for every such Offence a Sum not exceeding Fifty Shillings; and that if upon or immediately after such Conviction any such Forfeiture be not paid, then it shall be the

Imprisonment.

the Duty of any Two Justices of the Peace to whom Application shall be made to commit the Offenders, by Warrant under the Hand and Seal of such Justices, to the Common Gaol for any Term not exceeding One Month, at the Discretion of such Justices.

Adjoining Properties.

Party Walls. Party Fences. Intermixed Buildings.

Execution of Works.

XX. And forasmuch as from Time to Time Occasion hath arisen and will hereafter arise to execute the following Works in relation to adjoining Buildings and Premises parted by the same Party Wall or Party Fence Wall, but belonging to different Owners or occupied by different Persons, or to Buildings intermixed belonging to different Owners or occupied by different Persons; namely,

The Reparation of the Party Walls by which such Premises shall be parted:

The pulling down and rebuilding of such Party Walls:

The raising of such Party Walls:

The Reparation of Party Fence Walls:

The rebuilding of such Party Fence Walls:

The raising of such Party Fence Walls:

The pulling down of Timber Partitions which part Buildings the Property of different Owners or occupied by different Persons, and building in lieu thereof proper Party Walls:

The pulling down of Buildings built over public Ways, or having Rooms or Stories the Property of different Persons, or occupied by different Persons, lying intermixed, for the Purpose of building proper Party Walls or Party Arches:

And generally the Performance of other necessary Works incident to the Connexion of such Party Walls or Party Fence Walls with the Premises adjoining; it is expedient to make Provision, as well for facilitating the Execution of such Works by any such Owner desirous to execute the same (who is herein denominated the "Building Owner"), as for protecting the Interests of the Owner of the adjoining Premises (who is herein denominated the "adjoining Owner"); now for that Purpose be it enacted, with regard to all Premises parted by a Party Wall or Party Fence Wall, or parted by Timber Partitions, and with regard to all intermixed Properties not so parted, so far as relates to the Execution of any such Works by any Owner of any such Premises, That if the adjoining Owner shall have consented thereto, or if, without such Consent, the required Notice of such Work shall have been given by or on the Part of the Building Owner to such adjoining Owner, then, subject to such Modification as shall be made by virtue of the Provision in that Behalf, and subject to the Provision for supplying the Want of Consent of the Owners, and subject moreover to the respective Conditions hereby prescribed with regard to such Works respectively, as well as to the Payment of the Costs of such Works, and to the Sanction or to the Award of the Surveyors or of the Official Referees, as hereby prescribed in reference thereto, it shall be lawful for every such Building Owner and he is hereby authorized or required to execute such Works.

Consent of or Notice to adjoining Owner.

XXI. And be it enacted, with regard to such Works, so far as relates to the Notice thereof, That, unless the adjoining Owner consent thereto, it shall not be lawful for the "Building Owner" to execute such Works until he have given Notice thereof to such "adjoining Owner"; and every such Notice with regard to the pulling down, rebuilding, or repairing of Party Walls or Party Fence Walls must be given Three Months at the least before the Work is to be commenced; and every such Notice with regard to the pulling down and rebuilding intermixed Walls and Timber Partitions must be given Three Months at the least before such Work is to be commenced; and every such Notice must be in the Form or to the Effect of the Notice (No. 8.) for that Purpose contained in the Schedule of Notices hereunto annexed.

Modification of Work to suit adjoining Owner.

XXII. And be it enacted, with regard to every such Work, so far as relates to the Modification thereof, in order to render it suitable to the Premises of the adjoining Owner or his Tenant, That if the adjoining Owner, at any Time within Two Months after the Receipt of the said Notice from the Building Owner, give Notice of his Desire that any Modification be made in the Work, so as to render it suitable to his Premises, according to the Form (No. 18.) in the Schedule of Notices, or to the like Effect, then within Seven Days after the Receipt of such Notice it shall be the Duty of the Building Owner, and he is hereby required, to signify his Consent to or Dissent from such Modification or Delay; and that if the Building Owner dissent from, or do not within such Seven Days signify his Consent to such Modification, then it shall be lawful for the adjoining Owner and he is hereby entitled to require the Building Owner not to commence the Work until the Official Referees shall have determined thereon; and that if within Seven Days thereafter Application be made in Writing to the Official Referees, according to the Form (No. 19.) in the Schedule of Notices, or to the like Effect, and Notice thereof be given to the Building Owner, according to the other Form (No. 20.), then within Ten Days after such Application it shall be the Duty of the Official Referees to signify their Decision thereon, and it shall be the Duty of the Building Owner not to commence the Work till the Decision of such Official Referees shall have been given; and that if within the Period of Three Months from the Date of the First Notice such adjoining Owner do not make any Objection or any Requisition in conformity with this Enactment, then, subject to the Provisions of this Act with regard to such Works, it shall be lawful for the Building Owner and he is hereby authorized to proceed to execute the same.

Modification of Operations.

Application to Official Referees.

Authority to build.

Delay of Work to suit adjoining Owner.

XXIII. And be it enacted, with regard to every such Work, so far as relates to the Modification thereof, in order to render it suitable to the Premises, or to the Convenience of the adjoining Owner or his Tenant, That if the adjoining Owner, at any Time within Three Months after the Receipt of the said Notice from the Building Owner, give Notice of his Desire that the Work be delayed, so as to cause it to be executed at a more seasonable or a more convenient Time in reference to the Business or to the Family or domestic Arrangements of such adjoining Owner or his Tenants, according to the Form (No. 18.) in the Schedule of Notices, or to the like Effect, then within Seven Days after the Receipt of the Notice

Notice thereof it shall be the Duty of the Building Owner and he is hereby required to signify his Consent to or Dissent from such Modification or Delay; and that if the Building Owner do not within such Seven Days signify his Consent to such Modification or Delay, then it shall be lawful for the adjoining Owner and he is hereby entitled to require the Building Owner to delay the Work until the Official Referees shall have determined thereon; and that if within Seven Days thereafter Application be made in Writing to the Official Referees, according to the Form (No. 19.) in the Schedule of Notices, or to the like Effect, and Notice thereof be given to the Building Owner, according to the other Form (No. 20.), then within Ten Days after such Application it shall be the Duty of the Official Referees to signify their Decision thereon, and it shall be the Duty of the Building Owner to delay the same till the Decision of such Official Referees shall have been given; and that if within the Period of Three Months from the Date of the first Notice such adjoining Owner do not make any Objection or any Requisition in conformity with this Enactment, then, subject to the Provisions of this Act with regard to such Works, it shall be lawful for the Building Owner and he is hereby authorized to proceed to execute the same.

Delay of Operations.

Application to Official Referees.

Authority to build.

XXIV. And be it enacted, with regard to any such Works hereby authorized to be done in relation to Party Walls, Party Arches, Party Fence Walls, or other such Structures belonging to the Owners of adjoining Buildings or parting adjoining Premises, so far as relates to supplying the Want of Consent of the adjoining Owners, That if the adjoining Premises be unoccupied, or if the Owner thereof cannot be found, or if the Owner although found cannot, by reason of legal Disability or otherwise, consent to the Work, or if the Owner will not consent thereto, or if Differences arise amongst the Parties concerned, then the Notice required to be given in respect of such Work must be served both on the Surveyor and on the Official Referees, in addition to such other Parties entitled to Notice under this Act upon whom such Notice can be served, which must be according to the Form (No. 9.) in the Schedule of Notices, or to the like Effect; and that forthwith on the Receipt of such Notice it shall be the Duty of the Surveyor and he is hereby required to give Notice to the Parties by whom such Work is to be executed, and to any One or more Surveyors or other Agents by them appointed, as to the Day and Hour when he will view the Premises, according to the Form (No. 10.) in the Schedule of Notices, or to the like Effect; and at such Time it shall be the Duty of the Surveyor of the District and he is hereby authorized to proceed to inspect such Premises accordingly, and to certify to the Official Referees,

Supplying Want of Consent of adjoining Owners.

Notice of Inspection by Surveyor.

First, Whether such Work ought to be done or not; and

Secondly, If the same ought to be done, whether it ought to be done in the proposed Manner; and

Thirdly, The Site whereon the Party Wall should be built; and, with regard to intermixed Buildings, what Party Arches may be necessary over or under any Rooms of such Buildings so intended to be rebuilt; and

Fourthly, The Quantity of the Soil or Ground or other Parts of the Premises (if any) necessary to be laid to or taken from the House of the Person desirous to rebuild to the House of the Person permitting him to erect a Party Wall or Party Arch; and

Fifthly, The Compensation (if any) which should be made and paid by either the Building Owner or the adjoining Owner to the other in lieu of the lessening either of the said Buildings by such Party Wall or Party Arch, or as a Satisfaction for such other Injury (if any) as shall be done or occasioned thereby to any of the said Parties;

And that upon the Receipt of such Certificate it shall be the Duty of the Official Referees, and they are hereby required, to cause Notice thereof to be given to the Parties or to such of them as are known; and that if within Seven Days after such Notice to the Parties the Certificate be not appealed against, and if the Official Referees be of opinion that the Work is proper to be done, and the Compensation is fair, then it shall be lawful for the Official Referees to confirm such Certificate, and to authorize the Building Owner to proceed with the Works as if the Consent of the adjoining Owner had been obtained; and that if any Party concerned shall appeal against the Certificate of the Surveyor as to the Work to be done, or as to the Compensation, or as to any other Matter referred to in such Certificate in pursuance of the above Provisions, then it shall be the Duty of the Official Referees, and they are hereby required, to appoint One of their Number to survey the Building in question; and that for that Purpose it shall be the Duty of the Official Referee so appointed, and he is hereby required, to give Notice to the Parties, and to any One or more Surveyors or other Agents by them appointed, as to the Time when he will view the Premises; and that at such Time it shall be the Duty of such Referee and he is hereby authorized to view such Premises accordingly, and to inquire into the Matters appealed against, and to certify to the Official Referees his Opinion thereon; and that upon such Certificate being made it shall be lawful for the Official Referees to make their Award, thereby either confirming or reversing or modifying, as to them the Case may seem to require, the Certificate of the Surveyor, and appointing by whom and in what Proportions the Expences of the Surveys and of the Reports thereon are to be paid, and such Award shall be final and conclusive; and with regard to any Works by such Award authorized, so far as relates to the Proceedings of the Building Owner, that if upon the making of the Award the Periods of the Notices by this Act prescribed with regard to Works of that Nature have elapsed, then immediately upon the making of the Award, but if such Periods have not elapsed then as soon after the making of the Award as such Periods shall have elapsed, it shall be lawful for the Building Owner, his Agents, Servants, and Workmen, to proceed to execute the Works.

Notice to Parties.

Confirmation by Official Referees.

Proceedings on Appeal against Certificate.

Notice by Official Referees.

Survey.

Award.

Works authorized.

XXV. And be it enacted, with regard to any Party Wall, Party Arch, or external Wall used wholly or in part as a Party Fence Wall, so far as relates to the Reparation and rebuilding thereof at the joint Expence

Reparation and rebuilding at joint Expence.

Party Walls. Party Fences. Intermixed Buildings.

Expence of the Owners of the Buildings parted thereby, That if such Party Structure be so defective or so far out of repair as to render it necessary to pull down and rebuild the same or any Part thereof, then on Notice being given by the Owner of one of the Buildings to the adjoining Owner, according to the Form (No. 8.) in the Schedule of Notices, or to the like Effect, it shall be lawful for the Building Owner to require a Survey, Certificate, and Award, authorizing the Execution of such Reparation or rebuilding, according to the Provisions herein-before contained in that Behalf.

Rebuilding of Party Walls.

XXVI. And be it enacted, with regard to sound Party Walls, so far as relates to the rebuilding thereof at the Expence of the Building Owner, That if the Owner of one of the Buildings desire to rebuild such Party Wall, then, on giving to the adjoining Owner the required Notice of Three Months, according to the Form (No. 14.) in the Schedule of Notices, or to the like Effect, it shall be lawful for such Building Owner and he is hereby entitled to pull down and rebuild such Party Wall, but upon condition that he do reinstate and make good all the internal Finishings and Decorations of the adjoining Premises, and pay all the Costs and Charges thereof, and also all the Expences incidental to the Execution of the Work, including therein the Fees and Expences of the Survey, and the Fees of the Surveyors, and any Fees in respect of any Services performed by the Official Referees, and also such reasonable Compensation as to the said Official Referees may seem proper for any Loss which the adjoining Owner shall have incurred by reason of such Work.

Building of an external Wall against a Party Wall.

XXVII. And be it enacted, with regard to any Party Wall, so far as the rebuilding thereof, That if the Owner of one of the Buildings parted by such Party Wall rebuild such Building of a higher Rate, and do not pull down such Party Wall and build a proper Wall in lieu thereof, then it shall be his Duty and he is hereby required to build up an external Wall against such Party Wall.

Damage arising from Erection of external Wall against a Party Wall.

XXVIII. And be it enacted, with regard to an external Wall built against a Party Wall, so far as relates to the Operations incident thereto, and to the making good any Damage occasioned thereby, That if it be necessary to excavate or dig out the Ground against the Wall of any adjoining Building for the Purpose of erecting a Wall thereon, or for any other Purpose, then it shall be lawful for the Building Owner and he is hereby entitled so to do, but upon condition that the said Building Owner do at his own Costs shore up and underpin such Wall, or such Part thereof, to its full Thickness and to the full Depth of such Excavation, with good sound Stock Bricks and Tiles or Slates bedded in Cement, or with other proper and sufficient Materials, such Underpinning to be done in a workmanlike and substantial Manner; and that if for the Purpose of erecting such external Wall it be necessary to cut away Part of the Footings of such Party Wall on the Side next to the Wall so to be built, and any Part of the Chimney Breasts and Chimney Shafts belonging to the Building about to be rebuilt as shall project beyond the perpendicular Face of such Party Wall in the lowest Floor thereof, then, on giving Notice of such Intention in Writing to the Owner of the adjoining Building at least One Month before commencing Operations, according to the Form (No. 15.) in the Schedule of Notices, or to the like Effect, and on the Expiration of such Notice, it shall be lawful for the Building Owner and he is hereby authorized to cut away such Portions of the Footings, Breasts, and Chimney Shafts aforesaid, but so that the same be done, and the Brick-work where cut be again made good in Cement, under the Superintendence and to the Satisfaction of the Surveyor.

Cutting into Footings and Chimneys.

Making good such Damage.

Survey.

Damage from Carelessness.

Rebuilding.

XXIX. Provided always, and be it enacted, with regard to such Party Wall, so far as relates to the making good of any such Damage, That if it be so damaged and injured by such cutting away as in the Opinion of the adjoining Owner or Occupier to be ruinous or dangerous, then upon Application for that Purpose it shall be the Duty of the Surveyor and he is hereby required to survey such Wall; and if upon the Survey thereof it be found ruinous or dangerous, then to condemn it; and that thereupon it shall be the Duty of the Building Owner to pull down and rebuild such Party Wall; and that if in the Opinion of the Surveyor or of the Official Referees such Damage or Injury shall have been occasioned by Want of due Care on the Part of the Building Owner, then it shall be the Duty of such Building Owner and he is hereby required to pull down and rebuild such Party Wall, and that at his own Costs and Charges, including therein all the Costs and Expences incident to such Survey, and the pulling down and rebuilding of such Party Wall, and the reinstating and making good all the internal Finishings and Decorations damaged thereby; and that if the Owner of the Building to be rebuilt do not proceed with all due Despatch to pull down and rebuild such Party Wall, and to reinstate and make good all the internal Finishings and Decorations of the adjoining Premises, and to pay the Costs and Charges and Expences of the Survey, then it shall be lawful for the adjoining Owner so to do, and he is hereby entitled to recover all the Costs and Expences in respect thereof from such Owner, his Heirs, Executors, Administrators, or Assigns.

Rebuilding of sound Party Walls.

Reference to Official Referees.

XXX. And be it enacted, with regard to any sound Party Wall against which an external Wall shall have been built, and which shall have been suffered to remain, so far as relates to the rebuilding thereof, That if, while such Party Wall continues sound, the adjoining Building be pulled down or rebuilt, and such Party Wall be pulled down, then the Owner of such adjoining Building shall not be entitled to more than his just Proportion of the Materials thereof, nor to more than his just Proportion of the Ground on which such Party Wall was built, nor shall he build on more than his just Proportion of the said Ground, unless he shall have agreed with and satisfied the Owner of the Building so previously rebuilt for his Half thereof; and that if the said Owners cannot agree concerning the Division of such Materials, or of such Ground, or of the Building thereon, or concerning the Reimbursement of the Party first rebuilding as aforesaid, then the Price and all Matters in difference, including the Sale and Purchase of the

the Ground in question, shall be settled by a Reference to the Official Referees, whose Award shall be final.

Raising of future Buildings.

XXXI. And be it enacted, with regard to every Building hereafter built, so far as relates to the raising thereof, That it shall be lawful to raise any Building, but so that nevertheless the Party and external Walls and Chimneys thereof, when so raised, be of the Materials and of the several Heights and Thicknesses herein-before described for Party and external Walls and Chimneys of the Rate such Building shall be of when so raised; and with regard to Buildings already built, so far as relates to the raising thereof, that although the Walls of such Buildings be not of the Thicknesses prescribed by this Act, if, in the Opinion of the Surveyor, such Walls be sufficiently secure to allow of the raising thereof, then it shall be lawful to raise any such Building already built to an additional Height not exceeding Ten Feet; and with regard to any Building adjoining one which shall be raised, so far as relates to the raising of the Chimneys thereof, that if any Building be raised it shall be the Duty of the Owner of such Building and he is hereby required to build up, at his own Expence, the Party Walls between his own and any adjoining Building, and all Flues and Chimney Stacks belonging thereto; and with regard to any Building raised, so far as relates to the Use thereof by the adjoining Owner, that if at any Time the Owner of any such adjoining Building make use of any Portion of the Part raised of such Party Wall by building against it, or otherwise, it shall be lawful for the Owner of the Premises so first raised to claim, and he is hereby entitled to recover, the Cost of a proportionate Part of the Portion which shall be so used, together with the Cost of such Parts of the Chimney Stacks as belong thereto.

Existing Buildings.

Chimneys of adjoining Buildings.

Use of raised Buildings.

Repairing and rebuilding of Party Fence Walls.

XXXII. And be it enacted, with regard to Party Fence Walls, by which Term is to be understood any Boundary Wall parting the Grounds belonging to different Owners or occupied by different Persons, so far as relates to the Reparation and rebuilding and raising thereof, That if the Owner of any of the Premises parted thereby give One Month's Notice of his Intention to the adjoining Owner to repair, pull down, and rebuild the same, it shall be lawful for him so to do; and if the Wall be below the Height of Nine Feet from the Ground on either Side, then either to raise it to that Height, or to pull it down and to rebuild it to that Height, but upon condition that he do pay all the Expences thereof; and that if a Building be to be erected against such Party Fence Wall, and such Wall be not conformable to the Requisites prescribed for a proper Party Wall for a Building of that Class and Rate, then it shall be lawful for the Building Owner and he is hereby entitled to pull down such Party Fence Wall, but upon condition that he do pay all the Expences thereof, and also that he do make good every Damage which shall accrue to such adjoining Premises by such rebuilding: Provided always, with regard to the Expence of so pulling down such Party Fence Wall, and rebuilding the same, that if thereafter the adjoining Owner use such Party Fence Wall for any Purpose to which, if it had not been pulled down and rebuilt, it would not have been applicable, then to such Extent as such adjoining Owner shall so use such Wall the Building Owner shall be entitled to be reimbursed the Expences of so pulling down and rebuilding such Wall: Provided also, with regard to any such Party Fence Wall, so far as relates to the Limitation of the Height thereof, that if any Party desire to raise such Wall so as to screen from View any offensive Object or Neighbourhood, then on Application to the Official Referees it shall be lawful for them to authorize such Work, but not so as to obstruct the free Circulation of the Air, or to injure the Property adjoining to or in the Neighbourhood of such Wall.

Deficient Party Fence Wall.

Reimbursement of Expence of Operations.

Limitation of Height of Screen Walls.

Pulling down Party Timber Partitions.

XXXIII. And be it enacted, with regard to the Party Timber Partitions of existing Buildings belonging to different Owners, so far as relates to the pulling down thereof, and any Wall under or over the same, That if one of the Buildings be rebuilt, or if one of the Fronts of any such Building be taken down to the Height of One Story, or for a Space equal to One Fourth of such Front from the Level of the Second Floor, upwards, then without the Consent of the adjoining Owner, but upon giving the requisite Notice, according to the Forms (Nos. 11. 12. 13.) in the Schedule of Notices, or to the like Effect, it shall be the Duty of the Building Owner and he is hereby required to pull down such Timber Partitions, and the Walls under or over the same, and in lieu thereof to build a proper Party Wall, and that at the Expence of the Owners of all the Premises parted thereby.

Pulling down intermixed Buildings.

XXXIV. And be it enacted, with regard to Buildings built over public Ways, or having Rooms or Stories, the Property of different Persons, lying intermixed (except Inns of Court herein-after provided for), so far as relates to the pulling down and laying the Parts thereof to each other, That if a Party Wall or Party Arch cannot be built without pulling down such Buildings, and so laying Parts thereof to each other, and if in default of the Consent of all proper Parties the Official Referees authorize such Works, then it shall be lawful for the Owner of either of the said Buildings to execute the same, but so that the Party Walls or Party Arches be conformable to the Provisions of this Act, and the Directions of the said Official Referees in their Award made in that Behalf.

Inns of Court, Chambers, &c.

XXXV. And be it enacted, with regard to the Rooms or Chambers in the Inns of Court (that is to say,) in *Serjeants Inn*, *Chancery Lane*, or in any of the Four Inns of Court, or in any of the Inns of Chancery, or any other Inns set apart for the Study or Practice of the Law, and with regard to other Buildings divided into Rooms or Chambers, Offices or Counting Houses, let out or to be let in separate Suites or Sets, so far as relates to the building of Party Walls, That the Walls or Divisions between the several Rooms and Chambers in such Inns, or such Buildings belonging to and communicating with each separate and distinct Staircase, shall be deemed to be Party Walls within the Meaning of this Act, and as such must be built in conformity with the Regulations and Clauses herein contained relating to Party Walls.

Power of Entry on Premises to effect Works.

XXXVI. And for the Purpose of facilitating and regulating the Execution of any Works authorized by this Act, or by any Award in pursuance thereof, in respect of any Party Wall or Party Arch parting the Buildings or Grounds belonging to different Owners, or in the Occupation of different Persons, or in respect of intermixed Buildings, be it enacted, with regard to any such Works, so far as relates to the Power to enter the adjoining Premises in order to execute the same, That if such Work have been duly authorized, either by the Consent of the Parties competent to give such Consent, or by the Award or Certificate of the Official Referees, then, at any Time between the Hours of Six in the Morning and Seven in the Afternoon (*Sundays* excepted), it shall be lawful for the Building Owner, or any other Person acting in his Behalf, accompanied by a Constable or other Officer of the Peace, and they are hereby respectively empowered, to enter on the Premises of the adjoining Owner, so far as may be necessary for executing such Work; and that if the outer Door of such Building be shut, and being thereunto required the Person therein refuse to open the same, or if such Building be empty and unoccupied, then it shall be lawful to break open such outer Door; and if any Fixtures, Goods, Furniture, or other Thing obstruct the building of such intended Party Wall or Party Arch, or the pulling down any Wall, Partition, or other Thing necessary to be pulled down and removed in order to the building such intended Party Wall or Party Arch, then to remove such Fixtures, Goods, Furniture, and Things to some other Part of the same Premises, or if there be no Room on the Premises sufficient for that Purpose, to remove them to some other Place of safe Custody; and that from and after such Entry, and at all usual Times of working, it shall be lawful for the Builder employed to erect such intended Party Wall or Party Arch, and for his Servants and all others employed by him, to enter into and upon the Premises, and abide therein the usual Times of working, as well for the shoring up of the said Building so broken into and entered upon, and for taking down and removing any Party Wall, Partition, Wainscot, or other Thing necessary to be taken down and removed for the Purpose aforesaid, as to build such intended Party Wall or Party Arch; and that if in any Manner any such Owner or other Person hinder or obstruct any Workman employed for any of the Purposes aforesaid, or wilfully damage or injure the said Works, then every such Person so offending shall forfeit for every such Offence a Sum not exceeding Ten Pounds.

Opening Doors and Removal of Goods, &c.

Continuance of Entry.

Penalty for Hindrance.

Stopping of Openings in external Walls abutting on other Premises.

XXXVII. And now for the Purpose of further protecting the Interests of adjoining Owners, be it enacted, with regard to external Walls adjoining the Ground or Building of another Owner, so far as relates to the making of Openings therein, That if, without the Consent in Writing of the Owner of such Ground or Building, any Opening be made in any such Wall, then it shall be lawful for such Owner and he is hereby entitled to require the Owner of the Premises in which such Opening shall be made to stop up the same with Brick or Stone Work, as the Case may be, according to the Form (No. 5.) in the Schedule of Notices, or to the like Effect; and that if within One Month after such Notice such Stoppage be not effected, then it shall be lawful for such Owner and he is hereby entitled, either by himself or his Workmen, with Tools, Implements, and Materials, to cause such Openings so to be stopped, and he is also hereby entitled to be repaid the Costs thereof; and with regard to such Costs, so far as relates to the Adjustment thereof, that if such Owner refuse to make Payment thereof, or if there be any Dispute as to the Amount thereof, then, on Application for the Purpose to the Official Referees, by either of the Parties concerned, it shall be lawful for the Person by whom they have been incurred and he is hereby entitled to refer the Matter of such Dispute to the Official Referees, and to have their Determination thereon; and that it shall be the Duty of such Official Referees to give to the Applicant a Certificate in relation thereto; and that if any Party liable to pay any Sum of Money under such Certificate fail to do so then it shall be lawful for the Party entitled to such Costs to recover the same in the Manner hereinafter provided for the Recovery of the Costs, Charges, and Expences of executing any Works in pursuance of this Act.

Stoppage thereof.

Costs of stopping up.

Certificate of Official Referees.

Recovery of Costs.

Building of Party Walls next vacant Ground.

XXXVIII. And be it enacted, with regard to Walls, so far as relates to the Building thereof on vacant Ground at the Line of Junction of Premises belonging to different Owners or in different Occupations, That One Month before the Owner of any Piece of vacant Ground, or Ground not hitherto built upon, shall build any Building adjoining to another Piece of vacant Ground, or Ground not hitherto built upon, or build a Fence Wall for such Piece of Ground, it shall be his Duty and he is hereby required to give to the Owner or Occupier of such adjoining vacant Ground a Notice, which must be in Writing, and must set forth his Desire to build a Party Wall or Party Fence Wall, and describe the Thicknesses and Dimensions of such desired Party Wall or Party Fence Wall, according to the Form (No. 16.) in the Schedule of Notices, or to the like Effect; and that if within such Period of One Month such adjoining Owner shall signify his Consent in Writing, then the same must be built partly on the Ground of one of the said Owners or Occupiers, and partly on the Ground of the other Owner, and such last-mentioned Part is to be paid for as is herein-after directed by such other Owner or Occupier; but if he do not signify such Consent, then it shall be the Duty of the Building Owner to build an external Wall for such Building, and Fence Wall for such Ground, entirely upon his own Ground, except as to the Footings of any such Wall.

Consent of adjoining Owner.

Building of Chimney Breasts, &c. in new Party Wall for adjoining Owner.

XXXIX. And be it enacted, with regard to any new Party Wall built on the Line of Junction of Premises belonging to different Owners, so far as relates to the providing of Chimney Breasts and other Accommodation for the adjoining Owner, That when the Owner of any Piece of vacant Ground shall have obtained the Consent of the adjoining Owner to build a Party Wall on the Line of Junction of their respective Premises, then, Ten Days at the least before beginning to build such Party Wall, it shall be the

the Duty of the Building Owner to give the adjoining Owner Notice thereof, according to the Form (No. 16.) in the Schedule of Notices, or to the like Effect; and that if in due Time the adjoining Owner shall give Instructions in Writing, or by a Plan and Elevations or other sufficient Drawings, then it shall be the Duty of the Building Owner to construct, if practicable, such and so many Chimney Jambs, Breasts, and Flues of Chimneys in all such Parts of such Party Wall as shall be by such Instructions required, and to leave such Recesses in every such Wall as may be so required, but so that they be conformable with the Directions of this Act concerning Party Walls and Chimneys; and that thereupon it shall be lawful for the Building Owner to claim and he is hereby entitled to recover from the adjoining Owner all the Expences of constructing such Chimney Jambs, Breasts, and Flues of Chimneys, and Recesses, as provided by this Act in that Behalf.

Instructions by adjoining Owner.

Reimbursement of Expences.

XL. 'And whereas Buildings within the Limits of this Act are often, either from litigated Titles 'thereto, or from the Obstinacy, Neglect, or Poverty of the Owners thereof or of the Parties interested 'therein, or from other Causes, in so ruinous a Condition that Passengers are endangered thereby;' now, for the Purpose of making Provision in that Behalf, be it enacted, with regard to ruinous Buildings or Parts of Buildings, so far as relates to repairing or pulling down the same, That upon receiving Information of any Building being in a ruinous and dangerous Condition it shall be the Duty of the Surveyor and of the Overseers for the Time being of the Parish or Place in which the same shall be, and they are hereby respectively required, to apply forthwith to the Official Referees to authorize a Survey to be made thereof; and that thereupon it shall be lawful for the Official Referees to direct the Surveyor to make such Survey; and that thereupon it shall be the Duty of such Surveyor to act in all respects as in the Case of a Survey of Party Walls; and that upon the Receipt of the Certificate of the Surveyor it shall be lawful for the Official Referees and they are hereby required to cause a Copy thereof to be transmitted, if the Premises be within the City of *London*, then to the Court of Lord Mayor and Aldermen, and if they be elsewhere, then to the Overseers of the Poor of the Parish or Place in which such Premises shall be; and that thereupon it shall be the Duty of such Mayor and Court of Aldermen, and Overseers, to cause with all convenient Speed any such ruinous Building to be securely shored, or a proper and sufficient Hoard to be put up for the Safety of all Passengers, and to cause Notice in Writing to be given to the Owner of such Building to repair or pull down the same or any Part thereof, as the Case may require, within Fourteen Days then next ensuing; and that if within the said Fourteen Days the Repair or Demolition thereof be not begun, and be not completed as soon as the Nature of the Case will admit, then, on a Declaration being made before the said Lord Mayor or a Justice of the Peace of such Notice having been so given (which Declaration the said Lord Mayor and Justice are hereby respectively empowered and required to receive), it shall be lawful for the said Lord Mayor and Court of Aldermen, and they are hereby authorized and required, out of the Cash in the Chamber of *London*, and also for every such Overseer of the Poor by and out of the Money in his Hands, and they are hereby severally authorized and required, with all convenient Speed, to order and cause such Building, or such Part thereof so certified to be in a ruinous and dangerous Condition as shall be necessary for the Safety of the Passengers, to be repaired or pulled down, or secured in such Manner as shall from Time to Time be requisite: Provided always, that if such Lord Mayor and Aldermen, or such Overseers, appeal against such Certificate, it shall be the Duty of the Official Referees to proceed to survey, to certify, and to award in all respects as in the Case of an Appeal from the Certificate of the Surveyor with reference to Party Walls or intermixed Buildings; and that if such Official Referees certify that the said Premises are ruinous and dangerous, it shall be the Duty of the said Lord Mayor or the said Overseers to repair or pull down such Building as aforesaid.

Ruinous Buildings.

Repairing and rebuilding.

Application to Official Referees.

Survey.

Notice to Lord Mayor, &c. and to Overseers.

Shoring and Erection of Hoards, and Notice to Parties.

Repairs.

Appeal against Survey.

Demolition.

XLI. And be it enacted, with regard to any such ruinous Building so pulled down, so far as relates to the Disposal of the Materials thereof, and to the Application of the Proceeds, That it shall be lawful for the said Lord Mayor and Court of Aldermen, or the said Overseers, to sell and dispose of such of the Materials as they shall judge necessary, and out of the Monies arising from the Sale thereof to reimburse to themselves, the Surveyors and Official Referees, and every Person by them respectively employed for the Purposes aforesaid, all the Charges of the Survey and Appeal, and of putting up every such Hoard, and of repairing, pulling down, and securing such Premises, and of making good the Pavement, and of selling the said Materials as aforesaid, or so much thereof as the Monies arising by such Sale will extend to; and that if there be any Surplus after Payment of all Expences, then, upon Demand thereof made by such Owner, it shall be the Duty of the said Lord Mayor, or of the said Overseers, to account for and pay such Surplus of the Monies arising by such Sale to the Owner of such Building; or if there be any Question as to the Person entitled to such Surplus, or as to the Priority of Title to such Sum of such Persons so entitled, or as to the Proportions to which such Persons are so entitled, then it shall be lawful, either for the Lord Mayor or the Overseers, or for any Person claiming to be so entitled, to refer the Matter to the Determination of the Official Referees, and their Decision shall be final; and that if no such Demand be made then such Surplus shall, as regards Places within the City of *London* and the Liberties thereof, be paid to the Chamberlain of the City, and as regards all other Places such Surplus shall be paid to the Overseers, and added to the Monies raised as Rates for the Relief of the Poor of the Parish or Place, and accounted for accordingly: Provided nevertheless, that at any Time within Six Years from the Deposit of such Surplus, it shall be lawful for any such Owner, his Executors or Administrators, to claim and he and they are hereby entitled to recover such Surplus; and the said Lord Mayor and Aldermen of the City of *London*, as regards the said City and Liberties thereof, are hereby required to pay such Surplus out of the Cash in the Chamber of *London*; and every Overseer, as regards Places

Disposal of Materials to pay Costs.

Payment of Surplus, on Demand.

If no Demand.

City of London or Overseers to refund within Six Years.

not within the said City or the Liberties thereof, is hereby required to pay such Surplus out of any Monies raised or to be raised by any Rate for the Relief of the Poor.

If a Deficiency, to be paid by the Owner;

XLII. And be it enacted, with regard to such ruinous Buildings, so far as relates to the Expences of any such Survey and Appeal, putting up such Hoard, repairing, pulling down, and securing such Buildings, and selling the Materials, beyond the Amount thereof which shall have been satisfied by the Application thereto of the Proceeds of the Materials, That if the Monies arising from such Sale be insufficient to repay all such Expences, then from Time to Time such Deficiency shall be paid by the Owner of every such Building, being the Person entitled to the immediate Possession thereof, if known; and that if, on Demand thereof, such Owner fail to pay such Deficiency, then it shall be lawful for the Lord Mayor for the Time being, if such ruinous Building in question be within the City of *London* or the Liberties thereof, or if elsewhere, for Two or more Justices of the Peace, to levy the Amount thereof by Warrant under their Hands and Seals, by Distress and Sale of the Goods and Chattels of such Owner, if any such can be found; and that if no such Owner can be met with, or, being met with, shall not, on Demand, pay the said Deficiency, and no sufficient Distress of the Goods and Chattels of such Owner can be found, then it shall be lawful for the Person who shall at any Time thereafter occupy any such Building, or the Ground where the same stood, and he is hereby authorized and required, to pay and deduct the same out of the Rent thereof; and that if he neglect or refuse to pay such Deficiency, then it shall be lawful for the said Lord Mayor, or Two or more such Justices of the Peace, and they are hereby empowered and required, to cause the same to be levied by Distress and Sale of the Goods and Chattels of any Occupier of the Premises, together with the Costs of every such Distress and Sale; and that if the Premises be situate within the City of *London* and its Liberties it shall be the Duty of the Person by whom the same shall be received, and he is hereby required, to pay the Amount to the Chamberlain, to be by him from Time to Time placed to the Credit of the Cash of the said City of *London*, and if the Premises in respect of which such Money shall be received or recovered be not situate within the said City of *London* and the Liberties thereof, then to pay the Amount received to the Overseers of the Poor for the Time being of the Parish or Place where the Premises shall be situate, to be by them placed to the Account of the said Parish, in aid of the Poor Rate of the Parish or Place.

or levied by Warrant of Distress;

or Occupier to pay and deduct from Rent;

or by Distress on Occupier.

Payment of Money to Chamberlain or to the Overseers.

Repair of ruinous Chimneys, &c.

XLIII. And be it enacted, with regard to ruinous Chimneys, Roofs, and Projections, so far as relates to the repairing thereof, That if a Chimney Shaft, Chimney Pot or other Thing thereon, or the Eaves, or Parapet or Coping, or Slates or Tiles on the Roof, or any Projection from the front Walls of any Building, be in danger of falling, then it shall be the Duty of such Surveyor, and he is hereby required to require the Occupier of such Building, or if there be no Occupier then the Owner thereof, to take down or secure the same within Thirty-six Hours after Notice thereof shall have been given; and that if within the Time specified such Occupier, or some other Person interested in such Building, do not begin to take down or secure the same, and as soon as the Nature of the Case will admit complete such taking down or securing of the same, then it shall be the Duty of such Surveyor to give Information thereof to a Justice of the Peace, and thereupon it shall be the Duty of such Justice of the Peace to proceed to cause such Chimney Shaft, Chimney Pot or other Thing thereon, or the Eaves, or Parapet or Coping, or Slates or Tiles on the Roof, or Projection from the front or side Wall of such Building as shall be considered by such Surveyor in danger of falling, to be forthwith taken down or secured; and that if there be no Occupier or known Owner then it shall be lawful for such Justice to direct that the reasonable Expences, to be certified by the Official Referees, be paid by the Overseers of the Parish or Place in which such Building shall be situated; and that if thereafter the Owner of such Building become known, or if the Building become occupied, then it shall be lawful for the Overseers of the Poor and they are hereby entitled to recover the Amount of such Expences from such Owner or from such Occupier as in the Case of ruinous Buildings herein-before provided for; and that if within the Time limited the Occupier, or some other Person interested in such Building, do not take down or secure the same, then for every Day during which the same shall so remain unrepaired or not sufficiently secured such Occupier, or the Owner if there be no Occupier, shall forfeit and pay a Sum not exceeding Five Pounds; and that such Occupier or Owner shall also pay the Surveyor's Fees, and all other Costs, Charges, and Expences attendant upon any such taking down or securing the Building; and all such Surveyor's Fees, and other Costs, Charges, and Expences, may be recovered and levied in the same Manner as such Penalty: Provided always, that if the Occupier of such Building be not bound by virtue of any Lease or other Instrument to repair, reinstate, or secure the Premises, then such Occupier is hereby entitled to retain out of the Rent payable in respect of such Premises all such Penalties, Costs, Charges, and Expences attendant upon or arising out of the taking down or securing, or the repairing or rebuilding the same, as in the Case of any other Works the Costs of which he is hereby required to pay in the first instance.

Notice.

Repairs.

Certification of Expences.

Recovery from Owner or Occupier.

Penalty.

Fees and Expences.

Reimbursement of Occupier.

Ruinous Buildings.

Injury by the Fall of Chimneys, &c.

Compensation.

XLIV. And be it enacted, with regard to adjoining Buildings, so far as relates to the making good any Damage arising from the falling down of Parts thereof (except any such Part of a Party Wall as shall belong to and be used conjointly by the Owners or Occupiers of the Buildings parted thereby), That if at any Time any Injury or Damage be caused to any Part of an adjoining Building, or to the internal Decorations and Furniture, Goods, Wares, and Merchandize in such Building, by the falling down from any other Building of any Chimney Shaft, Chimney Pot, Parapet, Coping, or other Thing, then it shall be the Duty of the Owner of the Building from which such Part shall fall, and he is hereby bound and required, to reimburse the Expence to which the Owner or Occupier may be put in making good such Injury or Damage, in like Manner as herein directed concerning the Reimbursement of the Expences of

ruinous

ruinous Party Walls; and such Costs shall be recoverable in the Manner herein-after directed for the Recovery of the Costs and Expences of executing Works in pursuance of this Act.

Court of Mayor and Aldermen.

XLV. And be it enacted, That all the Powers and Authorities by this Act vested in the Mayor and Aldermen of the City of *London* may be lawfully exercised by the Court of Mayor and Aldermen of the said City to be holden in the outer Chamber of the Guildhall of the said City according to the Custom of the said City.

Expences of Works.

XLVI. And for the Purpose of reimbursing any Building Owner for the Expence of Works incurred in respect of any Party Structure, be it enacted, with regard to the following Works, so far as relates to the Reimbursement by the adjoining Owner of Expences incurred by the Building Owner in respect of any Party Structure built to part the Buildings or Premises belonging to other Owners from the Buildings or Premises belonging to himself; that is to say,

Repayment of Expences of Works in certain Cases.

First, with regard to any Party Wall hereafter built on the Line of Junction of any Two Buildings; and,

Second, with regard to any Party Wall hereafter built on the Line of Junction of any Building and any vacant Ground or of vacant Premises belonging to different Owners or Occupiers; and,

Third, with regard to a ruinous and defective Party Wall pulled down and rebuilt, either with the Consent of the adjoining Owner, or in pursuance of the Condemnation thereof according to this Act, except a Party Wall condemned on account of the Injury done thereto by any Building Owner, and the Expences of which and of other incidental Works the Official Referees shall have awarded to be paid by such Building Owner by virtue of the Provision in that Behalf; and,

Fourth, with regard to One or more Timber Partitions between any Two or more Buildings, pulled down, and a Party Wall built in lieu thereof; and,

Fifth, with regard to a new Party Wall or Party Arch built in lieu of any Party Wall or Party Arch between intermixed Properties pulled down, either with the Consent of the adjoining Owner, or in pursuance of the Condemnation of such Party Wall or Party Arch; and,

Sixth, with regard to any Party Wall built on the Site of a Party Fence or Party Fence Wall, and used otherwise than as a Party Fence Wall by the Person who shall not have built the same; and,

Seventh, with regard to every other Case of Reimbursement in respect of any Party Structure,

Recovery of Expence from adjoining Owners.

That if the Party Structure be built in the Manner, and of the Materials, and of the Thicknesses of such Structure as required by this Act in reference thereto, then it shall be lawful for the Building Owner at whose Expence such Work shall have been executed to claim and he is hereby entitled to be paid, and to recover from the Person who is entitled to the immediate Possession of the adjoining Building or Ground, or who is in the immediate Occupation thereof, the following Compensations; that is to say,

If a new Party Wall or Party Arch built on the Line of Junction by One Owner be made use of, either wholly or partially, by the adjoining Owner, then the Sum of Money proportionate to the Value of so much of such Party Structure so made use of; and,

If Chimney Jambs, Chimney Breasts and Flues, have been set up in any Party Wall, in pursuance of the Instructions of the Owner of any vacant Ground adjoining to the same, then a Sum equal to the Value thereof; and,

If an unsound Party Wall or other Party Structure be pulled down and rebuilt, then a Sum of Money equal to a proper Proportion of the Value of the new Party Structure, Deduction being made for a due Proportion of the old Materials, and also a proportionate Part of all Expences which shall be necessary for pulling down the old Party Structure in lieu of which such new Party Structure shall be built; and,

If a Party Wall be built in lieu of a Timber Partition or other Party Structure, and be made use of by the adjoining Owner, then a Sum of Money proportionate to the Value of so much of such new Party Wall as shall be so made use of, and also a proportionate Part of all Expences which shall be necessary for pulling down the old Timber Partition or other Party Structure; and,

If a Party Wall or Party Arch already built or hereafter rebuilt be used by any adjoining Owner, then a Sum of Money proportionate to the Value of so much of such Party Structure as the adjoining Owner shall use, Deduction being made, where proper, for the Value of old Materials;

And in every Case the whole of the reasonable Expences of the shoring up the adjoining Building, and of removing any Goods, Furniture, or other Things therein, and of pulling down any Wainscot or Partition thereof;

And also such Surveyors Fees and any other Fees payable in respect of any Acts performed by the Official Referees, and also such other Costs (if any) as may have been awarded by the Official Referees as aforesaid in any of the Cases hereby provided for:

Delay of Payment.

And until such Expences shall be so paid every Person at whose Expence such Party Structure shall have been built is hereby entitled to and shall be possessed of the sole Property thereof, and of the Ground whereon it stands, and the same shall be vested entirely in the Person at whose Expence such Party Structure shall have been built.

Recovery of Costs of building.

XLVII. And be it enacted, with regard to the Costs of all the Works which shall be executed under this Act, incurred either by an Owner or by an Occupier, either on behalf of the Owners of the same Premises or on behalf of the Owner of the adjoining Premises, so far as relates to the Recovery thereof, That within Twenty-one Days after the Completion of the Work it shall be the Duty of the Person by whom such Expence shall have been incurred to deliver to the adjoining Owner of the Building or Premises in respect of which such Expence shall have been incurred an Account

Account. Account in Writing of the Expences of the Work, including all preliminary and incidental Operations, and also if the Work shall have been executed by the Authority of the Official Referees, by virtue of the Power hereby provided for supplying the Want of Consent of Owners, then a Copy of such Account shall also be delivered to the Official Referees at their Office; and that every such Account must contain a true Account,—

First, of the Number of Rods and Parts of Rods of Brick-work, and of all Digging, and of Concrete, Stone-work, and other requisite Materials, and of the Labour required in executing so much of the Work as the Owner of the adjoining Building shall be liable to pay, and of the respective Prices thereof; and,

Secondly, of any Deduction which such adjoining Owner shall be entitled to make therefrom on account of the old Materials of so much of the Wall or other Structure pulled down which shall have belonged to him;

Data of Account. And also a true Account of the Expences of all other preliminary and incidental Operations; and that all such Works must be estimated and valued in every such Account at such Rates and Prices as shall from Time to Time be fixed by the Official Referees; and that if within Ten Days from the Delivery of such Account any Party dissatisfied with the Proportion of the Amount thereof charged to him appeal to the Official Referees, then upon the Receipt thereof, or if, in Cases of Want of due Consent as aforesaid, such Account be delivered to the Official Referees as aforesaid, it shall be the Duty of the Official Referees to examine such Account, and to certify whether they approve or disapprove of the Items thereof, and whether the Rates and Prices are duly charged, and whether the Proportion of the Account charged to the Party appealing be duly charged, and also to appoint how and by whom the Expences of such Examination are to be borne, and also to appoint the Time or Times at which the Amount of such Account and of such Expences payable by any Party are to be paid; and that if they certify their Disapproval, or that the Charges are not duly made, or the Amount fairly apportioned with regard to the Party appealing, then, before any Demand be made or any Proceedings be taken thereon, the Account must be amended, and again examined by the Official Referees, and certified as aforesaid; and that if the Official Referees certify their Approval, then at the Time or Times appointed by the said Official Referees it shall be lawful for the Person entitled to such Costs and Expences to demand the Amount thereof; and that if, within Ten Days after the delivering of such Account to the Party liable to pay the same, such Party do not either appeal against such Account or pay the same, or if, within Ten Days after Demand thereof, in conformity with the Certificate of the Official Referees, the Amount thereof, together with the Costs of the Examination of the Account as the Official Referees shall certify, be not paid, then it shall be lawful for the Person entitled thereto to recover the same, or so much thereof as shall be then due, by the summary Proceeding hereby provided.

Examination of Accounts by Official Referees.

Disapproval.

Approval, and Demand of Payment.

Recovery of Amount.

Reimbursements of Costs of Works to Occupiers. XLVIII. Provided always, and be it enacted, with regard to Works executed under this Act, so far as relates to the Reimbursement to the Occupier of any Costs by him paid in respect thereof, That, unless there be some Covenant or Agreement to the contrary between the Parties, it shall be lawful for such Occupier and he is hereby entitled to deduct from the Rents due or becoming due from him to his Lessor or Landlord the Amount of any such Costs, Charges, and Expences payable by his Lessor or Landlord, and the Costs, Charges, and Expences of any Distress and Sale made on him through the Default of his Lessor or Landlord; and that the Receipt for such Payment shall be a sufficient Discharge to any Occupier for so much Money as he shall have so paid, or which shall have been so levied on his Goods and Chattels in pursuance of this Act, and shall be allowed by such Lessor or Landlord in part or full Payment (as the Case may be) of the Rent due to him by such Occupier.

Discharge and Repayment.

Recovery of Expences of Buildings. XLIX. And be it enacted, with regard to the Costs and all other Expences of pulling down, securing, repairing, and rebuilding Party Structures, or other Parts of Buildings, according to the Provisions of this Act, so far as relates to the Recovery thereof amongst the several Owners of the Premises, That when such Costs and Expences shall have been ascertained and paid by the Owner upon whom the Payment thereof shall have first fallen, then, as to any Building or Tenement held under any Lease or Agreement for a Lease, or other Agreement for the Occupation thereof, made before the coming into operation of this Act, it shall be lawful for such Owner and he is hereby entitled to recover the same from the Persons now bound or liable by Law or by any existing Contract to maintain and repair such Buildings in respect of which such Costs and Expences shall have been incurred; but if any Dispute or Difference arise as to the Persons so bound or liable, then every such Dispute or Difference shall be referred to the Official Referees; and that thereupon such Official Referees shall ascertain and determine the Persons bound or liable to pay such Costs and Expences, and also in what Proportions such Costs and Expences are to be paid by the Parties liable to pay the same, and their Decision shall be final; and that as to any Building or Tenement to be held under any Lease or Agreement for a Lease, or other Agreement for the Occupation thereof, made after the coming into operation of this Act, except a Lease renewable for ever on a fixed Fine or other customary Payment, all such Costs and Expences shall be charged upon the Lessor granting such Lease or making such Agreement, and not upon any Lessee or Sub-lessee holding under any such Lease or Agreement, subject, nevertheless, to any express Covenant or Agreement made between any such Lessor and Lessee in that Behalf; and in case of such excepted Lease such Costs and Expences shall be charged upon the Lessee instead of the Lessor, subject, as aforesaid, to any express Covenant or Agreement in that Behalf between any such Lessee and his Sub-lessee holding under such Lessee upon other than a fixed Fine or customary Payment as aforesaid; and that in default of such Costs and Expences being duly paid it shall be lawful for the Party to whom the same shall be payable and he is hereby

Differences.

Determination by Official Referees.

Charges.

Receipt of Rents.

hereby entitled to receive from the Occupier thereof the Rents and Profits of such Building or Tenement, and for that Purpose to give Notice to such Occupier to pay over to him such Rents and Profits; and that thereupon, if such Occupier fail to pay such Rent and Profits accordingly, then it shall be lawful for the Person to whom such Costs and Expences shall be payable to recover the same from such Occupier by the summary Proceeding hereby provided, in such Proportions and at such Times as shall be appointed by the Award of the said Official Referees in that Behalf; and that after such Notice shall be given, and before such Costs and Expences shall be paid, it shall not be lawful for any Person otherwise entitled to receive such Rents and Profits, and he is hereby disabled from bringing any Action, and from taking any Proceeding at Law or in Equity to recover such Rents and Profits: Provided always, that if on the hearing of the Application for the Warrant to levy such Costs and Expences by Distress, according to the Provision of this Act in that Behalf, the Occupier, not being an Owner, show that he is not bound to pay in respect of such Building or Tenement any Rent or Profit, or that the Amount of the Rent or Profit payable by him is not sufficient, then it shall not be lawful to issue such Warrant, if there be no Rent due or accruing, or if there be Rent due or accruing, then to the Extent only of the Amount of such Rent; and that if such Costs and Expences or any Part thereof remain unpaid, and if the same or any future Occupier be or become liable to pay Rent in respect of such Building or Tenement, then, from Time to Time until the same be paid, it shall be lawful to levy the same by Distress, according to the Provisions of this Act in that Behalf, upon the same or any such future Occupier.

Recovery of Rents.

Priority of Right.

Limitation of Distress.

Continuance of Distress until Payment made.

L. And be it enacted, with regard to such Costs and Expences of Works executed under this Act, so far as relates to Contribution thereto by Persons bound or liable to make Contribution, That for the Purpose of enabling the Party upon whom the Payment of such Costs and Expences shall fall, either in the first instance or subsequently, to obtain Contribution from other Persons, being Owners according to the Meaning of this Act, in like Degree, and so bound or liable to make Contribution, it shall be lawful for every such first-mentioned Person, whether he be Freeholder, Copyholder, Leaseholder, Mortgagee in possession, and whatever may be his Interest, or the Nature and Extent of such his Interest, and whether he hold in his own Right or in Right of others, and whatever may be the Kinds and Degrees of their respective Interests, and he is hereby entitled to a Contribution from every other Person having as Owner an Interest in the Premises, of whatever Kind or Degree, which Contribution is to be computed according to the Amount of his Interest in proportion to that of other Persons interested, so far as such Persons may be known, or can be reached by Process of any Court of Law or Equity; and that it shall be lawful for any Party so interested and he is hereby entitled to require the Official Referees to settle and determine the same by their Award, and their Decision shall be final; and that if the Person upon whom the Payment of such Costs and Expences shall have fallen have paid in respect of the Interest of another or others, either unknown or who could not be reached by Process of any Court of Law or Equity, more than his own just Proportion, then, on the Production of such Award, duly made, signed, and sealed, it shall be lawful for such Person to have and exercise against other Parties against whom such Award shall be made and he is hereby entitled to the like Remedies to compel Payment of Money as are hereby given for compelling the first Payment of such Costs and Charges of such Expences.

Official Referees to determine Contributions.

Proportional Contributions.

Decision of Official Referees.

Recovery of Excess paid by any Contributor.

Drainage of Houses.

LI. And now for the Purpose of facilitating the Improvement of the Drainage of Houses, be it enacted, with regard to the Drains, Cesspools, and Privies to Buildings hereafter built, so far as relates to the making thereof, That from the passing of this Act all the Conditions, Regulations, and Directions contained in the Schedule (H.) to this Act annexed shall be duly observed and performed; and that if any Person offend in respect thereof he shall be liable to all the Penalties and Forfeitures by this Act imposed in respect of any Buildings either built contrary thereto, or without due Notice to the Surveyor appointed in pursuance of this Act to inspect such Buildings: Provided always, with regard to such Drains, so far as relates to the Communication thereof with the Sewers under the Jurisdiction of the Commissioners of Sewers, that unless the Regulations of such Commissioners now or hereafter in force be repugnant to the Directions contained in such Schedule, and to the Extent to which such Regulations are not so repugnant, it shall be the Duty of every Person and he is hereby required to make such Drains to conform to such Regulations; and that with regard to such Drains, except so far as is hereby otherwise provided, all the Rights, Powers, Jurisdiction, and Authority vested in any such Commissioners shall be as valid and effectual as if this Act had not been passed.

Making Drains according to Schedule (H.)

Penalties.

Communications with Sewers.

Saving Powers of Commissioners of Sewers.

Streets and Alleys.

LII. And now, for the Purpose of making Provision concerning Streets and other Ways of the Metropolis, be it enacted, with regard to such Streets and other Ways hereafter formed, so far as relates to securing a sufficient Width thereof, That from the passing of this Act all the Conditions, Regulations, and Directions contained in the Schedule (I.) to this Act annexed shall be duly observed and performed; and that if any Person offend in respect thereof he shall be liable to all the Penalties and Forfeitures by this Act imposed in respect of any Buildings, either built contrary thereto, or without due Notice to the Surveyor appointed in pursuance of this Act to inspect such Buildings.

Width thereof.

Penalties.

Buildings, Use thereof.

LIII. And now, for the Purpose of discouraging and prohibiting the Use of Buildings unfit for Dwellings, be it enacted, with regard to every Building of the First or Dwelling House Class, whether already or hereafter built, so far as relates to the Occupation thereof, or to the Occupation of any underground Room or Cellar thereof, That from and after the First Day of *July* One thousand eight hundred and forty-six it shall not be lawful to let separately to hire as a Dwelling any such Room or Cellar not constructed according to the Rules specified in the Schedule (K.) to this Act annexed, nor to occupy or suffer it to be occupied as such, nor to let, hire, occupy, or suffer to be occupied any such Room or Cellar built underground for any Purpose (except for a Wareroom or Storeroom); and that if any Person wilfully let

Occupation of Cellars or Rooms unfit for Dwellings.

Penalty.

Buildings, Use thereof.

let or suffer to be occupied in manner aforesaid any underground Cellar or Room, contrary to the Provisions of this Act, then, on Conviction thereof before Two Justices of the Peace, such Person shall be liable to forfeit for every Day during which such Cellar or Room shall be so occupied a Sum not exceeding Twenty Shillings; and one Half of such Penalty shall go to the Person who shall sue for the same, and the other Half to the Poor of the Parish in which such unlawfully occupied Cellar or Room shall be situate; and that on or before the First Day of *January* One thousand eight hundred and forty-five it shall be the Duty of the Overseers of the Poor and they are hereby required to report to the Official Referees the Number and Situation of the Dwellings within their respective Parishes of which any underground Room or Cellar shall be so occupied, and that thereupon it shall be the Duty of the Official Referees and they are hereby empowered to direct such Notice to be given to the Owners and Occupiers of such Dwellings as shall appear to such Official Referees to be best calculated to give to such Owners or Occupiers full Knowledge of the Existence, Nature, and Consequences of this Enactment; and that it shall be the Duty of the District Surveyors and they are hereby required to give full Effect to the Directions of such Official Referees in this Behalf.

Report by Overseers of Number, &c. of Dwellings.

Notice thereon by Referees to Owners, &c.

Surveyors to obey Directions of Referees.

Buildings near dangerous Businesses as to Fire.

LIV. And now, for the Purpose of making Provision concerning Businesses dangerous in respect of Fire or Explosion, be it enacted, with regard to the following Businesses, (that is to say,) the Manufacture of Gunpowder or of detonating Powder, or of Matches ignitable by Friction or otherwise, or other Substances liable to sudden Explosion, Inflammation, or Ignition, or of Vitriol, or of Turpentine, or of Naptha, or of Varnish, or of Fireworks, or painted Table Covers, and any other Manufacture dangerous on account of the Liability of the Materials or Substances employed therein to cause sudden Fire or Explosion, so far as relates to the Erection of Buildings in the Neighbourhood of the Place where any such Business is carried on, and so far as relates to the carrying on of any such Business in the Neighbourhood of public Ways or Buildings, That it shall not be lawful hereafter to erect any Building of any Class nearer than Fifty Feet from any Building which shall be in use for any such dangerous Business; but if a Building already existing within Fifty Feet from any such Building be hereafter pulled down, burnt, or destroyed by Tempest, such Building may be rebuilt; and that it shall not be lawful for any Person to establish or newly carry on any such Business, either in any Building or Vault or in the open Air, at a less Distance than Forty Feet from any public Way, or than Fifty Feet from any other Building, or any vacant Ground belonging to any other Person than his Landlord; and that if any such Business be now carried on in any Situation within such Distances, then from the Expiration of the Period of Twenty Years next after the passing of this Act it shall not be lawful to continue to carry on such Business in such Situations; and that if any Person erect any Building in the Neighbourhood of any such Business contrary to this Act, then, on Conviction thereof before Two Justices, he shall forfeit a Sum not exceeding Fifty Pounds for every Day during which such Building shall so remain near to such dangerous Business; or if any Person establish anew any such Business, or carry on any such Business contrary to this Act, then, on Conviction thereof before Two Justices, such Person shall be liable to forfeit for every Day during which such Business shall be so carried on a Sum not exceeding Fifty Pounds, as the said Justices shall determine, and that it shall be lawful for the Justices also to award to the Prosecutor such Costs as shall be deemed reasonable; and that if the Offender either fail or refuse to pay such Penalty and Costs immediately after such Conviction, then they may be levied by Distress of the Goods and Chattels of the Person convicted; or if there be no such Distress, then such Person shall be committed to the Common Gaol or House of Correction for any Time not exceeding Six Months, at the Discretion of such Justices, and that by Warrant under the Hands and Seals of Two or more Justices of the Peace.

Distance from Buildings.

New Businesses.

Prohibition after Twenty Years.

Fifty Pounds Penalty, and Costs.

Costs.

Distress;

or Imprisonment.

Buildings near noxious Businesses as regards Health.

LV. And now, for the Purpose of making Provision concerning Businesses offensive or noxious, be it enacted, with regard to the following Businesses, that is to say,

Blood-boiler,
Bone-boiler,
Fellmonger,
Slaughterer of Cattle, Sheep, or Horses,
Soap-boiler,
Tallow-melter,
Tripe-boiler,

and any other like Business offensive or noxious, so far as relates to the Erection of Buildings in the Neighbourhood of any such Business, and so far as relates to the carrying on of any such Business in the Neighbourhood of any public Way, or of other Buildings of the First or Dwelling House Class, That it shall not be lawful hereafter to erect any Buildings of the First or Dwelling House Class nearer to than Fifty Feet from any Building which shall be in use for any such offensive or noxious Business; but if a Building already existing within Fifty Feet be hereafter burnt, pulled down, or destroyed by Tempest, such Building may be rebuilt; and that it shall not be lawful for any Person to establish or newly carry on any such Business, either in any Building or Vault or in the open Air, at a less Distance than Forty Feet from any public Way, or than Fifty Feet from any other such Buildings of the First or Dwelling House Class; and that if any such Business be now carried on in any Situation within such Distances, then, from the Expiration of the Period of Thirty Years next after the passing of this Act, it shall cease to be lawful to continue to carry on such Business in such Situation, save as is herein-after provided; and that if any Person erect any Building in the Neighbourhood of any such Business contrary to this Act, then, on Conviction thereof before Two Justices, he shall forfeit a Sum not exceeding Fifty Pounds for every Day during which such Building shall remain near to such offensive or noxious Business; or if any Person establish anew any such Business, or carry on any such Business contrary to this Act, then, on Conviction thereof before Two Justices, such Person is hereby made liable to forfeit for every Day during which such Business shall be carried on a Sum not exceeding Fifty Pounds, as the said Justices shall

Distance from Buildings.

New Businesses.

Prohibition after Thirty Years.

Fifty Pounds Penalty and Costs.

shall determine, and that it shall be lawful for the Justices also to award to the Prosecutor such Costs as shall be deemed reasonable; and that if the Offender either fail or refuse to pay such Penalty and Costs immediately after such Conviction, then they may be levied by Distress of the Goods and Chattels of the Person convicted; or if there be no such Distress, then such Person shall be committed to the Common Gaol or House of Correction for any Time not exceeding Six Months at the Discretion of such Justices, and that by Warrant under the Hands and Seals of Two or more Justices of the Peace.

Distress; or Imprisonment.

LVI. Provided always, and be it enacted, with regard to any such offensive or noxious Business, whether such Business be now carried on at a less Distance than Forty Feet from any public Way, or than Fifty Feet from any other Building, or be hereafter carried on at a greater Distance, yet so as to cause Danger or Annoyance, so far as relates to the Mitigation of any Penalty or Punishment for unlawfully carrying on thereof, That every such Penalty herein-before imposed shall be enforceable only at a Special Sessions of the Peace summoned for that Purpose, or on an Appeal as herein-after provided, or on a Trial as herein-after provided; and that notwithstanding the said Term of Thirty Years shall have expired, if any Party charged with carrying on such Business show that in carrying on such Business all the Means then known to be available for mitigating the Effect of such Business in any such respect have been adopted, then it shall be lawful for such Justices to receive Evidence thereof, and according to such Evidence to mitigate the Penalty as to them shall seem fit: Provided further, with regard to such offensive or noxious Business, so far as relates to the Adoption of Means to mitigate the injurious Effects thereof, that, notwithstanding the said Period of Thirty Years shall have expired, if it shall appear to the Justices, whether at Petty Sessions as aforesaid, or on Appeal, or on Trial by Jury, as herein-after provided, that the Party carrying on any such Business shall have made due Endeavours to carry on the same with a view to mitigate, so far as possible, the Effects of such Business, then, although he hath not adopted all or the best Means available for the Purpose, yet it shall be lawful for such Justices assembled and they are hereby empowered to suspend the Execution of their Order or Determination, upon Condition that within a reasonable Time, to be named, the Party convicted do adopt such other or better Means as to the said Justices shall seem fit, or before passing final Sentence, and without consulting the Prosecutor, to make such Order touching the carrying on of such Business as shall be by the said Court thought expedient for preventing the Nuisance in future: Provided always, that if the Matter in respect of which such Penalty shall be incurred come before any Superior Court it shall be lawful for such Court to exercise such Power of *mitigating such Penalty, or of suspending the* Execution of any Judgment, Order, or Determination in the Matter, or to make such Order touching the carrying on of such Business, as to the Court shall seem fit in the Case.

The Penalty herein-before imposed to be enforceable only at a Special Sessions.

Use of Means to mitigate Noxiousness of Businesses.

Adoption of Means to mitigate, after Conviction.

Mitigation of Penalty by Superior Courts.

LVII. And be it enacted, with regard to any Business offensive, noxious, or dangerous, and with regard to any Building erected or continued within any such Distance as aforesaid from any such Business dangerous, noxious, or offensive, so far as relates to a Conviction in respect of any such Business and to an Appeal from such Conviction, That if any Person be dissatisfied with the Decision of such Justices, and if, within Four Days after such Decision, Notice be given to the Party appealed against, by or on behalf of such Person, of his Intention to appeal, and if he enter into a Recognizance, with Two sufficient Securities, conditioned to try such Appeal, and to abide the Order of the Court, and pay to the Party appealed against such Costs (if any) as shall be awarded against him, then it shall be lawful for such Party so dissatisfied to appeal against such Conviction to the Justices of the Peace at their General Quarter Sessions of the Peace to be holden within Four Months after such Conviction for the Place in which such Premises shall be situate; and that if the Premises be situate within the City of *London* and Liberties thereof, then the Appeal must be to the Quarter Sessions thereof, or if the Premises be situate in the Counties of *Middlesex*, *Kent*, or *Surrey*, or in the City and Liberties of *Westminster*, or in the Liberties of Her Majesty's Tower of *London*, then to the Quarter Sessions thereof respectively, as the Case shall be; and that if within the above-mentioned Period such Appellant shall have entered into such Recognizance as herein required, and if within One Month thereafter he give Notice of the Grounds of such Appeal, then it shall be lawful for such Justices and they are hereby empowered to proceed to hear and examine on Oath into the Causes and Matters of such Appeal (which Oath they are hereby empowered to administer), and to determine the same, and to award such Costs to be paid by the said Parties as they think proper; and the Order, Judgment, and Determination of the said Justices in their respective Sessions shall be binding and conclusive upon all Parties.

Conviction and Appeal as to certain Trades not specified:

Recognizances.

Sessions.

Proceedings.

LVIII. Provided always, and be it enacted, That if before Conviction by Two such Justices the Party complained against desire to have the Matter tried by a Jury, and enter into a Recognizance to try such Matter without Delay, and to pay all Costs of Trial if a Verdict be found against him, then such Matter may be tried at the next practicable Court of Quarter Sessions, or whensoever the Court shall appoint; and that thereupon, or on the Application of such Party, it shall be lawful for the said Court of Quarter Sessions and they are hereby authorized and required to issue their Warrant or Precept to the Sheriff or other proper Officer (as the Case may be), requiring him to return a competent Number of Persons qualified to serve on Juries according to the Provisions of an Act made in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, "for consolidating and amending the Laws relative to Jurors and Juries;" and that it shall be lawful for the said Court of Quarter Sessions and they are hereby authorized and empowered, by Precept, from Time to Time as Occasion may require, to call before them respectively every Person who shall be thought proper or necessary to be examined as a Witness before them on Oath concerning the Premises; and that if the said Court think fit it shall be

Trial by Jury at Quarter Sessions.

Summoning of a Jury.

6 G. 4. c. 50.

Witnesses.

View of the Premises.

Buildings, Use thereof.

be lawful for them and they are hereby empowered to authorize the said Jury to view the Place in question in such Manner as they shall direct, and to command the Attendance of such Jury, and of all such Witnesses and Parties as shall be necessary or proper, until such Affairs for which they are summoned shall be concluded; and that the said Jury shall inquire and try, and determine by their Verdict, whether the Business in question be offensive or noxious, and whether the Party in question have done any Act whereby the Penalty hereby imposed in respect thereof has been incurred; and that, subject to the Power herein-before conferred of mitigating such Penalty, or suspending their Judgment, Order, or Determination thereon, or making such Order touching the carrying on of the Business aforesaid, the said Court of Quarter Sessions shall give Judgment according to such Verdict, and shall award the Penalty (if any) incurred by the Defendant, and shall and may (if they see fit) award to either of the Parties such Costs as they may deem reasonable; which Verdict, and the Judgment, Award, Order, or Determination thereupon, shall be binding and conclusive.

Verdict of Jury.

Judgment according to Verdict;

and Judgment to be binding.

Appeals to Quarter Sessions for Surrey and Kent;

LIX. And be it enacted, with regard to any Appeal in respect of a Conviction for carrying on any such dangerous, offensive, or noxious Business, so far as relates to the Place where such Appeal is to be heard, That if the Appeal be to the General Quarter Sessions of the Peace for the County of *Surrey* or the County of *Kent*, then the Jury (if any) to be impannelled in pursuance of this Act, and all Parties required to attend the Quarter Sessions for the said Counties pursuant to such Application, shall be impannelled and required to attend at some general or special Adjournment of the said Quarter Sessions to be held within Six Weeks next after the original Sessions; and that if the Matter relate to the County of *Surrey*, then such Adjournment shall be to some convenient Place in the Borough of *Southwark* in the said County; and that if the Matter relate to the County of *Kent*, then such Adjournment shall be to some convenient Place in the Borough of *Greenwich* in the said County; and such Times and Places shall be appointed by the Justices of the said Counties respectively assembled at such original Sessions; and that from Time to Time every further Meeting of the said Sessions, for any thing to be done upon such Application, shall be appointed at or within the Space of Three Weeks from the last Meeting; and that from Time to Time it shall be lawful for the Justices of the Peace for the said Counties of *Surrey* and *Kent* respectively, and they respectively are hereby empowered and required, to make such Adjournment and hold such Sessions as there shall be Occasion.

To Sessions at Southwark:

To Sessions at Greenwich.

Further Meetings.

Adjournments.

Common Law and statutory Remedies not affected.

LX. Provided always, and be it declared, with regard to any Business which is contrary to any existing Act of Parliament, or otherwise contrary to Law, so far as relates to the Operation of this Act in that Behalf, That, notwithstanding any thing in this Act contained, this Act shall not be deemed to authorize any Person to carry on any such Business either within such Limits or otherwise, or any Business which it is unlawful to carry on within any Limits or in any Manner contrary to any public, local, or private Act of Parliament, or otherwise contrary to Law; nor to affect, abridge, or restrain the Right, the Duty, or the Power of any Person, whether private Person or public Officer, to prosecute, either civilly or criminally, any Person who shall carry on within the Limits of this Act any offensive, noxious, or dangerous Business.

Regulation or Removal of Trades deemed Nuisances by Purchase: Memorial to Queen in Council.

LXI. And further, for the Regulation or Removal of any offensive, noxious, or dangerous Business now carried on, be it enacted, with regard to any such Business, so far as relates to the Purchase thereof, or of the Premises wherein it shall be carried on, That if Two Thirds in Number of the inhabitant Householders of any Parish in which such Business shall be carried on present a Memorial to Her Majesty in Council, stating the Existence of such offensive, noxious, or dangerous Business in such Parish or the Neighbourhood thereof, and praying the Removal of such Business therefrom, and thereby engaging to provide Compensation to the Persons carrying on the same, either at the Expence of the Memorialists, or by means of a Rate to be levied on the Inhabitants of the said Parish, or such Part thereof as may be affected by such Business, then it shall be lawful for Her Majesty to refer the Matter to the Lords of the Committee of Privy Council for Trade to consider the Character of such Business, whether it be offensive, noxious, or dangerous; and if it appear to be so, and that there are no Means of rendering it otherwise by the Adoption of Methods available, without unreasonable Sacrifice on the Part of the Person by whom it is carried on, then it shall be lawful for Her Majesty, by Order in Council, to direct that the Removal of such Business may be purchased, either at the Expence of the Memorialists or by means of a Rate as aforesaid, as to Her Majesty shall seem fit, and also to direct the Sheriff of the County or other proper Person in the Parish or Liberty in which such Business is carried on to summon a Jury, according to the Provisions of an Act made and passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to enable Her Majesty's Commissioners of Woods to make a new Street from* Coventry Street *to* Long Acre, *and for other Improvements in the Metropolis*, to determine what Compensation shall be paid to the Party carrying on such Business for the Removal thereof, and to the Owner and Occupier of the Premises for the Restriction of the Use of his Buildings for such Purpose; and that if within Three Months after the Verdict of such Jury shall be given, and Judgment thereon, the Inhabitants of such Parish or Neighbourhood pay or tender such Compensation, then within Three Months from the Payment or Tender of such Compensation it shall cease to be lawful for the Party carrying on such Business to continue the same, and for any Owner or Occupier thereof either to carry on, or to permit to be carried on such Business in the same or any Part of the same Premises.

Order for Removal.

Compensation.

4 & 5 Vict. c. 12.

Unlawful to continue such Trades after Purchase.

Funds for defraying Compensation.

LXII. And be it enacted, with regard to the Funds for defraying such Compensation, so far as relates to the raising thereof, That if Her Majesty shall by such Order direct the Compensation to be paid by

by means of a Rate, then it shall be lawful for the Overseers of the Parish to raise such Sum as shall be necessary, either as a separate Rate in the Nature of Poor's Rate, or as Part of the Poor's Rate, on the Inhabitants at large of such Parish; or if in pursuance of the Memorial of the Inhabitants of such Part of the said Parish as shall be affected by the said Business it be appointed by such Order in Council that such last-mentioned Inhabitants do defray such Compensation, then it shall be lawful for the said Overseers to raise such Sum as shall be necessary for that Purpose; and that if such Rate be so levied either on the Inhabitants at large of such Parish, or on the Inhabitants of such Part thereof as aforesaid, then such Rate may be levied and recovered as Poor's Rates are leviable and recoverable.

Buildings, Use thereof.

Levy of Rate.

LXIII. Provided always, and be it enacted, with regard to public Gas Works and other Works heretofore established within the Limits of this Act, so far as relates to the Operation of the Provisions of this Act in reference to Businesses dangerous in respect of Fire or Explosion, or offensive or noxious, That such Provisions shall not be deemed to apply to any such public Gas Works; and that if by any Act of Parliament now in force relating to Gas Companies to which such Works belong any Extension of such Works, or any additional Works, or any other Works, be authorized to be erected or substituted, then such Provisions shall not be deemed to apply to any such Extension, Addition, or Substitution within the Limits of the District now lighted from such first-mentioned Works; and that such Provisions shall not be deemed to apply to any Premises entered or used for the Purpose of Distillation or the Rectification of Spirits under the Survey of the Commissioners of Excise or their Officers.

Exemption of public Gas Works.

Extension or Substitution of Works.

Distilleries.

LXIV. And now, for the Purpose of dividing the District to which this Act is to apply into several smaller Districts, for the convenient Execution therein of this Act, and for appointing competent Surveyors for superintending the same in each such District, and for regulating the Duties of their Office, be it enacted, with regard to such Districts, so far as relates to the Appointment and Alteration thereof, That at any Time after this Act shall come into operation, and from Time to Time, it shall be lawful for the Lord Mayor and Aldermen of the City of *London*, with reference to the City of *London* and the Liberties thereof, and for the Justices of the Peace for the County of *Middlesex*, the County of *Surrey*, the County of *Kent*, the City and Liberties of *Westminster*, and the Liberty of Her Majesty's Tower of *London*, in their General Quarter Sessions respectively, or any Adjournment thereof, with reference to their respective Counties, City, and Liberties, and they respectively are hereby empowered, but subject, nevertheless, to the Consent of One of Her Majesty's Principal Secretaries of State, to appoint the Districts to which the respective Places within their Jurisdiction shall belong for the Purposes of this Act, and to unite, enlarge, and alter such Districts for the more convenient Distribution of the Business.

Surveyors, their Districts and Duties.

Appointment of Districts.

LXV. And be it enacted, with regard to the Surveyors to be assigned to such Districts for the Purposes of this Act, so far as relates to their Appointment, That at any Time after this Act shall come into operation, and from Time to Time, it shall be lawful for the said Lord Mayor and Aldermen of the City of *London*, with reference to the City of *London* and the Liberties thereof, and for the said Justices of the Peace in their General Quarter Sessions respectively, or any Adjournment thereof, with reference to their respective Counties, and they are hereby required, but subject, nevertheless, to the Consent of One of Her Majesty's Principal Secretaries of State, to nominate and appoint as Surveyors such and so many discreet Persons, of the full Age of Thirty Years, and properly educated and skilled in the Art and Practice of Building, as they the said Lord Mayor and Aldermen and the said Justices shall think fit.

Appointment of Surveyors.

LXVI. And be it enacted, with regard to such Surveyors to be hereafter appointed under this Act, except present District Surveyors appointed to new Districts, so far as relates to the ensuring the Possession of due scientific and practical Qualifications, That it shall be lawful for the Commissioners of Works and Buildings and they are hereby empowered to appoint Three or more Architects, Surveyors, or Builders to examine, together with the said Official Referees, any Persons who may present themselves to be examined for the Purpose of obtaining a Certificate of Qualification, with the view of becoming Candidates for the Office of Surveyors of Metropolitan Buildings of any District within the Limits of this Act; and that for that Purpose it shall be lawful for such Examiners from Time to Time to appoint such Times as to them may seem fit, and from Time to Time to prescribe such Course of Examination as to them may seem fit, and to make any other Rules for the Regulation of such Examination, and the granting of Certificates in respect thereof, subject nevertheless to the Approval of the Commissioners of Works and Buildings; and that when such Rules shall have been registered by the Registrar of Metropolitan Buildings they shall continue to be in force until they shall be amended, altered, or rescinded by other Rules to be made by such Examiners and so registered as aforesaid; and that unless, One Week before the Election of a Surveyor for any District created by this Act, or for any District in respect of which the Office of Surveyor may become vacant, there be produced by or on the Part of any Person being Candidate for the said Office a Certificate of such Examiners, certifying that he has been examined, and that he was thereby found to be duly qualified for such Office, to the Town Clerk of the City of *London*, or to the Clerk of the Peace for the County, City, or Liberty, it shall not be lawful for any Justices by this Act empowered to appoint Surveyors to appoint such Person to be such Surveyor, and that if such Person be so appointed his Election to such Office shall be void.

Practical Qualifications of Surveyors: Examiners.

Examiners to prescribe Rules.

Production of Certificates of Examination.

LXVII. And be it enacted, with regard to such Surveyors, so far as relates to the Tenure of their Office, That it shall be lawful for every such Surveyor and he is hereby entitled to hold such his Office of Surveyor during the Pleasure only of the said Lord Mayor and Aldermen and of the said Justices respectively.

Tenure of Office.

Functions generally.

LXVIII. And be it enacted, with regard to such Surveyors, so far as relates to their Functions generally, That it shall be the Duty of every such Surveyor, and he is hereby required,—

To see that all the Rules and Directions of the Act are well and truly observed in and throughout his District; and for that Purpose,

To proceed from Time to Time, in due Course, upon the Receipt of any Notice, or if from Ignorance or Neglect, or from any other Circumstance, Notice of any Work intended to be done have not been given, then upon such Work being observed by or being made known to him, to inspect the Works intended to be done, or which shall have been commenced, and to cause all the Rules and Directions of this Act in respect thereof to be strictly observed; and also

To attend and perform every thing required of him by this Act, whether with or without Notice; and also

To inspect ruinous Buildings and Projections in danger, at all Times when needful, and to take all necessary Measures thereupon; and also

To survey all Buildings built, rebuilt, enlarged, or altered by or under the Superintendence of a District Surveyor within any other District to which he shall be appointed by the Official Referees for that Purpose; and also

To cause a Book for registering all Notices, Informations, and Complaints to be at all Times kept at his Office, and to enter in such Book every Notice, Information, or Complaint which shall be delivered or made to him, and any Proceeding thereon by him taken.

Disqualifications.

LXIX. And be it enacted, with regard to such Surveyors, so far as relates to their Disqualifications, That during the Time that any such Person shall act as a Justice of the Peace for the County in which his District shall be situated it shall not be lawful for him and he is hereby disqualified from holding the Office of a Surveyor or of Deputy or an Assistant Surveyor for any District under this Act.

Continuance of present Surveyors, 14 G. 3. c. 78.

LXX. And be it enacted, with regard to the Surveyors who at the Time of this Act coming into operation shall have been appointed under the Act of the Fourteenth Year of the Reign of King *George* the Third, mentioned in the Schedule (A.) hereto annexed, so far as relates to their Continuance in Office, and the Application of this Act to them, That until they shall be removed it shall be lawful for them and they are hereby entitled to continue to be the Surveyors for the Purposes of this Act, and for the Districts assigned to them at the Time this Act shall come into operation, but subject to such Alteration of such Districts as may be made by virtue of any Power in that Behalf, and to act in all respects as if they had been appointed under this Act; and that every Provision in this Act applicable to District Surveyors, so far as relates to the Exercise of the Office of Surveyor, and to their Remuneration in that Behalf, shall apply to them.

Subject to this Act.

Declaration of official Fidelity.

LXXI. And be it enacted, with regard to every Surveyor hereafter appointed, so far as relates to making a Declaration of official Fidelity, That before any such Surveyor shall act in pursuance of this Act it shall be his Duty and he is hereby required to make a Declaration of official Fidelity, which must be administered by the said Lord Mayor and Aldermen in their Court of Aldermen, or by the said Justices of the Peace in their respective General Quarter Sessions, and must be in the Form or to the Effect following; (that is to say,)

'I *A.B.*, being One of the Surveyors appointed in pursuance of an Act made and passed in the Eighth Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood*, and commonly called the Metropolitan Buildings Act, do solemnly declare, That I will diligently, faithfully, and impartially perform the Duties of my Office, and to the utmost of my Power, Skill, and Ability endeavour to cause the several Provisions of the said Act to be strictly observed, and that without Favour or Affection, Prejudice or Malice, to any Person whomsoever.'

Penalty for acting before Declaration made.

And that if before making such Declaration any such Surveyor act in pursuance of this Act, then on Conviction thereof he shall be liable to pay, for every Day during which he shall so act before making such Declaration, the Sum of Five Pounds.

Regulation of Duties: Offices.

LXXII. And be it enacted, with regard to the Surveyors, so far as relates to the Regulation of their official Duties, That it shall be the Duty of every Surveyor for the City of *London* and the Liberties thereof, and he is hereby required, to have an Office at his own Expence, in such public Situation as shall be approved by the Lord Mayor and Aldermen; and that it shall be the Duty of every other Surveyor and he is hereby required to have an Office, at his own Expence, in some central Part of the District to which he shall be appointed, as shall be approved by the Justices of the Peace in Quarter Sessions within whose Jurisdiction he shall act; and that it shall be the Duty of every such Surveyor and he is hereby required, by himself or by some other Person in his Behalf, to attend at his Office every Day (*Sundays*, *Christmas Day*, and *Good Friday* excepted) from Ten of the Clock in the Morning till Four of the Clock in the Afternoon; and that immediately upon his Appointment, and from Time to Time upon every Change of his Residence or of his Place of Business, or oftener if required, it shall be the Duty of every Surveyor and he is hereby required to make a Return to the Registrar of Metropolitan Buildings, and to the Overseers of the Poor of every Parish or Place within his District, of his Name and Place of Abode, and the Place where such Office shall be.

Attendance.

Return of Name and Residence.

Surveyor pro tempore.

LXXIII. And be it enacted, with regard to such Surveyor, so far as relates to the Appointment of a Deputy or Substitute in certain Cases, That if any Surveyor shall be prevented by Illness or any other unavoidable Circumstances from attending to the Duties of his Office, then forthwith it shall be his Duty and

and he is hereby required, but subject to the previous Consent and Approval of the Official Referees, to appoint some other Surveyor, duly qualified as aforesaid, as his Deputy, to perform all such his Duties for so long a Time as he shall be so prevented from executing them; and that thereupon, during such Time as aforesaid, it shall be the Duty of such Deputy Surveyor and he is hereby required to perform all the Duties of such Surveyor, and that in all respects as if he were the Surveyor appointed or confirmed under this Act; and that it shall be lawful for such Deputy Surveyor and he is hereby entitled to receive the Fees payable in respect of the Services so performed by him in such District. *Surveyors, their Districts and Duties.* Duty of Deputy. Fees.

LXXIV. And be it enacted, with regard to such Surveyors, so far as relates to the filling up of Vacancies, That if any Vacancy shall happen through the Death or Removal of any Surveyor, then, within One Month thereafter, it shall be the Duty of the Lord Mayor and Aldermen, or of the Justices of the Peace in General Quarter Sessions or any Adjournment thereof, as aforesaid, and they are hereby respectively required, to appoint a Successor as herein directed; and that in the meantime it shall be lawful for the Official Referees to direct the Surveyor of any One or more of the other Districts to perform the Duties of Surveyor for the vacant District, or if no District Surveyor can be spared from his own District to appoint some other competent Person duly qualified as aforesaid for that Purpose; and that every such Surveyor is hereby entitled to receive the Fees payable in respect of the Services so performed by him in such vacant District. Vacancies. Occasional Services. Fees for Services.

LXXV. And be it enacted, with regard to the Surveyors, so far as relates to the Regulation of their Business, That if it shall appear to the Official Referees that the District appointed for any Surveyor is too extensive for the prompt Discharge of his Functions, then it shall be their Duty to represent such their Opinion to the Lord Mayor and Aldermen of the City of *London*, or to the Justices of the Peace with whom the Appointment of a Surveyor for that District may rest, and for that Purpose to transmit with their Letter of Representation a Transcript of their "Register of Notices," with the Results; and that if at any Time it appear to such Official Referees that on account of the Pressure of Business in any District, or on any other Account, the Surveyor of that District cannot discharge his Duties promptly as regards the Builders and others engaged in Building Operations, and efficiently as regards the Purposes of this Act, then it shall be lawful for such Official Referees and they are hereby empowered to appoint any other District Surveyor to assist the Surveyor of such District in the Performance of his Duties, or if no District Surveyor can be spared from his own District, then to appoint some other competent Person to give such Assistance; and that with regard to all Buildings surveyed by such Assistant Surveyor, and all other Acts done by him, it shall be the Duty of such Assistant Surveyor to make Returns and to act in all respects as if he had been appointed by the said Lord Mayor and Aldermen, or by the said Justices, to be the Surveyor of such District; and that every such Person shall be entitled to receive the Fees payable in respect of the Services so performed by him. Regulation of Business. Assistant Surveyors. Duties of Assistants. Fees.

LXXVI. And be it enacted, with regard to such Surveyors, so far as relates to the Supervision of Buildings built, rebuilt, enlarged, or altered by or under their professional Superintendence, That it shall not be lawful for any such Surveyor to survey any such Building for the Purposes of this Act, but that such Building must be surveyed by another District Surveyor, or by another Surveyor to be appointed by the Official Referees for that Purpose. Superintendence of Surveyors.

LXXVII. And be it enacted, with regard to such Surveyors, so far as relates to their Remuneration, That upon the Expiration of One Month after the Roof of any Building erected and surveyed under this Act shall have been covered in, and all the Walls thereof have been built to their full Heights, and the principal Timbers and Floors shall have been fixed in their Places, and upon the Expiration of Fourteen Days after the Completion of any Addition, Alteration, and Repair, and upon the Expiration of Fourteen Days after each special Service shall have been performed, and upon delivering to the Owner of the Building an Account of the Fees incurred, and upon tendering a Receipt, signed with his Christian and Surname, and stating the Amount of such Account, and the Work done, it shall be lawful for the Surveyor and he is hereby entitled to receive from the Builder, or from the Owner or from the Occupier of the Building, for his Time and Trouble and Expences in causing the Rules, Regulations, and Directions of this Act to be observed, the several Fees specified in the Schedule of Fees (L.) hereunto annexed; and that if on Tender of such Receipt any Builder, Owner, or Occupier who shall become liable to pay any such Fee shall refuse to pay the same, then, upon Application to any Justice of the Peace, it shall be lawful for such Justice and he is hereby required to summon the Party complained of in the first instance, and if he do not appear, or if he fail to satisfy the said Justices as to the Refusal of Payment as aforesaid, it shall be lawful for such Justice and he is hereby required to issue his Warrant to levy the Amount of such Fee by Distress and Sale of the Goods and Chattels of the Party so refusing, in like Manner as Poor's Rates are by Law recoverable, and if such Fee be paid by the Occupier he shall be entitled to recover the Amount thereof from the Owner: Provided always, that if the Work in respect of which such Fee shall become payable have not been done in every respect agreeably to the Directions of this Act, then it shall not be lawful for any Surveyor to receive such Fee; and that if he shall so receive it, then, upon Application to the Official Referees by any Party interested in the Building in respect of which such Work shall have been executed, and upon its appearing that such Fee has been received wrongfully, it shall be lawful for such Official Referees and they are hereby authorized (if they think fit) to order the said Surveyor to refund such Fees. Surveyor's Fees. Refusal of Payment. Fees to be paid only for Work done agreeably to Act. Refunding Fees.

LXXVIII. And be it enacted, with regard to such Surveyors, so far as relates to a Return of the Business done by them, and to the Inspection thereof, That within Seven Days after the First Day of every Month it shall be the Duty of every Surveyor and he is hereby required to make a Return to the Registrar Surveyor's Returns.

Surveyors, their Districts and Duties.

Registrar of Metropolitan Buildings, enumerating therein the Number and Nature of all the several Works executed within the previous Month under his Supervision, and the Fees paid to him for the same, and also a Copy of the List or Register of Notices served upon him, with the Results thereof, and to keep in his Office a Copy of such Return; and that if any Person shall apply to inspect the same, then on the Payment of One Shilling it shall be open for Inspection at all reasonable Times; and with regard to such Return, so far as relates to the Authentication and Effect thereof, that every such Return must be signed by such Surveyor, and if so signed it shall be deemed to be a Certificate that all the Works enumerated therein have been done in all respects agreeably to this Act, according to the best of his Knowledge and Belief, and that they have been duly surveyed by him; but no such Return shall be any Protection from or Hindrance to any future Proceedings in respect of Works not executed according to the Provisions of this Act, though the same may have been done before the making of such Return.

Inspection of Returns.

Authentication and Effect of Returns.

Penalty for Extortion, Negligence, or Unfaithfulness.

LXXIX. And be it enacted, with regard to every Surveyor, so far as relates to the Discharge of his Duties, That if any Surveyor demand or wilfully receive any higher Fee than he shall be entitled to under this Act, or if in his Capacity of Surveyor he receive a Fee for any Act or Omission in respect of which he is not entitled to receive any Remuneration, or if he refuse to refund any Fee wrongfully received by him in respect whereof the Official Referees shall have made an Order to that Effect, or if at any Time he wilfully neglect his Duty, or behave himself negligently or unfaithfully in the Discharge thereof, then and in every or any such Case it shall be lawful for any Person to present a Complaint in Writing under his Hand to the Lord Mayor and Aldermen of the City of *London*, or the Court of Quarter Sessions having Jurisdiction over the District for which such Surveyor shall act for the Time being, at any Sessions of the Peace, Quarter or General, either original, intermediate, or adjourned, and which Complaint shall set forth the Nature and Particulars of the Offence charged by the Complainant against any such Surveyor; and that the said Lord Mayor and Aldermen or Court of Sessions, as the Case may be, shall by Order of Court appoint a Time for the hearing of the said Complaint, and a Copy of which Order and of the said Complaint shall be served by or for the said Complainant on the said Surveyor Ten Days at the least before the Time appointed for the hearing of such Complaint; and the said Surveyor shall appear before the said Lord Mayor and Aldermen or Court of Sessions as the Case may be, at the Time and Place so appointed for hearing the said Complaint, to answer the same; and that if, upon the hearing of the Complainant and of the Surveyor, and the Evidence respectively produced by or for them, it shall appear unto the said Lord Mayor and Aldermen or Court of Sessions, as the Case may be, that such Complaint in whole or in part is well founded, then it shall be lawful for the said Lord Mayor and Aldermen, or the said Court of Quarter Sessions, as the Case may be, and they are hereby respectively required, either to fine such Surveyor in such Sum of Money not exceeding Fifty Pounds as they shall think fit, or to discharge him forthwith from his said Office; and that if for any such Cause such Surveyor be discharged, he shall be incapable of being again appointed a Surveyor for the Purposes of this Act.

Complaint to Justices.

Proceedings thereon.

Decision.

Incapacitation of Surveyor.

Official Referees.

LXXX. And now, for the Purpose of providing for the Appointment of competent Official Referees to superintend the Execution of this Act throughout all the Districts to which it is applicable, and also to determine sundry Matters in question incident thereto, as well as to exercise, in certain Cases, a Discretion in the Relaxation of the fixed Rules and Directions of this Act, where the strict Observance thereof is impracticable, or would defeat the Object of this Act, or would needlessly affect with Injury the Course and Operation of this Branch of Business, be it enacted, with regard to the Official Referees, so far as relates to their Appointment, to their Qualifications, and to the Tenure of their Office, That it shall be lawful for One of Her Majesty's Principal Secretaries of State and he is hereby empowered to appoint Two Persons, being of the Profession of an Architect or Surveyor, to be Official Referees of Metropolitan Buildings, and from Time to Time, as he shall think proper, to remove such Official Referees, and in their Place to appoint other Persons so qualified; and that while any such Person shall so hold the Office of Official Referee it shall not be lawful for such Person and he is hereby expressly prohibited to act as Surveyor, either alone or with any Partner or by an Agent, or to act as Official Referee in the Case of any Building or Matter in which he shall act as Architect; and that if an Official Referee be employed as Architect as to any Building or Matter within the Limits of this Act, then it shall be the Duty of such Official Referee and he is hereby required to report thereon to the Commissioners of Works and Buildings; and thereupon it shall be the Duty of such Commissioners of Works and Buildings and they are hereby required to appoint some other competent Person to act in conjunction with the Official Referee as to such Building or Matter.

Appointment of Two Official Referees.

Tenure of Office.

Not to act as Surveyors.

Temporary Official Referee.

Their Functions generally.

LXXXI. And be it enacted, with regard to such Official Referees, so far as relates to their Functions generally, That it shall be the Duty of such Official Referees and they are hereby required to superintend the Execution of this Act by the several District Surveyors already existing or hereby authorized to be appointed, and to perform the several Matters to them respectively assigned by the Provisions of this Act, and to determine all Questions referred to them, whether expressly by this Act or at the Instance of any One or more of the Parties concerned.

Matters of Reference.

LXXXII. And be it enacted, with regard to the Official Referees, so far as relates to their Jurisdiction, That if any Doubt, Difference, or Dissatisfaction in respect of any Matter within the Limits of this Act arise between any Parties concerned, or between any Party and any Surveyor, or between any Two Surveyors, as to any Act done or to be done in pursuance of this Act, or as to the Effect of the Provisions thereof in any Case, or as to the Mode in which the Provisions and Directions of this Act are or ought to be carried into effect, and particularly as to whether the Requirements implied in Terms of

Qualification

Qualification applied to Sites, to Soils, to Materials, or to Workmanship, or otherwise, and denoting good, sound, fire-proof, fit, proper, or sufficient, are fulfilled in certain Cases, or as to the District in which any Building, Matter, or Thing is to be deemed to be situate, especially in Cases where such Building, Matter, or Thing is partly in one District and partly in another, or as to the Expences to be borne by the respective Owners of Premises parted by the same Party Walls, or the Proportions thereof, or as to the Proportions of the Expence to be borne by the Occupier or by the Owners of Premises in respect of any Work executed, or any other Matter whatever, then it shall be lawful for any Party concerned and he is hereby entitled to require the Official Referees to determine such Matter, but so that such Requisition be made in Writing, and that it set forth, either generally or otherwise, the Matters in respect of which the Determination of the Official Referees is required; and that the Determination of such Referees, or of One of such Referees, with the Assent of the Registrar of Metropolitan Buildings, as to all or any of the Points in difference on which such Referees shall make their Award, and as to the Costs, Charges, and Expences of such Reference, shall be binding on all Parties to such Reference.

Official Referees.

One Referee may act.

LXXXIII. And be it enacted, with regard to the Official Referees, so far as relates to their Authority in respect of any Reference to them, and to the Effect of their Award upon the Rights and Interests of the Owners and Occupiers of Property, That it shall be lawful for such Referees and they are hereby empowered to exercise all such Powers of Arbitrators as they would have had in case they had been appointed under an Order of Her Majesty's Court of Queen's Bench at *Westminster*; and that if such Award be given in Writing, and be sealed by the Official Seal of the Registrar of Metropolitan Buildings, it shall be as effectual as if made under an Order of Reference by such Court, and shall be enforced by the said Court in all respects as if made under an Order of such Court; and that it shall be binding and conclusive against every Person, including the Queen's Majesty, Her Heirs and Successors, claiming any Estate, Right, Title, Trust, Use, or Interest in, to, or out of the said Premises or any Part thereof, either in possession, reversion, remainder, or expectancy, and against every other Person whomsoever.

Award and Powers of Referees.

Legal Effect of Awards.

Effect as to Persons.

LXXXIV. And be it enacted, with regard to any Reference to the said Official Referees, so far as relates to the Revocation of their Authority, That the Power and Authority of the Official Referees shall not be revocable by any Party to such Reference, without the Consent of all Parties thereto; and that although any Party shall not attend upon such Reference it shall be lawful for such Official Referees to proceed with the Reference, and to make their Award.

Revocation of Authority of Referee.

Not to affect their Award.

LXXXV. And be it enacted, with regard to such Reference, so far as relates to the Evidence of any Matter thereof, That it shall be lawful for the Official Referees and they are hereby empowered, by their Summons in Writing sealed with the Seal of Office of the Registrar of Metropolitan Buildings, to require the Attendance of any Person who may be able to give Evidence in the Matter of any Reference to them, and to require by such Summons the Production of any Documents to be mentioned therein; and that if, in addition to the Service of such Summons, an Appointment of the Time and Place of Attendance in obedience thereto, signed by One at least of the Official Referees before whom the Attendance is required, be also served, either together with or after the Service of such Summons, then, if the Party so summoned do not attend in obedience thereto, such Party shall be liable to be proceeded against as for a Contempt of Court; and that every Person whose Attendance shall be required shall be entitled to the like Conduct Money and Payment of Expences as for and upon Attendance at any Trial; and that no Person shall be compelled to produce under any such Summons any Writing or other Document that he would not be compelled to produce at a Trial, or to attend on more than Two consecutive Days to be named in such Summons; and that it shall be lawful for the Official Referees and they are hereby respectively authorized and required to administer an Oath to such Witnesses as may come before them, or, in Cases where Affirmation is allowed by Law instead of an Oath, to take their Affirmation; and that if upon such Oath or Affirmation any Person making the same wilfully and corruptly give false Evidence, then every Person so offending shall be deemed to be guilty of Perjury.

Taking of Evidence by the Official Referees.

Appointment of Time and Place.

Compensation for Attendance.

Production of Documents.

Administration of Oaths.

Penalty for false Evidence.

LXXXVI. And be it enacted, with regard to such Award, so far as relates to the Effect thereof as Evidence of the Matter thereof, That if on the Trial or Hearing of any Cause or Matter in any Court of Law or Equity, or elsewhere, any Copy of an Award, signed and sealed with the Seal of the said Registrar, be produced, then it shall be the Duty of all Judges, Justices, and others, and they are hereby required, to receive the same as *primâ facie* Evidence of the Matters therein contained.

Effect of Awards as Evidence.

LXXXVII. And be it enacted, with regard to the Official Referees, so far as relates to the Declaration of official Fidelity, That before any Official Referee shall act in pursuance of his Appointment it shall be his Duty and he is hereby required to make the following Declaration, to be administered by the Chief Baron or any other of the Barons of Her Majesty's Court of Exchequer; that is to say,

'I *A.B.* do solemnly declare, That I will diligently, faithfully, and impartially execute the Duties of an Official Referee in relation to Matters arising under the Provisions of the Act made and passed in the Eighth Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood*, and commonly called the Metropolitan Buildings Act.'

Declaration of official Fidelity.

LXXXVIII. And be it enacted, with regard to such Official Referees, so far as relates to the Regulation of the Business of their Office, That when any Matter is by this Act required, directed, or permitted to be done by the Official Referees the same may be done by either of them, with the Assent of the Registrar of Metropolitan Buildings, unless express Provision to the contrary be made, and if done by any one of them with such Assent it shall be as valid and effectual as if done by both of them; and that, subject to such Restrictions and Regulations as may be made in that Behalf by the Commissioners of Works and Buildings,

Regulation of Business of the Official Referees.

Official Referees may delegate Powers.

Official Referees.

Buildings, it shall be lawful for the Official Referees to appoint one of their Number, under their Hands and the Seal of the Registrar of Metropolitan Buildings, to make any Inquiry or any Survey which shall appear to them either necessary or expedient in order to enable them to determine any Matters in reference.

Registrar of Metropolitan Buildings.

Appointment of Registrar.

Tenure of Office.

Rules of Office.

Seal of Office.

Use of Seal of Office.

LXXXIX. And for the Purpose of duly recording Relaxations of the Requisitions of this Act, made in pursuance of the Provisions hereof in that Behalf, and of providing for the Revision from Time to Time both of such Relaxations and Requisitions, and of providing against the partial Exercise of the Powers of this Act, and for the more effectual providing for the due recording of the Acts of the Official Referees, and for exercising a due Control thereon, be it enacted, That it shall be lawful for the Commissioners of Works and Buildings, and they are hereby authorized and required to appoint a Registrar of Metropolitan Buildings; and that such Registrar shall hold his Office during the Pleasure of the said Commissioners; and that, subject to the Provisions of this Act, it shall be lawful for the said Commissioners to make Rules for regulating the Execution of the Duties of the Office of the said Registrar; and that it shall be the Duty of such Registrar to keep a Seal and to affix such Seal to all Documents made by the said Official Referees, and required to be sealed, and to keep all the Documents and Records relating to the Business of their Office, and to register the same: Provided always, with regard to such Registrar, so far as relates to the affixing the Seal of Office to any Document, that if it shall appear to the said Registrar that any such Documents are contrary to Law, or not complete in any of the requisite Forms or beyond the Competence of the said Official Referees, either with regard to the Provisions of this Act, or any Rules or Regulations prescribed for their Guidance by the said Commissioners of Works and Buildings, then it shall be the Duty of the said Registrar to refuse to affix the Seal, and that thereafter, if the said Official Referees shall so require, it shall be his Duty and he is hereby required to report the Matter, and the particular Grounds and Reasons for his Refusal, to the said Commissioners; and that upon the Receipt of such Report it shall be lawful for the said Commissioners to authorize the said Registrar to affix the Seal, or to confirm his Refusal: Provided always, with regard to such Office of Registrar, so far as relates to the Execution of his Duties in certain Events, that if such Registrar be ill, or otherwise unable to discharge the Duties of his said Office, or if he be absent, then it shall be lawful for the said Commissioners of Works and Buildings to appoint some other Person to act temporarily in his Behalf, and to assign to such Person such Part of the Remuneration of the said Registrar, or otherwise to remunerate him, as the Lords of the Treasury shall appoint in that Behalf.

Report of Objections by Registrars.

Authority of Commissioners of Works.

Interim Registrar.

Declaration of official Fidelity.

XC. And be it enacted, with regard to the Registrar, so far as relates to the Declaration of official Fidelity, That before any Registrar shall act in pursuance of his Appointment it shall be his Duty and he is hereby required to make the following Declaration, to be administered by the Chief Baron or any other of the Barons of Her Majesty's Court of Exchequer; that is to say,

'I *A.B.* do solemnly declare, That I will diligently, faithfully, and impartially execute the Duties of 'Registrar in relation to Matters arising under the Provisions of an Act made and passed in the 'Eighth Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for regulating the Con-* 'struction and the Use of Buildings in the Metropolis and its Neighbourhood, and commonly called the 'Metropolitan Buildings Act.'

Custody and Inspection of Records of Official Referees.

Copies of Awards, Certificates, &c.

Authentication of Copy, and Fees therefor.

XCI. And be it enacted, with regard to such Awards, Certificate, and other Records of the said Official Referees, so far as relates to the Custody and the Inspection thereof, That all such Awards, Certificates, and other Documents relating to the Business of their Office shall be kept in the Office of the Registrar of Metropolitan Buildings; and that if, for the Purpose of Evidence or otherwise, any Party require a Copy of such Award, or Certificate, or other Document, or to inspect the same, then on Payment of the Expence thereof, and of such Fees as may be appointed in that Behalf, it shall be lawful for such Party and he is hereby entitled to demand from the Registrar an Inspection thereof, or a Copy thereof or Extract therefrom; and that on such Payment and Demand it shall be the Duty of such Registrar and he is hereby required to give, under his Hand and Seal of Office, a Copy of any such Award or any other Document to the Person so demanding the same.

Office of Registrar, and Regulation of Business.

XCII. And be it enacted, with regard to the Registrar of Metropolitan Buildings, so far as relates to his Office or Place of Business, and to the Regulation of the Business thereof, That it shall be lawful for the Commissioners of Works and Buildings and they are hereby required to appoint, in some central and convenient Situation within the City of *London* or the City of *Westminster*, an Office for carrying on the Business of the Registrar of Metropolitan Buildings, and registering all Documents relating to such Business; and in such Office it shall be the Duty of such Registrar, and he is hereby required,—

To keep a Register of all Matters referred to the Official Referees, and otherwise of all Matters which shall come under their Cognizance in pursuance of this Act; and also

To keep and preserve all Documents connected with the Duties of Official Referees; and also

To receive all Notices requiring any Act to be done by them, and to file and number them in the Order in which they are received.

Registration of Awards, &c.

XCIII. And be it enacted, with regard to all the Awards and Certificates, and all Documents relating to the Business of the Official Referees, so far as relates to the Registration thereof, That the same shall be registered, not only chronologically in the Order in which they are received, but according to the Subject Matters thereof, and also according to the Order of and in relation to the Provisions of this Act.

Remuneration of Official Referees and Registrar.

XCIV. And be it enacted, with regard to such Official Referees and Registrar, so far as relates to their Remuneration, That it shall be lawful for Her Majesty to grant to each of such Official Referees and the said Registrar a Salary not exceeding One thousand Pounds by the Year, in Four equal quarterly Payments;

Payments; and that if any such Official Referee or such Registrar shall be appointed, or shall die, resign, or be removed from Office, in the Interval between Two quarterly Days of Payment, then he shall be entitled to a proportionate Part of the Salary for the Period of such Interval during which he shall hold such Appointment. *Registrar of Metropolitan Buildings.*

XCV. Provided always, and be it enacted, with regard to the said Official Referees and Registrar, so far as relates to their Qualifications, That if any Person be or become Commissioner, Receiver, Steward, or Agent for or on behalf of any Owner of Houses within the Limits of this Act, then such Person shall not be eligible to the Office either of Official Referee or of Registrar under this Act; and that if after having been appointed thereto he shall become such Commissioner, Receiver, Steward, or Agent, then he shall cease to be qualified to hold such Office of Official Referee or Registrar, and thereupon such Office shall be vacant, without Prejudice, nevertheless, to any Acts done by any such Person in his Capacity of Official Referee or Registrar, so far as other Persons are affected thereby. Disqualification of Official Referees and Registrar. Offices vacant.

XCVI. 'And forasmuch as the Services of such Official Referees and of such Registrar will be 'employed chiefly on behalf of the Localities comprised within the Limits of this Act, it is expedient to 'provide for the Payment of a Portion of their Salaries by means of a County Rate, or by a Rate in the 'Nature of a County Rate, on such Localities, in proportion to the assessed Value of inhabited Houses 'and Buildings therein, or as near thereto as may be;' now, for that Purpose, be it enacted, with regard to such Official Referees and Registrar, so far as relates to the Payment of a Portion of their Salaries out of local Funds, That it shall be lawful for the Lord Mayor and Aldermen of the City of *London* and they are hereby required to direct the Chamberlain of the said City, and for the Justices of the Peace for the several Counties of *Middlesex*, *Surrey*, and *Kent*, and they are hereby respectively required, to direct the Treasurer of such respective Counties to pay, by Two half-yearly Payments in the Months of *June* and *December* in every Year, to or into the Hands of the Cashier of the Commissioners of Works and Buildings, on account of the said Official Referees and of the said Registrar, the several Sums of Money hereinafter mentioned, as and by way of Contribution to such Salaries; that is to say, Funds for defraying Expences of the Official Referees and Registrar.

	£
The City of *London* and the Liberties and the Suburbs thereof, the Sum of	100
The County of *Middlesex*	1,000
The County of *Surrey*	320
The County of *Kent*	80
	£1,500

And it shall be lawful for the said Justices and they are hereby empowered and required to cause the same to be levied by a Rate upon the several Parishes and Places within the Limits of this Act, in such Amounts as to such Justices may seem proper, having regard to the assessed Value of the inhabited Houses and the Buildings in such Places respectively, in addition to the County Rate in respect thereof; and that for the Purpose of levying such Sums they shall be deemed to be Part of the County Rate, and leviable by all the Ways and Means by which a County Rate is leviable, and subject in all respects to the legal Incidents of a County Rate. Nature of Levy.

XCVII. And be it enacted, further, with regard to the Official Referees and Registrar, so far as relates to the Payment of the Balance of their Salaries, That such Balance shall be payable and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*. *Payments of Official Referees out of Consolidated Fund.*

XCVIII. And be it enacted, with regard to the Fees payable to the Registrar, so far as relates to the Appointment thereof, and to the Application thereof, That from Time to Time it shall be lawful for the Commissioners of the Treasury to appoint such Fees to be paid in respect of the Services to be performed by the said Official Referees or by the said Registrar as shall be deemed requisite to defray the Expences of the said Office, or incident to such Services, and the Salaries or other Remuneration of any Persons employed under the Registrar in the Execution of this Act, with the Sanction of the Commissioners of the Treasury, and which are not otherwise provided for by this Act; and that the Balance, if any, shall be carried to the Consolidated Fund of the United Kingdom, and be paid accordingly into the Receipt of Her Majesty's Exchequer at *Westminster*; and that it shall be lawful for the Commissioners of the Treasury to regulate the Manner in which such Fees are to be received, and in which they are to be kept, and in which they are to be accounted for; and that it shall be the Duty of the Registrar and he is hereby required to cause a List of the Fees so appointed by virtue of this Act to be fixed up in some conspicuous Part of his Office. Fees of Office, and Application thereof. Balance to Consolidated Fund. Regulations as to Fees. List of Fees to be hung up.

XCIX. Provided always, and be it enacted, with regard to the Officers appointed by or by virtue of this Act, so far as relates to the Functions, Appointment, and Tenure of Office of such Officers, That any Appointments to such Offices which shall be made by virtue of this Act shall be made subject to any Provision that may be made by any Act of Parliament hereafter to be passed for assigning other Duties than those to be imposed by virtue of this Act; and such Offices shall be held not only subject to the Pleasure of the Officers and Justices by whom such Appointments shall be made, but also subject to the Provisions of any future Act of Parliament in relation thereto. *Officers generally.* Appointments of Officers subject to Regulation by any future Act.

C. And now, for the Purpose of regulating sundry legal Proceedings, be it enacted, with regard to any Distress for any Sum of Money to be recovered by virtue of this Act, so far as relates to the remedying of any Damage occasioned by any Irregularity therein or in reference thereto, That, notwithstanding there be any Defect of Form in the Proceedings relative to any such Distress, neither the Distress itself shall be deemed *Legal Proceedings.* Informalities in Distress.

Legal Proceedings.

deemed unlawful, nor shall the Party making the same be deemed a Trespasser *ab initio*, but that if any Irregularity be committed by any Party, then, subject to the Conditions in this Act prescribed with regard to Actions brought for any thing done in pursuance thereof, it shall be lawful for the Person aggrieved by such Irregularity and he is hereby entitled to recover full Satisfaction for the special Damage only, and that by Action on the Case, and not by any other Action whatsoever.

Action for Damages.

Tender of Amends.

CI. And be it enacted, with regard to any Action for any Irregularity or other Proceeding, so far as relates to the Tender of Amends, or Payment of Money into Court in respect thereof, That if, before such Action be brought, the Party who committed or caused to be committed any such Irregularity or wrongful Proceeding make or cause to be made Tender of sufficient Amends, then the Plaintiff shall not be entitled to recover in such Action; and that although such Tender shall not have been made, yet if at any Time before Issue joined the Court in which such Action shall be depending, or a Judge of any of the Superior Courts, grant Leave, then it shall be lawful for the Defendant to pay into Court any Sum of Money, by way of Compensation or Amends, in such Manner, and under such Regulations as to the Payment of Costs and the Form of pleading, as is and are customary and in force in the said Superior Courts.

Payment of Compensation into Court.

Recovery of Money under Awards.

CII. And be it enacted, with regard to every Sum of Money by this Act, or by any Award or Certificate or other Proceeding in pursuance of or in accordance with this Act, charged upon any Person in respect of any Work done in pursuance of or in accordance with this Act, so far as relates to the Recovery of such Sum of Money, That if any Party claim any such Sum of Money, then it shall be lawful for any One Justice of the Peace to summon the Person on whom such Sum is alleged to be charged before any Two Justices, or, if the Matter arise within the District of the Metropolitan Police, then before any Police Magistrate having Jurisdiction within that District; and if such Award or Certificate be produced, or if such other Proceeding be proved by the Oath of the Party claiming or of any other credible Witness, and if it be proved by the Oath of such Party or other Witness that such Sum of Money is still due, then it shall be lawful for such Justices or such Police Magistrate, and they respectively are hereby required, to issue a Warrant to levy the Amount thereof, and also the Costs of the Proceeding, to be levied by Distress of the Goods and Chattels of the Person in default; and if such Person have no Goods and Chattels whereon to distrain, or if such Goods and Chattels be insufficient for that Purpose, then it shall be lawful for such Justices or Police Magistrate, or for any other Justice or Police Magistrate, to commit the Person in default, until the Amount of such Sum so due, and of such Costs, shall have been fully paid, or until the Party shall be discharged by or in accordance with the Provisions of any Act for the Relief and Discharge of Insolvent Debtors.

Distress.

Imprisonment.

Prosecution of Offences.

Complaint.

Summons.

Compulsory Appearance.

Distress.

CIII. And be it enacted, with regard to all Offences against the Provisions of this Act for which no other Proceeding is provided, so far as relates to the Prosecution thereof, That it shall be lawful to proceed by Complaint before any One Justice of the Peace or before a Police Magistrate as aforesaid; and that it shall be lawful for such Justice to summon the Party against whom such Complaint shall be made; and that if such Party fail to appear in pursuance of such Summons, then it shall be lawful for such Justice or Magistrate, or any other Justice or Magistrate, to issue a Warrant under his Hand and Seal to compel the Appearance of such Party; and that on Conviction of the Offender before Two Justices or before any Police Magistrate it shall be the Duty of such Justices or Magistrate and they are hereby required to cause the Amount of the Penalty hereby imposed in respect of such Offence, and of the Costs of any such Proceeding in respect of such Offence, to be levied by Distress of the Goods and Chattels of the Offender; and that if such Offender have no Goods and Chattels whereon to distrain, or if they be insufficient for that Purpose, then it shall be lawful for such Justices or Magistrate, or for any other Justice or Magistrate, and they are hereby empowered, either on failure of such Distress, or in the first instance, to commit the Offender, for any Period not exceeding Three Months, or till he shall have paid the full Amount of such Penalty and such Costs.

Imprisonment.

Removal of Orders, &c. into Superior Courts.

Certiorari.

CIV. And be it enacted, with regard to every Order which shall be made by virtue of or under this Act, and to any other Proceeding to be had touching the Conviction of any Offender against this Act (except Proceedings touching the Conviction of any Person offending for carrying on a Trade or Business offensive, noxious, or dangerous, contrary to this Act, otherwise than those herein-before specified), That it shall not be lawful for any Person to remove such Order or other Proceeding by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster;* and every such Order and other Proceeding is hereby declared not to be so removable.

Appeal from Convictions as to Penalties.

Proceedings thereon.

CV. And be it enacted, with regard to any Conviction for any Offence in respect of which a Penalty is by this Act imposed, so far as relates to the Appeal from any such Conviction in respect thereof, That if any Party be dissatisfied with the Decision of the Justices in any Case in which such Penalty may be proceeded for, and if within Four Days after such Decision Notice be given by or on behalf of such Party to the Party appealed against of his Intention to appeal against such Decision, and of the Grounds of such Appeal, and if the Appellant enter into a Recognizance, with Two sufficient Sureties, conditioned to prosecute such Appeal, and to abide the Order of the Court, and to pay to the Party appealed against such Costs (if any) as shall be awarded against him, then it shall be lawful for such Party so dissatisfied to appeal against such Conviction to the Justices of the Peace at their General Quarter Sessions of the Peace to be holden within Four Months after such Conviction; and that if within such Period of Four Days such Appellant have entered into such Recognizance as is herein required, then it shall be lawful for such Justices and they are hereby empowered to proceed to hear and examine on Oath into the Cause and Matters of such Appeal (which Oath they are hereby empowered to administer), and to determine the

the same, and to award such Costs to be paid by either of the said Parties as they think proper; and the Order, Judgment, and Determination of the said Justices shall be binding and conclusive. *Legal Proceedings.*

CVI. And be it enacted, with regard to every Penalty or Forfeiture incurred under this Act, so far as relates to the Limitation of Proceedings for the Recovery thereof, That if within Six Calendar Months next after such Penalty or Forfeiture shall have been incurred an Action or Prosecution be not brought or commenced against the Person liable in respect thereof, then thereafter it shall not be lawful for any Person to bring such Action or commence such Proceeding in respect of such Penalty or Forfeiture. Limitation of Actions for Penalties.

CVII. And be it enacted, with regard to every such Penalty or Forfeiture, so far as relates to the Recovery and the Appropriation thereof, That it shall be lawful for any Party to sue or proceed for the same; and that if such Penalty be not otherwise specially appropriated, then the Person so suing or proceeding shall be entitled to receive one Half thereof for his own Benefit, and the other Half shall be applied to Her Majesty's Use, and shall be paid to the Sheriff of the County, City, or Town where the same shall have been imposed; and that all Convictions before Justices shall be returned to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated,* and shall be paid to the Sheriff of the County, City, or Town, and shall be duly accounted for by him. Recovery of Penalties. Appropriation. 3 G. 4. c. 46.

CVIII. And for regulating Proceedings against Persons acting in pursuance of this Act, be it enacted, with regard to any Action or Suit against any Person in respect of any Act or Thing done or intended to be done in pursuance of this Act, so far as relates to the Limitation thereof, and to the Notification thereof to the offending Party, and to the Venue thereof, and to the Pleadings therein, and to the Evidence of the Matters thereof, and to the Verdict therein, and to the Judgment of the Court thereon, and to the Costs of such Action, and to the Recovery of such Costs, That after the Expiration of Six Months next after the Fact committed it shall not be lawful to bring any such Action or Suit against any Person in respect of any such Act; and that if, Twenty-one Days at the least before the Commencement of the Action or Suit, Notice in Writing of an Intention to bring such Action or Suit, and of the Grounds of Action, be not given to every Person against whom such Action or Suit shall be brought, then it shall not be lawful for any Person to bring any such Action or Suit against any Person in respect of any such Act; and that if the Cause or Matter of any such Action or Suit arise within the said City of *London* or the Liberties thereof then such Action or Suit must be laid in the City of *London*, and not elsewhere; and that if the Cause of any Action or Suit arise in any Part of the Limits aforesaid out of the said City of *London* and Liberties thereof then it must be laid and tried in the County of *Middlesex*, and not elsewhere; and that in every such Action or Suit it shall be lawful for the Defendant and he is hereby entitled to plead the General Issue, and at the Trial to be had thereof to give this Act and the special Matter in Evidence, and to prove that the Matter or Thing for which such Action or Suit is brought was done in pursuance and by the Authority of this Act; and that if upon the Trial of such Action it appear that the said Matter or Thing has been done by the Authority or in pursuance of this Act, or if it appear that such Action or Suit was brought before the Expiration of Twenty-one Days after such Notice given as aforesaid, or if it appear that sufficient Satisfaction was made or tendered before such Action was brought, or if upon Plea of Payment of Money into Court it shall appear that the Plaintiff has not sustained Damages to a greater Amount than the Sum paid into Court, or if any such Action or Suit be not commenced within the Time herein for that Purpose limited, or if it be laid in any other County or Place than as aforesaid, then and in every such Case it shall be the Duty of the Jury and they are hereby required to find for the Defendant; and that if a Verdict be found for the Defendant, or if the Plaintiff in any such Action or Suit become nonsuited, or discontinue or suffer a Discontinuance of any such Action or Suit, or if Judgment be given for the Defendant therein, on Demurrer, or by Default or otherwise, then the Defendant shall be entitled to have Judgment to recover full Costs of Suit, and to such Remedy for recovering the same as any Defendant shall have by Law. Regulation of Actions against Persons acting under this Act. Limitation of Action. Notice of Action. Venue in London. Venue in Middlesex. Plea and Evidence. Verdict. Costs.

CIX. And further, for the Prevention of vexatious Litigation, be it enacted, with regard to every Action in respect of any Matter or Thing done or intended to be done in pursuance of this Act, so far as relates to the Costs of such Action, That if the Defendant apply to the Superior Court at *Westminster* in which such Action is pending, or to any Judge of any of the said Courts, then it shall be lawful for such Court or any such Judge to require the Plaintiff to give such Security as such Court or Judge shall think fit for the Payment of all Costs, Charges, and Expences incurred or to be incurred in and about the said Action, and which shall be or become payable by him on the Taxation thereof by the proper Officer. Security for Costs.

CX. And be it enacted, with regard to any Penalty or Forfeiture incurred by any Default in complying with the Provisions of this Act, so far as relates to Proceedings for the Recovery thereof, That at any Time within Three Months after such Penalty or Forfeiture shall have been incurred it shall be lawful for any Surveyor appointed or confirmed by virtue of this Act, and all other Persons, and they are hereby entitled, to commence and prosecute Proceedings for the Recovery thereof, or for the Recovery of the Expences of pulling down or altering of any Building, against any Owner, Occupier, Builder, Workman, or other Person, or for any Default made in complying with the Provisions of this Act: Provided always, that if such Proceedings be taken by any Person except one of the Surveyors, or except the Official Referees, then Seven Days Notice of the Intention to commence such Proceedings must be given at the Office of the Surveyor of the District, and at the Office of the Registrar of Metropolitan Buildings. Prosecutions for preventing Neglect or Evasion of this Act. Notice of Action.

Miscellaneous.

Liability of Owners and Occupiers for Expences, &c. under this Act.

CXI. Provided always, and be it enacted, with regard to the Owners of any Building, Fence, Ground, Land, or Tenement, so far as relates to their Liabilities in respect of Expences incurred in respect of such Premises or otherwise, That in all Cases, whatever may be the Nature of the Interest in any such Premises of the Person entitled to the immediate Possession thereof, or of the Occupier thereof, such Person entitled to the immediate Possession of such Premises, or such Occupier, shall in the first instance bear all Costs and Expences by this Act imposed on the Owner thereof, and shall perform all Duties by this Act imposed on such Owner; subject, nevertheless, to any Right or Claim which such Person or such Occupier may have to be repaid such Costs and Expences, and to be indemnified in respect of such Duties, according to the Provisions of this Act, according to the Nature and Extent of the Covenants or Agreements under which such Person or Occupier may hold such Premises, as fully and effectually as if such Covenants or Agreements were herein recited.

Notifications:

CXII. And be it enacted, with regard to Notices by this Act required, so far as relates to the Service thereof upon the Owner or Occupier of any Building, Fence, Land, Ground, or Tenement, That every such Notice must be given as follows; that is to say,

Married Females.

If such Owner be a married Female, other than a Cestuique Trust in regard to such Property, then such Notice must be given to the Husband of such married Female; or,

Infants, Idiots, or Lunatics.

If such Owner be an Infant, Idiot, or Lunatic, or Cestuique Trust, then such Notice must be given to the Guardian, Trustee, or Committee of such Infant, Idiot, or Lunatic, or Cestuique Trust; or,

Owners unknown.

If such Owner, Husband, Trustee, Guardian, or Committee is not known or cannot be found, then such Notice must be given to the Occupier of such Building, Fence, Land, Ground, or Tenement to which it shall relate; or,

Buildings unoccupied.

If such Building, Fence, Land, Ground, or Tenement be unoccupied, then such Notice must be affixed to some conspicuous Part of such Building, Fence, Land, Ground, or Tenement, at a Height of not more than Nine Feet from the Ground:

Immediate Landlord.

And if the Person in the Occupation of any Building, Fence, Land, Ground, or Tenement, in respect of which Notice is to be given, allege that he is a Tenant from Year to Year, or for any less Term, or a Tenant at Will, and not the Owner thereof, within the Intent and Meaning of this Act, then such Notice must be given to the immediate Landlord of such Occupier; and it shall be the Duty of such Occupier and he is hereby required to inform any Person by whom such Notice shall be required to be given, or any other Person applying on his Behalf, of the Name, Place of Residence, or Place of Business of such Owner or Landlord, or of his Agent or other Person by whom the Rent of such Building, Fence, Land,

Part Ownership.

Ground, or Tenement shall be received; and if such Owner or Landlord be not in the Receipt of the whole of the Rents or Profits of such Building, Fence, Land, Ground, or Tenement, and if any Notice shall be served upon such Owner or Landlord, then, immediately upon the Receipt thereof, it shall be his Duty and he is hereby required to transmit to his immediate Landlord or his Agent, and also to any other Person being Part Owner in such Building, Fence, Land, Ground, or Tenement, or in Receipt of the Rents or Profits thereof under the same immediate Landlord, or to the Agent of such Person, a Copy of such Notice; and so on in turn it shall be the Duty of every Landlord, Agent, or other Person by whom such Notice shall be received to transmit it to any such Landlord, Agent, or other Person, being Part Owner of any such Building, Fence, Land, Ground, or Tenement, to the Intent that every Person

Service of Notices.

affected by the Work or Proceeding to which such Notice relates may have due Notice thereof: Provided always, with regard to every such Notice, so far as relates to the Service thereof upon any such Owner, that if it be served upon the immediate Landlord of the Occupier or upon his Agent, by or on behalf of the Person by whom it is hereby required to be served in the first instance, then, although it may not be served by such immediate Landlord upon any other Landlord or Owner, such Service is to be deemed to be

Damage arising from defective Service.

sufficient Service; but that nevertheless, if any Owner suffer Damage by the Failure of any other Person, being either the Occupier or any Person holding under such Owner, to serve such Notice, then such Owner shall be entitled to recover the Amount thereof against such Person by whom such Damage shall

Requisites of Notice.

have been occasioned; and that every Notice served under this Clause on any Person must contain a Copy of the Provisions thereof, so far as they require him to transmit the same to his immediate Landlord, or the Agent of such Landlord.

Mode of Service upon Occupier.

CXIII. And be it enacted, with regard to Notices by this Act required, so far as relates to the Mode of Service thereof upon the Occupier of any Building or Ground, That if such Notice be intended for the Occupier of any Building or Ground then it must be given either personally or by leaving the same with some Inmate at the Premises, or it must be affixed as aforesaid.

Mode of Service upon Owners by Delivery.

CXIV. And be it enacted, further, with regard to all such Notices, so far as relates to the Mode of Service thereof upon Owners by Delivery, That every such Notice (except such Notice as may according to the Provision in that Behalf be sent by Post) must be given either personally or by leaving the same with some Inmate at the usual Place of Abode of such Party, or if that be not known then at his last known Place of Abode; and that every such Notice, when so given to such Persons respectively as aforesaid, or left at the last known Place of their respective Abodes, or when so affixed as aforesaid, according to the Cases herein-before mentioned, shall have the same Effects and Consequences as if given to the actual Owner.

Effect of Notice.

Mode of Service upon Owners by Transmission.

CXV. And be it enacted, further, with regard to Notices, so far as relates to the Mode of Service thereof by Transmission, That if any Owner upon whom the same is required to be served be not within the Limits of this Act, or have not within the Limits of this Act any Agent acting in his Behalf in the Matter of the Premises to which the Notice refers, then it shall be lawful to give Notice by Post Letter,

duly registered according to the Practice for the Time being adopted with regard to Letters transmitted by Post, but so that nevertheless such Letter be posted in such Time as will afford to the Person addressed, after the Receipt of such Letter, the full Period of Notice required in the Case. *Miscellaneous.*

CXVI. And be it enacted, with regard to Notices, so far as relates to the Service thereof upon the Surveyors and upon the Official Referees, That if the Notice relate to the Surveyor then such Notice must be served at the Office of the Surveyor; and that if the Notice relate to the Official Referees or any of them, then such Notice must be left at the Office of the Registrar of Metropolitan Buildings. Notices for Surveyors and Official Referees.

CXVII. And be it enacted, with regard to Consents by this Act required to be given by the Owner or Occupier of any Building or Ground, so far as relates to the making thereof on behalf of incapacitated Persons, That if such Owner or Occupier be a married Female, not being a Cestuique Trust in regard to the Property to which such Consent relates, then such Consent must be given by the Husband of such married Female; or that if such Owner or Occupier be an Infant, Idiot, or Lunatic, or Cestuique Trust, then such Consent must be given by the Guardian, Trustee, or Committee of such Infant, Idiot, or Lunatic, or Cestuique Trust; or that if such Owner or Occupier, Husband, Trustee, Guardian, or Committee, be not known or cannot be found, then with a view to protect the Interests of such Parties, as well as to facilitate the Purposes of this Act, it shall be lawful for the Official Referees and they are hereby authorized by Writing duly sealed by the Registrar of Metropolitan Buildings, to give such Consent as may be requisite, upon such Terms and subject to such Conditions as may seem fit to them, having regard alike to the Nature and Purpose of the Subject Matter in respect of which such Consent is to be given, and to the fair Claims of the Parties on whose Behalf such Consent is to be given. Consents by incapacitated Persons.

CXVIII. And be it enacted, with regard to the following Documents, so far as relates to the Payment of Stamp Duty in respect thereof, That every Certificate and every Award required to be made or signed by the Surveyor or the Official Referees shall be and is hereby exempted from Stamp Duty. Exemption from Stamp Duty.

CXIX. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same. Public Act.

CXX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)—(*See* § 1.)

Containing a Description of the Acts and Parts of Acts repealed by this Act.

Date of Act.	Title of Act.	Extent of Repeal.
1st.—14 Geo. III. c. 78. (1774.)	An Act for the further and better Regulation of Buildings and Party Walls, and for the more effectually preventing Mischiefs by Fire, within the Cities of London and Westminster and the Liberties thereof, and other the Parishes, Precincts, and Places within the Weekly Bills of Mortality, the Parishes of Saint Mary-le-bon, Paddington, Saint Pancras, and Saint Luke at Chelsea, in the County of Middlesex; and for indemnifying, under certain Conditions, Builders and other Persons against the Penalties to which they are or may be liable for erecting Buildings within the Limits aforesaid contrary to Law.	Wholly; except so far as any such Act may repeal any other Act, either wholly or partly; and except as to Offences committed, Penalties incurred, and Fees payable, and any Proceedings taken or commenced or which might be taken or commenced under the said Act, on or before the said First Day of January One thousand eight hundred and forty-five; and except the whole of the several Sections of the said Act which relate to the keeping of Fire Engines and Ladders and Firecocks (§ 74, 75), and to the Fees or Rewards to Turncocks and Engine Keepers (§ 76), and to the Payment of such Rewards or Fees (§ 77, 78), and to the providing of Engines by Parishes (§ 80, 81), and to the Payment of the Expences and Rewards out of the Poor Rates (§ 81), and to the Exemption of Watermen and others from Impressment, or the Liability to serve either as Mariners or as Soldiers (§ 82), and to the Application of Insurance Money on Houses burnt (§ 83), and to the Punishment of Servants for carelessly firing a House (§ 84), and to the Attendance of Peace and Parish Officers at Fires (§ 85), and to legal Proceedings in respect of accidental Fires (§ 86); and any other Part of the said Act, so far as it is necessary for giving full Effect to the respective Purposes of such several unrepealed Sections.
2d.—50 Geo. III. c. 75. (1810.)	An Act to amend an Act of the Fourteenth Year of His present Majesty, for the better Regulation of Buildings and Party Walls, and for the more effectually preventing Mischiefs by Fire, within the Cities of London and Westminster, by permitting John's Patent Tesera to be used in covering of Houses and Buildings within the Places therein mentioned.	Wholly.
3d.—3 & 4 Vict. c. 85. (1840.)	An Act for the Regulation of Chimney Sweepers and Chimneys.	So much thereof as relates to the Construction and Regulation of Chimneys and Flues within the Limits of this Act.

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SCHEDULE (B.)—(*See* § 5 & 7.)

PART I.

LIST of BUILDINGS, of whatever Class, placed under special Supervision.

Bridges, Embankment Walls, Retaining Walls, and Wharf or Quay Walls:

And Her Majesty's Royal Palaces, and any Building being in the Possession of Her Majesty, Her Heirs and Successors, or employed for Her Majesty's Use or Service:

And any Common Gaols, Prisons, Houses of Correction, and Places of Confinement under the Inspection of the Inspectors of Prisons, and Bethlem Hospital and the House of Occupations adjoining:

And the Mansion House, Guildhall, and Royal Exchange of the City of London:

39 & 40 G. 3. c. lxxxix. And the Offices and Buildings of the Governor and Company of the Bank of England already erected, and which now form the Edifice called "The Bank of England," and any Offices and Buildings hereafter to be erected for the Use of the said Governor and Company either on the Site of or in addition to and in connexion with the said Edifice:

And the Buildings of the British Museum already erected or to be erected for the like Purposes:

9 G. 4. c. cxiii. And the Erections and Buildings authorized by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, for the Purposes of a Market in Covent Garden:

And the Warehouses of or belonging to the Saint Katharine Dock Company, commonly called the New Street and Cutler Street Warehouses, and the Haydon Square Warehouses, purchased by the said Company from the East India Company:

And all other Buildings exempted by any Act of Parliament from the Operation of the Act passed in the Fourteenth Year of His late Majesty King George the Third, and by this Act repealed, except Buildings included in the Second Part of this Schedule.

PART II.

LIST of BUILDINGS, of whatever Class, exempted from Supervision.

6 G. 4. c. cv. And the Warehouses of or belonging to the Saint Katharine Dock Company, and situate in the Parish of Saint Botolph-without-Aldgate, and in the Precinct of Saint Katharine, near the Tower of London, in the County of Middlesex:

9 G. 4. c. cxvi. s. 99. And the Warehouses and Buildings of or belonging to the London Dock Company, comprehended within the Wall of the said Company, as set forth in an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth:

1 & 2 Vict. c. ix. And the several Warehouses and Buildings of or belonging to the East and West India Dock Company, established by an Act made in the First Year of the Reign of Her present Majesty:

3 & 4 W. 4. c. xxxvi. and 5 & 6 W. 4. c. lvi. s. 126. And the Buildings erected or to be erected by the London and Birmingham Railway Company, established and incorporated by an Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, within and in connexion with the Works of their Railway, by virtue of the several Acts relating thereto:

And the Buildings and Structures belonging to any other Dock or Railway authorized to be executed by any Act of Parliament.

SCHEDULE (C.)—PART I.—(*See* § 5.)

RULES for determining the CLASSES and RATES to which Buildings are to be deemed to belong for the Purposes of this Act, and the Thicknesses of the Walls of Buildings of such Rates.

Classes of Buildings.

For the Purposes of this Act, all Buildings of whatever Kind, subject to the Provisions thereof, are to be deemed to belong to one or other of the following Three Classes; that is to say,

First Class.

If a Building be built originally as a Dwelling House, or be occupied or intended to be occupied as such, then it is to be deemed to belong to the First or Dwelling House Class.

Second Class.

If a Building be built originally as a Warehouse, Storehouse, Granary, Brewery, Distillery, Manufactory, Workshop, or Stable, or be occupied or intended to be occupied as such, or for a similar Purpose, then it is to be deemed to belong to the Second or Warehouse Class.

Third Class.

If a Building be built originally as a Church, Chapel, or other Place of Public Worship, College, Hall, Hospital, Theatre, public Concert Room, public Ball Room, public Lecture Room, public Exhibition Room, or occupied or intended to be occupied as such, or for a similar Purpose, or otherwise used or intended

intended to be used, either temporarily or permanently, for the Assemblage of Persons in large Numbers, whether for Public Worship, Business, Instruction, Debate, Diversion, or Resort, then it is to be deemed to belong to the Third or public Building Class.

Alteration of Class.

And if any Room, whether constructed within any other Building or not, and whether included in the aforesaid Classes or not, be used at any Time for the public or general Congregation of Persons, then the Building containing such Room is to be deemed a Building of the Third or Public Building Class.

Or if a Building originally built, or subsequently altered so as to bring it within any one Class, be subsequently converted into or used as a Building of another Class, then it is to be deemed to belong to such other Class; and as to it all the Conditions prescribed with regard to Buildings of the same Rate of such other Class must be fulfilled as if it had been originally built of such Class, subject nevertheless to such Modifications as shall be sanctioned by the Official Referees on a special Supervision thereof.

Or if a Building be used partly as a Dwelling House and partly for any Purpose which would bring it within the Second or Warehouse Class, then it is to be deemed to belong to the said Second or Warehouse Class; and as to it all the Conditions prescribed with regard to Buildings of the same Rate of such Class must be fulfilled as if it had been originally built of such Class, subject nevertheless to such Modifications as shall be sanctioned by the Official Referees on a special Supervision thereof.

Rates of Buildings.

And the Buildings included in the said Classes are to be deemed to belong to the Rates of those Classes, according to the Conditions of Height, Area, and Number of Stories set forth in the following Tables; which Conditions are to be determined according to the following Rules:—

Rule for ascertaining Height.

The Height of every Building is to be ascertained by measuring from the Surface of the lowest Floor of the Building up to the under Side of the Ceiling of the topmost Story at the highest Part thereof, whether such Story be within the Roof or not.

And if there be no Ceiling made or intended to be made to the topmost Story, then by measuring from the Surface of such lowest Floor of the Building up to the under Side of any Tie-beam, Collar-beam, or other Substitute for a Tie-beam, to or within the Roof of the Building, and to the highest Part of such Roof; and the Level of the under Side of such Tie-beam, or such Substitute for a Tie-beam, is in such Case to be taken to mean the Ceiling of the topmost Story.

And if there be no Tie-beam, Collar-beam, or other Substitute for a Tie-beam to or within the Roof of any Building, then up to a Level Three Feet below the Level of the under Side of the Ridge-piece, or Substitute for a Ridge-piece, to the Roof of such Building.

Rule for ascertaining Area.

And the Area of every Building is to be determined by the Number of Squares contained in the Surface of any Floor which shall contain the greatest Number of Squares at or above the principal Entrance to such Building, including in such Surface the Area of all the external Walls, and such Portions of the Party Walls, as belong to such Building, but excluding from such Surface the Area of any attached Building or Office, Area, Balcony, or open Portico.

Rule for ascertaining the Capacity of any Building of the Second Class.

And the Capacity or Cubical Contents of any such Building is to be ascertained by measuring according to the Rule for ascertaining the Area, and from the Surface of the lowest Floor up to the under Surface of the Roof Covering of such Building.

Rule for ascertaining Number of Stories.

And the Stories of every Building are to be counted from the Foundation upwards.

And if the Space in Height between the Top of the Footings and the Level of the lowest Floor do not exceed Five Feet, then the Story nearest the Foundation is to be considered the lowest or first Story; but if such Space exceed Five Feet, then such Space is to be considered to contain the lowest or first Story; and in that Case Nine Inches above the Top of the Footing is to be considered the Level of the lowest Floor.

Rule for ascertaining Thickness of Walls.

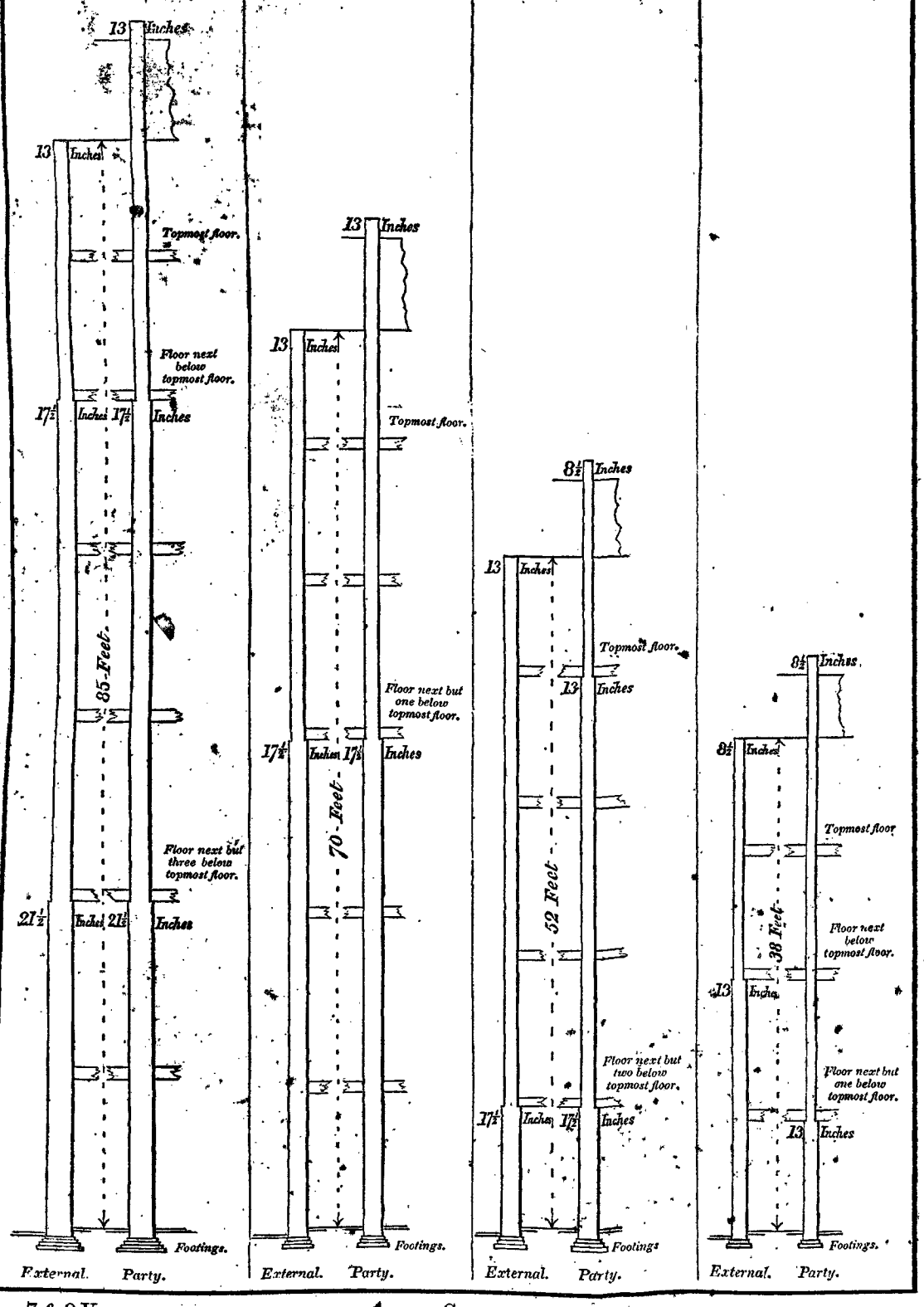
And the Thickness or Width of every Wall, and of the Footing thereof, is to be ascertained by measuring only the Thickness or Width of which such Walls or Footings shall have been originally built.

SCHEDULE (C) PART II.—(*See* § 5.)

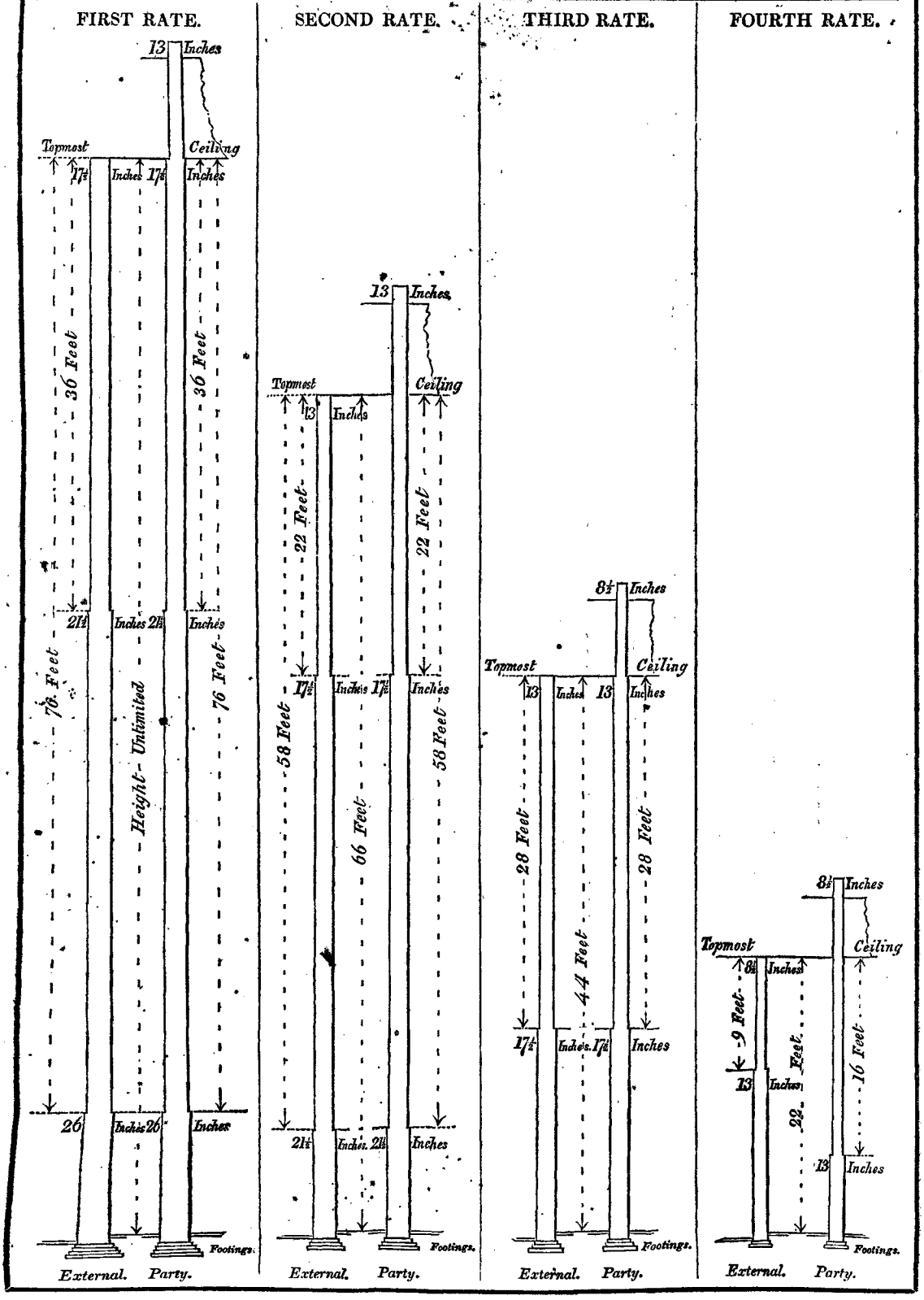
CONDITIONS for determining the Rates to which Buildings of the First or Dwelling House Class are to be deemed to belong, and the Thickness of the external Walls and of the Party Walls thereof.

In reference to HEIGHT.	In reference to AREA.	In reference to STORIES.	RATE of BUILDING.	REQUISITE THICKNESS of EXTERNAL WALLS of each Rate of the FIRST CLASS.	REQUISITE THICKNESS of PARTY WALLS of each Rate of the FIRST CLASS.
1. If the Building be in Height more than 70 Feet, and not more than 85 Feet,	If the Building cover more than 10 Squares, and not more than 14 Squares,	If the Building contain Seven Stories,	It is to be of the First Rate of this Class,	And the Thickness of the external Walls must be at the least 21½ Inches from the Top of the Footing up to the under Side of the Floor next but Three below the topmost Floor; and at the least 17½ Inches from the under Side of the Floor next but Three below the topmost Floor up to the under Side of the Floor next below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next below the topmost Floor up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 21½ Inches from the Top of the Footing up to the under Side of the Floor next but Three below the topmost Floor; and at the least 17½ Inches from the under Side of the Floor next but Three below the topmost Floor up to the under Side of the Floor next below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next below the topmost Floor up to the Top of the Wall.
But if it be in Height more than 85 Feet,	Or if it cover more than 14 Squares,	Or if it contain more than 7 Stories,	It is to be an extra First Rate of this Class,	And the Thickness of the external Walls must be at the least 21½ Inches from the Top of the Footing up to the under Side of the Floor next but Two below the topmost Floor, and at the least 17½ Inches from the under Side of the Floor next but Two below the topmost Floor up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 21½ Inches from the Top of the Footing up to the under Side of the Floor next but Three below the topmost Floor; and at the least 17½ Inches from the under Side of the Floor next but Three below the topmost Floor up to the under Side of the topmost Floor; and at the least 13 Inches from the under Side of the topmost Floor up to the Top of the Wall.
2. If more than 52 Feet, and not more than 70 Feet,	Or if it cover more than 6 Squares, and not more than 10 Squares,	Or if it contain Six Stories,	It is to be of the Second Rate of this Class,	And the Thickness of the external Walls must be at the least 17½ Inches from the Top of the Footing up to the under Side of the Floor next but one below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next but one below the topmost Floor up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 17½ Inches from the Top of the Footing up to the under Side of the Floor next but one below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next but one below the topmost Floor up to the Top of the Wall.
3. If more than 38 Feet, and not more than 52 Feet,	Or if it cover more than 4 Squares, and not more than Six Squares,	Or if it contain Five Stories,	It is to be of the Third Rate of this Class,	And the Thickness of the external Walls must be at the least 17½ Inches from the Top of the Footing up to the under Side of the Floor next but Two below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next but Two below the topmost Floor up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 17½ Inches from the Top of the Footing up to the under Side of the Floor next but Two below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next but Two below the topmost Floor up to the under Side of the topmost Floor; and at the least 8½ Inches from the under Side of the topmost Floor up to the top of the Wall.
4. If not more than 38 Feet,	Or if it do not cover more than Four Squares.	Or if it do not contain more than Four Stories,	It is to be of the Fourth Rate of this Class,	And the Thickness of the external Walls must be at the least 13 Inches from the Top of the Footing up to the under Side of the Floor next below the topmost Floor; and at the least 8½ Inches from the under Side of the Floor next below the topmost Floor up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 13 Inches from the Top of the Footing up to the under Side of the Floor next but one below the topmost Floor; and at the least 8½ Inches from the under Side of the Floor next but one below the topmost Floor up to the Top of the Wall.

TRANSVERSE SECTIONS OF WALLS OF THE FIRST OR DWELLING-HOUSE CLASS, according to the Descriptions of their Thicknesses in SCHEDULE (C.)—PART II.



TRANSVERSE SECTIONS OF WALLS OF THE SECOND OR WAREHOUSE CLASS, according to the Descriptions of their Thicknesses in SCHEDULE (C.)—PART III.



SCHEDULE (C.)—PART III.—(*See* § 5.)

CONDITIONS for determining the Rates to which Buildings of the Second or Warehouse Class are to be deemed to belong, and the Thickness of the external Walls and of the Party Walls thereof.

In reference to HEIGHT.	RATE of BUILDING.	REQUISITE THICKNESS of the EXTERNAL WALLS of each Rate of the SECOND CLASS.	REQUISITE THICKNESS of the PARTY WALL of each Rate of the SECOND CLASS.
1. If the Building be in Height more than 66 Feet,	It is to be of the First Rate of this Class,	And the Thickness of the external Walls must be at the least 26 Inches from the Top of the Footing up to the Level of 76 Feet below the topmost Ceiling; and at the least 21½ Inches from the Level of 76 Feet below the topmost Ceiling up to the Level of 36 Feet below the topmost Ceiling; and at the least 17½ Inches from the Level of 36 Feet below the topmost Ceiling up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 26 Inches from the Top of the Footing to the Level of 76 Feet below the topmost Ceiling; and at the least 21½ Inches from the Level of 76 Feet below the topmost Ceiling up to the Level of 36 Feet below the topmost Ceiling; and at the least 17½ Inches from the Level of 36 Feet below the topmost Ceiling up to the Level of the topmost Ceiling; and at the least 13 Inches from the Level of the topmost Ceiling up to the Top of the Wall.
2. If more than 44 Feet and not more than 66 Feet,	It is to be the Second Rate of this Class,	And the Thickness of the external Walls must be at the least 21½ Inches from the Top of the Footing up to the Level of 58 Feet below the topmost Ceiling; and at the least 17½ Inches from the Level of 58 Feet below the topmost Ceiling up to the Level of 22 Feet below the topmost Ceiling; and at the least 13 Inches from the Level of 22 Feet below the topmost Ceiling up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 21½ Inches from the Top of the Footing up to the Level of 58 Feet below the topmost Ceiling; and at the least 17½ Inches from the Level of 58 Feet below the topmost Ceiling up to the Level of 22 Feet below the topmost Ceiling; and at the least 13 Inches from the Level of 22 Feet below the topmost Ceiling up to the Top of the Wall.
3. If more than 22 Feet and not more than 44 Feet,	It is to be of the Third Rate of this Class,	And the Thickness of the external Walls must be at the least 17½ Inches from the Top of the Footing up to the Level of 28 Feet below the topmost Ceiling; and at the least 13 Inches from the Level of 28 Feet below the topmost Ceiling up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 17½ Inches from the Top of the Footing up to the Level of 28 Feet below the topmost Ceiling; and at the least 13 Inches from the Level of 28 Feet below the topmost Ceiling up to the Level of the topmost Ceiling; and at the least 8½ Inches from the Level of the topmost Ceiling up to the Top of the Wall.
4. If not more than 22 Feet,	It is to be of the Fourth Rate of this Class,	And the Thickness of the external Walls must be at the least 13 Inches from the Top of the Footing up to the Level of 9 Feet below the topmost Ceiling; and at the least 8½ Inches from the Level of 9 Feet below the topmost Ceiling up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 13 Inches from the Top of the Footing up to the Level of 16 Feet below the topmost Ceiling; and at the least 8½ Inches from the Level of 16 Feet below the topmost Ceiling up to the Top of the Wall.

SCHEDULE (C.)—PART IV.

RULES concerning BUILDINGS of the SECOND or WAREHOUSE CLASS.

Warehouses, &c.

With regard to any Building of the Second Class hereafter built or rebuilt, in reference to the Capacity or Contents thereof within the same inclosing Walls,—

If such Building contain more than 200,000 Cubic Feet, then such Building must be divided by Party Walls, so as that there be not in any One Part of such Building more than 200,000 Cubic Feet without Party Walls.

Openings in Party Walls.

And with regard to Buildings of the Second Class, in reference to Openings through Party Walls,—

Such Openings must not be made wider than Six Feet, nor higher than Eight Feet, unless in each Case, and upon special Evidence of Necessity for Convenience or otherwise, the Official Referees shall previously authorize larger Openings.

And the Floor, and the Jambs, and the Head of every such Opening must be composed of Brick or Stone or Iron Work throughout the whole Thickness of the Wall.

And every such Opening must have a strong Wrought-iron Door on each Side of the Party Wall, fitted and hung to such Opening without Wood-work of any Kind; and such Doors must be not less than One Fourth of an Inch thick in the Panels thereof.

And each of such Doors must be distant from the other not less than the full Thickness of the Party Wall.

Roofs.

And with regard to the Roofs of Buildings of the Second Class, in order to prevent the Formation of curbed Roofs to such Buildings, the Plane of the Surface of the Roof of every such Building must not incline from the external or Party Walls upwards at a greater Angle than 40 Degrees with the Horizon.

SCHEDULE (C.)—PART V.

REQUISITES for determining the Rate to which any Building of the THIRD or PUBLIC BUILDING CLASS is to be deemed to belong.

If any Building of the Third or Public Building Class correspond in Form or Structure or Disposition with a Dwelling House, then the Rate thereof is to be determined by the same Rules as the Rates of the First or Dwelling House Class; and the Thicknesses of the external and Party Walls, and the Width of the Footings thereof, are to be at the least Four Inches more than is hereby required for the external and Party Walls, and the Footings thereof, of Buildings of the same Rate of the First or Dwelling House Class, unless the Official Referees, on special Supervision in each Case, shall otherwise appoint.

But if it correspond in Form or Structure or Disposition with a Warehouse, or any Building of the Second Class, then the Rate thereof is to be determined by the same Rules as the Rates of the Second or Warehouse Class; and the Thickness of the external and Party Walls, and the Width of the Footings thereof, are to be at the least Four Inches more than is hereby required for the external and Party Walls, and the Footings thereof, of Buildings of the same Rate of the Second or Warehouse Class, unless the Official Referees, on special Supervision in each Case, shall otherwise appoint.

But if it do not correspond in Form and Structure, or in either, with Buildings of the First or Second Classes, or any of them, then such Building is to be subject, as to its Walls or other Construction, to the special Approval of the Official Referees.

SCHEDULE (C.)—PART VI.

RULE concerning FIRE-PROOF ACCESSES and STAIRS to BUILDINGS of the FIRST and THIRD CLASSES.

With regard to Buildings of the First Class, whereof the internal Stairs are of Stone or other incombustible Substance, such Stairs must be set in, or be fixed to, and be wholly upborne by, Fire-proof Constructions, and must be connected internally by Landings, the Floors of which are Fire-proof, and wholly upborne and supported by Fire-proof Constructions, and must be connected with the exterior Entrance by Passages, the Floors of which are Fire-proof, and wholly upborne and supported by Fire-proof Constructions.

And with regard to Buildings of the Third Class, the Floors of the Halls, Vestibules, Lobbies, Corridors, Passages, and the Stairs and Landings, and all other Ways of Ingress and Egress within the Building to and from all Rooms or Apartments used for public Congregation, and to and from all Galleries being Part of, or being connected with, any such Room or Apartment, must be wholly supported, constructed, formed, made, and finished Fire-proof.

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SCHEDULE (C.)—PART VII.

RULES concerning attached and detached and insulated Buildings, as to the Rates and Walls thereof.

Attached Buildings and Offices.

With regard to Buildings or Offices now built or hereafter to be built (except Greenhouses, Vineries, Aviaries, or such like Buildings), and that whether such Buildings or Offices be attached to, or detached from, the Buildings to which they belong,—

Every such Building is to be deemed, in respect of the Walls thereof, and all other Requisites, as a Building of the Rate to which it would belong if it had been built separately.

Insulated Buildings.

And with regard to Buildings of the First or Dwelling House Class, and of the Second or Warehouse Class, which shall be insulated, so far as relates to the Distance thereof from a public Street or Way,—

Every such Building must be distant from any public Street or Alley One Third of the Height thereof at the least; and if the Building do not exceed Twenty-four Feet in Height, then it must be so distant at the least Eight Feet.

And with regard to such Building, so far as relates to the Distance thereof from any other Building, or from Ground not in the same Possession or Occupation therewith, or connected therewith only by a Fence or Fence Wall, it must be distant from such other Building or such other Ground at the least 30 Feet.

And if such Building be so distant from a public Street or Alley, and from any other Building, or from Ground not in the same Possession or Occupation therewith, then such Building is not to be liable, in respect of the Dimensions and Materials thereof, to the Rules and Directions of this Act.

Insulated Buildings afterwards divided.

Provided always, that if any such Building be hereafter divided into Two or more distinct Buildings, and the several Parts of such Buildings so divided be not at the aforesaid Distance from each other, and from other Buildings and Ground, then such several Parts must be separated from each other, by such Party Walls as are herein prescribed for the Rates to which such several Parts, if adjoining, would belong.

And if such Requisites be not observed, then such several Parts of such Buildings in respect of which they are not so observed shall be deemed a public Nuisance, and as such be taken down according to the Provisions of this Act in that Behalf.

Toll Houses, &c.

And with regard to certain Buildings which shall be built for the Purposes of Trade or the Collection of Toll,—

If such Buildings be situate Fifteen Feet at the least from any other Building, and do not cover an Area of more than One Square and One Half, and the Height thereof do not exceed Twelve Feet from the Ground to the highest Point of the Roof, then every such Building may be inclosed with any Materials whatsoever, but the Roof thereof must be covered as herein directed with regard to Roofs, and the Chimney and Flue (if any) must be built as herein directed with regard to Chimneys and Flues.

SCHEDULE (D.)

PART I.—RULES concerning WALLS of whatever Kind.

Foundations.

With regard to the Foundations of Walls:—

Every external Wall, and every Party Wall, and every Party Fence Wall, must be built upon a constructed Footing, based upon solid Ground, or upon other sufficient Foundation.

Footings.

With regard to Footings of Walls, in reference to the Materials thereof, to the Width thereof, to the Height thereof above the Foundation, and to the Depth below the Surface:—

Materials.

1. In reference to the Materials thereof:—

Every Footing must be built either of sound Bricks or of Stone, or of such Bricks and Stone together, laid in and with Mortar or Cement in such Manner as to produce solid Work.

Width.

Width.

3. In reference to the Width thereof:—

The Bottom of the Footing of every external Wall and Party Wall of the First Rate must be at the least 17½ Inches wider than the Wall standing thereon; and the Bottom of every Footing of every external Wall and Party Wall of the Second and Third Rates must be at the least 13 Inches wider than the Wall standing thereon; and the Bottom of the Footing of every external Wall and Party Wall of the Fourth Rate, and of every Party Fence Wall, must be at the least 8½ Inches wider than the Wall standing thereon.

The Top of the Footing of every Party Fence Wall, and of every external Wall and Party Wall, must be at the least Four Inches wider than the Wall standing thereon.

Height.

4. In reference to the Height above the Foundation:—

The Footing of every external Wall and Party Wall of the First Rate must be at the least Eleven Inches high above the Foundation.

The Footing of every external Wall and Party Wall of the Second and Third Rates must be at the least Eight Inches high above the Foundation.

The Footing of every Party Fence Wall, and of every external Wall and Party Wall, of the Fourth Rate, must be at the least Five Inches high above the Foundation.

Depth below Ground.

5. In reference to the Depth thereof below the Surface of the lowest Ground or Area adjoining:—

The Top of the Footing of every Party Fence Wall, and of every external Wall and Party Wall, must be at the least Three Inches below such Surface.

Depth below lowest Floor.

6. In reference to the Depth thereof below the Surface of the lowest Floor adjoining or intended to adjoin thereto:—

The Top of the Footing of every external Wall and Party Wall must be at the least Nine Inches below such Surface; and in any Building of the First Class the Surface of the Earth or of any Paving on the Outside (except the Pavement of any public Way) must not at any Time be raised to within Six Inches of the Surface of the lowest or First Floor of such Building.

Thicknesses of inclosing Walls to Stories of Buildings of whatever Rate.

With regard to the inclosing Walls to Stories of Buildings of the First and Second Classes, each of the inclosing Walls of any such Story throughout the whole Height thereof, from the Top of the Footing up to the Top of such Story, and with all the Sets-off in addition required for such Wall, to whatever Rate or whichever Class it may belong, and throughout at the least One Third of the whole Length of such Wall, in Piers properly distributed, must be of the following Dimensions (unless cross or return Walls, coursed and bonded with the inclosing Walls, shall in the Opinion of the Official Referees, upon special Application to them in each particular Case, give sufficient Strength with less Thickness in such inclosing Walls); that is to say,—

As to First Class Buildings:—If the Story be in Height more than 11 Feet, then the Thickness of its inclosing Walls must be at the least 13 Inches.

Or if the Story be in Height more than 15 Feet, then the Thickness of its inclosing Walls must be at the least 17½ Inches.

As to Second Class Buildings:—If the Story be in Height more than 9 Feet, then the Thickness of its inclosing Walls must be at the least 13 Inches.

Or if the Story be in Height more than 12 Feet, then the Thickness of its inclosing Walls must be at the least 17½ Inches.

Or if the Story be in Height more than 15 Feet, then the Thickness of its inclosing Walls must be at the least 21½ Inches.

Or if the Story be in Height more than 18 Feet, then the Thickness of its inclosing Walls must be at the least 26 Inches.

Nevertheless as to any external Wall of any Building of the First Class in which there are no Apertures or Recesses,—If there be another external Wall and a cross Wall of not less than 8½ Inches thick coursing and bonding with such external Wall, or if Two such cross Walls occur within a Length of 24 Feet of such Wall, then such external Wall may be built of the Thickness of 13 Inches, of any Height not exceeding 18 Feet, within any Story, although the Rate of the Wall may require a greater Thickness, but always upon condition that the Substructure of such Wall is 4 Inches thicker at the least than such Superstructure, and vertically under it.

And also if any such Wall be abutted by cross or return Walls within a Length of 12 Feet, and if not more than One Aperture or Recess occur within such Length of 12 Feet, and not more than One Half the Quantity in Length be taken out of such Compartment of a Wall by any such Aperture or Recess, then such external Wall may be built of any Thickness not less than 13 Inches, notwithstanding the Rate of such Wall may require a greater Thickness.

PART II.—EXTERNAL WALLS.

Construction and Materials.

And with regard to the component Materials of external Walls to Buildings of whatever Class,—

Every such Wall must be built of sound Bricks or of Stone, or of such Bricks and Stone together, laid in and with Mortar or Cement in such Manner as to produce solid Work; and every such Wall must be carried up of its full Thickness to the under Side of the Plate under the Roof.

Nevertheless in such Walls, besides all requisite Openings for Doors and Windows, Recesses may be formed, so that the Back thereof be of the Thickness of Eight Inches and a Half at the least, and so that the Stability and Sufficiency of the Wall be not injuriously affected by making such Recesses.

And with regard to other Substances than the component Materials of external Walls,—

There may be such Wood and Iron as shall be necessary.

And every Plate, Lintel, Bond, Corbel, being of Wood, and every Wood-brick laid into any external Wall, and all Ends of Joists, of Girders, and of the Heads and Sills of Partitions running into any external Wall, must be fixed at a Distance from the external Face of the Wall of Four Inches at the least.

And the Frames of Doors and Windows must be fixed in Reveals at a Distance from the external Face of the Wall of Four Inches at the least.

And Shop Fronts must be fixed in such Manner as is herein specially directed.

And the Tiers of Door Cases to Warehouses must be fixed in the Openings left in such Walls at a Distance from the external Face of the Wall of Two Inches at the least.

But no Timber must be laid into any external Wall in such Manner or of such Length as to render the Part of the Wall above it wholly or in great Part dependent upon the Wood for Support, or so that any such Wood might not be withdrawn without endangering the Safety of the superincumbent Structure, except in the Case of Brestsummers.

Height and Thickness of Parapets.

And with regard to external Walls, in reference to the Height and Thickness of any Parapet thereon,—

If an external Wall adjoin a Gutter, then such external Wall must be carried up, and remain One Foot at the least above the highest Part of such Gutter.

And the Thickness of an external Wall so carried up, above the Level of the under Side of the Gutter Plate, and forming a Parapet, must be at the least,—

In every such Wall of the extra First Rate of the First Class, and in every such Wall of the First Rate of the Second Class, 13 Inches thick; and—

In every other external Wall, of whatever Rate or whichever Class, 8½ Inches thick.

Brestsummers.

h regard to every Brestsummer fixed to carry any front Wall of a Building,—

If such Brestsummer have a Bearing at one End upon a Party Wall, then it must be laid upon a Template or Corbel of Stone or Iron, which Template or Corbel must be tailed through such Wall at least Two Thirds of the Thickness thereof; and the End of such Brestsummer must not be fixed into, and must not have its Bearing solely upon, such Party Wall, but must be supported by a sufficient Pier built of Brick or Stone, or by an Iron Column, or Iron or Timber Story Post fixed on a solid Foundation.

And if any such Brestsummer have its Bearing at each End upon a Party Wall, then it must be supported by at least Two sufficient Piers built of Brick or Stone, or by Iron Columns, or by Iron or Timber Story Posts fixed on solid Foundations, and standing within and clear of the Party Walls.

Or any such Brestsummer may bear upon constructed Returns in the Direction of the Length of the Brestsummer of Four Inches at the least, coursed and bonded with the Substance of the Party Wall or Party Walls; and such constructed Returns must be increased One Inch at the least for every Six Feet in Length that the Brestsummer may be otherwise unsupported.

And if the Height of the under Side of any Brestsummer laid from Party Wall to Party Wall to carry any external Wall exceed 15 Feet from the Surface of the Public Foot Pavement in front of the Building, then there must be constructed Returns in the Direction of the Length of the Brestsummer from the Inside of each Party Wall of 8½ Inches at the least, and at the least of the full Thickness of such Brestsummer; and every such Return must be increased One Inch at the least for every Foot or Part of a Foot the Brestsummer may be in Height from the Surface of the public Foot Pavement more than 16 Feet, whether the Brestsummer be otherwise supported or not.

Materials to be used in Repairs.

And with regard to old external Walls or other external Inclosures of any Building already built, in reference to Materials to be used in the Repair thereof,—

If any such Wall or Inclosure be not built of the Materials required by this Act for external Walls or other external Inclosures hereafter to be built, then every Part of such Wall or other external Inclosure (except the Inclosure of Roofs, and the Flats, Gutters, Dormers, Turrets, Lantern-lights, and other Erections thereon,) may be at all Times thereafter repaired with Materials of the same Sort as those of which such external Wall or Inclosure has been already built.

Materials

Materials to be used in rebuilding.

But if any such external Wall or Inclosure be at any Time hereafter taken down or otherwise demolished for the Height of One Story, or for a Space equal to One Fourth of the whole Surface of such external Wall, then every Part thereof not built in the Manner and of the several Materials by this Act directed for external Walls must be taken down, and the same must be rebuilt in such Manner, and of such Materials, and in all respects as by this Act directed for external Walls hereafter to be built, according to the Class and Rate of the Building to which such external Wall or Inclosure shall belong.

External Wall used as a Party Wall.

And with regard to external Walls to be used as Party Walls to any Building adjoining thereto (except an attached Building or Office as is herein-before described),—

If the external Wall of any Building have not such Footings, or be not of such Heights and Thicknesses, or be not built in such Manner and of such Materials as are herein directed for Party Walls of Buildings of the highest Rate to which such Wall shall adjoin, then such external Wall must not be used as a Party Wall for any such Building; but there must be a distinct external Wall built as herein described for external Walls of the Rate to which it shall belong.

But if such external Wall to any Building already built be at the least 13 Inches in Thickness in every Part, and be of sound and proper Materials, and in good Condition, then such Wall may be used as a Party Wall; but if the House of which such Wall forms a Part be rebuilt within Five Years from the Time at which the Wall shall have been so first used as a Party Wall, then such Wall must become subject to the Provisions of this Act in respect of Party Walls, according to the Class and Rate to which the said Wall did first belong.

Part III.—Party Walls.

Division of Buildings.

And with regard to Walls used to divide single Buildings into Two or more,—

If it be intended to divide any Building into Two or more distinct Parts, then every Wall for that Purpose must be built as a Party Wall in the Manner and of the Materials, and of the several Heights and Thicknesses for Party Walls of the highest Rate of Building to which such Party Wall shall belong or adjoin, as prescribed in reference to the Thicknesses of Party Walls in Schedule (C.)

And if any Building already built or which shall be hereafter built be converted, used, or occupied as Two or more separate Buildings, each having a separate Entrance and Staircase, then every such Building shall be deemed to be Two or more separate Houses, and such separate Houses must be divided from each other by a Party Wall or Party Arch or Arches built in the Manner and of the Materials required for Party Walls, or for Party Arches, for the Class and Rate to which the largest of the Buildings so divided shall belong.

Site of Walls.

With regard to Party Walls, in reference to the Site thereof,—

If the Buildings be of equal Rate then such Party Wall must be built on the Line of Junction of such Buildings, One Half on the Ground of the Owner of one of such Buildings, and One Half on the Ground of the Owner of the other of such Buildings.

If such Buildings be of different Rates, then such Wall must be built on the Line of Junction thereof, as follows; that is to say, One Half of the Thickness of the Wall required for the Building of the lower Rate on the Ground of each of the adjoining Owners; and the whole of the additional Thickness of the Wall required for the Building of the higher Rate on the Ground of the Owner of such Building of the higher Rate.

And if such Building of the lower Rate be thereafter enlarged or altered so as to become a Building of a higher Rate, then the Owner of such first-mentioned Building of the higher Rate for the Time being shall be entitled to receive from the Owner of such Building of the lower Rate such Sum of Money as shall be a sufficient Compensation for the Ground occupied by that Portion of the Party Wall, which according to the Rate of the Building enlarged ought to have been built by its Owner on his own Ground, as well as the Value of so much of the Wall itself as may be more than the Owner of such Building of the lower Rate had already paid for.

Construction and Materials.

And with regard to Party Walls, in reference to the component Materials thereof,—

Every Part of such Party Wall must be built of sound Bricks or of Stone, or of such Bricks and Stone together, laid in and with Mortar or Cement in such Manner as to produce solid Work.

And as to the Wood-work which it may be desired to connect with the Party Walls of any Building, the bearing Ends of wooden Beams, Brestsummers, Girders, Trimming Joists, and the Ends of Partition Heads and Sills, and the bearing Ends of the main Timbers of a Roof, and Wood-bricks

may

may be laid into the Substance of a Party Wall; but no such Beam, Brestsummer, Girder, Joist, Partition Head, or Sill, nor any Part of a Roof being Wood, nor any Wood-bricks, must be laid or placed within Four Inches of the Centre of any Party Wall; and no other Wood-work of any Kind must be laid into, placed upon, or be run or driven into any Part of the Substance of any Party Wall.

But if the Ends of Timbers be carried on Iron Shoes or Stone Corbels, then such Iron Shoes or Stone Corbels must be built into the Wall at the least One Half of the Thickness of such Wall.

And the Top of every such Party Wall must be finished with one Course of sound Stock Bricks, set on edge with good Cement, or by a Coping of any other properly secured and sufficient Water-proof and Fire-proof Covering.

Height of Party Walls above Roof.

And with regard to Party Walls, in reference to the Height thereof,—

If a Party Wall adjoin to any Roof, then such Party Wall must be carried up and remain One Foot Six Inches at the least above the Part where the Party Wall and Roof adjoin, measured at a Right Angle with the Back of the Rafters of such Roof.

And if any Party Wall in any Building of the First Class adjoin a Gutter, then such Party Wall must be carried up, and remain Two Feet at the least above the highest Part of any such Gutter.

And if any Party Wall in any Building of the Second Class adjoin a Gutter, then such Party Wall must be carried up, and remain Three Feet at the least above the highest Part of any such Gutter.

If there be fixed within Five Feet of a Party Wall, upon the Flat or Roof of the Building, any Turret, Dormer, Lantern-light, or other Erection of combustible Materials, then every such Party Wall must be carried up next to every such Turret, Dormer, Lantern-light, or other Erection, and must extend One Foot Six Inches higher and One Foot Six Inches wider than any such Erection on each Side thereof.

Openings in Party Walls.

And for the Purpose of regulating the making of Openings through any Party Wall between One Dwelling House and another, whereby Two or more Dwelling Houses shall be united,—

With regard to any Dwelling Houses of any Rate, such Dwelling Houses may be united by Means of Openings in the Party Walls.

But with regard to any Dwelling Houses which when so united will contain more than Fourteen Squares,—

If such Dwelling Houses shall be and continue to be in the same Occupation, then upon its being declared by the Official Referees that in their Opinion the Stability and Security from Fire of any or either of such Dwelling Houses will not be endangered by making such Openings, they may be made accordingly.

Recesses and Chases.

And further, with regard to any Party Wall, as to Recesses and as to Chases in such Wall,—

In every Story Recesses may be formed, but only with the Consent and Authority of the Official Referees first had and obtained, and so that such Recesses be arched over, and so that the Back of any such Recess be not nearer than Seven Inches to the Centre of the Party Wall in the first or lowest Story, nor nearer than Four Inches to the Centre of the Party Wall in any other Story, and so that the Stability and Sufficiency of such Party Wall be not injuriously affected thereby.

If any Chases be required for the Insertion of Ends of Walls, of Piers, of Chimney Jambs, of Withes of Flues, of Metal Pipes, or of Iron Story Posts, then every Chase for any such Purpose must not be left or be cut nearer than Four Inches at the least to the Centre of a Party Wall, nor within a Distance of Nine Inches at the least from any front or back Wall, and no Two such Chases must be made within a Distance of Seven Feet Six Inches at the least from each other on the same Side of a Wall, and no such Chase must be formed wider than Nine Inches.

PART IV.—PARTY WALLS AND PARTY ARCHES BETWEEN INTERMIXED PROPERTY.

And with regard to any Building already built, having Rooms or Floors, the Property of different Owners, which lie intermixed, without being separated by any Party Wall or Party Arch or Stone Floor,—

If any such Building be altogether rebuilt or to the Extent of One Fourth of the cubical Contents thereof, then such intermixed Properties must be separated from each other, as follows:

If they adjoin vertically, then so far as they adjoin vertically they must be separated by a Party Wall.

If they adjoin horizontally, then so far as they adjoin horizontally they must be separated either by a Floor formed of Brick, Tile, Stone, or other proper and sufficient incombustible Materials, subject to the Consent of the Official Referees, or by a Floor formed of Iron Girders and Brick Arches, or Stone Landings, or Tiles, or by a Party Arch or Party Arches

of Brick or Stone of the Thickness of Nine Inches at the least, if the Span do not exceed Nine Feet, and Thirteen Inches at the least if the Span exceed Nine Feet; and such Floor or Party Arch or Party Arches must be built with sufficient Abutments, and in a sufficient Manner.

PART V.—BUILDINGS OVER PUBLIC WAYS.

And with regard to Buildings extending over any public Way, as to the Part thereof which extends over such Way, so far as relates to the Separation of such Part from such public Way,—

If such Part be rebuilt, then it must be separated from such public Way, either by a Floor or Arch formed of Brick or Stone or of other incombustible Materials, subject to the Consent of the Official Referees, or by a Floor formed of Iron Girders and Brick Arches, or Stone Landings, or by an Arch formed of Brick or of Stone; which Arch, if the Span thereof do not exceed Nine Feet, must be of the Thickness of Nine Inches at the least, and which, if the Span exceed Nine Feet, must be of the Thickness of Thirteen Inches at the least.

And such Floor or Arch, with its Abutments, must be built in such Manner as shall be approved of by the Surveyor; but there must not be formed over any public Way a Ceiling of Lath and Plaster, or of Lath and Cement.

SCHEDULE (E.)—(*See* § 5.)

RULES concerning external PROJECTIONS.

Porticoes projected over public Ways.

And with regard to the Portico or Porticoes of any Church, Chapel, Theatre, or other public Building of the Third Class,—

If the building of the same shall have been previously sanctioned by the Official Referees, by Writing under their Hands, and if Objection be not made by any Party interested within One Month thereafter, and if, upon such Objection or Appeal, Her Majesty's Principal Secretary of State acting for the Home Department do not decide in favour thereof, then such Projections may be built over the Foot Pavement of any Street or Alley which shall be Fifty Feet wide at the least (notwithstanding any Act heretofore passed to the contrary).

Projections from Face Walls, &c.

And further, with regard to Buildings hereafter to be built or rebuilt, in reference to Projections therefrom,—

As to Copings, Parapets, Cornices to overhanging Roofs, Blocking Courses, Cornices, Piers, Columns, Pilasters, Entablatures, Facias, Door and Window Dressings, or other Architectural Decorations, forming Part of an external Wall, all such may project beyond the general Line of Fronts in any Street or Alley, but they must be built of the same Materials as are by this Act directed to be used for building the external Walls to which such Projections belong, or of such other proper and sufficient Materials as the Official Referees may approve and permit.

And as to all Balconies, Verandahs, Porches, Porticoes, Shop Fronts, open Inclosures of open Areas and Steps, and Water Pipes, and to all other Projections from external Walls not forming Part thereof, every such Projection (except such Part of Shop Fronts, and the Frames and Sashes of the Windows and Doors, in reference to the necessary Wood-work thereof,) may stand beyond the general Line of Fronts in any Street or Alley, but they must be built of Brick, Tile, Stone, Artificial Stone, Slate, Cement, or Metal, or other proper and sufficient Fire-proof Materials; and they must be so built as not to overhang the Ground belonging to any other Owner, and so as to obstruct the Light and Air, or be otherwise injurious to the Owners or Occupiers of the Buildings adjoining thereto on any Side thereof.

Projections from Walls of Buildings over public Ways.

And with regard to all Buildings hereafter to be built or rebuilt, in reference to Projections from the Walls of such Buildings, including Steps, Cellar Doors, and Area Inclosures, the Walls of all such Buildings must be set back so that all Projections therefrom, and also all Steps, Cellar Doors, and Area Inclosures, shall only overhang or occupy the Ground of the Owner of such Building, without overhanging or encroaching upon any public Way.

Projected Buildings beyond the general Line of Buildings and from other external Walls.

And with regard to Buildings already built or hereafter to be rebuilt, as to Bow Windows or other Projections of any Kind,—

Such Projections must neither be built with nor be added to any Building on any Face of an external Wall thereof, so as to extend beyond the general Line of the Fronts of the Houses (which general Line may be determined by the Surveyor), except so far as is herein-before provided with regard to Porticoes projected over public Ways, and with regard to Projections from Face Walls and Shop Fronts, nor so as to overhang the Ground belonging to any other Owner, nor so as to obstruct the Light and Air or be otherwise injurious to the Owners or Occupiers of the Buildings adjoining thereto on any Side thereof.

Projections

Projections from insulated Buildings.

Provided always, with regard to any insulated Buildings, that if the Projections be at the least Eight Feet from any public Way, and if they be at least Twenty Feet from any other Building not in the same Occupation, then such Projections are excepted from the Rules and Directions of this Act.

Wooden Shop Fronts and Shutters.

And with regard to Shop Fronts and their Entablatures, their Shutters, and Pilasters and Stall Boards made of Wood,—

If the Street or Alley in which such Front is situate be of less Width than Thirty Feet, then no Part of such Shop Front must be higher in any Part thereof than Fifteen Feet; nor must any Part, except the Cornice, project from the Face of a Wall, whether there be an Area or not, more than Five Inches; nor must the Cornice project therefrom more than Thirteen Inches.

If the Street or Alley be of a greater Width than Thirty Feet, then no Part of such Shop Front, except the Cornice, must project from the Face of a Wall, whether there be an Area or not, more than Ten Inches; nor must the Cornice project therefrom more than Eighteen Inches.

And the Width of such Street or Alley must be ascertained by measuring the same, as hereinafter directed with regard to the Widths of Streets and Alleys.

And the Wood-work of any Shop Front must not be fixed nearer than Four and a Half Inches to the centre Line of a Party Wall.

And with regard to such Wood-work, if it be put up at such Distance of Four and a Half Inches, then a Pier or Corbel built of Stone or of Brick or other incombustible Material, and of the Width of Four and a Half Inches at the least, must be fixed in the Line of the Party Wall, so as to be as high as such Wood-work, and so as to project One Inch at the least in front of the Face thereof.

And the Height of every Shop Front must be ascertained by measuring from the Level of the public Foot Pavement in front of the Building.

And every Sign or Notice Board fixed against or upon any Part of any House or other Building standing close to any public Way must be so fixed that the Top shall be within Eighteen Feet at the most above the Level of such public Way.

SCHEDULE (F.)—(*See* § 5.)

RULES concerning CHIMNEYS hereafter built or rebuilt.

Construction.

With regard to Chimneys and Chimney Stacks, except angle Chimneys, in reference to the Construction thereof,—

The Foundations and Footings of every such Chimney and Chimney Stack must be built similar to those of the Wall in or adjoining to which it shall be.

And every such Chimney and Chimney Stack must be built from the Foundation to the Top thereof without any corbelling over, whereby any upper Part of the Brick-work of such Chimney or Chimney Stack shall overhang any lower Part of the Brick-work on the Front thereof.

Nevertheless, with regard to Buildings of the First Rate and extra First Rate, the Jambs, Breast, and Flue of any single Chimney may be built upon Brick, Stone, or Iron Corbels above the Ceiling of the Third Story of every such Building.

And with regard to Buildings of the Second and Third Rates, the Jambs, Breast, and Flue in any single Chimney may be built upon Brick, Stone, or Iron Corbels above the Ceiling of the Second Story of every such Building.

But the Projection both of such Jambs and Breasts must not in any Case exceed Nine Inches before the Face of the Wall or Stack to which the same shall adjoin.

And with regard to angle Chimneys, such Chimneys may be built in the internal Angle of any Building, so that the Width of the Breast thereof do not exceed Five Feet, and so that it be properly supported on Iron Girders with Brick Arches, or on strong Stone Landings not less than Four Inches thick, and tailed at least Nine Inches into each of the Two Walls forming such Angle.

Dimensions and Materials.

And with regard to Chimneys, in reference to the Dimensions of the Jambs thereof,—

The Jambs of every Chimney must not be less than Eight and a Half Inches wide on each Side of such Opening.

And with regard to Chimneys and Flues, in reference to the Thickness of the Brick-work thereof,—

The Breast of every Chimney, and the Front, Back, Withe, or Partition of every Flue, must be at the least Four Inches in Thickness of sound Bricks, properly bonded, and the Joints of the Work must be filled in with good Mortar or Cement, and all the Inside thereof, and also the Outside or Face thereof next the Interior of any Building, must be rendered or pargetted.

And with regard to Flues in reference to the Dimensions thereof, no Flue may be used for a Smoke Flue which is of less internal Diameter in any Section than Eight and a Half Inches.

Timber or Wood-work.

And with regard to Chimneys, in reference to Timber,—

No Timber must be placed over any Opening for supporting the Breast of any Chimney, but there must be an Arch of Brick or Stone over the Opening of every such Chimney, to support the Breast thereof, and an Iron Bar or Bars must be built into the Jambs, at the least Nine Inches on each Side, to tie in the Abutments whenever the Breast projects more than Four and a Half Inches from the Face of the Wall, and the Jamb on either Side is of less Width than Two Thirds of the Opening.

And no Timber or Wood-work must be placed or laid in any Wall under any Chimney Opening within Eighteen Inches at the least of the Surface of the Hearth to the Fireplace of such Chimney Opening.

And as to any Timber or Wood-work, in reference to the fixing thereof in or against any Wall containing Flues or against any Chimney Breast or Chimney Jamb,—

If Timber or Wood-work be affixed to the Front of any Jamb or Mantel, or to the Front or Back of any Chimney or Flue, then it must be fixed by Iron Nails or Holdfasts, or other Iron Fastenings, which must not be or be driven nearer than Four Inches to the Inside of any Flue or to the Opening of any Chimney, and such Timber or Wood-work must not be nearer than Nine Inches to the Opening of any Chimney.

And no Timber must be laid or placed within Three Inches of the Face or Breast, Back, Side, or Jamb of any Flue, or of any Chimney Opening, where the Substance of Brick-work or Stone-work shall be less than Eight and a Half Inches thick, nor must any Flooring Board, Batten, Ground Skirting, or other Lining or Fitting of Wood, nor any Wood Staircase, nor any thing else of Wood, be fixed or placed against or near to the Face or Breast, Back, Side, or Jamb of any Flue, Fireplace, or Chimney Opening, unless and until the Brick or Stone Work constituting the same shall have been thoroughly and efficiently rendered or pargetted with proper Mortar or Stucco, and such rendering must be in every Case in addition to Four Inches at least of solid Fire-proof Structure.

Slabs and Hearths.

And a Slab or Slabs of Brick, Tile, Stone, Slate, Marble, or other proper and sufficient Substance, at the least Twelve Inches longer than the Opening of every Chimney when finished, and at the least Eighteen Inches in front of the Arch over the same, must be laid before the Opening of every Chimney.

And in every Floor, except the lowest Floor, such Slab or Slabs must be laid wholly upon Stone or Iron Bearers, or upon Brick Trimmers; but in the lowest Floor they may be laid on a Brick Fender, or bedded on the solid Ground.

And the Hearth of every Chimney must be laid and bedded wholly on Brick or Stone, or other incombustible Substance, which must be solid for a Thickness of Nine Inches at the least, beneath the Surface of any such Hearth.

Backs.

And as to the Back of every Chimney Opening of every Building (except Backs of Chimneys in the lowest Story of Buildings of the Fourth Rate), every such Back, in the lowest Story, must be at the least Thirteen Inches thick from the Hearth to the Height of Twelve Inches above the Mantel, and in every other Story at the least Eight and a Half Inches thick up to the same relative Height.

And as to the Backs of Chimney Openings in the lowest Story of Buildings of the Fourth Rate, such Backs must be at the least Eight and a Half Inches thick to the Height of Twelve Inches at the least above the Level of the Mantel:

Provided always, that if the Chimney be built in any Wall, not being a Party Wall, then the Back of every such Chimney Opening may be Four and a Half Inches less than the several Thicknesses above described.

Chimney Openings, Back to Back.

And as to Backs of all such Chimney Openings, if Two Chimneys be built Back to Back, then the Thickness between the same must be at the least of the Thickness herein-before described for the Back of One Chimney Opening.

Angles of Flues.

And as to all Flues, in reference to the Angles thereof,—

If any Flue be built with sufficient Openings in it of not less Size than Nine Inches square, and proper close Iron Doors and Frames inserted in such Openings, so that every Part of such Flue may be swept by Machinery, then every Angle in such Flue may be of any Degree.

But if it be not so built then every such Angle must be One hundred and thirty-five Degrees at the least.

And every salient or projecting Angle within a Flue must be rounded off Four Inches at the least, and protected by a rounded Stone or Iron Bar.

Close Fires.

And as to every Oven, Furnace, Cokel, or close Fire used for the Purpose of Trade or Manufacture, it must be Six Inches at the least distant from any Party Wall, and must not be upon nor within a Distance of Eighteen Inches of any Timber or Wood-work.

And the Floor on or above which such Oven, Furnace, Cokel, or close Fire shall be built or fixed must be formed and paved under, and for a Distance of Two Feet all round the same, with Stone, Brick, Tile, or Slate, at the least Two Inches thick, or other proper incombustible and non-conducting Materials.

Chimney Shafts.

And as to Chimney Shafts or Flues,—

Every Chimney Shaft or Flue hereafter built, raised, or repaired must be carried up in Brick or Stone Work all round, at least Four Inches thick, to a Height of not less than Three Feet above the highest Part of such Portion of the Roof, Flat, or Gutter adjoining thereto, measured at the Point of Junction.

And as to any Chimney Shaft (except that of a Steam Engine, Brewery, Distillery, or Manufactory), the Brick or Stone Work of such Shaft or Flue must not be built higher than Eight Feet above the Slope, Flat, or Gutter of the Roof which it adjoins, measured from the highest Point of Junction, unless such Chimney Shaft be built of increased Thickness, or be built with and bonded to another Chimney Shaft, or be otherwise rendered secure.

And as to the Chimney Shaft for the Boiler Furnaces of any Steam Engine, or for any Brewery, Distillery, or Manufactory, such Shaft may be erected of any Height, so that it be built in such Manner and of such Strength and Dimensions as shall be satisfactory to the Official Referees, upon special Application in each Case.

Chimney Pots, Tubes, &c.

And as to Earthen or Metal Chimney Pots, Tubes, Funnels, or Cowls of any Description whatsoever, if such Pot, Tube, Funnel, or Cowl be higher than Four Feet above the Brick or Stone Work of the Flue on which the same shall be placed, then it must be fixed Two Feet at the least into the Brick or Stone Work of the Flue on which it shall be placed.

Smoke Pipes.

And as to any Metal or other Pipe or Funnel for conveying Smoke, heated Air, or Steam, in reference to the Position thereof, such Pipe or Funnel must not be fixed against or in front of any Face of any Building in any Street or Alley, nor on the Inside of any Building nearer than Fourteen Inches to any Timber or other combustible Material.

Cuttings into Chimneys.

And as to every Chimney Shaft, Jamb, Breast, or Flue already built, or which shall be hereafter built, in reference to cutting the same, no such Erection shall be cut into for any other Purpose than the Repair thereof, or for the Formation of Soot Doors, or for letting in, removing, or altering Stove Pipes or Smoke Jacks, except as directed for building an external Wall against an old sound Party Wall.

SCHEDULE (G.)—(*See* § 5.)

RULES concerning Roof Coverings.

Materials.

With regard to Roof Coverings, in reference to the Materials thereof,—

If the external Parts of any Roof, Flat, or Gutter of any Building, or of any Projection therefrom, and of any Turret, Dormer, Lantern-light, and other Erection on the Roof or Flat of any Building, be hereafter built or rebuilt, stripped, ripped, or uncovered, then every such Part (except the Door Frames and Doors, Window Frames and Sashes of such Turrets, Dormers, Lantern-lights, or other Erections,) must be covered with Slates, Tiles, Metal, Glass, artificial Stone or Cement, and such excepted Parts may be made of such Wood as shall be necessary.

Rain-water Pipes.

And with regard to the Roof, Flat, and Gutter of any Building, and of any Projection therefrom, and also Balconies, Verandahs, and Shop Fronts, they must be so arranged and constructed, and so supplied with Gutters and Pipes, as to prevent the Water therefrom dropping on to or running over any public Way.

SCHEDULE (H.)—(*See* § 5 & 51.)

RULES concerning DRAINS to Buildings hereafter built.

Drains into Sewers.

With regard to the Drains of Buildings of any Class, and of every Addition thereto,—

Before the several Walls of any such Building shall have been built to the Height of Ten Feet from their Foundations the Drains thereof must have been properly built and made good; (that is to say,) if there be within One hundred Feet from any Front of the Building, or from the Inclosure about the Building, a Common Sewer into which it is lawful and practicable to drain, then into such Common Sewer; and if there be not in such Situation and within such Distance any such Common Sewer, then to the best Outlet that can be obtained, so as to render in either Case such Drains available for the Drainage of the lowest Floor of such Building, or Addition thereto, and also of its Areas, Water-closets, Privies, and Offices (if any).

And the Inside of the Main Drains under and from every Building for carrying off Soil must be in transverse Section at the least equal to a circular Area of at least Nine Inches in Diameter.

And every such Drain must be laid to a Fall or Current of at the least Half an Inch to Ten Feet, and so as that the whole of every such Drain within the Walls of such Building shall be wholly covered over under the lowest Floor, and independently thereof.

And every such Drain within the Walls of such Building must be built and covered over with Brick, Stone, or Slate, and so as to render the Drain air-tight.

And every Part of such Drain inside and outside the Walls of every Building must be built of Brick, Tile, Stone, or Slate, set in Mortar or Cement.

Cesspools and Privies.

And with regard to Cesspools and Privies,—

If there be a Common Sewer within Fifty Feet from any Front of or from the Inclosure about any House or other Building, then a Cesspool must not be made for the Reception of Drainage from such House or other Building, unless there be or shall be built a good and sufficient Drain from such Cesspool to such Common Sewer.

And if any Cesspool be built under a House or other Building, then such Cesspool must be built air-tight.

And every Privy built in the Yard or Area of any Building, or under any Street or Alley, must have a Door, and be otherwise properly inclosed, screened, and fenced from public View.

SCHEDULE (I.)—(*See* § 5 & 52.)

RULES concerning STREETS and ALLEYS hereafter formed.

Width.

With regard to every such Street or Alley hereafter to be formed, in reference to the Width thereof, every Street or Alley must be of at the least the following Width from Front to Front in every Part thereof respectively; that is to say,—

Every Street (excepting any Mews) must be of the Width of Forty Feet at the least; but if the Buildings fronting any Street be more than Forty Feet high from the Level of the Street, then such Street must be of a Width equal at the least to the Height of the Buildings above such Level.

Every Alley and every Mews must be of the Width of Twenty Feet at the least; but if the Buildings fronting any Alley, or to any Mews, be more than Twenty Feet high from the Level of the Alley or Mews, then such Alley or Mews must be of a Width equal at the least to the Height of the Buildings above such Level.

Entrances to Alleys.

And with regard to every such Alley, in reference to the Entrance thereof, every Alley must have Two Entrances thereto, each being at the least of the full Width of the Alley, and one of the Two at the least open from the Ground upwards.

Measurement of Width.

And with regard both to such Streets and Alleys, the aforesaid Width is to be ascertained by measuring (at Right Angles to the Course thereof) from Front to Front of the Buildings on each Side of such Street or Alley.

SCHEDULE (K.)—(*See* § 5 & 53.)

RULES concerning DWELLING HOUSES hereafter built or rebuilt, with regard to Back Yards and Areas, and Rooms under Ground and in the Roof.

Back Yards.

With regard to Back Yards or open Spaces attached to Dwelling Houses,—

Every House hereafter built or rebuilt must have an inclosed Back Yard or open Space of at the least One Square, exclusive of any Building thereon, unless all the Rooms of such House can be lighted

and

and ventilated from the Street, or from an Area of the Extent of at the least Three Quarters of a Square above the Level of the Second Story, into which the Owner of the House to be rebuilt is entitled to open Windows for every Room adjoining thereto.

And if any House already built be hereafter rebuilt, then, unless all the Rooms of such House can be lighted and ventilated from the Street, or from an Area of the Extent of at the least Three Quarters of a Square, into which the Owner of the House to be rebuilt is entitled to open Windows for every Room adjoining thereto, there must be above the Level of the Floor of the Third Story an open Space of at least Three Quarters of a Square.

And with regard to every Building of the First Class,—

Every such Building must be built with some Roadway, either to it or to the Inclosure about it, of such Width as will admit to one of its Fronts of the Access of a Scavenger's Cart of the ordinary Size of such Courts.

Lowermost Rooms.

And with regard to the lowermost Rooms of Houses, being Rooms of which the Surface of the Floor is more than Three Feet below the Surface of the Footway of the nearest Street or Alley, and to Cellars of Buildings hereafter to be built or rebuilt,—

If any such Room or Cellar be used or intended to be used as a separate Dwelling, then the Floor thereof must not be below the Surface or Level of the Ground immediately adjoining thereto, unless it have an Area, Fireplace, and Window as required for Rooms and Cellars of existing Buildings let separately, and used as a separate Dwelling, and unless it be properly drained.

And with regard to every such lowermost Room or Cellar in any existing Building used or intended to be used as a separate Dwelling,—

There must be an Area not less than Three Feet wide in every Part, from Six Inches below the Floor of such Room or Cellar to the Surface or Level of the Ground adjoining to the front, back, or external Side thereof, and extending the full Length of such Side.

And such Area, to the Extent of at least Five Feet long and Two Feet Six Inches wide, must be in front of the Window of such Room or Cellar, and must be open, or covered only with open Iron Gratings.

And there must be made for every such Room or Cellar an open Fireplace, with proper Flue therefrom.

And there must be a Window Opening of at the least Nine superficial Feet in Area, which Window Opening must be fitted with a Frame filled in with glazed Sashes, of which at the least Four and a Half superficial Feet must be made to open for Ventilation.

Attic Rooms.

And with regard to Rooms in the Roof of any Building hereafter built or rebuilt, in reference to the Number of Floors of Rooms in the Roof, and to the Height of such Rooms, there must not be more than One Floor of such Rooms, and such Rooms must not be of a less Height than Seven Feet, except the sloping Part, if any, of such Roof, which sloping Part must not begin at less than Three Feet Six Inches above the Floor, nor extend more than Three Feet Six Inches on the Ceiling of such Room.

Rooms in other Parts.

And with regard to Rooms in other Parts of the Building, in reference to the Height thereof, every Room used or intended to be used as a separate Dwelling must be of, at the least, the Height of Seven Feet from the Floor to the Ceiling.

SCHEDULE (L.)

LIST of FEES payable to the SURVEYORS under this Act.

Fees for new Buildings.

For any Building erected on old or new Foundations, as follows:—	Dwelling House Class. £ s. d.	Warehouse Class. £ s. d.	Public Buildings Class. £ s. d.
If the Building be of the 1st Rate	3 10 0	3 10 0	3 10 0
Ditto - extra 1st Ditto	5 5 0	- - -	5 5 0
Ditto - - 2d Ditto	3 3 0	3 3 0	3 3 0
Ditto - - 3d Ditto	2 10 0	2 10 0	2 10 0
If the Building be of the 4th Rate, and contain more than Two Stories	2 2 0	2 2 0	2 2 0
If the Building be of the 4th Rate, and do not contain more than Two Stories	1 10 0	2 2 0	1 10 0
And with regard to Buildings of the Warehouse Class, a further Fee to be paid in respect of any additional 200,000 Cubic Feet, or Portion of 200,000 Cubic Feet, in any such Building beyond the first 200,000 Cubic Feet	- - -	Equal to One Half of the above Fees respectively.	—

For any Building erected on old or new Foundations, as follows :—	Dwelling House Class. £ s. d.	Warehouse Class. £ s. d.	Public Buildings Class. £ s. d.
And for inspecting and reporting to the Official Referees (s. 24.) on Party Walls and intermixed Buildings,—			
If the Building be of the 1st Rate - -	3 10 0	3 10 0	3 10 0
Ditto - extra 1st Ditto - -	5 5 0	- - -	5 5 0
Ditto - - 2d Ditto - -	3 3 0	3 3 0	3 3 0
Ditto - - 3d Ditto - -	2 10 0	2 10 0	2 10 0
If the Building be of the 4th Rate, and contain more than Two Stories - - -	2 2 0	2 2 0	2 2 0
If the Building be of the 4th Rate, and do not contain more than Two Stories - -	1 10 0	2 2 0	1 10 0
For every insulated Building - - - -	1 1 0	1 1 0	1 1 0

For every detached Building built for the Purposes of Trade or Collection of Toll - - 10*s.* 6*d.*

For every attached or detached Building, distinctly rated (except any such attached or detached Building built at the same Time as the Building to which it belongs, and carried up and covered in within 21 Days after such Building shall have been covered in within the Meaning of this Act), such Fee as is hereby imposed in respect of Additions to or Alterations of Buildings of the Rate to which such attached or detached Buildings shall belong.

Fee for Additions or Alterations.

For every Addition or Alteration made to any Building (after the Roof thereof shall have been covered in) which shall involve the Execution of Works subject to the Regulations of this Act, the following Fees; that is to say,—

	£	s.	d.
If the Building be of the 1st Rate - - - -	1	15	0
Ditto - extra 1st Ditto - - - -	2	10	0
Ditto - - 2d Ditto - - - -	1	10	0
Ditto - - 3d Ditto - - - -	1	5	0
If the Building be of the 4th Rate, and contain more than Two Stories - - - - - - -	0	15	0
If the Building be of the 4th Rate, and do not contain more than Two Stories - - - - - -	0	10	0

And with regard to Buildings of the Warehouse Class, a further Fee, equal to One Half of the above Fees respectively, to be paid in respect of every additional 200,000 Cubic Feet, or any Portion of 200,000 Cubic Feet, in any such Building, beyond the first 200,000 Cubic Feet.

Fees for special Duties.

For the following special Duties performed by any Surveyor, according to the Enactments of this Act, where such Duties shall not be performed incidentally to the building or rebuilding of or adding to or altering any Building in respect of which any other Fees may be payable; that is to say,—

For attending to the cutting away of Chimney Breasts for external Walls,—

	£	s.	d.
If the Building be of the 1st Rate - - - -	3	3	0
Ditto - extra 1st Ditto - - - -	3	3	0
Ditto - - 2d Ditto - - - -	2	2	0
Ditto - - 3d Ditto - - - -			
If the Building be of the 4th Rate, and contain more than Two Stories - - - - - -	1	1	0
If the Building be of the 4th Rate, and do not contain more than Two Stories - - - - -	0	10	6
For condemning Party Fence Walls - - - -	0	10	6
For the Inspection and Removal of Projections and ruinous Buildings - - - - - - -	0	10	0
For surveying Party Walls not kept in repair, and consenting to Notice of Repair being served - - - -	0	10	0
For inspecting Arches or Stone Floors over public Ways -	0	10	0
For inspecting Formation of Openings in Party Walls -	0	10	0

Fees for special Services not expressly provided for.

For any Service performed by any Surveyor which is required by this Act, but not comprehended under any of the foregoing Heads,—

Such Fee, not exceeding 2*l.*, as the Official Referees shall by Writing under their Hands order and appoint, with the Consent of the Commissioners of Works and Buildings.

SCHE-

SCHEDULE (M.)

METROPOLITAN BUILDINGS ACT.

SUMMARY of PROCEEDINGS to be taken or observed before and after Notices in relation to Buildings.

Section of the Act.	Stages of Proceeding.	Steps to be taken.	By whom taken.	With Reference to whom taken.	Form of Notice to be given.	Place of Notice.	Subsequent Proceedings.
	WORKS GENERALLY.						
§ 13.	Before commencing the Operations specified in this Section.	Two Days Notice to be given -	By the Builder. *See Definition*, § 13.	To the District Surveyor -	*See* Form, No. 1.	At the District Surveyor's Office.	£20 Penalty for Neglect. Existing Buildings altered, &c. without Notice, to be abated as a Nuisance.
§ 13.	Before resuming Operations, after being suspended for a Period exceeding Three Months.	Two Days Notice to be given -	By the Builder. *See Definition*, § 13.	To the District Surveyor -	*See* Form, No. 2.	At the District Surveyor's Office.	£20 Penalty for Neglect.
§ 13.	On Change of Architect, Master Builder, or other Superintendent.	Two Days Notice to be given -	By the Builder. *See Definition*, § 13.	To the District Surveyor -	*See* Form, No. 3.	At the District Surveyor's Office.	£20 Penalty for Neglect.
§ 14.	On the Occurrence of any Irregularity in Building Operations.	48 Hours Notice to be given -	By the District Surveyor.	To the Builder - -	*See* Form, No. 4.	At the Builder's Office, or Place of Building or of Alteration.	Proceedings by Surveyor or Official Referees.
§ 37.	As to Openings hereafter made in external Walls abutting on adjoining Ground or Buildings.	Notice to stop up within One Month.	By adjoining Owner -	To Owner of external Wall	*See* Form, No. 5.	According to Sections as to Notifications.	To be stopped up.
	SPECIAL SUPERVISION.						
§ 15.	On Completion of the Carcass of a Building subject to special Supervision.	Notice for Inspection thereof -	By the Architect or Builder.	To the Official Referees -	*See* Form, No. 6.	At the Official Referees Office.	Survey and Approval or Disapproval by Official Referees. Prohibition of Use of irregular Buildings of this Class, and Penalty of £200 per Day.
§ 15.	On Completion of Amendments, or the entire Completion of a Building, subject to special Supervision.	Notice relative thereto -	By the Architect or Builder.	To the Official Referees -	*See* Form, No. 7.	At the Official Referees Office.	Survey and Certificate.
	PARTY WALLS, &c.						
§ 20, 21, 24, 25.	Before Survey, Repair, or pulling down of a Party Wall, Party Arch, or Party Fence Wall.	Three Months Notice before Operations.	By the Building Owner. *See Definition*, § 13.	To the adjoining Owner -	*See* Form, No. 8.	According to Sections as to Notifications.	Inspection by Surveyor, § 24.
§ 24.	In the same Case - - - - -	Notice for Survey - -	By the Building Owner. *See Definition*, § 13.	To the District Surveyor and Official Referees.	*See* Form, No. 9.	At the District Surveyor's and the Official Referees Offices.	Inspection by Surveyor, and Report to Official Referees.
—	In the same Case - - - - -	Appointment of Survey -	By the District Surveyor.	To the Owners and Agents, &c.	*See* Form, No. 10.	To Building and adjoining Owners and Agents.	Inspection by Surveyor, and Report to Official Referees.
§ 33, 34.	As to pulling down Rooms in intermixed Property, and repairing or rebuilding Party Fence Walls.	Notice of Intention to build a Party Wall, or as directed by Official Referees.	By the Building Owner	To the adjoining Owner and District Surveyor. § 20.	*See* Form, No. 11.	According to Sections as to Notifications.	Erection of Wall.
—	In the same Case - - - - -	Notice for Inspection thereof -	By the Building Owner	To the District Surveyor and the Official Referees.	*See* Form, No. 12.	At the District Surveyor's and Official Referees Office.	Inspection by Surveyor, and Report to Official Referees.
—	In the same Case - - - - -	Appointment of Survey -	By the District Surveyor.	To the Owners and Agents, &c.	*See* Form, No. 13.	To Building and adjoining Owners and Agents.	Inspection by Surveyor, and Report to Official Referees.
§ 26.	As to pulling down a Timber Partition, and erecting or raising a Party Wall.	Three Months Notice of Intention to build or raise a Party Wall.	By the Building Owner	To the adjoining Owner -	*See* Form, No. 14.	According to Sections as to Notifications.	Erection of Wall, or raising of Wall.
§ 28.	Excavation against existing Party Wall for a deeper Story, and for the Erection of an external Wall.	One Month's Notice of Intention to cut away Footings or Breast or Shaft of a Party Wall.	By the Building Owner	To the adjoining Owner -	*See* Form, No. 15.	According to Sections as to Notifications.	Execution of Operations.
§ 38.	Building a Party Wall on Line of Junction of Two Pieces of vacant Ground.	One Month's Notice for Consent of adjoining Owner.	By the Building Owner	To the adjoining Owner -	*See* Form, No. 16.	According to Sections as to Notifications.	Execution of Operations.
§ 38.	In the same Case - - - - -	Notice of Consent - -	By the adjoining Owner	To the Building Owner -	*See* Form, No. 17.	According to Sections as to Notifications.	Erection of Wall.
	MODIFICATIONS.						
§ 22, 23.	Modification or Delay of intended Work to suit adjoining Owner.	Seven Days Notice for Consent	By the adjoining Owner	To the Building Owner -	*See* Form, No. 18.	According to Sections as to Notifications.	If Consent not given, Commencement of Works must be delayed for Decision of Official Referees.
—	In the same Case - - - - -	Application for Decision -	By the adjoining Owner	To the Official Referees -	*See* Form, No. 19.	At the Official Referees Office	Delay in commencing of Operations.
—	In the same Case - - - - - -	Notice of Application -	By the adjoining Owner	To the Building Owner -	*See* Form, No. 20.	According to Sections as to Notifications.	—

SCHEDULE (M.)—*continued.*

FORMS OF NOTICES AS TO WORKS.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 13., 1844.

1.—*Notice by the Builder to the District Surveyor Two Days before commencing Operations.*

I DO hereby give you Notice, That I intend to (1) and that *C.D.* of is to be the (2) of the Works to be executed; and that the said Works will be begun on the Day of
Dated this Day of

(Signature and Address.)

*** Certain Penalties are attached to Neglect in giving this Notice.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 13., 1844.

2.—*Notice by the Builder to the District Surveyor Two Days before resuming Operations.*

I DO hereby give you Notice, That I intend to re-commence the (3) and that *C.D.* of is to be the (2) of the Works to be resumed; and that the said Works will be continued on the Day of
Dated this Day of

(Signature and Address.)

*** Certain Penalties are attached to Neglect in giving this Notice.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 13., 1844.

3.—*Notice by the Builder to the District Surveyor as to Change of Builder.*

I DO hereby give you Notice, That, with reference to the Works specified in my Notice of last *E.F.* (2) is to be placed in charge of the said Works, instead of *C.D.* the (2) mentioned in the said Notice.
Dated this Day of

(Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. s. 14., 1844.

4.—*Notice by the District Surveyor to the Builder as to any thing done in the Erection of any Building not conformably to the Act.*

I DO hereby give you Notice, That the (4) now in progress (5) situate in (6) is not conformable to the Statute in the Portions thereof under mentioned; and I require you, within Forty-eight Hours from the Date hereof, to amend the same.
Dated this Day of at the Hour of by the Clock.

Note Irregularities referred to.

(Signature.)

(1) *Describing the Erection or intended Operation in general Terms, and whether it relate to any of the following Matters:—*
" The Erection of any Building;"
or " The making of any Addition to or Alteration in any Building;"
or " The building, pulling down, rebuilding, cutting into, or altering any Party Wall, external Wall, Chimney Stack, or Flue;"
or The making of " any Opening in any Party Wall;"
or The doing of " any other Matter or Thing by this Act placed under the Supervision of the Surveyor."
(2) *Insert* " Architect," *or* " Builder," *or other Superintendent to have charge of the Works.*
(3) *Describing in general Terms the Works referred to in Notice No. 1., and which Works may have been suspended Three Months.*
(4) *Insert* " Building," *or* " Alterations," *or* " Building Operations," *as the Case may be.*
(5) *Insert* " under your Superintendence," *or* " in the Building belonging to you," *as the Case may be.*
(6) *Insert the Situation, as the Case may be.*

METROPOLITAN BUILDINGS ACT, VICT. c. s. 37., 1844.

5.—Notice by an Owner or Occupier to an adjoining Owner or Occupier to stop up an Opening in an external Wall abutting on his Premises.

I DO hereby give you Notice, That if within One Month from the Date hereof you do not stop up the Opening made in the external Wall of your Premises situate in (1) and which abuts on my (2) I shall, at your Expence, cause the same to be stopped up, conformably to the Statute.

Dated this Day of

(Signature and Address.)

FORMS OF NOTICES AS TO SPECIAL SUPERVISION.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 15., 1844.

6.—Notice by an Architect or Builder to the Official Referees as to Completion of the Carcass of a Building subject to special Supervision.

I DO hereby give you Notice, That the Building now erecting under my Superintendence in (1) being a Building of the (3) and having been completed to the full Height of the Walls thereof, and the Timbers, Floors, Roofs, and Partitions being fixed, I require you, in accordance with the Statute, should you be of opinion that the Building is subject to special Supervision, to survey the same, and to certify accordingly.

Dated this Day of

(Signature and Address.)

[*** A Penalty of Two hundred Pounds per Day for using any such Building without its being certified subsequent to Notice as above and following.]

METROPOLITAN BUILDINGS ACT, VICT. c. s. 15., 1844.

7.—Notice by an Architect or Builder to the Official Referees as to Completion of Amendments, and of Buildings subject to special Supervision.

I DO hereby give you notice, That the Building now erecting under my Superintendence in (1) being a Building of the (3) and having been completed in pursuance of your Survey and Notice subsequent, I require you, in accordance with the Statute, to survey the same, and to certify accordingly.

Dated this Day of

(Signature and Address.)

[*** This Notice will be used both with reference to the Completion of Amendments and to the entire Completion of a Building.]

FORMS OF NOTICES AS TO PARTY WALLS, &c.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 20. 21. 24. 25., 1844.

8.—Notice to be given (Three Months before commencing Operations) by an Owner or Occupier, to an adjoining Owner or Occupier, that the Party Wall or Party Arch or Party Fence Wall is out of repair.

I DO hereby give you Notice, That I apprehend that the (4) or some Part thereof, on the Line of Junction between my (5) situate, &c., and the (5) thereto adjoining, situate on the Side thereof, is so far out of repair (6) as to render it necessary to (7) such Wall or some Part thereof; and that I intend to have such Wall surveyed, pursuant to the Statute; and also that I have given Notice to the Surveyor of the District and to the Official Referees to survey the Premises for the Purpose of certifying the Condition of such Wall, and whether the whole or any Part thereof ought to be repaired or pulled down and rebuilt, and to certify accordingly.

Dated this Day of

(Signature and Address.)

(1) *Specify the Situation.*
(2) *Insert* "Ground" *or* "Building adjoining."
(3) *Insert* "First Rate of Second Class," *or* "of the Third Class," *as the Case may be.*
(4) *Insert* "Party Wall," *or* "Party Arch," *or* "Party Fence Wall," *as the Case may be.*
(5) *Insert* "House," *or* "Building," *or* "Ground," *as the Case may be.*
(6) *Insert, when required,* "or has been rendered dangerous and ruinous by cutting away Footings," *or* "Breasts," *or* "Chimney Shafts."
(7) *Insert* "repair," *or* "pull down and rebuild," *as the Case may be.*

METROPOLITAN BUILDINGS ACT, VICT. c. s. 20., 1844.

9.—*Notice, in the same Case, to the Surveyor and Official Referees.*

I DO hereby give you Notice, That I apprehend that the (1) or some Part thereof, on the Line of Junction between my (2) situate in and the (2) thereto adjoining, situate on the Side thereof, is so far out of repair (3) as to render it necessary to repair or pull down and rebuild such Wall or some Part thereof; and that I require a Survey thereof to be made, pursuant to the Statute, and that in Presence of such One or more Surveyors or Agents appointed by me, as under mentioned, or by *C.D.*, the Owner of the adjoining Property, for the Purpose of certifying the Condition of such Wall, and whether the Whole or any Part thereof ought to be repaired or pulled down and rebuilt; and I do hereby also intimate that I have served a Notice on *C.D.* to the like Effect.

Dated this Day of (Signature and Address.)

Names and Addresses of One or more Surveyors or Agents for Building Owner.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 20. and 24., 1844.

10.—*Notice, in the same Case, by the District Surveyor to the Building Owner and adjoining Owner, and such One or more Surveyors and Agents by them appointed.*

I Surveyor of the District, do hereby give you Notice, That, in pursuance of an Application made to the Official Referees and to me in that Behalf, it is my Intention to proceed to view the Premises (4) situate in for the Purpose of certifying the Condition of the (1) and whether any Part thereof is so far out of repair as to require to be either wholly or in part repaired or pulled down and rebuilt; and such Survey I do intend to make on the Day of next, at by the Clock in the noon, in the Presence of any One or more Surveyors or Agents on behalf of the Building Owner and the adjoining Owner.

Dated this Day of (Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. s. 33. 34., 1844.

11.—*Notice to be given, Three Months before commencing Operations, by an Owner to an adjoining Owner.*

I DO hereby give you Notice, that I intend to (5) and that I intend to have such (6) surveyed conformably to the Statute; and that I have given Notice to the District Surveyor and to the Official Referees to survey the Premises, and to certify accordingly.

Dated this Day of (Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. s. 33. 34., 1844.

12.—*Notice, in the same Case, to the Surveyor and Official Referees.*

I DO hereby give you Notice, That I intend to (5) and that I require a Survey thereof to be made, pursuant to the Statute, and that in Presence of such One or more Surveyors or Agents appointed by me, as under mentioned, or by *C.D.* the Owner of the adjoining Property, for the Purpose of certifying whether the Whole or any Part (7) ought to be pulled down and rebuilt; and I do hereby also intimate that I have served a Notice on *C.D.* to the like Effect.

Dated this Day of (Signature and Address.)

Names and Addresses of One or more Surveyors or Agents for Building Owner.

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(1) *Insert* "Party Wall," *or* "Party Arch," *or* "Party Fence Wall," *as the Case may be.*

(2) *Insert* "House," *or* "Building," *or* "Ground," *as the Case may be.*

(3) *Insert, when required,* "or has been rendered dangerous and ruinous by cutting away Footings," *or* "Breasts," *or* "Chimney Shafts."

(4) *Designated by Number or other Name.*

(5) *Specify the Kind of Operation, as to whether it be intended—*
"To raise a Party Fence Wall;"
or "To repair or rebuild a Party Fence Wall;"
or "To pull down and rebuild Rooms in intermixed Property, &c.;"
and specifying the Situation, &c.

(6) *Insert* "Party Fence Wall," *or* "Rooms in intermixed Property."

(7) *Specify the Kind of Operation intended.*

METROPOLITAN BUILDINGS ACT, VICT. c. s. 33. 34., 1844.

13.—*Notice, in the same Case, by the District Surveyor to the Building Owner and adjoining Owner, and such One or more Surveyors and Agents by them appointed.*

I Surveyor of the District, do hereby give you Notice, That, in pursuance of an Application made to the Official Referees and to me in that Behalf, it is my Intention to proceed to view the Premises (1) situate in for the Purpose of certifying whether any Part of such (2) require to be (3) and such Survey I do intend to make on the Day of next, at by the Clock in the noon, in the Presence of any One or more Surveyors or Agents whom the Parties concerned shall appoint for that Purpose.

Dated this Day of

(Signature.)

METROPOLITAN BUILDINGS ACT, VICT. c. s. 26., 1844.

14.—*Notice to be given, Three Months before commencing Operations, by an Owner to an adjoining Owner, where no Survey is required.*

I DO hereby give you Notice, That I intend to (4) pursuant to the Statute.

Dated this Day of

(Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. s. 28., 1844.

15.—*Notice of Intention to build an external Wall against existing Party Wall, and for that Purpose to cut away Footings, Breast, and Shaft of an existing Party Wall.*

I DO hereby give you Notice, That it is my Intention, One Month after the Date hereof, to build an external Wall against the existing Party Wall by which our Premises are parted, situate , and to cut away such Portion of the Footings or Chimney Breast or Shaft in such Party Wall as will be necessary for that Purpose.

Dated this Day of

(Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. s. 38. 39., 1844.

16.—*Notice of Desire to build a Party Wall on the Line of Junction of Two Pieces of vacant Ground.*

I DO hereby give you Notice, That I desire to build partly on my Land or Ground adjoining your vacant Ground, and partly on your vacant Ground, on the Line of Junction of the said Premises, (5) which will be of the under-noted Thicknesses and Dimensions; and should you consent thereto I require you to signify such Consent in Writing on or before the Day of next.

Dated this Day of

(Signature and Address.)

Note of the Thickness and Dimensions.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 38. 39., 1844.

17.—*Notice of Consent to the building of a Party Wall on the Line of Junction of Two Pieces of vacant Ground.*

I DO hereby give you Notice, That I consent to the building of a (5) partly on my Land or Ground adjoining your vacant Ground on the Line of Junction of the said Premises, which I require to be of the under-mentioned Thicknesses and Dimensions, and other Particulars.

Dated this Day of

(Signature and Address.)

Note of the Thickness and Dimensions, and other Particulars.

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(1) *Designated by Number or other Name.* (2) *Specify the Kind of Operation intended.*
(3) *Insert* "raised," *or* "repaired," *or* "pulled down and rebuilt," *as the Case may be.*
(4) *Specify the Kind of Operation, as to whether it be intended*—
"To pull down a Timber Partition, and instead thereof to build a Party Wall," *or* "to rebuild a sound Party Wall."
or "To raise a Party Wall."
(5) *Insert* "Party Wall," *or* "Party Fence Wall," *or* "external Wall," *as the Case may be.*

Forms of Notices as to Modification or Delay of intended Building Operations.

Metropolitan Buildings Act, Vict. c. s. 22. 23., 1844.

18.—*Requisition to a Building Owner by an adjoining Owner as to Modification or Delay of intended Work on his Behalf.*

I do hereby give you Notice, That I require you to (1) the Works specified in your Notice of the Day of in consequence of the Inconvenience and Loss that would arise to me if the same were executed at the Time proposed by you; and if you do not consent hereto, or dissent therefrom, within Days, then, in pursuance of the Statute, you are hereby required to delay your intended Operations until the Official Referees shall have determined thereon.

Dated this Day of

(Signature and Address.)

Note of Modifications.

Metropolitan Buildings Act, Vict. c. s. 22. 23., 1844.

19.—*Notice by an adjoining Owner to the Official Referees as to the Modification or Delay of intended Works of a Building Owner.*

I do hereby give you Notice, That *C.D.* of having specified in his Notice of the Day of certain Works to be executed subsequent to the Day of next, and I having served upon him a Requisition in reference to the (2) of the Works so intended by him, in consequence of the Inconvenience and Loss that would arise to me if the same were executed at the Time proposed by him, and he not having attended thereto, it is my Desire that a Survey be made, in pursuance of the Statute, with reference to such Works, and the Notices referred to.

Dated this Day of (3)

(Signature and Address.)

Note of Modifications.

Metropolitan Buildings Act, Vict. c. s. 22. 23., 1844.

20.—*Notice by an adjoining Owner to a Building Owner as to Application to the Official Referees for Survey of intended Works with reference to the Modification or Delay thereof.*

I do hereby give you Notice, That, in consequence of your not consenting to the (4) of the Works intended by you, as specified in my Requisition of the Day of last, I have applied to the Official Referees for a Survey of the Premises, pursuant to the Statute.

Dated this Day of (5)

(Signature and Address.)

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(1) *Insert* "modify, as under noted," *or* "delay until the Day of ," *as the Case may be.*
(2) *Insert* "Modification as under noted," *or* "Delay until the Day of ," *as the Case may be.*
(3) *Within Seven Days after the previous Requisition.*
(4) *Insert* "Modification," *or* "Delay," *as the Case may be.*
(5) *Within Seven Days after the previous Requisition.*

CAP. LXXXV.

An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways. [9th *August* 1844.]

'WHEREAS it is expedient that the Concession of Powers for the Establishment of new Lines of 'Railway should be subjected to such Conditions as are herein-after contained for the Benefit 'of the Public:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if at any Time after the End of Twenty-one Years from and after the First Day of *January* next after the passing of any Act of the present or of any future Session of Parliament for the Construction of any new Line of Passenger Railway, whether such new Line be a Trunk, Branch, or Junction Line, and whether such new Line be constructed by a new Company incorporated for the Purpose or by any existing Company, the clear annual Profits divisible upon the subscribed and paid-up Capital Stock of the said Railway, upon the Average of the Three then last preceding Years, shall equal or exceed the Rate of Ten Pounds for every Hundred Pounds of such paid-up Capital Stock, it shall be lawful for the Lords Commissioners of Her Majesty's Treasury, subject to the Provisions herein-after contained, upon giving to the said Company Three Calendar Months Notice in Writing of their Intention so to do, to revise the Scale of Tolls, Fares, and Charges limited by the Act or Acts relating to the said Railway, and to fix such new Scale of Tolls, Fares, and Charges applicable to such different Classes and Kinds of Passengers, Goods, and other Traffic on such Railway, as in the Judgment of the said Lords Commissioners, assuming the same Quantities and Kinds of Traffic to continue, shall be likely to reduce the said divisible Profits to the said Rate of Ten Pounds in the Hundred: Provided always, that no such revised Scale shall take effect, unless accompanied by a Guarantee to subsist as long as any such revised Scale of Tolls, Fares, and Charges shall be in force, that the said divisible Profits, in case of any Deficiency therein, shall be annually made good to the said Rate of Ten Pounds for every Hundred Pounds of such Capital Stock: Provided also, that such revised Scale shall not be again revised or such Guarantee withdrawn, otherwise than with the Consent of the Company, for the further Period of Twenty-one Years.

If, after 21 Years from the passing of the Act for the Construction of any future Railway, the Profits shall exceed 10*l.* per Cent., the Treasury may revise the Scale of Tolls, and fix a new Scale.

Proviso.

II. And be it enacted, That whatever may be the Rate of divisible Profits on any such Railway it shall be lawful for the said Lords Commissioners, if they shall think fit, subject to the Provisions herein-after contained, at any Time after the Expiration of the said Term of Twenty-one Years, to purchase any such Railway, with all its Hereditaments, Stock, and Appurtenances, in the Name and on Behalf of Her Majesty, upon giving to the said Company Three Calendar Months Notice in Writing of their Intention, and upon Payment of a Sum equal to Twenty-five Years Purchase of the said annual divisible Profits, estimated on the Average of the Three then next preceding Years: Provided that if the average Rate of Profits for the said Three Years shall be less than the Rate of Ten Pounds in the Hundred, it shall be lawful for the Company, if they shall be of opinion that the said Rate of Twenty-five Years Purchase of the said average Profits is an inadequate Rate of Purchase of such Railway, reference being had to the Prospects thereof, to require that it shall be left to Arbitration, in case of Difference, to determine what (if any) additional Amount of Purchase Money shall be paid to the said Company: Provided also, that such Option of Purchase shall not be exercised, except with the Consent of the Company, while any such revised Scale of Tolls, Fares, and Chrrges shall be in force.

Option of Purchase of future Railways.

Proviso.

III. Provided always, and be it enacted, That the Option of Revision or Purchase shall not be applied to any Railway made or authorized to be made by any Act previous to the present Session; and that no Branch or Extension of less shan Five Miles in length of any such Line of Railway shall be taken to be a new Railway within the Provisions of this Act; and that the said Option of Purchase shall not be exercised as regards any Branch or Extension of any Railway, without including such Railway in the Purchase, in case the Proprietors thereof shall require that the same be so included.

Existing Railways not to be subjected to the Options.

IV. 'And whereas it is expedient that the Policy of Revision or Purchase should in no manner be 'prejudged by the Provisions of this Act, but should remain for the future Consideration of the Legisla-'ture, upon Grounds of general and national Policy: And whereas it is not the Intention of this Act 'that under the said Powers of Revision or Purchase, if called into use, the public Resources should 'be employed to sustain an undue Competition against any independent Company or Companies;' be it enacted, That no such Notice as herein-before mentioned, whether of Revision or Purchase, shall be given until Provision shall have been made by Parliament, by an Act or Acts to be passed in that Behalf, for authorizing the Guarantee or the Levy of the Purchase Money herein-before mentioned, as the Case may be, and for determining, subject to the Conditions herein-before mentioned, the Manner in which the said Options or either of them shall be exercised; and that no Bill for giving Powers to exercise the said Options, or either of them, shall be received in either House of Parliament unless it be recited in the Preamble to such Bill that Three Months Notice of the Intention to apply to Parliament for such Powers has been given by the said Lords Commissioners to the Company or Companies to be affected thereby.

Reservation to Parliament of the Consideration of future Policy in regard to the said Options.

V. And be it enacted, That, from and after the Commencement of the Period of Three Years next preceding the Period at which the Option of Revision or Purchase becomes available, full and true Accounts

Accounts to be kept, and to be open to Inspection.

Accounts shall be kept of all Sums of Money received and paid on account of any Railway within the Provisions herein-before contained, (distinguishing, if the said Railway shall be a Branch Railway or one worked in common with other Railways, the Receipts, and giving an Estimate of the Expences on account of the said Railway, from those on account of the Trunk, Line, or other Railways,) by the Directors of the Company to whom such Railway belongs or by whom the same may be worked; and every such Railway Company shall once in every Half Year during the said Period of Three Years cause a half-yearly Account in abstract to be prepared, showing the total Receipt and Expenditure on account of the said Railway for the Half Year ending the Thirtieth Day of *June* and the Thirty-first Day of *December* respectively, or such other convenient Days as shall in each Case be directed by the said Lords Commissioners, under distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified under the Hands of Two or more Directors of the said Railway Company, and shall send a Copy of the said Account to the said Lords Commissioners on or before the last Days of *August* and *February* respectively, or such other Days as shall in each Case be directed by the said Lords Commissioners, in each Year; and it shall be lawful for the said Lords Commissioners, if and when they shall think fit, to appoint any proper Person or Persons to inspect the Accounts and Books of the said Company during the said Period of Three Years; and it shall be lawful for any Person so authorized, at all reasonable Times, upon producing his Authority, to examine the Books, Accounts, Vouchers, and other Documents of the Company at the principal Office or Place of Business of the Company, and to take Copies or Extracts therefrom.

Companies to provide One cheap Train each Way daily.

VI. 'And whereas it is expedient to secure to the poorer Class of Travellers the Means of travelling 'by Railway at moderate Fares, and in Carriages in which they may be protected from the Weather;' be it enacted, That on and after the several Days herein-after specified all Passenger Railway Companies which shall have been incorporated by any Act of the present Session, or which shall be hereafter incorporated, or which by any Act of the present or any future Session have obtained or shall obtain, directly or indirectly, any Extension or Amendment of the Powers conferred on them respectively by their previous Acts, or have been or shall be authorized to do any Act unauthorized by the Provisions of such previous Acts, shall, by means of One Train at the least to travel along their Railway from one End to the other of each Trunk, Branch, or Junction Line belonging to or leased by them, so long as they shall continue to carry other Passengers over such Trunk, Branch, or Junction Line, once at the least each Way on every Week Day, except *Christmas Day* and *Good Friday* (such Exception not to extend to *Scotland*), provide for the Conveyance of Third Class Passengers to and from the terminal and other ordinary Passenger Stations of the Railway, under the Obligations contained in their several Acts of Parliament, and with the Immunities applicable by Law to Carriers of Passengers by Railway; and also under the following Conditions; (that is to say,)

Such Train shall start at an Hour to be from Time to Time fixed by the Directors, subject to the Approval of the Lords of the Committee of Privy Council for Trade and Plantations:

Such Train shall travel at an average Rate of Speed not less than Twelve Miles an Hour for the whole Distance travelled on the Railway, including Stoppages:

Such Train shall, if required, take up and set down Passengers at every Passenger Station which it shall pass on the Line:

The Carriages in which Passengers shall be conveyed by such Train shall be provided with Seats, and shall be protected from the Weather, in a Manner satisfactory to the Lords of the said Committee:

The Fare or Charge for each Third Class Passenger by such Train shall not exceed One Penny for each Mile travelled:

Each Passenger by such Train shall be allowed to take with him Half a Hundred Weight of Luggage, not being Merchandize or other Articles carried for Hire or Profit, without extra Charge; and any Excess of Luggage shall be charged by Weight, at a Rate not exceeding the lowest Rate of Charge for Passengers Luggage by other Trains:

Children under Three Years of Age accompanying Passengers by such Train shall be taken without any Charge, and Children of Three Years and upwards, but under Twelve Years of Age, at Half the Charge for an Adult Passenger:

And with respect to all Railways subject to these Obligations which shall be open on or before the First Day of *November* next, these Obligations shall come into force on the said First Day of *November;* and with respect to all other Railways subject to these Obligations, they shall come into force on the Day of opening of the Railway, or the Day after the last Day of the Session in which the Act shall be passed by reason of which the Company will become subject thereunto, which shall first happen.

Penalty for Non-compliance.

VII. And be it enacted, That if any Railway Company shall refuse or wilfully neglect to comply with the Provisions of this Act as to the said cheap Trains within a reasonable Time, or shall attempt to evade the Operation of such Order, such Company shall forfeit to Her Majesty a Sum not exceeding Twenty Pounds for every Day during which such Refusal, Neglect, or Evasion shall continue.

Board of Trade to have a discretionary Power of allowing alternative Arrangements.

VIII. Provided always, and be it enacted, That, except as to the Amount of Fare or Charge for each Passenger by such cheap Trains, which shall in no Case exceed the Rates herein-before in such Case provided, the Lords of the said Committee shall have a discretionary Power, upon the Application of any Railway Company, of dispensing with any of the Conditions herein-before required in regard to the Conveyance of Passengers by such cheap Trains as aforesaid, in consideration of such other Arrangements, either in regard to Speed, covering from the Weather, Seats, or other Particulars, as to the Lords of the said Committee shall appear more beneficial and convenient for the Passengers by such cheap Trains under

under the Circumstances of the Case, and shall be sanctioned by them accordingly; and any Railway Company which shall conform to such other Conditions as shall be so sanctioned by the Lords of the said Committee shall not be liable to any Penalty for not observing the Conditions which shall have been so dispensed with by the Lords of the said Committee in regard to the said cheap Trains and the Passengers conveyed thereby.

When no Tax to be levied.

IX. And be it enacted, That no Tax shall be levied upon the Receipts of any Railway Company from the Conveyance of Passengers at Fares not exceeding One Penny for each Mile by any such cheap Train as aforesaid.

Where Companies run Trains on the Sunday cheap Trains to be likewise provided.

X. And be it enacted, That whenever any Railway Company subject to the herein-before mentioned Obligation of running cheap Trains shall, from and after the Days herein-before specified on which the said Obligation is to accrue, run any Train or Trains on *Sundays* for the Conveyance of Passengers, it shall, under the Obligations contained in its Act or Acts of Parliament, and with the Immunities applicable by Law to Carriers of Passengers by Railway, by such Train each Way, on every *Sunday*, as shall stop at the greatest Number of Stations, provide sufficient Carriages for the Conveyance of Third Class Passengers at the terminal and other Stations at which such *Sunday* Train may ordinarily stop; and the Fare or Charge for each Third Class Passenger by such Train shall not exceed One Penny for each Mile travelled.

Railway Companies to afford additional Facilities for the Transmission of the Mails. 1 & 2 Vict. c. 98.

XI. 'And whereas by an Act passed in the Second Year of the Reign of Her Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*, Provision was made for the Transmission of the Mails by Railway, and it is expedient that such Provision should be extended;' be it enacted, That it shall be lawful for the Postmaster General to require, in the Manner and subject to the Conditions as to Payment for Service performed prescribed by the said Act, that the Mails be forwarded upon any such Railway as is herein-before last mentioned at any Rate of Speed which the Inspector General of Railways for the Time being shall certify to be safe, not exceeding Twenty-seven Miles in the Hour including Stoppages; and it shall be also lawful for the Postmaster General to send any Mail Guard with Bags not exceeding the Weight of Luggage allowed to any other Passenger (or subject to the general Rules of the Company for any Excess of that Weight) by any Trains other than a Mail Train, upon the same Conditions as any other Passenger; provided that in such last-mentioned Case nothing herein or in the last-recited Act contained shall be construed to authorize the Postmaster General to require the Conversion of a regular Mail Train into an ordinary Train, or to exercise any Control over the Company in respect of any ordinary Train, nor shall the Company be responsible for the safe Custody or Delivery of any Mail Bags so sent.

Certain Companies to convey Military and Police Forces at certain Charges. 5 & 6 Vict. c. 55.

XII. 'And whereas by an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*, it was among other things enacted, that whenever it shall be necessary to move any of the Officers or Soldiers of Her Majesty's Forces of the Line, Ordnance Corps, Marines, Militia, or the Police Force, by any Railway, the Directors thereof shall and are hereby required to permit such Forces respectively, with their Baggage, Stores, Arms, Ammunition, and other Necessaries and Things, to be conveyed at the usual Hours of starting, at such Prices or upon such Conditions as may from Time to Time be contracted for between the Secretary at War and such Railway Companies for the Conveyance of such Forces, on the Production of a Route or Order for their Conveyance signed by the proper Authorities: And whereas it is expedient to amend such Provision in regard to the Prices and Conditions of Conveyance by any new Railway or any Railway obtaining new Powers from Parliament;' be it enacted, That all Railway Companies which have been or shall be incorporated by any Act of the present or any future Session, or which by any Act of the present or any future Session shall have obtained or shall obtain any Extension or Amendment of the Powers conferred by their previous Acts or any of them, or have been or shall be authorized to do any Act unauthorized by the Provisions of such previous Acts, shall be bound to provide such Conveyance as aforesaid for the said Military, Marine, and Police Forces, at Fares not exceeding Two-pence *per* Mile for each Commissioned Officer proceeding on Duty, such Officer being entitled to Conveyance in a First Class Carriage, and not exceeding One Penny for each Mile for each Soldier, Marine, or Private of the Militia or Police Force, and also for each Wife, Widow, or Child above Twelve Years of Age of a Soldier entitled by Act of Parliament or by competent Authority to be sent to their Destination at the public Expence, Children under Three Years of Age so entitled being taken free of Charge, and Children of Three Years of Age or upwards, but under Twelve Years of Age, so entitled, being taken at Half the Price of an Adult; and such Soldiers, Marines, and Privates of the Militia or Police Force, and their Wives, Widows, and Children so entitled, being conveyed in Carriages which shall be provided with Seats, with sufficient Space for the reasonable Accommodation of the Persons conveyed, and which shall be protected against the Weather; provided that every Officer conveyed shall be entitled to take with him One Hundred Weight of personal Luggage without extra Charge, and every Soldier, Marine, Private, Wife or Widow shall be entitled to take with him or her Half a Hundred Weight of personal Luggage without extra Charge, all Excess of the above Weights of personal Lnggage being paid for at the Rate of not more than One Halfpenny *per* Pound, and all public Baggage, Stores, Arms, Ammunition, and other Necessaries and Things, (except Gunpowder and other combustible Matters, which the Company shall only be bound to convey at such Prices and upon such Conditions as may be from Time to Time contracted for between the Secretary at War and the Company,) shall be conveyed at Charges not exceeding Two-pence *per* Ton *per* Mile, the Assistance of the Military or other Forces being given in loading and unloading such Goods.

Companies to allow Lines of Electrical Telegraph to be established.

XIII. 'And whereas Electrical Telegraphs have been established on certain Railways, and may be 'more extensively established hereafter, and it is expedient to provide for their due Regulation;' be it enacted, That every Railway Company, on being required so to do by the Lords of the said Committee, shall be bound to allow any Person or Persons authorized by the Lords of the said Committee, with Servants and Workmen, at all reasonable Times to enter into or upon their Lands, and to establish and lay down upon such Lands adjoining the Line of such Railway a Line of Electrical Telegraph for Her Majesty's Service, and to give to him and them every reasonable Facility for laying down the same, and for using the same for the Purpose of receiving and sending Messages on Her Majesty's Service, subject to such reasonable Remuneration to the Company as may be agreed upon between the Company and the Lords of the said Committee, or in case of Disagreement as may be settled by Arbitration: Provided always, that, subject to a prior Right of Use thereof for the Purposes of Her Majesty, such Telegraph may be used by the Company for the Purposes of the Railway, upon such Terms as may be agreed upon between the Parties, or, in the event of Difference, as may be settled by Arbitration.

Electrical Telegraph established by private Parties to be open to the Public.

XIV. And be it enacted, That where a Line of Electrical Telegraph shall have been established upon any Railway by the Company to whom such Railway belongs, or by any Company, Partnership, Person or Persons, otherwise than exclusively for Her Majesty's Service, or exclusively for the Purposes of the Railway, or jointly for both, the Use of such Electrical Telegraph, for the Purpose of receiving and sending Messages, shall, subject to the prior Right of Use thereof for the Service of Her Majesty and for the Purposes of the Company, and subject also to such equal Charges and to such reasonable Regulations as may be from Time to Time made by the said Railway Company, be open for the sending and receiving of Messages by all Persons alike, without Favour or Preference.

Appointment of Inspectors by Board of Trade. 3 & 4 Vict. c. 97.

XV. 'And whereas by an Act passed in the Fourth Year of the Reign of Her Majesty, intituled *An 'Act to regulate Railways*, Power is given to the Lords of the said Committee to appoint any proper 'Person or Persons to inspect any Railway, and the Stations, Works, and Buildings, and the Engines 'and Carriages belonging thereto; and in order to carry the Provisions of this Act into execution it is 'expedient that the said Power be extended;' be it enacted, That the said Power given to the Lords of the said Committee of appointing proper Persons to inspect Railways shall extend to authorize the Appointment by the Lords of the said Committee of any proper Person or Persons, for such Purposes of Inspection as are by the said Act authorized, and also for the Purpose of enabling the Lords of the said Committee to carry the Provisions of this and of the said Act and of any general Act relating to Railways into execution; and that so much of the last-recited Act as provides that no Person shall be eligible to the Appointment as Inspector who shall, within One Year of his Appointment, have been a Director, or have held any Office of Trust or Profit under any Railway Company, shall be repealed: Provided always, that no Person to be appointed as aforesaid shall exercise any Powers of Interference in the Affairs of the Company.

Repealing Provision of 3 & 4 Vict. c. 97.

XVI. 'And whereas by the said Act of the Fourth Year of the Reign of Her Majesty, intituled *An 'Act for regulating Railways*, it is among other things enacted, that whenever it shall appear to the 'Lords of the said Committee that any of the Provisions of the several Acts of Parliament regulating any 'Railway Companies, or the Provisions of that Act, have not been complied with on the Part of any of 'the said Companies or any of their Officers, and that it would be for the public Advantage that the due 'Performance of the same should be enforced, the Lords of the said Committee shall certify the same to 'Her Majesty's Attorney General for *England* or *Ireland*, or to the Lord Advocate for *Scotland*, as the 'Case may require; and thereupon the said Attorney General or Lord Advocate shall, by Information, 'or by Action, Bill, Plaint, Suit at Law or in Equity, or other legal Proceeding (as the Case may 'require), proceed to recover such Penalties and Forfeitures, or otherwise to enforce the due Performance 'of the said Provisions, by such Means as any Person aggrieved by such Non-compliance, or otherwise 'authorized to sue for such Penalties, might employ under the Provisions of the said Acts; provided 'always, that no such Certificate as aforesaid shall be given by the Lords of the said Committee until Twenty-one Days after they shall have given Notice of their Intention to give the same to the Company 'against or in relation to whom they shall intend to give the same: And whereas it is expedient that 'more effectual Provision should be made, not only for enforcing a Compliance on the Part of Railway 'Companies with the Provisions of their Acts, but also for restraining Railway Companies from per-'forming Acts unauthorized by such Provisions;' be it enacted, That so much of the said Act as is herein-before recited shall be repealed.

If Railway Companies contravene or exceed the Provisions of their Acts, or of any general Act, the Board of Trade to certify the same to the Attorney General, &c., who shall proceed against them.

XVII. And be it enacted, That whenever it shall appear to the Lords of the said Committee that any of the Provisions of the several Acts of Parliament regulating any Railway Company, or the Provisions of this Act or of any general Act relating to Railways, have not been complied with on the Part of any Railway Company or any of its Officers, or that any Railway Company has acted or is acting in a Manner unauthorized by the Provisions of the Act or Acts of Parliament relating to such Railway, or in excess of the Powers given and Objects defined by the said Act or Acts, and it shall also appear to the Lords of the said Committee that it would be for the public Advantage that the Company should be restrained from so acting, the Lords of the said Committee shall certify the same to Her Majesty's Attorney General for *England* or *Ireland*, or to the Lord Advocate for *Scotland*, as the Case may require; and thereupon the said Attorney General or Lord Advocate shall, in case such Default of the Railway Company shall consist of Non-compliance with the Provisions of the Act or Acts relating thereto or of this Act, or of any general Act relating to Railways, proceed by Information, or by Action, Bill, Plaint, Suit at Law or in Equity, or other legal Proceeding, as the Case may require, to recover such

Penalties

Penalties and Forfeitures, or otherwise to enforce the due Performance of the said Provisions, by such Means as any Person aggrieved by such Non-compliance, or otherwise authorized to sue for such Penalties, might employ under the Provisions of the said Acts; and in case the Default of the Railway Company shall consist in the Commission of some Act or Acts unauthorized by Law, then the said Attorney General or Lord Advocate, upon receiving such Certificate as aforesaid, shall proceed by Suit in Equity, or such other legal Proceeding as the Nature of the Case may require, to obtain an Injunction or Order (which the Judge in Equity or other Judge to whom the Application is made shall be authorized and required to grant, if he shall be of opinion that the Act or Acts of the Railway Company complained of is or are not authorized by Law,) to restrain the Company from acting in such illegal Manner, or to give such other Relief as the Nature of the Case may require.

Notice to be given to the Company, and Prosecutions to be under the Sanction of the Board of Trade, and within One Year after the Offence.

XVIII. Provided always, and be it enacted, That no such Certificate as aforesaid shall be given by the Lords of the said Committee until Twenty-one Days after they shall have given Notice to the Company against or in relation to whom they shall intend to give such Certificate of their Intention to give such Certificate; and that no legal Proceedings shall be commenced under the Authority of the Lords of the said Committee against any Railway Company for any Offence against any of the several Acts relating to Railways or this Act, or any general Acts relating to Railways, except upon such Certificate of the Lords of the said Committee as aforesaid, and within One Year after such Offence shall have been committed.

Issue of Loan Notes and other illegal Securities by Railway Companies prohibited.

XIX. 'And whereas many Railway Companies have borrowed Money in a Manner unauthorized by 'their Acts of Incorporation or other Acts of Parliament relating to the said Companies, upon the 'Security of Loan Notes or other Instruments purporting to give a Security for the Repayment of the 'Principal Sums borrowed at certain Dates, and for the Payment of Interest thereon in the meantime: 'And whereas such Loan Notes or other Securities issued otherwise than under the Provision of 'some Act or Acts of Parliament have no legal Validity, and it is expedient that the Issue of such 'illegal Securities should be stopped; but such Loan Notes or other Securities having been issued and 'received in good Faith as between the Borrower and Lender, and for the most part for the lawful 'Purposes of the Undertaking, and in ignorance of their legal Invalidity, it is expedient to confirm such 'as have been already issued;' be it enacted, That from and after the passing of this Act any Railway Company issuing any Loan Note or other negotiable or assignable Instrument purporting to bind the Company as a legal Security for Money advanced to the said Railway Company otherwise than under the Provisions of some Act or Acts of Parliament authorizing the said Railway Company to raise such Money and to issue such Security, shall for every such Offence forfeit to Her Majesty a Sum equal to the Sum for which such Loan Note or other Instrument purports to be such Security: Provided always, that any Company may renew any such Loan Note or other Instrument issued by them prior to the passing of this Act for any Period or Periods not exceeding Five Years from the passing of this Act.

Loan Notes already issued may be renewed.

Loan Notes already issued to be paid when due.

XX. And be it enacted, That where any Railway Company, before the Twelfth Day of *July* One thousand eight hundred and forty-four, shall have issued or contracted to issue any such Loan Notes or other unauthorized Instruments, the Company may and shall pay off such Loan Notes or other Instruments as the same may fall due, subject as herein-before provided; and until the same shall be so paid off the said Loan Notes or other Instruments shall entitle the Holders thereof to the Payment by the Company of the Principal Sum and Interest thereby agreed to be paid.

Register of Loan Notes.

XXI. And be it enacted, That a Register of all such Loan Notes or other Instruments shall be kept by the Secretary; and such Register shall be open, without Fee or Reward, at all reasonable Times, to the Inspection of any Shareholder or Auditor of the Undertaking, and of every Person interested in any such Loan Note or other Instrument desirous of inspecting the same.

Remedy for Recovery of Tithe Rent charged on Railway Land.

XXII. 'And whereas the Remedies now in force for the Recovery of Tithe Commutation Rent-'charges are in many Instances ineffectual for such Parts thereof as are charged upon Lands taken for 'the Purposes of a Railway, and it is therefore expedient to extend the said Remedies when the said 'Rent-charges may have been duly apportioned;' be it enacted, That in all Cases in which any such Rent-charge, or Part of any Rent-charge, has been or hereafter shall be duly apportioned under the Provisions of the Acts for the Commutation of Tithes in *England* and *Wales*, upon Lands taken or purchased by any Railway Company for the Purposes of such Company, or upon any Part of such Lands, it shall be lawful for every Person entitled to the said Rent-charge or Parts of such Rent-charge, in case the same has been or shall be in arrear and unpaid for the Space of Twenty-one Days next after any half-yearly Day fixed for the Payment thereof, to distrain for all Arrears of the said Rent-charge upon the Goods, Chattels, and Effects of the said Company, whether on the Land charged therewith, or any other Lands, Premises, or Hereditaments of such Company, whether situated in the same Parish or elsewhere, and to dispose of the Distress when taken, and otherwise to demean himself in relation thereto, as any Landlord may for Arrears of Rent reserved on a Lease for Years: Provided always, that nothing herein contained shall give or be construed to give a legal Right to such Rent-charge, when but for this Act such Rent-charge was not or could not be duly apportioned.

Communications to and from Board of Trade, Service of Notices, &c.

XXIII. And be it enacted, That all Notices, Requisitions, Orders, Regulations, Appointments, Certificates, certified Copies, and other Documents in Writing, signed by some Officer appointed for that Purpose by the Lords of the said Committee, shall for the Purposes of this Act be deemed to have ben made by the Lords of the said Committee; and all Certificates of any thing done by the Lords of the said Committee in relation to this Act, and certified Copies of the Minutes of Proceedings or Correspondence of the Lords of the said Committee in relation thereto, signed by such Officer, shall be deemed

sufficient Evidence thereof, and that in the Absence of Evidence to the contrary, without Proof of the Authority of the Person signing the same or of the Signature thereto, and Service of the same at one of the principal Offices of any Railway Company on the Secretary or Clerk of the said Company, or by sending the same by Post, addressed to him at such Office, shall be deemed good Service upon the said Company; and all Notices, Returns, and other Documents required by this Act to be given to or laid before the Lords of the said Company, shall be delivered at or sent by Post addressed to the Office of the Lords of the said Committee.

Penalties.

XXIV. And be it enacted, That all Penalties under this Act for the Application of which no special Provision is made shall be recovered in the Name and for the Use of Her Majesty, and may be recovered in any of Her Majesty's Courts of Record, or in the Court of Session or in any of the Sheriff Courts in *Scotland*.

Interpretation of Act.

XXV. And be it enacted, That where the Word "Railway" is used in this Act it shall be construed to extend to Railways constructed under the Powers of any Act of Parliament; and when the Words "Passenger Railway" are used in this Act, they shall be construed to extend to Railways constructed under the Powers of any Act of Parliament upon which One Third or more of the gross annual Revenue is derived from the Conveyance of Passengers by Steam or other mechanical Power; and whenever the Word "Company" is used in this Act it shall be construed to extend to include the Proprietors for the Time being of any such Railway; and that where a different Sense is not expressly declared, or does not appear by the Context, every Word importing the Singular Number or the Masculine Gender shall be taken to include Females as well as Males, and several Persons and Things as well as one Person or Thing.

Act may be amended, &c.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXXXVI.

An Act for the Relief of Clerks to Attornies and Solicitors who have omitted to enrol their Contracts; and for amending the Law relating to the Enrolment of such Contracts, and to the Disabilities of such Clerks, in certain Cases. [9th *August* 1844.]

34 G. 3. c. 14.

'WHEREAS by an Act passed in the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for granting to His Majesty certain Stamp Duties on Indentures of Clerkships to Solicitors and Attornies in any of the Courts in* England *therein mentioned*, it is enacted, that no Person who by any Contract in Writing made after the Days in the said Act respectively mentioned shall become bound to serve as a Clerk in order to his Admission as a Solicitor or an Attorney in any of the Courts therein mentioned shall be admitted to be a Solicitor or Attorney in any of the said Courts, unless the Indenture or other Writing containing such Contract, duly stamped, shall be enrolled or registered with the proper Officer to be appointed for that Purpose in the Court wherein such Person shall propose to be afterwards admitted a Solicitor or Attorney by virtue of his Service under such Contracts, together with an Affidavit of the Time of the Execution of such Contract by such Clerk; and in case such Indenture or other Writing shall not be enrolled or registered in such Court within Six Months next after the Execution thereof, together with such Affidavit, that then and in such Case the Service of such Clerk under such Indenture or Writing shall be deemed to commence from the Time of such Enrolment or Registry, and not from the Execution of such Indenture or Writing: And whereas by an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in* England *and* Wales, it is enacted, That whenever any Person shall after the passing of the said last-mentioned Act be bound by Contract in Writing to serve as a Clerk to any Attorney or Solicitor, as therein mentioned, such Attorney or Solicitor shall within Six Months after the Date of every such Contract make and swear, or cause to be made and sworn, an Affidavit of such Attorney or Solicitor having been duly admitted, and also of the actual Execution of every such Contract, and containing such Particulars as are therein mentioned; and that every such Affidavit shall be filed within Six Months next after the Execution of the said Contract with the Officer therein mentioned, who shall thereupon enrol and register the said Contract, and shall make and sign a Memorandum of the Day of filing such Affidavit upon such Affidavit, and also upon such Contract; and it is thereby provided, that in case such last-mentioned Affidavit be not filed within such Six Months, the same may be filed after the Expiration thereof, but that the Service of such Clerk shall be reckoned to commence and be computed from the Day of filing such Affidavit, unless One of the Courts of Law or Equity shall otherwise order: And whereas many Persons who may have paid the proper Stamp Duties either before or within Six Months after the Execution of the Contracts in Writing entered into by them for the Purposes aforesaid have omitted to cause Affidavits to be made, and afterwards to be filed in the proper Office, of the Execution of such Contracts, as required by the said first-mentioned Act, and have also omitted to cause such Contracts, and the Indentures thereof, or the Assignment of any such Indentures to be enrolled within the Time in which the same ought to have been done, whereby they have incurred certain Disabilities;' for preventing whereof, and relieving such Persons, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person who shall, either before or within Six Months after the Execution of such Contract or Indenture,

6 & 7 Vict. c. 73.

Indemnity to Clerks who

Indenture, have paid the proper Stamp Duty in that Behalf, and who at the Time of the passing of this Act shall have neglected or omitted, or who may, within Six Months after the Execution of any such Contract or Indenture executed before the passing of this Act, neglect or omit to cause any such Affidavit or Affidavits, as required by the said first-mentioned Act as aforesaid, to be made and filed, or such Contract or Indenture or Assignment to be enrolled, and who on or before the First Day of *Hilary* Term next shall cause such Contract or Indenture or Assignment to be enrolled with the proper Officer in that Behalf, and One or more Affidavit or Affidavits, as required by the said first-mentioned Act, to be made, and afterwards to be filed, in such Manner as the same ought to have been made and filed in due Time, shall be and is hereby indemnified, freed, and discharged from and against all Incapacities and Disabilities in or by any Act or Acts mentioned by reason of such Neglect or Omission; and every such Affidavit and Affidavits so to be made, and which shall be duly filed on or before the said First Day of *Hilary* Term next, shall be as effectual to all Intents and Purposes as if the same had been made and filed within the respective Times the same ought by the Laws now in being for that Purpose to have been made and filed.

have neglected to enrol their Contracts.

II. 'And whereas certain Persons who have become bound by Contracts as aforesaid, executed 'before the passing of this Act, mayhave enrolled the same after the Expiration of Six Months from 'the Date thereof, or may omit to enrol the same within the Time hereby provided;' be it enacted, That it shall be lawful for any of Her Majesty's Superior Courts of Law or Equity at *Westminster*, in any Case where any such Contract executed before the passing of this Act shall not have been enrolled within Six Months from the Date thereof, or shall not be enrolled within the Time by this Act allowed, to order and direct, either before or after the Contract shall in any such Case have been enrolled, with the proper Affidavit by Law required, that the Service under such Contract shall be reckoned to commence and be computed from the Execution of such Contract, or from any subsequent Period prior to such Enrolment, as such Court may think fit; and the same shall be deemed to have so commenced accordingly, whether such Person shall at any Time afterwards apply to be admitted in the same or any other Court, any thing in the said first-mentioned Act or any other Act to the contrary notwithstanding.

Where Persons neglect to enrol their Contracts within the Time allowed the Court may order the Service to commence from the Execution.

III. 'And whereas since the passing of the said Act of the Sixth and Seventh Years of Her present 'Majesty's Reign the aforesaid Provisions of the said Act of the Thirty-fourth Year of the Reign of 'King *George* the Third have become unnecessary, and it is expedient that the same should be repealed;' be it therefore enacted, That so much of the said last-mentioned Act as relates to the Enrolment and registering of Indentures and other Writings containing any Contract whereby any Person shall become bound to serve as a Clerk in order to his Admission as a Solicitor or Attorney in any of the Courts in the said Act mentioned, together with such Affidavit as aforesaid, shall, in respect of all such Indentures or Writings made or executed after the passing of this Act, be and the same is hereby repealed: Provided always, that nothing herein contained shall be deemed or construed to repeal or alter any of the Provisions of the said Act of the Sixth and Seventh Years of the Reign of Her present Majesty.

Provisions of 34 G. 3. c. 14. as to the Enrolment of Contracts, repealed.

IV. 'And whereas many Attornies, Solicitors, Notaries Public, and others, may have omitted or may 'hereafter omit to take out annual Certificates, or to enter or register the same in the proper Office, and 'Persons who may have served as Clerks to such Attornies, Solicitors, Notaries Public, and others, 'may by reason of such Omission have incurred or may hereafter incur certain Disabilities;' for preventing whereof be it enacted, That no Person who now has or hereafter shall have regularly served any Attorney or Attornies, Notary Public or Notaries Public, for the Term of Years required by Law, shall be prevented or disqualified from being admitted an Attorney, Solicitor, or Notary Public, by reason of any Omission of the Person or Persons whom he served for the same Term or any Part thereof having neglected or omitted to take out his annual Certificate, or to enter or register the same; provided such Person so having served is otherwise entitled to be so admitted as aforesaid by the Laws for the Time being in force relating thereto.

Neglect of Attornies, &c. in taking out their annual Certificates not to disqualify their Clerks.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. LXXXVII.

An Act to amend the Law for regulating Places kept for slaughtering Horses.

[9th *August* 1844.]

'WHEREAS by an Act passed in the Twenty-sixth Year of the Reign of His Majesty King *George* 'the Third, and also by an Act passed in the Sixth Year of the Reign of His late Majesty King '*William* the Fourth, Provision was made for the Regulation and Inspection of Houses and Places kept 'for the Purpose of slaughtering Horses: And whereas it is expedient to make further Provision for the 'better and more effectual Regulation and Inspection of such Houses and Places;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Licence which shall after the passing of this Act be granted under or by virtue of the said Act of the Twenty-sixth Year of King *George* the Third, authorizing any Person to keep or use any House or Place for the Purpose of slaughtering or killing any Horse or other Cattle (not killed for Butchers Meat), shall be granted, and shall continue in force, for a Period not exceeding One Year from the Date at which the same was granted, determinable as herein-after provided: Provided nevertheless, that in the Case of the Renewal of any such Licence to any Person to whom any such Licence may have been previously

New Licences to be annual.

previously granted as aforesaid it shall not be necessary for such Person to obtain or produce to the Justices at such General Quarter Sessions of the Peace a Certificate under the Hands and Seals of the Minister, Churchwardens, Overseers, or Householders, as required by the said last-mentioned Act.

Justices in Quarter Sessions may cancel Licences.

II. And be it enacted, That it shall be lawful for the Justices assembled at any General Quarter Sessions of the Peace to be holden for any County, upon Application and Complaint made to them in Writing by any Person, and upon due Proof being made to them that the Party so complaining had given Fourteen Days previous Notice in Writing thereof to the Clerk of the Peace for such County, and also to the Party complained against, and upon due Proof to their Satisfaction that any Person so licensed as aforesaid has been guilty of any Breach or Violation of the said Two several herein-before recited Acts, or either of them, or of this Act or any Part or Parts thereof respectively, to cancel and wholly put an end to any and every Licence which may have been granted to the Person or Persons so complained against, and from thenceforth the same shall be of no Force or Effect.

Persons wantonly or cruelly ill-treating any Horse liable to Penalty.

III. And be it enacted, That if any such licensed or other Person shall wantonly or cruelly beat, ill-treat, abuse, wound, or torture any Horse or other Cattle in any House, Pound, Stable, or other Place in the Occupation or Use of such licensed Person, every such Person shall for every such Offence, on Conviction thereof, forfeit and pay a Sum of Money not exceeding Five Pounds.

Power for Constables to enter licensed Places.

IV. And be it enacted, That it shall be lawful for any Constable from Time to Time, and as often as he shall think fit, at all reasonable Times in the Daytime, by Authority of this Act, either alone or accompanied by any Inspector appointed or to be appointed under the first-recited Act, to enter upon and view and inspect all and every the Houses, Stables, Sheds, Yards, Grounds, and Premises for the keeping of which any such Licence shall have been granted as aforesaid, and also to inspect or take an Account of all or any of the Horses or other Cattle which shall from Time to Time be found upon such Premises or any Part thereof.

Penalty for obstructing Inspectors.

V. And be it enacted, That in case any Person to whom any such Licence shall be granted as aforesaid, or any other Person, shall at any Time or in any Manner obstruct, hinder, molest, or assault any such Inspector whilst in the Discharge of his Duty, or the Exercise of his Power or Authority under or by virtue of the said first-recited Act or of this Act, every such Offender shall for every such Offence, on Conviction thereof, forfeit and pay such a Sum of Money, not exceeding Ten Pounds, as any Two or more Justices before whom such Offender shall be brought shall deem fit.

Penalty for Inspector neglecting Duty.

VI. And be it enacted, That in case any such Inspector shall at any Time be guilty of any Neglect or Violation of the Duty required of him by Law, then and in every such Case such Inspector shall, upon Conviction, forfeit and pay for every such Offence a Sum of Money not exceeding Ten Pounds.

Offences may be heard by Two Justices.

Penalties, how to be recovered and applied.

VII. And be it enacted, That all Offences against this Act, or any of the Provisions thereof, shall and may be heard and determined before and by any Two or more Justices of the Peace for the County within which the Offence shall have been committed; and all Penalties and Forfeitures incurred thereby respectively shall and may be recoverable, with Costs, before and awarded by any such Justices, and shall be applied as follows; namely, such Part as the Justices shall think fit to the Person who shall inform and prosecute for the same, and the Remainder thereof to the Sheriff or other proper Officer of the County in which such Conviction shall take place, for Her Majesty's Use, and shall be returned to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of His late Majesty King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures and Recognizances estreated;* and in case of Nonpayment of any such Penalty or Forfeiture respectively it shall and may be lawful for such Justices forthwith to commit the Offender to the Common Gaol or Prison within the Jurisdiction of such Justices for any Time not exceeding One Calendar Month, as to such Justices shall seem meet.

3 G. 4. c. 46.

Limitation as to summary Proceedings.

VIII. And be it enacted, That the Prosecution of every Offence punishable under this Act shall be commenced within Three Calendar Months next after the Commission of the Offence, and not otherwise; and the Evidence of the Party complaining shall be admitted in proof of the Offence.

Appeal to Quarter Sessions.

IX. And be it enacted, That any Person who shall think himself aggrieved by any summary Order or Conviction made by any Justice or Justices of the Peace under the Authority of this Act may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be holden for the County wherein the Cause of Complaint shall have arisen, provided that such Person at the Time of the Order or Conviction, or within Forty-eight Hours thereafter, shall enter into a Recognizance, with Two sufficient Sureties, conditioned personally to appear at the said Sessions to try such Appeal, and to abide the further Judgment of the Justices at such Sessions assembled, and to pay such Costs as shall be by the last-mentioned Justices awarded; and it shall be lawful for the Justice or Justices of the Peace by whom such Order or Conviction shall have been made to bind over the Witnesses who shall have been examined in sufficient Recognizances to attend and be examined at the hearing of such Appeal, and that every such Witness, on producing a Certificate of his being so bound under the Hand of the Justice or Justices, shall be allowed Compensation for his Time, Trouble, and Expences in attending the Appeal, which Compensation shall be paid in the first instance by the Treasurer of the County, in like Manner as in Cases of Misdemeanor, under the Provisions of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in* England; and in case the Appeal shall be dismissed, and the Order or Conviction affirmed, the reasonable Expences of all such Witnesses attending as aforesaid, to be ascertained by the Court, shall be repaid to the Treasurer of the County by Appellant.

7 G. 4. c. 64.

X. And

X. And be it enacted, That the Words herein-after mentioned, which in their usual Signification have a more restricted or different Meaning, shall in this Act (except where the Nature of the Provisions or the Context of the Act shall exclude such Construction) be interpreted as follows; (that is to say,) the Word "County" shall include City, Town, Borough, Cinque Port, Riding, Liberty, or Division; the Word "Horse" shall include Mare, Gelding, Mule, Pony, Colt, or Filly; the Word "Cattle" shall include Bull, Ox, Cow, Steer, Heifer, Calf, Ass, Sheep, Lamb, Goat, Pig, or any other domestic Animal; the Word "Constable" shall include Headborough, Peace Officer, or Police Officer; and every Word importing the Singular Number only shall extend and be applied to several Persons and Things as well as to one Person or Thing; and every Word importing the Masculine Gender only shall extend to a Female as well as a Male. Meaning of certain Words used in this Act.

CAP. LXXXVIII.

An Act to widen and improve *Piccadilly* in the City of *Westminster*. [9th *August* 1844.]

'WHEREAS that Portion of the Street called *Piccadilly* in the City of *Westminster* which lies between *Bolton Street* on the East and *Park Lane* on the West is narrow and restricted in Space, and it is expedient that the same should be widened and improved as herein-after mentioned: And whereas the Queen's most Excellent Majesty has been graciously pleased to permit and approve of a Portion of Her Majesty's Park, called the *Green Park*, in the Parish of *Saint Martin-in-the-Fields*, being appropriated by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Purpose of widening *Piccadilly*, as herein-after mentioned, and it is expedient that the Portion of the said Park so to be used should be severed from the Parish of *Saint Martin-in-the-Fields*, and annexed to the Parish of *Saint George Hanover Square*, in the City of *Westminster*, as herein-after mentioned:' But inasmuch as the Objects aforesaid cannot be accomplished without the Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, to widen and improve the Carriage Road and South Side Footway of so much of the Street called *Piccadilly*, in the Parish of *Saint George Hanover Square* in the County of *Middlesex*, as lies between *Bolton Street* on the East and *Park Lane* on the West, and to take and use for that Purpose so much of Her Majesty's Park called the *Green Park*, in the Parish of *Saint-Martin-in-the-Fields*, as will make the said Street called *Piccadilly* from *Bolton Street* to *Park Lane* of an uniform Width of Seventy Feet or thereabouts. The Commissioners of Woods empowered to widen Piccadilly between Bolton Street and Park Lane.

II. And be it enacted, That in carrying the Purposes of this Act into execution it shall be lawful for the said Commissioners and they are hereby empowered to raise, lower, alter, or remove, or cause to be raised, lowered, altered, or removed, the whole or any Portion of the Carriage and Footways of *Piccadilly* aforesaid, and the Pavement thereof respectively, and the Lamps and Lamp Posts or other Things standing or being thereon, and during the widening and Improvement of the said Street to stop up or cause to be stopped up all or such Part of the Carriage or Foot Ways of the said Street as shall be necessary for the Purpose of this Act, and to put up or cause to be put up Bars, Posts, and other Erections, and to make such Orders for regulating the Passage of Carts, Carriages, and Horses, and to lay out or cause such Part of the said Street so widened as aforesaid to be laid out for Carriageways, and such Part thereof for Foot Passengers, as to the said Commissioners shall seem proper. Carriageway and Footway of Piccadilly may be altered and shut up during the Progress of the Works.

III. Provided always, and be it enacted, That the said Commissioners shall well and effectually pave over, either with Stone, Wood, or other Material, or macadamize, such Portion of the Carriageway or Footways of the said Street as may be altered or removed by them in carrying into effect the Purposes of this Act. Street, as widened, to be re-paved by the Commissioners of Woods.

IV. And be it enacted, That the Portion of the said Park called the *Green Park* by this Act authorized to be appropriated towards widening *Piccadilly* shall immediately after such Appropriation, and from thenceforth for ever, be severed from the Parish of *Saint Martin-in-the-Fields* in the City of *Westminster*; and the whole of the Street called *Piccadilly*, extending from *Bolton Street* aforesaid to *Park Lane* aforesaid, when so widened and improved as aforesaid, and the Carriageway and Footways on each Side thereof, as well on the South Side as on the North Side thereof, and every Part thereof, shall be deemed to be and shall be to and for all Intents and Purposes an integral Part and Portion of the said Parish of *Saint George Hanover Square*, and shall no longer be Part or Parcel of the said Parish of *Saint Martin-in-the-Fields*, any Law, Statute, Custom, or Usage to the contrary thereof in anywise notwithstanding. For severing a Portion of the Green Park from the Parish of St. Martin-in-the-Fields, and annexing the same to the Parish of St. George Hanover Square.

V. And be it enacted, That after the said Street called *Piccadilly* shall have been widened and improved as aforesaid, and the Portion of the said Park by this Act authorized to be appropriated to the widening and Improvement thereof shall have been first levelled and paved by the said Commissioners, the whole of the said Street, and the Carriageway and Footways, as well on the South as on the North Side thereof, between *Bolton Street* and *Park Lane* aforesaid, shall for ever thereafter be maintained and kept in repair by and at the Expence of the parochial or other Officers, Body or Bodies, Person or Persons, who at the Time of the passing of this Act are or may be by Law liable to the Repair of that Portion of the said Street called *Piccadilly* as is situate in the Parish of *Saint George Hanover Square*. The whole of Piccadilly, between Bolton Street and Park Lane, when widened and improved, to be repaired by the Parish of St. George Hanover Square.

VI. And

Powers of 5 & 6 Vict. c. 19. extended to this Act.

VI. And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, as regards the Lands and Hereditaments mentioned in the Schedule to this Act, and for the Purpose of obtaining the actual and immediate Possession thereof, to have, use, and exercise all and every the same or the like Powers and Authorities as are contained in an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's Woods to form a new Opening from the* Knightsbridge Road *into* Hyde Park, *and a new Opening from* High Street, Kensington, *into an intended new Road across the* Palace Green; *and for annexing a Piece of Extra-parochial Ground in the Royal Garden to the respective Parishes of* Saint Mary Abbotts Kensington *and* Saint Mary Paddington *in several Portions*, as fully in all respects as if the Lands and Hereditaments mentioned in the Schedule to this Act were to be obtained for the Purpose of the said last-mentioned Act, and as if the Lands and Hereditaments mentioned in the Schedule to this Act had been mentioned and included in the Schedule to the said recited Act; and all the Clauses and Provisions in the said recited Act contained empowering the said Commissioners, on behalf of Her Majesty, to take and use any Lands or Hereditaments, and to treat for the Purchase thereof, and for enabling or requiring Bodies Politic, Trustees, and other Persons to sell and convey, and to accept Satisfaction for the Value of Lands and Hereditaments taken, for requiring Parties to deliver Statements of their Claims to the said Commissioners, and for ascertaining and fixing, by the Verdict of a Jury or otherwise, the Amount of Compensation to be paid to such Bodies Politic, Trustees, or other Persons, and for regulating the Payment of the Purchase Money and the Apportionment of Rents, for enabling and requiring Mortgagees to release and convey, and providing for Cases where the Mortgage Money is more than the Value of the Lands comprised in the Security, or where a Part only of the Lands comprised in any Security is taken, and all other Powers and Authorities, Clauses, and Provisions, whether compulsory or otherwise, given or granted to the said Commissioners, or mentioned in or prescribed by the said recited Act, shall extend and be applicable to the Lands or Hereditaments mentioned in the Schedule to this Act, in such and the same or the like Manner as if all the said Powers and Authorities, Clauses, Provisions, and Regulations, were herein repeated and expressly re-enacted, and adapted to such last-mentioned Lands and Hereditaments, and to the Owner or Owners, Mortgagee or Mortgagees, Lessee or Lessees, Tenant or Tenants, Occupier or Occupiers thereof respectively, save and except in so far only as such Clauses, Provisions, and Regulations may be repugnant to the Objects effected or intended to be effected by this Act.

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Public Act.

VIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice as such by all Judges, Justices, and others.

The SCHEDULE referred to by this Act.

Parish.	Description.	Owner.	Lessee.	Occupier.
Saint Martin-in-the-Fields.	Tenement and Garden	The Crown	The Baron Rothschild	The Baron Rothschild.

CAP. LXXXIX.

An Act for auditing the Accounts of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings. [9th *August* 1844.]

2 & 3 W. 4. c. 1.

'WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty, intituled *An Act for uniting the Office of Surveyor General of His Majesty's Works and Public Buildings with the Office of the Commissioners of His Majesty's Woods and Forests and Land Revenues; and for other Purposes relating to the Land Revenues:* And whereas Doubts have arisen as to the Powers vested in the Commissioners for examining and auditing the Public Accounts of the Kingdom, in examining and auditing the Accounts referred to them under the said Act, and also the several Accounts of other Monies under the Control and Management of the first-mentioned Commissioners:' Be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Commissioners for auditing the Public Accounts of the Kingdom shall examine, try, and audit the Accounts of all Monies which by any Act of Parliament are or shall be under the Control and Management of the Commissioners of Her Majesty's Woods, Forests, Land Revenue, Works, and Buildings, and in examining, trying, and auditing any of the said Accounts shall be deemed to have had at all Times heretofore and shall have all the Powers which are vested in them under an Act of the Twenty-fifth Year of the Reign of King *George*

Commissioners for auditing the Public Accounts shall audit the Accounts of the Commissioners of Woods, &c.

the

the Third, intituled *An Act for better examining and auditing the Public Accounts of this Kingdom,* and under any other Act now in force, or any Law, Usage, Custom, or otherwise howsoever: Provided always, that such Audit, as to the Accounts of the first-mentioned Commissioners, with respect to their Execution of the Powers intrusted to them under an Act passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act for making a more convenient Communication from* Mary-le-bone Park *and the Northern Parts of the Metropolis in the Parish of* Saint Mary-le-bone *to* Charing Cross *within the Liberty of* Westminster, *and for making a more convenient Sewage for the same,* or of any Act for amending the last-recited Act, or for extending the Powers of the same, shall not include any Period before the Thirty-first Day of *March* in the Year One thousand eight hundred and forty-one. 25 G. 3. c. 52. Proviso. 53 G. 3. c. 121.

II. And be it enacted, That every general Account of the Land Revenue of the Crown referred or which may be referred by the first-recited Act to the Commissioners for auditing the Public Accounts of the Kingdom, after the same shall have been audited, declared, and enrolled in the Office of Her Majesty's Remembrancer of the Court of Exchequer, shall be delivered by the said Commissioners of Audit, so audited and declared, together with the several detailed and subsidiary Accounts of the Receivers, Surveyors, Rangers, Gavellers, Stewards, Bailiffs, Collectors, or other local Officers for the Time being charged or intrusted with the Receipt or Collection of Rents or other Monies, Dues, Royalties, or Revenues of the Crown (which are or may be mentioned or referred to in such general Account), to the Keeper of Land Revenue Records and Enrolments, not later than Three Years after the Declaration of the said general Account, unless by special Direction of the Commissioners of Her Majesty's Treasury any of the said Accounts shall be kept for a longer Time, not more than Seven Years, for Comparison with the Accounts of following Years; and such general and detailed and subsidiary Accounts, and the Declaration thereof, shall thenceforth remain of Record in the said Office of Land Revenue Records and Enrolments. Accounts when audited and declared to be kept of Record in the Land Revenue Record Office.

III. And be it enacted, That where the Rents, Revenues, Issues, or Profits of any Manors, Lands, Tenements, Tithes, or Hereditaments are or shall be specified or mentioned in the Record of such Accounts in the said Office of the Land Revenue Records and Enrolments, such Rents, Revenues, Issues, and Profits shall be holden to be duly in charge by, to, or with the Auditor or Auditors or other proper Officer or Officers of the Revenue; and the Record of such Accounts in the said Office of Land Revenue Records and Enrolments shall be as valid and effectual, and shall be deemed to have the same Effect and legal Incidents, as the Enrolment and Record of such Accounts in the Office of Her Majesty's Remembrancer of the Court of Exchequer, or in any other Office, or before or with any Officer of any other Court of Record of Law or Equity of the United Kingdom of *Great Britain* and *Ireland,* or before or with any Auditor or Auditors or other Officer or Officers of the Revenue. Records in the Land Revenue Record Office to be valid.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

CAP. XC.

An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Commissions of Bankruptcy; and for providing One Office for the registering of all Judgments in *Ireland;* and for amending the Laws in *Ireland* respecting Bankrupts and the Limitation of Actions. [9th *August* 1844.]

'WHEREAS by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better Discovery of Judgments in the Court of King's Bench, Common Pleas, and Exchequer at* Dublin, *and for the greater Security of Purchasers,* it was enacted, that the Officers therein mentioned should put into alphabetical Docket Entries of Cognovits or Judgments, and Rules for Judgments, and that such Dockets should be put into and kept in Books in the Offices therein mentioned, and that such Judgments should, as against Purchasers or Mortgagees, be Judgments only from the Time of their being docketed and entered under the Provisions of the said Act, and should not have any Preference against Heirs, Executors, or Administrators in the Administration of their Ancestors, Testators, or Intestates Estates, but from the Time aforesaid: And whereas by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to protect Purchasers for valuable Considerations in* Ireland *against Judgments not revived or re-docketed within a limited Time,* it was amongst other things provided, that Judgments of the Superior Courts in *Ireland* should in certain Cases be void as against Purchasers, unless the same should be re-docketed, or a Revival thereof entered in the Manner therein mentioned: And whereas it is expedient to make further Provisions for the Protection of Purchasers against Judgments, and against Crown Debts and Lis Pendens, and to establish One Office in *Dublin* in which alone Purchasers, and Heirs, Executors, or Administrators, may find all Judgments which would bind Lands in the Hands of a Purchaser, or give a Preference against Heirs, Executors, or Administrators in the Administration of their Ancestors, Testators, or Intestates Effects:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *November* in the Year One thousand eight hundred and forty-four no Judgment of any Superior Court of Record, or Rule for such Judgment, shall be docketed or entered under the Provisions of the said Act of the Third Year of the Reign of His late Majesty King *George* the Second; and that from and after that 3 G. 2. (I.) 9 G. 4. c. 35. Judgments, in order to be valid as against Purchasers, &c., not to be re-docketed or

revived under Provisions of recited Acts after 1st of November 1844.

that Day no such Judgment, nor any Revival of any such Judgment, shall be re-docketed or entered under the said Provisions of the said Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth; and that all Books of or for such Re-docketings or Entries under either of the said Acts shall on the First Day of *November* in the Year One thousand eight hundred and forty-four be finally closed, without Prejudice to the Operation of any Judgment which shall have been in that Time docketed and entered, or re-docketed or entered, in the Book of Revivals, under the Provisions of either of the said recited Acts, except so far as any such Judgment may be affected by the Provisions herein-after contained; and that upon the Close of the said First Day of *November* in the Year One thousand eight hundred and forty-four all the said re-docketing and Revival Books kept under the Provisions of the said last-mentioned Act in every of the said Superior Courts of Common Law in *Ireland* shall, by the Officer having in each of such Courts respectively the Custody of the same, be handed over to the Officer to be appointed under this Act; and that such Books, when so handed over, shall be forthwith deposited by the said last-mentioned Officer in the Office to be established under this Act, and shall be considered as Part of the Books to which Access is to be had for the Charge of Three Shillings or of One Shilling, as herein-after provided; and that all Judgments which have already been, or on or before the First Day of *November* One thousand eight hundred and forty-four shall be, re-docketed or entered as revived in the said Books, under the Provisions of the said Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, shall be deemed to be registered under the Provisions of this Act, and shall operate from the Time of such re-docketing or Entry after the Revival precisely as if the same had been registered under the Authority of this Act, but with the Benefit of its actual Priority as the same existed before the passing of this Act, and shall be subject to the Provision herein-after contained with respect to the re-registering.

Re-docketing and Revival Books to be handed over to Officers under this Act, &c.

Judgments re-docketed or revived under 9 G. 4. c. 35. to operate against Purchasers from Dates of re-docketing, &c.

Memorandum of Particulars of Judgments to be left with Officer under this Act, and by him registered, otherwise invalid as against Purchasers, &c.

II. And be it enacted, That no Judgment of the said Superior Courts respectively, or Rule for such Judgment, already docketed under the said first-recited Act, and which has not already been, or shall not on or before the said First Day of *November* One thousand eight hundred and forty-four be, re-docketed or entered after Revival under the said Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, shall, after the First Day of *November* One thousand eight hundred and forty-five, nor shall any Judgment of the said Superior Courts respectively which on the said First Day of *November* One thousand eight hundred and forty-four shall not be docketed under the said first-recited Act, or which shall be obtained after that Day, affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a Memorandum or Minute thereof, containing the Names, and the usual or last known Place of Abode, and the Title, Trade, or Profession of the Plaintiff and Defendant or Person whose Estate is intended to be affected thereby, and the Court in which such Judgment or Rule shall have been obtained, and the Date of such Judgment or Rule, and the Amount of the Debt, Damages, Costs, or Monies thereby recovered or ordered to be paid, shall be left with the Officer to be appointed under this Act, who shall forthwith enter the same Particulars in a Book in alphabetical Order, by the Name of the Defendant or Person whose Estate is intended to be affected by the said Judgment or Rule; or unless and until the same shall be duly revived according to the Course and Practice of the said Superior Courts respectively; and a like Memorandum or Minute as aforesaid, stating also the Revival thereof, shall be left with the Officer to be appointed under this Act, who shall forthwith enter the same Particulars in a Book of Revivals to be kept by him in alphabetical Order, by the Name of the Defendant or Person whose Estate is intended to be affected by such Judgment or Rule; and such Officer shall be entitled for every such Entry to the Sum of Five Shillings.

Fee for Entry.

3&4 Vict. c. 105.

III. 'And whereas under and by virtue of an Act passed in the Third and Fourth Years of the Reign 'of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, 'except in certain Cases, and for extending the Remedies of Creditors against the Property of Debtors; 'and for the further Amendment of the Law and the better Advancement of Justice in* Ireland, Provision 'is made for Entries of the Decrees, Orders, and Rules therein mentioned, in like Manner as the aforesaid 'Judgments and Rules are hereby required to be registered, in order to bind Purchasers, Mortgagees, 'and Creditors;' be it enacted, That from and after the First Day of *November* in the Year One thousand eight hundred and forty-four all such Entries as last aforesaid shall be made by the Officer for the Time being appointed under the Authority of this Act; and that all Books belonging to the Office established under the said last-mentioned Act shall, on the Close of the said First Day of *November*, be deposited in the Office established by this Act, and shall be considered as Part of the Books to which Access is to be had for the Charge of Three Shillings or of One Shilling, as herein-after provided; and that all Entries of Decrees, Orders, and Rules which have already been, or on or before the said First Day of *November* One thousand eight hundred and forty-four shall be, made in the said Books, under the Provisions of the said last-mentioned Act, shall be deemed to be Entries made under the Provisions of this Act, and shall operate from the Time of such Entries precisely as if the same had been registered under the Authority of this Act, and be subject to the Provisions hereafter contained with respect to re-registering.

Decrees, &c. to be entered by Officer under this Act, and Books to be transferred to his Office.

Entries under recited Act to be deemed to be made under this Act, and to operate from Dates of Entry.

Rules and Orders, &c. to be void against Purchasers, unless entered with Officer under this Act.

IV. And be it enacted, That no Rule of a Court of Common Law, nor any Judgment, Rule, or Order of any of the Inferior Courts, in the Act of the Third and Fourth Years of Queen *Victoria* mentioned, which has already been or hereafter shall be removed into a Superior Court in manner therein mentioned, shall from and after the First Day of *November* One thousand eight hundred and forty-four affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until such a Memorandum

Memorandum or Minute thereof, containing the Name or Title of the Cause or Matter in which the same shall have been made or pronounced, and the Names and the usual or last known Place of Abode, and the Title, Trade, or Profession of the Plaintiff, if there be such, and of the Defendant or Person whose Estate is intended to be affected thereby, and the Court in which such Judgment, Rule, or Order shall have been pronounced, and the Date of the same, and the Amount of the Debt, Damages, Costs, and Monies thereby recovered or ordered to be paid, shall be left with the Officer appointed under this Act, who shall forthwith enter the same in manner aforesaid; and such Officer shall be entitled for every such Entry to the Sum of Five Shillings. Fee for Entry.

V. And be it enacted, That, in addition to the Entry by the said last-mentioned Act or by this Act required to be made in a Book of the Particulars to be contained in every Memorandum or Minute of any Judgment, Decree, Rule, or Order, or other Matter, such Officer so to be appointed as aforesaid shall insert in such Book the Year and the Day of the Month when every such Memorandum or Minute is so left with him. The Date when Memorandum of Particulars is left with Officer to be entered in the Book.

VI. And be it enacted, That all Judgments already re-docketed or entered after Revival, or which on or before the First Day of *November* One thousand eight hundred and forty-four shall be re-docketed or entered after Revival, under the said Act of the Ninth Year of His late Majesty King *George* the Fourth, shall, after the Expiration of Twenty Years from the Date of such Re-docket or Entry, and all Judgments which, having been entered or docketed under the said Act of the Third Year of His late Majesty King *George* the Second only, shall be registered under the Provisions of this Act, and all Judgments of the Superior Courts respectively which shall for the first Time be docketed or registered under the Provisions of this Act, shall respectively after the Expiration of Twenty Years from the Date of such Registry under this Act, and all Decrees or Orders in any Court of Equity, Rules in any Court of Common Law, and Orders in Bankruptcy or Lunacy, which since the passing of the said recited Act of the Third and Fourth Years of the Reign of Her present Majesty have been or shall be registered under the Provisions therein mentioned, or which shall be registered under the Provisions of this Act, and all Judgments, Rules, and Orders of any Inferior Courts which shall be registered under the Provisions of this Act, shall, after the Expiration of Twenty Years from the Date of the Entry thereof under the said last-mentioned Act or under the Provisions of this Act (as the Case may be), be null and void against Lands, Tenements, and other Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a like Memorandum or Minute, as was required in the first instance, be again left with such Officer, to be appointed under this Act within Twenty Years before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right to the Estate or Interest in or to any such Purchaser or Mortgagee for valuable Consideration, or as to Creditors within Twenty Years before the Right of such Creditor accrued, and so *toties quoties* at the Expiration of every succeeding Twenty Years; and such Officer as aforesaid shall forthwith re-enter the same in like Manner as the same was originally entered; and such Officer shall be entitled for any such Re-entry to the Sum of One Shilling. Judgments, Decrees, Orders, &c. after Twenty Years to be void against Purchasers, unless fresh Memorandum is left with Officer. Fee for re-entering.

VII. Provided always, and be it enacted, That an original Entry under the said first-recited Act or under this Act shall be deemed binding, without any Re-docket or Registry under the said Act of the Ninth Year of His said late Majesty King *George* the Fourth or under this Act, on all Purchasers and Mortgagees who claim or shall claim under any Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right, Title, Estate, or Interest in or to any such Purchaser or Mortgagee for valuable Consideration, executed within Twenty Years after the Date of such Entry, and on all Creditors whose Right shall have accrued or shall accrue within that Period, without Prejudice to the Provision herein-before contained requiring Judgments and Rules entered under the said Act of the Third Year of His late Majesty King *George* the Second, but not re-docketed or entered under the said Act of the Ninth of His late Majesty King *George* the Fourth, to be registered under this Act; but that to affect any Purchaser or Mortgagee whose Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right, Title, or Interest in or to any such Purchaser or Mortgagee for valuable Consideration shall be executed at any Time after Twenty Years from the Date of such original Entry, or any Creditor whose Right shall accrue at any Time after the like Period, every such Judgment must be re-registered within Twenty Years before such subsequent Conveyance, Settlement, Lease, Deed, or Instrument shall be executed or such Right shall accrue, and so *toties quoties*, to bind later Purchasers, Mortgagees, and Creditors: Provided always nevertheless, that no Mortgagee or Purchaser shall be affected in any Manner by any Judgment or Rule which shall not have been registered or re-registered within Twenty Years before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Estate in or to any such Mortgagee or Purchaser, although such Judgment or Rule would, as between the Person entitled to the Benefit thereof and any subsequent Incumbrancer within the Twenty Years, bind the Lands, Tenements, or Hereditaments conveyed, settled, mortgaged, leased, or otherwise vested in such Purchaser or Mortgagee; nor shall any such subsequent Incumbrancer be prejudiced by the Protection hereby given to such Mortgagee and Purchasers as aforesaid. An original Entry to be deemed binding upon Purchasers, &c. claiming under any Deed executed within 20 Years without re-docketing or registering; but to affect any Purchaser, &c. whose Deed shall be executed after 20 Years from the Date of the original Entry, every Judgment must be re-registered. Proviso.

VIII. Provided also, and be it enacted, That as against a Purchaser or Mortgagee, without Notice of any such Judgment, Decree, Rule, or Order as aforesaid, none of such Judgments, Decrees, Rules, or Orders shall bind or affect any Lands, Tenements, or Hereditaments, or any Interest therein, further or otherwise or more extensively in any respect, although duly registered or re-registered, than a Judgment Judgments, Decrees, &c. not to affect Purchasers more extensively than they

would have done previous to the Act of 3&4 Vict. c. 105.

of any of the Superior Courts aforesaid would have bound such Purchaser or Mortgagee before the said Act of the Third and Fourth Years of the Reign of Her present Majesty, where it had been duly docketed according to the Law then in force.

Act not to revive Judgments which are barred, or affect them as between the Parties.

IX. Provided also, and be it enacted, That nothing in the said recited Act of Her present Majesty or in this Act contained shall extend to revive or restore any Judgment which shall be extinguished or barred, nor shall the same extend to affect or prejudice any Judgment as between the Parties thereto, or their Representatives, or those deriving as Volunteers under them, save so far as is herein expressly provided.

Lis Pendens not to affect Purchasers, &c., unless duly registered under this Act.

X. And be it enacted, That from and after the First Day of *November* One thousand eight hundred and forty-four no Lis Pendens shall bind or affect a Purchaser or Mortgagee, without express Notice thereof, unless and until a Memorandum or Minute containing the Name and the usual or last known Place of Abode, and the Title, Trade, or Profession of the Person whose Estate shall be intended to be affected thereby, and the Court of Equity, and the Title of the Cause or Information, and the Day when the Bill or Information was filed, shall be left with such Officer so to be appointed as aforesaid, who shall forthwith enter the same Particulars in a Book as aforesaid, in alphabetical Order, by the Name of the Person whose Estate is intended to be affected by such Lis Pendens, and which Book is to be intituled "The Index to Lis Pendens;" and such Officer shall be entitled for every such Entry to the Sum of Two Shillings and Sixpence; and the Provisions herein-before contained in regard to the re-registering of Judgments every Twenty Years, and the Operation thereof, and the Fee payable to the Officer thereon, shall extend to every Case of Lis Pendens which shall be re-registered under the Provisions of this Act.

Fee for entering Lis Pendens.

Recognizances, Crown Bonds, &c. not to affect Purchasers, &c., unless duly registered under this Act.

XI. And be it enacted, That from and after the First Day of *November* in the Year One thousand eight hundred and forty-four no Judgment, Statute, or Recognizance which shall hereafter be obtained or entered into in the Name or upon the proper Account of Her Majesty, Her Heirs or Successors, or Inquisition upon which any Debt shall hereafter be found due to Her Majesty, Her Heirs or Successors, or Obligation or Specialty which shall hereafter be made to Her Majesty, Her Heirs or Successors, or any Acceptance of Office which shall hereafter be accepted by Officers whose Lands shall thereby become liable for the Payment and Satisfaction of Arrearages under the Provisions of an Act passed in a Session of Parliament holden in the Twenty-first and Twenty-second Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more speedy and effectual Recovery of the King's Debts*, shall affect any Lands, Tenements, or Hereditaments, as to Purchasers or Mortgagees, unless and until a Memorandum or Minute, containing the Name and the usual or last known Place of Abode, and the Title, Trade, or Profession, of the Person whose Estate is intended to be affected thereby, and also in the Case of any such Judgment the Court and the Title of the Cause in which such Judgment shall have been obtained, and the Date of such Judgment, and the Amount of the Debt, Damages, and Costs thereby recovered, and also in the Case of a Statute or Recognizance the Sum for which the same was acknowledged, and before whom the same was acknowledged, and the Date of the same, and also in the Case of an Inquisition the Sum thereby found to be due, and the Date of the same, and also in the Case of an Obligation or Specialty the Sum in which the Obligor shall be bound, or for which the Obligation or Specialty shall be made, and the Date of the same, and also in the Case of Acceptance of Office the Name of the Office, and the Time of the Officer accepting the same, shall be left with such Officer acting under this Act as aforesaid, who shall forthwith enter the same Particulars in a Book, to be intituled "The Index to Debtors and Accountants to the Crown," in alphabetical Order, by the Name of the Person whose Estate is intended to be affected by such Judgment, Statute, or Recognizance, Inquisition, Obligation, or Specialty, or the Acceptance of any Office; and such Officer shall be entitled for every such Entry to the Sum of Two Shillings and Sixpence; and all Persons shall be at liberty to search the said Book, and also the other Books which are to be handed over as aforesaid to the Officer to be appointed under this Act, and also all the Books which are to be kept under the Provisions of this Act, or any or either of the said Books, on Payment of the Sum of Three Shillings, until the Year One thousand eight hundred and sixty-three, and after that Period for the Charge of One Shilling, and no more, whether some only or all of the said Books shall be searched, and no Multiplication of Books is to increase the Fee.

21&22 G. 3. (I.)

Fee for Entry. Searches.

An Index of Recognizances, Crown Bonds, &c. to be made out, and handed over to Officer under this Act.

XII. And be it enacted, That the Secondary of the Court of Exchequer and the Clerk of the Recognizances of the Court of Chancery respectively shall, on or before the First Day of *November* One thousand eight hundred and forty-four, cause to be carefully prepared a Book or Books, to be called "The Index to Debtors and Accountants to the Crown," containing in alphabetical Order all the Particulars herein-before mentioned; and that such Book, when so completed before, and containing a correct Entry of all the Particulars which can be derived from the various Bonds, Recognizances, and Judgments which shall on the said First Day of *November* be in force as of Record in the said Offices of Secondary and Clerk of the Recognizances respectively, shall be by them handed over to the Officer to be appointed under this Act; and that said Book or Books shall be subject to all the Regulations prescribed by this Act with respect to the "Index to Debtors and Accountants to the Crown" herein-before mentioned; and that all Persons shall be at liberty to search or inspect the same Book or Books, and no additional Fee shall be paid for such Search or Inspection; and the Cost of preparing such Book or Books in the Court of Chancery shall be allowed by the Lord Chancellor, and be paid by his Direction out of the Suitors Fee Fund of that Court; and the Costs of preparing such Book or Books in the Court of Exche-

quer

quer shall be allowed by the Lord Chief Baron, and be paid by his Direction out of the Suitors Fee Fund of that Court.

Quietus to Debtors and Accountants to be registered.

XIII. And be it enacted, That wherever a Quietus, or a Certificate or Order in the Nature of a Quietus, shall be obtained by a Debtor or Accountant to the Crown, and an Office Copy thereof, and of the Certificate or Consent of the Attorney General for *Ireland*, shall be left with such Officer so to be appointed as aforesaid, that the same may be registered, such Officer shall forthwith enter the same in the said Book of Debtors and Accountants to the Crown, in alphabetical Order, by the Name of the Persons whose Estate is intended to be discharged thereby, with the Date, and shall for every such Entry be entitled to a Fee of Two Shillings and Sixpence.

Fee for Entry.

Purchasers of Lands from Crown Debtors may in certain Cases obtain a Discharge of the purchased Lands from Crown Debts and a Certificate of such Discharge.

XIV. 'And whereas it is expedient to make further Provision for the Discharge of an Estate belonging 'to a Debtor or Accountant to the Crown from the Claim of the Crown in the Lands of a Purchaser or 'Mortgagee, although the Debt or Liability shall not be fully discharged;' be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three of them, by Writing under their Hands, upon Payment of such Sums of Money as they may think fit to require, into the Receipt of Her Majesty's Exchequer, to be applied in liquidation of the Debt or Liability of any Debtor or Accountant to the Crown, or upon such other Terms as they may think proper, to certify that any Lands, Tenements, or Hereditaments of any such Crown Debtor or Accountant shall be held by the Purchaser or Mortgagee, or intended Purchaser or Mortgagee thereof, his or their Executors, Administrators, and Assigns, wholly exonerated and discharged from all further Claims of Her Majesty, Her Heirs or Successors, for or in respect of any Debt, Claim, or Liability, present or future, of the Debtor or Accountant to whom such Lands, Tenements, or Hereditaments belonged, or in case of Leases for Fines, to certify that the Lessees, their Heirs, Executors, Administrators, and Assigns, shall hold, so exonerated and discharged, without Prejudice to the Rights and Remedies of the Crown against the Reversion of the Lands, Tenements, or Hereditaments comprised in any such Leases, and the Rents and Covenants reserved and contained by and in the same, and thereupon the same Lands, Tenements, and Hereditaments shall respectively be held wholly exonerated and discharged as aforesaid, but in Cases of Leases without Prejudice as aforesaid.

Such Discharge not to affect any Claim of the Crown on other Lands liable.

XV. Provided also, and be it enacted, That any such Certificate, or the Discharge of any such Lands, Tenements, or Hereditaments by virtue of this Act, shall in nowise impeach, lessen, or affect the Right or Power of Her Majesty, Her Heirs or Successors, to levy the whole of any Debt or Demand which may at any Time be due from any such Debtor or Accountant to the Crown out of or from any other Lands, Tenements, or Hereditaments which would have been liable thereto in case no such Certificate had been granted, and no such Discharge had been obtained.

Requisition for Negative Search.

XVI. And be it enacted, That from and after the First Day of *November* One thousand eight hundred and forty-four every Person who shall require a Negative Search to be made in the Office to be established under this Act, and a Certificate of such Search to be given, shall deliver unto or leave with the said Registrar a Note or Requisition, fairly written on Paper or Parchment, in the Words or to the Effect following, and the same shall be deemed One Search; (that is to say,)

'NEGATIVE Search for Judgments, Revivals, Decrees, Rules, and Orders registered or re-registered 'against for Years last past, *or* from the Day 'of in the Year to the Day of 'in the Year and for Judgments at the Suit of the Crown, Statutes, Recognizances, 'Crown Bonds, Lis Pendens, Inquisitions, and Acceptances of Office, registered or re-registered 'against for Years last past, *or* from the Day 'of in the Year to the Day of in 'the Year.'

Registrar to file Requisition, and give Certificate.

XVII. And be it enacted, That the Registrar shall upon the Delivery of such Requisition file the same in the Order in which it shall be received, and shall with all due Diligence give to the Person making such Requisition for a Negative Search a Certificate in the Words or to the Effect following; (that is to say,)

'ON Search made in the Office for the Registration of Judgments and Incumbrances affecting Real 'Estates, in pursuance of the foregoing Requisition, I do not find any [but the above-mentioned '(*these Words to be omitted when none appear*)] Judgments, Revivals, Decrees, Rules or Orders, Judg- 'ments at the Suit of the Crown, Statutes, Recognizances, or Crown Bonds, Lis Pendens, Inquisitions, 'or Acceptances of Office, registered or re-registered within the respective Periods aforesaid, against 'the said

'[*Name of Registrar.*]'

'Witness or Witnesses present when 'the Search was made.'

Registrar liable in Damages for Fraud, &c.

And if said Registrar shall be guilty of any Fraud, Collusion, or wilful Neglect in making out such Certificate of a Negative Search, whereby any Person shall be aggrieved or damnified, such Person so damnified, his Heirs, Executors, or Administrators, shall recover full Damages against such Registrar, with full Costs of Suit: Provided always, that from and after the First Day of *November* One thousand eight hundred and forty-five no Search shall be made for any of the Matters authorized to be registered under this Act, except at the Office to be established under the Provisions of this Act.

Requisition for Common Search.

XVIII. And be it enacted, That from and after the First Day of *November* One thousand eight hundred and forty-four every Person who shall require a Common Search to be made in the Office to be established

established under this Act, and a Certificate of such Search to be given, shall deliver unto or leave with the said Registrar or his Deputy a Note or Requisition, fairly written on Paper or Parchment, in the Words or to the Effect following, and the same shall be deemed One Search; (that is to say,)

'SEARCH for Judgments, Revivals, Decrees, Rules, and Orders registered or re-registered against for Years last past, *or* from the Day of in the Year to the Day of in the Year (*as the Case may be*), and for Judgments at the Suit of the Crown, Statutes, Recognizances, Crown Bonds, Lis Pendens, Inquisitions, and Acceptances of Office registered or re-registered against the said for Years last past, *or* from the Day of in the Year to the Day of in the Year.'

Registrar to file Requisition, and give a Certificate.

XIX. And be it enacted, That the Registrar shall upon the Delivery of such Requisition file the same in the Order in which it shall be received, and shall with all due Diligence give to the Person making such Requisition for a Common Search a Certificate setting forth such of the foregoing as he shall find registered or re-registered in the said Office against such Person.

Certificates to be liable to Law Fund Duty.

XX. And be it enacted, That every Docket or Requisition for a Negative or Common Search respectively shall, from and after the said First Day of *November* One thousand eight hundred and forty-four, be liable, in lieu of the existing Stamp Duty, to a Duty of the following Amount; that is to say, a Duty of One Pound upon every Docket or Requisition for a Negative Search against each Person, and a Duty of Seven Shillings for every Docket or Requisition for a Common Search against each Person; but no more than One Docket or Requisition shall be necessary in any Case against any One Person; and the said Stamp Duties shall be subject to all the Laws and Regulations to which the existing Duty is now liable, or under which it is levied and regulated.

Duplicate Books may be made out, if necessary.

XXI. And be it enacted, That it shall be lawful for the Lord Chancellor, the Chief Justice, the Master of the Rolls, the Chief Justice of the Common Pleas, and the Chief Baron of the Exchequer in *Ireland*, or the Majority of them, at any Time hereafter, in case they shall deem it fit, to direct that Duplicate Copies shall for the Purposes of this Act be made of the said Books by this Act directed to be handed over to the Officer appointed under this Act, or of the Books directed to be by the said Officer kept under the Provisions of this Act, or of any of such Books, and thereupon the said Officer to be appointed under this Act shall have such Duplicate Copies forthwith made out, and shall for that Purpose employ a fit and proper Clerk or Clerks, and shall pay the Expences of making out such Book or Books out of the Fees received or to be received under the Provisions of this Act; and said Officer shall be entitled to Credit for such Payments in passing his Accounts under the Provisions herein-after contained, after the same shall be directed by the Judges aforesaid.

A Registrar of Judgments to be appointed for Purposes of this Act.

XXII. 'And whereas by the said Act passed in the Third and Fourth Years of the Reign of Her present Majesty it was provided that the Entries for the Purpose of the Registration of Decrees, Rules, and Orders as therein mentioned should be made by an Officer to be appointed as therein-mentioned, and the Registrations which may be made under this Act render it expedient to make further and other Provisions upon this Subject;' be it therefore enacted, That the Officer constituted by the said last-mentioned Act shall cease to act from the First Day of *November* One thousand eight hundred and forty-four; and it shall be lawful for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron in *Ireland*, or the Majority of them, and they are hereby required, forthwith, and from Time to Time, when Occasion shall require, to appoint an Officer to be called the "Registrar of Judgments," whose Duty it shall be to attend daily in his Office, and to superintend the Business thereof, and to sign a Certificate of all Searches issuing from said Office, and to receive and account for all Fees payable under this Act in manner herein-after directed; and it shall also be lawful for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, or the Majority of them, and they are hereby required, forthwith, and from Time to Time as Occasion may require, to appoint Two Assistant Clerks, whose Duty it shall be to attend daily in the said Office, and make Entries in the several Books by this Act directed to be kept, and to act generally in the Despatch of the Business of the said Office, under the Direction of the said Registrar; and the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron are hereby required to assign an Office within the public Buildings called the Four Courts, *Dublin*, or within the Buildings or Offices contiguous thereto and attached to or connected therewith, and the said Registrar and Clerks shall discharge the Duties of the said Office in the Place so to be appointed, and in no other Place; and any Expence attendant on such Arrangement shall be charged amongst the incidental Expences herein-after provided for.

Duties of Registrar.

Two Assistant Clerks to be appointed.

Their Duties.

Registrar may appoint Searching Clerks.

XXIII. And be it enacted, That for the Purpose of making Searches under this Act it shall and may be lawful for the Registrar appointed under this Act and he is hereby required to employ Two competent Clerks, to be removable at his Pleasure, who shall be paid in respect to each distinct Search, for the Quantity of their Work, at the Rate of One Shilling for every Period of Twenty Years or fractional Portion thereof over which each Search made by them respectively against any One Person shall extend: Provided always, that no more than One Clerk shall be so paid in respect of each Common Search, but both may be employed and paid in respect of each Negative Search, such Payments to be charged in the incidental Expences in manner herein-after provided: Provided always, that the first Appointment of Assistant Clerks and of Searching Clerks shall be filled up with Persons now holding the same Office or Offices, with Duties of a like Nature, in the Common Law Courts, and whose Offices are about

First Appointment.

to

to be abolished, if any such Persons shall be willing to accept of such Appointments; and any such Searching Clerks so re-appointed as aforesaid shall not be removable by the Registrar under this Act, without the Consent of the Lord Chancellor.

Salaries to Searching Clerks.

XXIV. And in order to secure the Services of competent Persons to perform the said Business of Searching Clerks, be it enacted, That each of the said Clerks to be employed therein by the Registrar appointed under this Act as aforesaid shall be entitled to receive for and during the Time he shall be so employed a Salary at the Rate of One hundred Pounds *per* Year, over and above the said Allowance of One Shilling *per* Search, such Salary to be paid to them in manner herein-after provided.

Application of Fees provided for.

Salaries.

XXV. And be it enacted, That the Registrar to be appointed from Time to Time under this Act shall quarterly on the Twenty-fifth Day of *March*, Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fourth Day of *December*, retain and pay out of the Produce of the Fees to be received under the Authority of this Act the several Sums following; (that is to say,) to and for the Use of him the said Registrar the Sum of Two hundred Pounds, being Eight hundred Pounds yearly; to and for the Use of the First Clerk the Sum of Sixty-two Pounds Ten Shillings, being Two hundred and fifty Pounds yearly; to and for the Use of the Second Clerk the Sum of Twenty-five Pounds, being One hundred Pounds yearly; and to each of the said Searching Clerks the Sum of Twenty-five Pounds, being One hundred Pounds yearly; and to and for the Use of the Registrar of Decrees, Rules, and Orders (whose Office is hereby transferred to the Registrar under this Act,) the Sum of Twenty-five Pounds quarterly, being One hundred Pounds yearly, as Compensation for the Loss of his said Office; and the said Registrar shall also pay quarterly, on the Days before mentioned, the Compensation which shall be awarded under the Provisions herein-after contained to the Registrar of Decrees and Orders appointed under the said Act of the Third and Fourth Years of Her present Majesty, and shall also pay all such Compensations as may be at any Time hereafter payable under the Provisions herein-after contained; and the said Registrar shall also retain and pay out of the said Fees all such other Sums for Books, Stationery, Coals, Candles, and other incidental Expences; and such Registrar shall, in Ten Days after the Twenty-fifth Day of *March*, Twenty-fourth Day of *June*, Twenty-ninth Day of *September*, and Twenty-fourth Day of *December* respectively in each Year, pay into the Receipt of Her Majesty's Exchequer in *Ireland* the Balance of all such Sum and Sums of Money as shall remain in his Hands after making such Payments as aforesaid (retaining, however, a Sum sufficient to discharge the current Expences of the said Office), and which Sum or Sums so to be paid into the said Exchequer by the said Registrar shall thereupon be carried to and made Part of the Consolidated Fund of *Great Britain* and *Ireland;* and such Registrar shall, in Fourteen Days after the Twenty-fourth Day of *December* in each Year, deliver unto the Office of Her Majesty's Commissioners for auditing the Public Accounts for the Time being an Account, signed by such Registrar, of all Fees received by him under this Act for the Year ending such Twenty-fourth Day of *December*, and of all Disbursements and Sums of Money paid by him according to the Directions of this Act, properly vouched and verified by a Declaration, as in such Cases usual, at the Foot thereof, by such Registrar, if required, before one of the Masters of the Court of Chancery, who is hereby authorized and required to administer such Declaration, and in case of the Death of such Registrar then his Executors or Administrators shall, within Six Calendar Months after his Death, deliver in like Manner to the said Commissioners for auditing the Public Accounts, an Account, signed by such Executors or Administrators respectively, of all Fees received and of all Disbursements and Sums paid by such Registrar from the latest Day to which he shall have so accounted to his Death, which Account shall be verified in like Manner by such Executors or Administrators; and the said Commissioners for auditing the Public Accounts shall and are hereby required to inquire into, audit, and settle, with all convenient Speed, every such Account so delivered, and to verify under their Hands the Balance (if any) due thereon; and such Registrar, or his Executors or Administrators, shall, within Six Days after each such Account respectively shall be so audited and certified, pay into the Receipt of Her Majesty's Exchequer in *Ireland* all such Sum or Sums of Money as shall be so certified as the Balance in his or their Hands, which Payment shall thereupon be carried to and made Part of the said Consolidated Fund of *Great Britain* and *Ireland;* and the said Commissioners for auditing the Public Accounts, in examining, trying, and auditing the said Accounts, shall have all the Powers which are vested in them under an Act of the Twenty-fifth Year of the Reign of King *George* the Third, intituled *An Act for better examining and auditing the Public Accounts of this Kingdom*, and under any other Act now in force, or any Law, Usage, or Custom, or otherwise howsoever, save and except where other Provision shall be made for the same by this Act: Provided always, that in case the Fees so to be received by the Registrar to be appointed pursuant to the Provisions of this Act shall not be sufficient in any One Quarter to pay the Salaries, Compensations, Allowances, and other Expences hereby made payable thereout, it shall be lawful for the said Registrar to certify to the Commissioners of Her Majesty's Treasury the gross Amount received on account of such Fees during such Period, and the Salaries, Compensations, and other Disbursements payable thereout; and thereupon the Commissioners of Her Majesty's Treasury may inquire into the Correctness of such Account, and shall be at liberty to direct that any Deficiency in such Receipts to meet the said several Salaries, Compensations, Allowances, and other Expences shall be paid out of the Consolidated Fund of *Great Britain* and *Ireland.*

Registrar to lodge Balances quarterly;

and to account yearly.

Account to be audited.

25 G.3. c.52.

Registrar to pay Twenty Pounds per Centum on Balances not lodged, &c.

XXVI. And be it enacted, That in case the said Registrar, his Executors or Administrators, shall at any Time neglect or make default in lodging his Balances quarterly as aforesaid, or in delivering in such Account as herein-before directed to the said Commissioners for auditing the Public Accounts, or in paying over any Balance which may be certified as due thereon within the Periods aforesaid, then and in any

any such Case such Registrar, or such Executors or Administrators having Assets sufficient to make such Payments, shall pay into the said Exchequer, together with such Balance, Interest on all such Balances as shall appear from Time to Time to have been retained by him at the Rate of Twenty Pounds *per Centum per Annum* from the Expiration of the said Periods aforesaid until paid in.

Registrar to obtain Receipt for Balance lodged and to produce same before Account audited.

XXVII. And to the end that such quarterly Payment of such Balance, if any, on the Foot of such Account, may be ascertained, be it enacted, That upon Payment thereof a Receipt or Discharge for the same shall be signed by the proper Officer in the Exchequer, which shall be produced and exhibited by the said Registrar to the said Commissioners for auditing the Public Accounts, on the passing of such Account, or within One Calendar Month from the Date thereof, as the Case may be, or by his Executors or Administrators within Three Calendar Months from the Date thereof; and the said Commissioners are hereby required to demand and have the Receipt for such quarterly Payment produced to them before they shall audit said Account, and shall also require the Receipt for the Balance due on any former Account to be produced to them before they shall audit and certify any subsequent Account for such Registrar, in manner herein-before directed.

Additional Clerks may, if necessary, be appointed.

XXVIII. And be it enacted, That if it shall herein-after appear to the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, or the Majority of them, that the Business of the said Office established under the Authority of this Act cannot be discharged with due Despatch without the Assistance of an additional Clerk or Clerks, then and in such Case it shall be lawful for the said Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, or the Majority of them, by and with the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time to direct that One or more additional Clerk or Clerks shall be appointed, with such Salary and Salaries as they shall deem proper, to be paid out of the Fees received or to be received under the Authority of this Act.

Power to abolish and reduce Fees.

XXIX. And be it enacted, That whenever it shall appear to the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, or the Majority of them, that the Fees herein-before directed to be payable under this Act shall be more than sufficient to answer and pay the several Salaries and other Payments for the Time being chargeable thereon, it shall be lawful for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron, or a Majority of them, by and with the Consent of the Commissioners of Her Majesty's Treasury for the Time being, from Time to Time to abolish any Fee, or to reduce such Fees, as may to them, or to a Majority of them, with such Consent as aforesaid, from Time to Time seem fit, and if it should be deemed proper, with the like Consent, again from Time to Time to revive or increase any of the Fees so reduced, but not beyond the Amounts hereby directed to be paid.

Registrar or any Assistant Clerk may be removed for Misconduct, &c.

XXX. And be it enacted, That it shall and may be lawful to and for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron, or the Majority of them, on Complaint duly made, or on any Offence or Misconduct of which they may otherwise acquire judicial Knowledge, and after full Inquiry into the alleged Grounds thereof, by Affidavit or otherwise, as they shall think fit respectively, to remove the said Registrar or any Assistant Clerk of the said Office appointed under the Provisions of this Act from his Office, for any Offence or Misconduct in such Office which they or the Majority of them shall deem deserving of such Punishment, and thereupon such Registrar or Assistant Clerk shall cease to hold or be entitled to such Office; and it shall be lawful for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, or the Majority of them, on Complaint and Inquiry as aforesaid, to inflict upon such Registrar or Clerk for any minor Offence such Punishment by way of Fine as they or the Majority of them shall deem expedient.

Provisions of this Act not to abridge Right of Action against Officers, &c. under former Acts.

XXXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to limit, abridge, bar, prejudice, or defeat any Action or Indictment, or any Remedy or Proceeding whatsoever, which at any Time heretofore may or might have been brought, found, had, or taken against any Officer or Clerk heretofore appointed under the said recited Acts or any of them, for or in respect of any Misconduct in Office which may have occurred or taken place, but that all such Actions, Indictments, Remedies, and Proceedings for any such Misconduct may be brought forward, had, or taken as if this Act had never been made.

Duties to be performed in Person.

Deputy may in certain Cases be appointed.

XXXII. And be it enacted, That from and after the Commencement of this Act the Registrar and Clerks appointed under this Act shall respectively perform their Duties in Person, except only in case of Absence under the Sanction herein-after provided; (that is to say,) in case of Illness or other necessary or proper Cause of Absence it shall be lawful for the said Registrar or Assistant Clerks, or either or any of them, from Time to Time as Occasion may require, to appoint a Deputy (such Deputy, and also the Occasion for such Appointment, to be first approved of by the Lord Chancellor, upon a Petition being verified), for such Time and under such Regulations as the Lord Chancellor shall direct; and no such Appointment of a Deputy shall continue for any longer Time than shall be allowed and specified in and by the Order which shall be made on such Petition; and that such Deputy shall be paid, out of the Salary of such Registrar or Clerk, such Sum as shall be directed by the said Order; and that at all Times during the temporary Absence of the said Registrar under such Permission as aforesaid the Signature of his Deputy shall be good and valid to any Search or other Document requiring the Signature of such Registrar.

XXXIII. And

Registrar and Clerks not to practise as Barrister, Attorney, &c.

XXXIII. And be it enacted, That every Person who shall at any Time after the passing of this Act be appointed to be Registrar or Clerk of or in the Office established under this Act shall be and he is hereby declared to be incapable of practising as a Barrister, or as an Attorney or Solicitor, or as Agent or Clerk of an Attorney or Solicitor, of any Court of Law or Equity in *Ireland*, either separately or in Partnership with any other, or in the Name of any other Person or Persons, during such Time as such Person shall hold the Situation, Office, or Employment of Registrar or Clerk in such Office; and if the said Registrar or Clerks, or any of them, shall, contrary to the true Intent and Meaning of this Act, so practise as such Barrister, Attorney, Solicitor, Agent, or Clerk, while he shall hold such Situation, Office, or Employment under this Act, the Lord Chancellor shall, on sufficient Proof of the same, dismiss the Person so offending from his Office or Employment, and the Person so dismissed shall be rendered incapable of ever after holding any Office or Employment in any of the said Courts.

Provision for Compensation to Secondary of the Exchequer.

XXXIV. 'And whereas the Office of Secondary of the Court of Exchequer is held by virtue of Her 'Majesty's Letters Patent, during good Behaviour, by *Andrew Carew O'Dwyer* Esquire, Barrister at 'Law, and the Rights thereof will be injuriously affected by the Operation of this Act, and it is just to 'provide a Remedy for the same;' be it therefore enacted, That immediately after the passing of this Act the Court of Exchequer, or any Two Barons thereof, shall proceed to inquire into and ascertain the official Receipts of the said Secondary for each Year of the Period directed in an Act passed in the Sixth and Seventh Year of Her Majesty, intituled *An Act for the Amendment of the Proceedings and Practice of the Equity Side of the Court of Exchequer in* Ireland, on account of all Matters and Things done and transacted in the said Office for the said Period; and the said Court of Exchequer or Barons aforesaid shall strike an Average of the said annual Receipts, and shall certify the Amount of the said Average so struck to the Lords Commissioners of Her Majesty's Treasury; and thereupon the said Officer, so long as he shall retain his said Office, shall render an Account quarterly, verified upon Oath, and shall be entitled to claim and receive quarterly and every Quarter, and in such Manner as other Compensations shall be payable under this Act, the Amount of any Deficiency of Income, if such should occur, in each or any Quarter, between his Receipt of Fees, to be taken into account from the First Day of *November* next, and One Fourth Part of the average Income to be struck and certified as herein-before directed, in order that the said Officer shall suffer no Loss in his Office by the Operation of this Act. 6 & 7 Vict. c. 55.

Compensations to other Officers.

XXXV. And be it enacted, That all other Officers and Persons employed in the Offices of any of Her Majesty's Courts whose Offices are hereby transferred, or whose Salary or Emoluments shall, in consequence of the passing of this Act, fall short in Amount of the Salary or Emoluments received by them in right of their respective Offices or Employments, shall be entitled to receive such Compensation in respect thereof as the Commissioners of Her Majesty's Treasury shall ascertain to be just and proper, according to an Average of the Income enjoyed by any such Persons for the Seven Years next preceding the Day appointed for the Commencement of this Act, the Amount of such Compensation to be ascertained in such Manner and by such Means as the said Commissioners of Her Majesty's Treasury shall think proper to direct, and to be charged and chargeable, and paid and payable to the several Persons entitled thereto, out of the same Fund, at the same Periods, and in the same Manner as herein-before provided for the Salaries and Expences hereby directed to be paid.

Conveyances, Contracts, &c. with Bankrupts protected where no Notice of Act of Bankruptcy, and made bonâ fide;

XXXVI. 'And whereas it is expedient that further Provisions should be made for the Security of 'Persons dealing with Bankrupts;' be it therefore enacted, That all Conveyances by any Bankrupt *bonâ fide* made and executed, and all Contracts, Dealings, and Transactions by and with any Bankrupt really and *bonâ fide* made and entered into before the Date and issuing of the Commission against such Bankrupt, and all Executions and Attachments against the Lands and Tenements or Goods and Chattels of such Bankrupt which shall be *bonâ fide* executed or levied before the Date and issuing of such Commission, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed, provided the Person or Persons to whom such Bankrupt so conveyed, or the Person or Persons so dealing with such Bankrupt, or at whose Suit or on whose Account such Execution or Attachment shall have been issued, had not at the Time of such Conveyance, Contract, Dealing, or Transaction, or at the Time of executing or levying such Execution or Attachment, Notice of any prior Act of Bankruptcy by such Bankrupt committed: Provided also, that nothing herein contained shall be deemed or taken to give Validity to any Payment made by any Bankrupt, being a fraudulent Preference of any Creditor or Creditors of such Bankrupt, or to any Execution founded on a Judgment on a Warrant of Attorney or Cognovit given by any Bankrupt by way of such fraudulent Preference.

also, with Notice, unless Commission sued out within 12 Months.

XXXVII. And be it enacted, That no Purchase from any Bankrupt *bonâ fide* and for valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless the Commission against such Bankrupt shall have been sued out within Twelve Calendar Months after such Act of Bankruptcy.

No Judgment signed or Execution issued on a Cognovit signed after Declaration filed, &c., or Judgment by Default, &c., deemed within 6 & 7 W. 4. c. 14.

XXXVIII. 'And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty 'King *William* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts in* Ireland, it is 'provided that no Creditor, though for a valuable Consideration, who shall sue out Execution upon any 'Judgment obtained by Default, Confession, or Nil dicit, shall avail himself of such Execution to the 'Prejudice of other fair Creditors, but shall be paid rateably with such Creditors: And whereas by 'reason of such Provision Plaintiffs in Actions have been and may be deterred from accepting a Cognovit 'actionem, with stay of Execution, whereby the Expence of further Proceedings in such Actions might 'have been and may be saved or diminished;' for Remedy whereof be it enacted, That no Judgment signed or Execution issued after the passing of this Act on a Cognovit actionem signed after Declaration filed

filed or delivered, or Judgment by Default, Confession, or Nil dicit, according to the Practice of the Court, in any Action commenced adversely, and not by Collusion for the Purpose of fraudulent Preference, should be deemed or taken to be within the said Provision of the said Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth.

The Act 8 G. 1. (I.) to be deemed to have been repealed.

XXXIX. 'And whereas by an Act passed in the Eighth Year of the Reign of His Majesty King 'George the First, intituled *An Act for the more effectual quieting and securing Possessions, and pre-* 'venting vexatious Suits at Law, it was amongst other things provided, that all Actions and Suits in 'Law or in Equity for Recovery of any Debt due by single Bill, or Bond under Hand and Seal, or by 'Judgment, Statute Staple, Statute Merchant, or Recognizance, should after the Lapse of Time therein 'mentioned be barred, unless upon certain Proceedings being taken, or Payments or Satisfaction being 'made, as therein respectively mentioned: And whereas since the passing of the said Act certain other 'Statutes have been passed for the Limitations of Actions upon Judgments and other Charges upon Land, 'Bonds, and other Specialties and Recognizances: And whereas Doubts have been entertained whether 'the Provisions of the said Act have been altered or affected by the said later Statutes:' Now for quieting and putting an end to such Doubts, it is hereby declared and enacted, That the said later Acts were and shall be deemed to be a Repeal of the said Act passed in the Eighth Year of the Reign of His late Majesty King *George* the First.

Lists of Fees to be placed up in Office.

XL. And be it enacted, That the Registrar to be appointed under this Act shall place up in proper and conspicuous Parts of his Office Lists or Schedules of the several Fees payable under this Act, so that the Public may at all Times have Access to the same.

Extent of Act.

XLI. And be it enacted, That this Act shall extend to *Ireland* only.

CAP. XCI.

An Act to consolidate and amend the Laws relating to Turnpike Trusts in *South Wales*.

[9th *August* 1844.]

'WHEREAS Her Majesty was, on the Seventh Day of *October* in the Year One thousand eight 'hundred and forty-three, pleased to issue a Commission to certain Persons therein named, 'directing them, amongst other things, to make a full and diligent Inquiry into the State of the Laws as 'administered in *South Wales* which regulate the Maintenance and Repair of Turnpike Roads, High- 'ways, and Bridges: And whereas the said Commissioners made their Report to Her Majesty, bearing 'Date the Sixth Day of *March* in the Year One thousand eight hundred and forty-four: And whereas 'the said Commissioners, by their said Report, among other things, recommended that the Debts then 'chargeable upon the several Turnpike Trusts in *South Wales* should be ascertained and redeemed, and 'also that the several Trusts in each of the respective Counties then existing should be consolidated and 'placed under uniform Management and Control; and that the Laws and Regulations relating to the 'Collection and Application of Tolls should be revised and amended: And whereas it is expedient that 'these and certain other Recommendations of the said Commissioners should be adopted, with certain 'Modifications thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

Appointment of Commissioners.

assembled, and by the Authority of the same, That it shall be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, by any Writing under their Hands, to appoint any competent Persons, not being more than Three in Number, to be Commissioners for carrying this Act into execution, One of whom shall be in manner aforesaid appointed Chief Commissioner for the Time being, and upon any Vacancy in the Number of Commissioners appointed, either by Removal or by Death or otherwise, to appoint some other fit Person to supply the same; and the said Commissioners for the Time being, and each and every of them, are and is hereby vested with the same Powers and Authorities as if he or they had been named in this present Act, and had been thereby appointed a Commissioner or Commissioners for executing the Trusts reposed in

Duration of Commission.

him or them by this Act: Provided always, that the Powers hereby given to such Commissioners shall absolutely cease and determine on the Twenty-ninth Day of *September* in the Year One thousand eight hundred and forty-five, or on such earlier Day as the said Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, shall think fit to declare the same to be determined, and Notice of the Determination of the said Commission shall be published in the *London Gazette*.

Style and Powers of Commissioners;

II. And be it enacted, That the said Commissioners shall be styled "The Commissioners for consolidating and adjusting the Turnpike Trusts in *South Wales*," and the Powers and Authorities hereby vested in such Commissioners shall include and comprise the Six Counties following; (that is to say,) the Counties of *Glamorgan*, *Brecknock*, *Radnor*, *Carmarthen*, *Pembroke*, and *Cardigan* respectively; and the said Commissioners or any Two of them may sit from Time to Time and at such Place or Places as they may deem expedient as a Board of Commissioners, and all Acts, Matters, and Things done by any Two of such Commissioners acting in execution of this Act shall be valid and effectual; and the said Chief Commissioner shall have a casting Vote in all Matters to be decided by such Board, in addition to

to have a Common Seal.

his own Vote; and the said Commissioners shall cause a Seal to be made, and all Orders, Regulations, Awards, or other Instruments made or executed by or by the Authority of the said Commissioners acting as such Board, or Copies thereof, purporting to be sealed with such Seal, shall be received in Evidence in

Orders, &c. of Commissioners

all Courts, and by all Judges, Justices, and others, without further Proof thereof; and all Orders, Regulations, Awards, and other Instruments so made as aforesaid by the said Commissioners acting in execution

execution of this Act shall be binding and conclusive on all Parties, and to all Intents and Purposes whatsoever, and shall not be removed or removable by Certiorari, or by any other Writ or Process, into any of Her Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding. to be binding, and not to be removed by Certiorari.

III. And be it enacted, That it shall be lawful for the said Board of Commissioners to be appointed by virtue of this Act, with the Consent of the Lord High Treasurer or Commissioners of Her Majesty's Treasury, to appoint a fit and proper Person to be their Secretary, and from Time to Time at their Discretion to remove the Secretary for the Time being, and appoint another in his Stead; and it shall be lawful for the said Board of Commissioners, with the like Consent as aforesaid, from Time to Time to appoint such Accountant or Accountants, Clerk or Clerks, or other Officers as may be necessary to assist in carrying the Provisions of this Act into execution, and from Time to Time at their Discretion to remove the said Accountant or Accountants, Clerk or Clerks, or other Officers, and to appoint other Persons, with the like Consent, in their Stead. Secretary, &c. to be appointed.

IV. And be it enacted, That the Salaries and Allowances of the said Commissioners to be appointed by virtue of this Act, and of their Secretary, and of the Accountants, Clerks, or other Officers to be appointed by virtue thereof, shall be from Time to Time regulated by the Lord High Treasurer, or by the said Commissioners of Her Majesty's Treasury: Provided always, that the said Lord High Treasurer, or the said Commissioners of Her Majesty's Treasury, may allow to any Commissioner, Secretary, Accountant, Clerk, or other Officers any such reasonable travelling and other Expences as may be incurred by them respectively in the Performance of their Duties under this Act, in addition to their Salaries or Allowances respectively; and the said Salaries, Allowances, and Expences shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*. Salaries and Allowances to Commissioners and their Officers.

V. And be it enacted, That the said Commissioners or any Two of them shall, on some Day or Days between the First Day of *August* and the Thirty-first Day of *December* in this present Year, sit as a Board for the Execution of this Act at the several Towns or Places, or within a convenient Distance thereof, within each of the said Counties before mentioned respectively, at which the Trustees or Commissioners of any Turnpike Trusts have been, before the passing of this Act, accustomed to hold their regular Meetings for transacting the Business relating to such Trusts: Provided always, that the said Commissioners shall cause Notice to be given of the several Days and Times at which they shall determine to hold their Sittings at the said several Towns or Places in each of the said Counties respectively, by causing One or more Advertisements thereof to be inserted in some Newspaper or Newspapers circulating in such County Twenty-one Days at least before the Time fixed for holding any Sitting under this Act: Provided also, that in case the Trustees of any Trust within any of the said Counties shall have heretofore been accustomed to hold their Meetings at Two or more Places alternately, it shall be lawful for the said Commissioners at their Discretion to sit at One or more of such Places as they shall deem convenient; and the said Commissioners shall have Power to adjourn their Sittings from Time to Time, and from Place to Place, as may be found necessary. Commissioners to proceed through South Wales. Notice to be given by Advertisement.

VI. And be it enacted, That the said Commissioners or any Two of them, sitting as aforesaid, shall make full and diligent Inquiry into the Management, Revenue, Debts, Condition, and Circumstances of the several Turnpike Trusts lying or partly lying within each of the said Counties respectively, and shall examine and ascertain the Amount, Nature, and Value of all Debts due or claimed to be due by or from any Turnpike Trust which shall have been contracted under the Powers and in conformity with the Provisions of any Act of Parliament relating to such Trust, and shall inquire how much of such Debts consists of unpaid Interest, and for what Period such Interest shall be in arrear, and all such other Particulars respecting the same, and respecting the Administration of such Trusts and the Roads comprised in the same respectively, as the said Commissioners shall deem necessary in order to the Execution of the several Powers and Duties hereby vested in them; and the said Commissioners shall then require all Persons being or claiming to be Creditors or Mortgagees of the Tolls of the said several Turnpike Trusts to produce or cause to be produced before the said Commissioners all Mortgages, Deeds, Contracts, or other Securities in respect of which such Creditors or Mortgagees claim to be entitled to any Principal Monies or Interest out of the Tolls of such Trusts, and the said Commissioners shall examine and compare the said Mortgages or other Securities with the Registers thereof, and shall take a full and particular Account of the same; and in case it shall appear to the said Commissioners, by the Books kept by the Clerk or Treasurer to any Trust, or by any other Evidence satisfactory to the said Commissioners, that any Person is a *bonâ fide* Creditor or Mortgagee of the Tolls of such Trust, though the Mortgage or Security before granted or assigned to such Person in respect thereof may have been lost, mislaid, or destroyed, it shall be lawful for the said Commissioners to include such Person in the List of Creditors or Mortgagees of such Trust in respect thereof; and the said Commissioners are hereby empowered, by Summons under their Hands, to require the Attendance of all Clerks, Surveyors, Treasurers, and other Officers of any of the said Trusts, as well as of all other Persons whom they may think fit to call before them upon any Question or Matter connected with or relating to the Subject of the said Inquiry, and also to examine all such Persons, and to require the Production of all Books, Contracts, Agreements, Accounts, Maps, Plans, Acts of Parliament, Papers, and Documents, or Copies thereof, in anywise relating thereto; and the said Commissioners may, if they shall think fit, require any Person whom they shall examine with respect to any of the Matters aforesaid to make or subscribe a Declaration of the Truth of the Matters respecting which such Person shall have been or shall be examined: Provided always, that no such Person shall be obliged by any such Summons to go or travel more than Twenty Miles from the Place of his usual Abode. Inquiry to be made by Commissioners into Circumstances of all Trusts, their Debts, &c. Commissioners to summon Witnesses and call for Papers.

Penalty for giving false Evidence.

VII. And be it enacted, That if any Person being examined by the said Commissioners or the Arbitrators or Umpire after mentioned, under the Authority of this Act, shall wilfully and corruptly give false Evidence, or shall subscribe a false Declaration, or if any Person shall wilfully refuse to attend in obedience to the Summons of the said Commissioners, or shall wilfully refuse to give Evidence, or to make and subscribe such Declaration as aforesaid, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any Books, Contracts, Agreements, Accounts, Writings, Plans, Maps, Acts of Parliament, Papers, or Documents, which may be required to be produced before the said Commissioners, every Person so offending shall be deemed guilty of a Misdemeanor.

Commissioners to record their Proceedings.

VIII. And be it enacted, That the said Commissioners acting as aforesaid under the Authority of this Act, and the Arbitrators and Umpire after mentioned, shall make or cause to be made a full and particular Record in Writing of their Proceedings, and of all such Matters and Things in the course of the several Examinations and Inquiries herein-before directed to be made by them, as they shall deem essential.

Commissioners to ascertain and estimate all Debts;

IX. And be it enacted, That so soon as the said Examination and Inquiry into the Affairs and Finances of any of the said Trusts respectively shall have been made as aforesaid, and all such Evidence as the said Commissioners shall deem necessary shall have been heard and received touching the same, the said Commissioners shall forthwith proceed to determine respecting the Claims of the several Persons being or claiming to be Mortgagees or Creditors of such Trust, and shall estimate and determine the fair and actual Value of every One hundred Pounds of Debt secured by Mortgage or Assignment of or other Charges on the Tolls of such Trust, and also the Value, if any, of every One hundred Pounds of Interest remaining due upon any such Mortgage Debts, excluding nevertheless all such Interest as shall have been due and in arrear for more than Six Years previous to the First Day of *August* in this present Year, which said last-mentioned Interest the said Commissioners shall in all Cases deduct and disallow; and as to any Turnpike Trusts wherein are comprised any Roads or Portions of Roads locally situated in Two or more Counties, the said Commissioners shall decide in what Manner and according to what Proportions the Debts outstanding upon such Trusts shall be apportioned and made chargeable upon each of such Counties respectively, and the said Commissioners shall thereupon make their Award in Writing under their Hands and Seals, and shall specify therein the Names of all such Persons as they shall have determined to be entitled to any Monies, in respect of Principal or Interest, as Mortgagees or Creditors of such Trust, together with the Sums to which in the Judgment of the said Commissioners the said Persons shall be respectively entitled, according to the Value of their respective Debts; and the said Commissioners shall forthwith deliver their said Award to the Clerk of such Trust, and the said Clerk shall, within Three Days from the Delivery of such Award, give or send Notice in Writing to the several Persons therein specified as Creditors of such Trust, or to the lawful Representatives or Agents of such Persons, of the Sums thereby awarded to them respectively, according to the Tenor and Effect of the said Award; provided that all Notices directed by this Act to be served or given, except such as are to be given by Advertisement in any Newspaper, may be sent by Post.

and to award the Sums, and Names of Persons to whom due.

Sums due to Infants and Lunatics may be awarded to Guardians and Committees, &c.

X. And be it enacted, That where any Monies shall be due to any Infant, the Award may be made for the Payment of the Sum therein specified to the Parent or Guardian of such Infant, or if there shall be no Parent or Guardian, then to any Trustee or Trustees for such Infant; and if any Monies shall be due to a Lunatic or Idiot, then the Award may be made for such Payment to the Committee of such Lunatic or Idiot; and where any Monies shall be due to any Person in trust for others, the Award may be made for such Payment to the Trustee or Trustees; or in case of the Refusal to act or Incapacity of such Trustee or Trustees, then the said Commissioners, by their said Award, or by any Writing under their Hands and Seal, may appoint another or other Trustees for the Purpose of receiving such Payment.

Persons dissatisfied with Award how to appeal.

XI. And be it enacted, That in case any Person so adjudged to be entitled to any Monies as a Mortgagee or Creditor of any such Turnpike Trust (or the Executor, Administrator, Parent, Guardian, Trustee, or Committee of any such Person, in case the Person so adjudged to be entitled shall have died, or shall be a Minor, Cestuique Trust, Lunatic, or Idiot,) shall be dissatisfied with the Amount determined by the Award of the said Commissioners to be payable in respect of the Debt due to such Person, then such Person, or such Executor, Administrator, Guardian, Trustee, or Committee, shall, within Twenty-one Days from the Receipt of the said Notice of Award, signify his Dissent from such Award by Notice in Writing to be served upon the Clerk of the said Trust; and the said Clerk shall, within Three Days after the Expiration of the said Twenty-one Days, transmit a List of the Names of all such Dissentients to the said Commissioners or to their Secretary; and all such Creditors or Persons authorized to act on their Behalf who shall fail to give Notice of Dissent within the Time hereby limited shall not afterwards be at liberty, except only in the Case herein-after described, to question or object to such Award; and the said Award shall be binding and conclusive upon all such Creditors and Persons to all Intents and Purposes whatsoever.

Commissioners to appoint Time and Place for Arbitration.

XII. And be it enacted, That in case any Creditor mentioned in such Award, or Person authorized to act on behalf of such Creditor, shall have duly given Notice of such Dissent as aforesaid, and the same shall have been duly certified by the Clerk of such Trust to the said Commissioners, the said Commissioners shall thereupon appoint some convenient Time and Place, whereof they shall cause not less than Fourteen Days Notice to be given by Advertisement in One or more Newspapers circulating in any County wherein such Trust shall be situate, for determining the Claims of all dissentient Parties by Arbitration, according to the Provisions herein-after contained.

XIII. And

Arbitrators how to be selected.

XIII. And be it enacted, That the said Dissentients shall attend before the said Commissioners in Person, or by their Agents, at the Time and Place which shall have been so appointed as aforesaid, and the Majority in Number of such Dissentients, if more than Two, and if Two or One, then such Two or One, shall elect and appoint some One fit and competent Person, not being in anywise interested in the Subject Matter of such Award, to be an Arbitrator on their or his Behalf, and shall signify the Appointment of such Arbitrator to the Commissioners; and the Commissioners, if they shall approve of such Appointment, shall thereupon nominate One other indifferent Person to be an Arbitrator on their Part; provided always, that the said Dissentients shall have no Power to revoke the Appointment of the Arbitrator by them appointed after the same shall have been signified to and approved by the Commissioners; and in case the said Dissentients shall refuse or neglect to appoint such Arbitrator, then it shall be lawful for the said Commissioners to appoint One Arbitrator to act on behalf of both Parties, and in such Case the Award or Determination of such One Arbitrator shall be final and conclusive, in the same Manner as if Two Arbitrators had been appointed and had concurred in the same.

If Arbitrator shall die, another to be appointed.

XIV. And be it enacted, That if before the Matters referred to such Arbitrators shall have been determined any Arbitrator appointed by either Party shall die, or become incapable or refuse or neglect to act as Arbitrator, the Party by whom such Arbitrator was appointed may appoint in manner aforesaid some other indifferent Person to act in his Stead.

If Arbitrators differ, an Umpire to be named.

XV. And be it enacted, That in case the said Arbitrators so to be appointed as aforesaid shall be unable to agree upon and determine the Matters referred to them, they shall jointly nominate and appoint some third Person, to be approved by the said Commissioners, to act as Umpire, or if the said Arbitrators cannot agree in such Appointment, then an Umpire shall be named by One of Her Majesty's Principal Secretaries of State; and the Decision of such Umpire on the Matters so referred shall be final.

Powers of Arbitrators.

XVI. And be it enacted, That the said Arbitrators, or their Umpire, shall inquire and determine what Sums of Money shall be paid to the said Dissentients in respect of their Debts, and shall have the same Powers and Authorities for the Purpose of the said Arbitration as are herein-before given to the said Commissioners touching the examining of Witnesses, as well the Persons on whose Behalf any such Arbitration shall have been instituted as others, and touching the Production of any Books, Papers, Contracts, Writings, or Documents which they or he shall deem necessary for the Purpose of such Arbitration.

Award of Arbitrators.

XVII. And be it enacted, That the said Arbitrators, or their Umpire, shall make their or his Award in Writing touching all the several Matters referred, under their Hands and Seals or Hand and Seal, and shall forthwith deliver one Copy or Duplicate thereof to the said Commissioners, and another Copy or Duplicate thereof to the Clerk of such Trust; and such Clerk shall forthwith give Notice to the said Persons on whose Behalf such Arbitration shall have been instituted of the Tenor and Effect of such Award; and such Award shall be final, conclusive, and binding on the said Persons, and on all other Persons whomsoever, and shall have the same Force and Effect as any Award made by the said Commissioners in pursuance of this Act.

Expences of Arbitration how to be borne.

XVIII. And be it enacted, That the said Commissioners shall allow to any Person acting as Arbitrator or Umpire, according to the Provisions of this Act, such Sums for his Services and Loss of Time therein as the said Commissioners shall deem reasonable; and the said Sums, and all other Expences incurred in and about such Arbitration, shall be borne and paid as follows; (that is to say,) if the Sum awarded by such Arbitrators or Umpire to be paid to the Parties dissenting from the Award of the said Commissioners shall be a greater Sum than the Sum specified in the said last-mentioned Award, then all the said Costs, Charges, and Expences attending the Proceedings before the said Arbitrators or Umpire shall be paid in like Manner as other Charges and Expences which shall be incurred by the said Commissioners, or by their Authority, in carrying this Act into execution; and in case the Sum or Sums awarded by such Arbitrators or Umpire shall not be a greater Sum or Sums than the Sum or Sums specified in the Award of the said Commissioners, then such Costs, Charges, and Expences as aforesaid shall be borne and paid rateably by the several Parties on whose Behalf the said Arbitration shall have been instituted: Provided always, that all Costs, Charges, and Expences to be borne by such Parties may, in default of their paying the same, be paid in like Manner as other Charges and Expences incurred in the Execution of this Act as aforesaid; and in that Case the same shall be fairly and rateably apportioned by the said Commissioners among the said Parties respectively, and the same shall be deducted from the Payments thereafter to be made to such Parties in respect of the several Sums awarded to them, according to the Provisions herein-after contained.

Awards, Advertisements, &c. to be free of Stamp Duty.

XIX. And be it enacted, That no Award or other Instrument relating to or arising out of any Arbitration which shall take place in pursuance of this Act, and no Advertisement which, in pursuance of this Act and by Direction of the said Commissioners, shall be inserted in the *London Gazette* or in any Newspaper, shall be chargeable with any Stamp Duty.

Provision in case of Creditors not applying within Time limited.

XX. And be it enacted, That in case any Person claiming to be a Mortgagee or Creditor of any Turnpike Trust shall, by reason of Absence from the Realm, or any other unavoidable and necessary Cause, fail to give Notice to the Commissioners of such Mortgage or Debt within the Time and according to the Regulations herein-before limited and provided, or in case any Person who shall have been proved to the Satisfaction of the Commissioners to be a Mortgagee or Creditor of any Turnpike Trust, and with respect to whose Mortgage or Debt any Award shall have been made by the Commissioners shall, by reason of such unavoidable and necessary Cause as aforesaid, fail to give Notice of Dissent from such Award within the Time and according to the Regulations herein-before limited and provided, it shall nevertheless

nevertheless be lawful for the said Commissioners, upon the Application of such Person at any Time within Twelve Months from the passing of this Act, provided they shall be satisfied with the Cause alleged, to receive Evidence of such Mortgage or Debt, and to make their Award respecting the same as herein-before directed, or otherwise to direct an Arbitration to be instituted, as the Case may be, according to the Regulations herein-before contained, at such Time and Place, and on such Terms and Conditions, with reference to the Circumstances of the Case, as to the said Commissioners shall appear just and reasonable: Provided always, that all Parties omitting to give such Notice or to make such Application within Twelve Months from the passing of this Act shall be thereafter finally barred and concluded from any further Application, Appeal, or other Proceeding with respect to any such Debt or Mortgage, or with respect to any Award of the Commissioners concerning the same.

Creditors after Twelve Months to be barred.

Commissioners to report Result of Awards to Secretary of State.

XXI. And be it enacted, That the said Commissioners, so soon as they shall have made the said Examination and Inquiry herein-before directed to be made into the Condition, Circumstances, and Affairs of the several Turnpike Trusts in all or any of the said Six Counties, and so soon as they shall have estimated and ascertained the Sums payable to the several Creditors of the said Trusts respectively, and shall have made or caused to be made the several Awards concerning the same, shall make a full and particular Report, under their Hands and Seal, to One of Her Majesty's Principal Secretaries of State, and shall therein specify in detail the Sums by them or by their Authority awarded to be due and payable to the several Creditors of each of the said Trusts respectively, and also the total or aggregate Sums which they shall have determined to be chargeable in respect of such Debts to or upon each of the said Counties respectively, and shall also make such further Report or Returns respecting any other Matters and Things thereto appertaining as the said Commissioners shall deem necessary, or as One of Her Majesty's said Principal Secretaries of State shall require; and the said Commissioners shall also make such other and additional Reports from Time to Time respecting any Matters and Things by them done in the Execution of this Act, or relating to the same, as Her Majesty's said Principal Secretary of State shall require.

Sums awarded to be paid by Public Works Loan Commissioners. 5 & 6 Vict. c. 9.

XXII. And be it enacted, That when the said Commissioners shall have made their Report of the Sums awarded to be paid to the said Creditors in respect of their said Debts and Interest, and such Report shall have been approved of by One of Her Majesty's Principal Secretaries of State, then it shall be lawful for the Commissioners for carrying into Execution an Act passed in the Second Session of the Fifth Year of the Reign of Her present Majesty, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries, and Employment of the Poor; and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, (and which said Commissioners are herein-after designated as the Public Works Loan Commissioners,) in manner after mentioned, to cause to be paid the several Sums of Money so fixed by such Awards respectively to the Parties entitled to receive the same under the said Awards, together with Interest thereon after the Rate of Three *per Centum per Annum* from the Date of the said Awards respectively to the Day which shall be appointed by the said Public Works Loan Commissioners for the Payment thereof; and the Payment to the Persons named in such Awards respectively, their Executors, Administrators, or Assigns, or to the Parent or Guardian of any Infant, or to the Committee of any Lunatic or Idiot, shall be a valid and effectual Payment and Discharge of and in respect of such Monies so awarded, and of all Claims of such Persons in respect of the same.

Sum not exceeding 225,000*l.* to be charged upon the Consolidated Fund for the Purposes of this Act.

XXIII. And be it enacted, That for the Purpose of providing a Fund for such Payments the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are hereby empowered, by Warrant under the Hands of any Three or more of them, to direct to be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce thereof from Time to Time, to the Commissioners for the Reduction of the National Debt, a Sum or Sums of Money not exceeding Two hundred and twenty-five thousand Pounds, to be by them held in trust for the Purposes hereafter mentioned.

Commissioners for the Reduction of National Debt to be Trustees of South Wales Turnpike Trust Fund, and to cause separate Account to be opened at the Bank of England for the Purpose.

XXIV. And be it enacted, That the Commissioners for the Time being for the Reduction of the National Debt shall be and they are hereby appointed Trustees on the Part of the Public for holding the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, and they shall cause a separate Account to be opened at the Bank of *England* with them for such Purpose, under the Title of "The Commissioners for the Reduction of the National Debt on account of the *South Wales* Turnpike Trust Fund," which Account the Governor and Company of the Bank of *England* shall and they are hereby required to open in their Books accordingly, and to which Account shall be carried all such Monies as shall be issued and paid out of the Consolidated Fund for the Purposes aforesaid; and there shall be provided and kept in the Office of the said Commissioners for the Reduction of the National Debt a Book or Books, in which all the Monies transferred to the Account of the said last-mentioned Commissioners by virtue of this Act shall be entered and kept separate and apart from all other Monies; and such Monies shall be by them held subject to the Disposal and Orders of the said Public Works Loan Commissioners for the Purposes of Payments to be made by them in pursuance of this Act.

Bank of England to open Account with Public Works Loan Commissioners under this Act.

XXV. And be it enacted, That the Governor and Company of the Bank of *England* shall and they are hereby required to open an Account in their Books with the Public Works Loan Commissioners, under the Title of "The Commissioners for the Issue of Loans for Public Works and Fisheries, *et cetera*, (*South Wales* Turnpike Trusts,)" and to the Credit of which Account shall be carried all Principal Monies and Interest which shall from Time to Time become payable in respect of the Monies herein-after directed to be secured to such last-mentioned Commissioners, and shall be paid to the Cashiers of the

the said Bank of *England*, upon such or the like Certificates under the Hands of the said last-mentioned Commissioners, as by the said recited Act is provided or referred to in the Case of Payments to be made into the Bank as therein is provided, or as near thereto as the Difference of Circumstances will admit.

Money paid to the Account of Public Works Loan Commissioners to make Part of Consolidated Fund.

XXVI. And be it enacted, That all and every Sum and Sums of Money which shall be paid into the Bank of *England* to the Account of the last-mentioned Commissioners, under or by virtue of this Act, shall from Time to Time, immediately on such Payments being made to the said Account, be transferred by the Governor and Company of the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Amount of Monies to be paid by Public Works Loan Commissioners under this Act to be certified to the Commissioners for the Reduction of the National Debt.

XXVII. And be it enacted, That when and so soon as the said last-mentioned Commissioners shall have determined upon any Amount of Money to be paid under the Provisions of this Act, the said Commissioners or any Three or more of them shall forthwith certify such Amount to the Commissioners for the Reduction of the National Debt for the Time being; and at the Foot of every such Certificate the Secretary of the said Public Works Loan Commissioners shall state the Name or Names of the Person or Persons by whom every such Certificate is to be presented to the said Commissioners for the Reduction of the National Debt; and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt, the Comptroller General or Assistant Comptroller, or Chief Clerk acting under the said last-named Commissioners, shall upon the Back of every such Certificate endorse and sign an Order for the Payment of the Sum mentioned in every such Certificate to the Person or Persons named at the Foot of every such Certificate, or to One of such Persons, and which Order of such Officer previously to the issuing thereof shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said last-named Commissioners, and shall be addressed to the Governor and Company of the Bank of *England*; and such Cashiers or one of them shall upon the Production of every such Order pay the Sum mentioned therein to the Person or Persons mentioned in every such Order; and the Signature of such Person or Persons, jointly or severally, shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt, and to the said Governor and Company respectively; provided the total Amount directed to be paid by such Certificate or Certificates respectively shall not at any Time exceed the Amount for the Time being standing to the Credit of the said Account of the said Commissioners for the Reduction of the National Debt under the Provisions of this Act.

Commissioners for Reduction of National Debt to furnish annual Account of Fund, &c.

XXVIII. And be it enacted, That the Commissioners for the Reduction of the National Debt shall cause to be made up, for Examination and Audit, an annual Account to the Thirty-first Day of *December* in each Year of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said "*South Wales* Turnpike Trust Fund" as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts.

Amount paid by Public Works Loan Commissioners under this Act, with Interest, to be repaid by half-yearly Annuity for Thirty Years.

XXIX. And be it enacted, That an Account shall be made up on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year of the Monies which shall have been paid by the said Public Works Loan Commissioners as aforesaid, together with Interest thereon from the respective Days of Payment up to the said Twenty-fifth Day of *March* or the Twenty-ninth Day of *September*, as the Case may be, distinguishing the same so as to show the Amount paid to Creditors on Tolls within each of the aforesaid Counties respectively, together with such Interest as aforesaid; and thereupon the said Commissioners for carrying this Act into execution, in consideration of the Sums so respectively paid to the Creditors on the Tolls of each of the said Counties respectively, together with such Interest as aforesaid, shall charge the County Roads Fund herein-after mentioned, and the Rates to be levied in aid thereof as after mentioned, with the Payment to the said Public Works Loan Commissioners, on account of the *South Wales* Turnpike Trust Fund, of such an Annuity as shall be equal to Five Pounds and Five Shillings for every Sum of One hundred Pounds so paid as aforesaid by the last-named Commissioners, together with such Interest as aforesaid in respect of each separate County, and so in proportion for any fractional Part of One hundred Pounds paid, such Annuity to be payable from the said Twenty-fifth Day of *March* or the Twenty-ninth Day of *September* up to which such Account shall have been made, for the Term of Thirty Years, and to be paid half-yearly, and without Deduction, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year, and the first Payment to be made on such of the said half-yearly Days of Payment as shall next happen after such Charge shall have been made, and so as the County Roads Fund aforesaid, and such Rates in aid thereof as aforesaid of each County, be charged with such an Annuity as aforesaid in respect of the Sums paid to the Creditors on the Tolls within that County, and such Interest thereon as aforesaid, and no more.

Powers of Commissioners as to Charge to devolve to Secretary of State.

XXX. And be it enacted, That with respect to any Monies to be paid by the Public Works Loan Commissioners after the Powers hereby given to the Commissioners for carrying this Act into execution shall have ceased, then such Charge as aforesaid shall be made and executed by One of Her Majesty's Principal Secretaries of State.

Charges to be in such Form as Public Works Loan Commissioners shall direct.

XXXI. And be it enacted, That all such Charges to be made as aforesaid shall be made and prepared in such Form as the said Public Works Loan Commissioners shall from Time to Time order or direct, and, when executed by the Parties hereby authorized to make such Charges, shall be valid in the Law, and shall be made to the Secretary for the Time being of the said Commissioners last mentioned, and in all respects as by the said recited Act of the Fifth Year of the Reign of Her present Majesty, and the Acts therein recited, is directed and provided with regard to Securities and Charges to be made to the Secretary for the Time being of the Commissioners last mentioned; and all Provisions and Directions in the

the said recited Act and the Acts therein recited shall apply to such Charges or Securities to be made in pursuance of this Act in such Manner as if the same were herein repeated; and the Fact of the Secretary of the said Commissioners being a Party to such Charge shall be deemed conclusive Evidence of the same having been prepared in the Form prescribed by and under the Order and Direction of the said last-mentioned Commissioners.

Mortgages of Tolls held by Public Works Loan Commissioners to be paid in full.

XXXII. Provided always, and be it enacted, That nothing in this Act contained shall authorize the Commissioners for carrying this Act into execution to award to the Commissioners for carrying into execution the said recited Act of the Fifth Year of the Reign of Her present Majesty, or to any of the Commissioners for carrying into execution any of the several Acts therein recited, in respect of any Mortgage or other Charge on the Tolls of any Turnpike Trust in *South Wales* heretofore made to any such Commissioners respectively, or their Secretary, and to which no other Fund or Payment is now by any Law or Statute made applicable, any Sum less than the full Amount which shall be due thereon for Principal and Interest up to the Day of the Date of such Award as aforesaid; but all such Principal Monies and Interest which shall be so due shall be awarded in full to the said Public Works Loan Commissioners, or their Secretary for the Time being, in lieu of such Debts and Interest being valued in manner herein-before specified with respect to such other Debts or Charges and Interest so as aforesaid directed to be valued, and shall be paid accordingly.

Monies advanced under 5 Vict. c. 9. may be paid into Consolidated Fund on account of Monies issued thereout under this Act.

XXXIII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury for the Time being, by Warrant under the Hands of any Three or more of them, from Time to Time to direct the Payment of any Part of the Monies by the said recited Act of the Fifth Year of the Reign of Her Majesty authorized to be paid to the Commissioners for the Time being for the Reduction of the National Debt (as in the said Act is provided) to be paid into the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and when so paid the same shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, so as such Sums so to be paid shall not exceed the Amount of the Sums from Time to Time to be advanced for the Purposes of this Act.

All Local Acts to be repealed from a Day to be declared by Commissioners.

XXXIV. And be it enacted, That all Local Acts of Parliament for making, repairing, or regulating any Turnpike Road or Roads within any of the said Counties respectively shall, so far as relates to the several Turnpike Roads locally situated within the said Counties respectively, be repealed by virtue of this Act; and the Repeal of every such Local Act respectively shall date and take effect from and after such Day as the said Commissioners, by Order under their Hands and Seal, and whereof Notice shall twice be published in the *London Gazette*, shall appoint and declare with respect to such Local Act or Acts as shall be specified in such Order respectively; and the Provisions of this Act herein-after contained for consolidating the several Trusts in each of the said Counties, and for altering and remodelling the Management of the same, shall thenceforward come into full Operation and Effect: Provided always, that the Repeal of the said Acts shall not have the Effect of reviving any former Acts which have been repealed by those Acts or any of them, but such former Acts shall continue repealed in the same Manner as if this Act had not been passed.

Justices in Quarter Sessions to elect Members of County Roads Board.

XXXV. And be it enacted, That the said Commissioners shall, so soon as the said Inquiry herein-before directed to be made into the Debts and Circumstances of the several Turnpike Trusts shall have been completed, cause a Notice in Writing to be addressed to the Clerk of the Peace of each of the said Counties respectively, and Her Majesty's Justices of the Peace acting in and for each of the said Counties respectively shall, at their General Quarter Sessions of the Peace to be held for such County next after the Date of such Notice, or if the regular Time for holding such General Quarter Sessions shall not happen within Thirty Days from such Date, then at some General Sessions to be duly summoned for that Purpose, according to the Regulations now in force for the summoning of the same, and to be held within Thirty Days from the Date of such Notice, elect and appoint not less than Six nor more than Twelve fit and competent Persons, being Justices of the Peace acting in and for the said County, to be Members of the Board to be constituted in pursuance of this Act for the Management and Control of all Turnpike Roads lying within each of the said Counties respectively; and in case the said Justices shall, at their said General or Quarter Sessions which shall be held next after the said Notice, or in pursuance thereof, elect a less Number than Twelve Persons to be Members of the said Board, then it shall be lawful for the said Justices from Time to Time, at any subsequent General Quarter Sessions, to elect so many other Persons, being Justices as aforesaid, as, together with the said Persons before elected, shall not exceed the said Number of Twelve; and whenever any of the Persons who shall have been so elected respectively shall die or resign, or if any of the said Persons shall absent themselves from the Meetings of the said Boards for the Space of Twelve Months, the said Justices of the Peace shall, at their General Quarter Sessions held next after such Vacancy shall have occurred, elect and appoint another or other Person or Persons in the Room of the Person or Persons who shall have died or resigned as aforesaid: Provided always, that Notice of any Election to take place in pursuance of this Act shall in all Cases be given by the Clerk of the Peace for such County, by inserting an Advertisement thereof in One or more of the Newspapers circulating in such County Fourteen Days at least before the said General Quarter Sessions at which such Election is intended to take place.

Certain Persons in each County to be ex-officio Members of County Roads Boards.

XXXVI. And be it enacted, That in each of the said Counties respectively the several Persons herein next mentioned shall be *ex officio* Members of the said Board; that is to say, the Lord Lieutenant and the Vice Lieutenant (if any) of such County for the Time being, all eldest Sons of Peers, and all Members of Her Majesty's Privy Council, who shall respectively reside in such County, or be rated in respect of any Property

Property therein, and all Members of the House of Commons who shall have been elected to serve in Parliament for such County, or for any Borough or Place therein, and the Chairman of Quarter Sessions for such County for the Time being.

Style and Powers of County Roads Boards.

XXXVII. And be it enacted, That the said Board to be constituted by virtue of this Act in each of the said Counties respectively shall be styled "The County Roads Board," and shall, subject to the Provisions and Restrictions herein-after contained, have the Superintendence, Control, and Management of all Turnpike Roads and Parts of Turnpike Roads situated in any of the said Counties respectively, which shall have been heretofore regulated by any Local Act or Acts of Parliament to be repealed in pursuance of this Act, and which shall be determined by the said Commissioners in manner herein-after provided to be maintainable as Turnpike Roads in any of the said Counties respectively.

Provisions of General Turnpike Acts how far to be applicable.

XXXVIII. And be it enacted, That the several Powers, Provisions, and Regulations of the Acts mentioned in the First Schedule to this Act annexed (and which are herein-after called the General Turnpike Acts) shall, except so far as the same are varied, altered, or repealed by this Act, continue to apply to all Roads which shall hereafter be maintained, pursuant to the said Determination of the said Commissioners, as Turnpike Roads within any of the said Counties respectively; and all Powers, Privileges, Rights, Exemptions, Penalties, Restrictions, and Liabilities belonging or appertaining, by virtue of the said General Turnpike Acts or any of them, to any Trustees or Commissioners acting in execution of any Local Act for regulating any Turnpike Roads, shall, except so far as the same are varied, altered, or repealed by this Act, or are repugnant or contradictory thereto, apply to all Persons who shall be Members of any of the said County Roads Boards, and also, so far as the same shall be found applicable, to all Members of any District Boards to be constituted by virtue of this Act in manner herein-after provided.

Existing Officers of Trusts to account.

XXXIX. And be it enacted, That in each of the said Counties respectively the present Collectors of Tolls, Surveyors, Clerks, and all other Officers and Persons who shall have received any Tolls or other Money under or by virtue of any Local Act for regulating Turnpike Roads to be repealed in pursuance of this Act, shall, so soon as they shall be required by the County Roads Board acting in and for the County to which the Road or Roads included in such Local Act shall respectively be determined to belong, account for, pay, and deliver over such Tolls or other Money to the said County Roads Board, or to some Person to be by the said County Roads Board appointed for that Purpose, in the same Manner as they are by the said General Turnpike Acts required to do to the Trustees by or under whom they have been appointed, and shall be subject to the like Provisions and Penalties for enforcing the Production of such Account, and such Payment and Delivery over, as they would have been subject to under the said General Turnpike Acts if they had refused or neglected to produce, pay, or deliver over the same as thereby required to the said Trustees: Provided always, that in case any Road or Roads included in any Turnpike Trust shall lie in more than One of the said Counties, the Officers acting under the Local Act regulating the same shall pay and deliver over the Monies in their Hands, and other Property of or belonging to such Trust as aforesaid, in such Proportion between Two or more such County Roads Boards as the said Commissioners shall order and direct.

Provision as to existing Leases of Tolls.

XL. 'And whereas many Persons may at the Time of the Repeal of the said Local Acts be Farmers 'of the Tolls arising on Turnpike Roads, and may hold Leases or Contracts with the Trustees acting 'in execution of such Acts, which Leases or Contracts may be unexpired at the Time of such 'Repeal: And whereas the Rates of such Tolls, and the Distances within which the same shall be 'payable, may be altered by virtue of this Act, and the Roads to which such Contracts relate may be 'situated in different Counties, and may be placed by virtue of this Act under different Manage-'ment and Control;' be it therefore enacted, That it shall be lawful for the County Roads Board acting in and for the County wherein the Roads to which such Leases or Contracts relate shall lie, upon Application made to such Board by such Farmer of Tolls, Lessee, or Contractor, to release and discharge such Farmer, Lessee, or Contractor from such Lease or Contract, and the same shall thenceforth become void and of no Effect as to the Residue of the Term or Time then to come and unexpired therein, any thing contained in such Lease or Contract to the contrary notwithstanding: Provided always, that it shall be lawful for the said County Roads Board to make such Composition and Agreement with the Parties interested therein for Apportionment of Rents or Payments, and also to make such Compensation or Allowance to the said Parties, as to the said County Board shall seem just and reasonable: Provided also, that in case the Roads to which such Leases, Contracts, or Agreements relate shall lie, as to Part thereof, in more than One of the said Counties, then such Apportionment of Rent or Payment shall be made, and such Compensation and Allowance shall be paid, as between the several County Boards interested therein, in such Manner and according to such Rules and Proportions as the said Commissioners shall determine.

Debts due to Trust to be vested in County Roads Boards.

XLI. And be it enacted, That all Persons who shall, at the Time of the Repeal of any of the said Local Acts to be repealed in pursuance of this Act, owe any Sum or Sums of Money to the Trustees theretofore acting under such Local Act shall pay the same, as soon as they shall be required so to do, to the County Roads Board acting in and for the County wherein the Roads theretofore regulated by such Local Act shall lie, instead of such Trustees; and such County Roads Board shall have the same Benefit of all Bonds and Securities, and of all other Remedies for recovering and obtaining Payment of such Sums respectively, as the said Trustees might or could have had in case this Act had not been passed, or in case such Sums of Money had been originally due and owing to such County Roads Board;

Board; and all Sums of Money (other than such Sums of Money as have been advanced on the Security of the Tolls of any Turnpike Road) which at the Time of the Repeal of any of the said Local Acts shall be owing from the Trustees theretofore acting under any such Local Act, and which shall have been *bonâ fide* incurred, applied, or expended in the Execution of any such Local Acts, shall be paid to the Parties thereto entitled by such County Roads Board, instead of such Trustees, and such Trustees shall be and are hereby discharged therefrom: Provided always, that where any such Sums of Money shall be due to or by the Trustees of any Turnpike Road or Roads which shall lie, as to Part thereof, in more than One of the said Counties, the same shall be payable to or by the County Roads Boards of the several Counties respectively in which the said Roads shall lie, according to such Rules and Proportions as the said Commissioners shall determine.

Roads and Property of Trusts vested in County Roads Boards.

XLII. And be it enacted, That all and every Turnpike Roads and Road regulated by any Local Act to be repealed in pursuance of this Act, and all Turnpikes, Toll Houses, Gates, Weighing Machines, Carts, Watch-boxes, Lamps, Lamp Posts, and other Erections and Buildings on the said Roads, which shall have been erected under the Powers of the said Local Acts or any of them, or of any former Acts for the making or repairing of the said Roads respectively, or of the said General Turnpike Acts, shall from and after the Repeal of the said Local Acts respectively be and remain vested in the several County Roads Boards acting in and for the several Counties wherein such Roads respectively shall lie, in like Manner and to the same Extent as they are now respectively vested in the Trustees acting in execution of such Local Acts; and all the Estate, Right, Title, and Interest of the several Trustees acting in execution of the said Local Acts to be repealed in pursuance of this Act of and in all Lands, Houses, Quarries, Gravel Pits, or other Hereditaments whatsoever purchased for widening, improving, altering, or repairing the said Roads or any of them, and of and in all Estates devised or settled in trust for the Repair of the said Roads or any of them, or charged with any Payments in respect thereof, shall from and after the Repeal of the said Local Acts respectively be and remain vested in the County Roads Boards of the several Counties in which the said Turnpike Roads shall respectively lie: Provided always, that where any such Turnpike Road or Roads shall lie, as to Part thereof, in any Two or more Counties, such Estate, Right, Title, and Interest shall be divided and apportioned between them according to such Rules and Proportions, and on such Principles of Division, as the said Commissioners shall determine.

Materials to be the Property of the County to which they are adjudged by Commissioners to belong.

Property how to be laid in Indictments.

XLIII. And be it enacted, That all Materials, and all Tools or Implements, purchased or provided for the Repair of any Turnpike Road or Roads regulated by any Local Act to be repealed in pursuance of this Act, and which at the Time of the Repeal of the said Acts respectively shall belong to the Trustees acting in the Execution thereof, shall from thenceforth belong to and be the Property of the County Roads Board or Boards of the County or Counties which the said Commissioners shall, by their Order, determine to be entitled to the same, or shall be divided between any Two or more such Boards in such Proportion as the said Commissioners shall determine; and in any Action, Suit, or other Proceeding brought or instituted by or on behalf of any County Roads Board for or in respect of or in anywise relating to the said Roads, Materials, or other Estate or Effects, or any other Property, Real or Personal, which shall hereafter belong to any County Roads Board, or in any Bill of Indictment preferred by or by the Direction of any County Roads Board against any Person or Persons who shall dig up, break or pull down, take or carry away, spoil, injure, or destroy, any of the said Roads, Lands, Materials, or other Estate and Effects or other Property as aforesaid, it shall be sufficient to state generally such Roads, Lands, Materials, or other Estate, Effects, or Property to be the Property of such County Roads Board, and it shall not be necessary to specify the Names of any Member or Members of the same.

County Roads Boards to take possession of Roads and other Property.

XLIV. And be it enacted, That, as soon as conveniently may be after the Repeal of the said Local Acts respectively, the County Roads Board in each of the said Counties respectively may, by themselves or by such Person or Persons as they shall appoint in that Behalf, take possession of all the said Turnpike Roads, and of all Lands and other Property hereby vested in the said County Boards respectively; and the said several Trustees acting under the Authority of the said Local Acts to be repealed in pursuance of this Act shall surrender and give up to the said County Roads Boards respectively, or to the Persons whom they shall respectively appoint in that Behalf, the Roads for which they shall respectively be Trustees, together with all Lands and other Property hereby vested in the said County Roads Boards which shall then be in the Possession of the said Trustees respectively, and also the Title Deeds of such Lands and other Property, and all Leases and Counterparts of Leases thereof, and all other Instruments, Books, Papers, Accounts, Vouchers, Writings, and all other Matters and Things, in the Possession of such Trustees respectively, or of their respective Clerks, Treasurers, Surveyors, Collectors, or other Officers, relating to the said Roads respectively; and the said Trustees shall also deliver to the said County Roads Boards, or other Person appointed by them in that Behalf, Accounts of all Balances in their Hands or in the Hands of any Bankers or other Persons for the Use of the said Roads, and shall pay over or transfer such Balances to or to the Credit of the respective Treasurers of the said County Roads Boards hereafter to be appointed; and any Trustee, Clerk, Treasurer, Surveyor, Collector, or other Officer of any Trustees who shall refuse or neglect to surrender or give up to such County Roads Board, or to the Person appointed by them in that Behalf, any Road, Land, or other Property, or to deliver an Account of or pay over or transfer any Balance, pursuant to the Directions in this Act contained, for the Space of One Month after he shall have been required so to do by Order of such County Roads Board, shall be guilty of a Misdemeanor.

XLV. And

Mortgagees not to take possession of Tolls.

XLV. And be it enacted, That from and after the Repeal of the said Local Acts respectively no Mortgagee of the Tolls of any Turnpike Trust in any of the said Counties shall have any Right to sue for, recover, or take possession of any Tolls, Toll Gate, or Lands mentioned in any Mortgage Deed relating thereto, or to sue for any Principal Sums lent to such Trust, or any Part thereof, or any Interest thereon, any thing contained in the said General Turnpike Acts, or in any other Act notwithstanding.

Mortgagees in possession to deliver up Possession, and to account to County Roads Boards.

XLVI. And be it enacted, That every Mortgagee or other Person who shall, previously to the Repeal of the said Local Acts respectively, have taken possession of any Tolls, Toll House, or Toll Gate of or upon any Turnpike Road in any of the said Counties, or of any Lands or Tenements the Rents and Profits whereof are appropriated to the Repair of any such Turnpike Road, shall, on some Day to be hereafter appointed by the County Roads Board acting in and for that County in which any such Toll Gates or Lands shall lie, deliver up to such County Roads Board, or to such Person as the said Board shall appoint, Possession of all such Tolls, Toll Houses, or Lands, and shall at the same Time render to the said County Roads Board, or to such other Person as aforesaid, an exact Account of all the Tolls received by such Mortgagee, or by any other Person for his Use and Benefit, or by his Authority, and also of the Manner in which he shall have applied such Tolls; and in case he shall not give up possession as aforesaid, or shall remain in possession of the said Tolls, Toll Houses, and Lands, or any of them respectively, after the Time so appointed by such County Roads Board as aforesaid, he shall forfeit and pay to such Board the Sum of Fifty Pounds for every Day that he shall thereafter continue in possession, over and above all Tolls which he shall receive while so continuing in possession; and in case he shall fail to render an Account as aforesaid, or shall wilfully render an Account wrong or false in any respect as herein-before mentioned, he shall forfeit and pay to the said County Roads Board the Sum of Fifty Pounds for every Day after such Failure to account, or to render a true and correct Account, as aforesaid, until such Account be rendered or made right, and until such Balance as may be due from such Mortgagee or other Person upon such Account shall be paid: Provided always, that in all Actions of Ejectment for the Recovery of any Tolls, Toll Houses, or Lands which shall be pending at the Time of the Repeal of the said Local Acts respectively, the Parties instituting such Actions shall be entitled, in case they shall obtain a Verdict therein, to such Costs of Suit as if this Act had not been passed; and that the County Roads Board of any County comprising any Turnpike Roads, for the Recovery of the Tolls or Toll Gates on which any Action of Ejectment shall be so pending, shall be at liberty, immediately after the Repeal of the said Local Acts respectively, to apply to one of the Judges of the Superior Courts at *Westminster* to order that such Actions be stayed on Payment to the Parties instituting such Actions of the Costs thereof only, and such Judge shall make such Order accordingly.

Lands or Persons liable to Repair of any Roads to continue liable.

XLVII. And be it enacted, That in every Case where any Hundred, Parish, Hamlet, or Place, or any particular Person or Persons, Body or Bodies Politic or Corporate, or any Lands, Tenements, or Hereditaments, is or are now by Law chargeable with or towards the repairing or maintaining of any Turnpike Road or Roads regulated by any Local Act to be repealed in pursuance of this Act, or any Part thereof, or any Bridges, Causeways, Drains, or Sewers upon or in the same, the Inhabitants of every such Hundred, Parish, Hamlet, or Place, and every such Person, Body Politic or Corporate, and the Owners and Proprietors, Feoffees and Trustees, of such Lands, Tenements, and Hereditaments respectively, shall, except such as are expressly exempted by this Act, still remain chargeable with or towards the repairing or maintaining of such Roads, Bridges, Causeways, Drains, and Sewers respectively, in like Manner as they would have been in case this Act had not been passed; and all Bodies Politic or Corporate, Trustees, and other Persons, who, by reason of any Act of Parliament, Grant, Deed, Charter, Will, or otherwise, are liable to pay or apply any Sums of Money whatsoever arising from the Rent of Lands, Tenements, or Hereditaments, or the Interest arising from any Monies in the Funds, or otherwise, in, for, or towards the Repair or Improvement of the said Roads or any of them, shall, except as aforesaid, from Time to Time account for and pay over such Sum or Sums of Money, Rents, or Interest to the said County Roads Boards acting in and for the County in which such Roads shall lie, or to the respective Treasurers of such Boards for the Time being, or otherwise as the said Boards shall respectively order in that Behalf, and the said Boards shall apply such Sum or Sums of Money, Rent, or Interest in, for, or towards the Repair or Improvement of the said Roads respectively: Provided always, that in all Cases in which the Liability to pay any Sum or Sums of Money as aforesaid shall be in respect of the Repair or Improvement of any Turnpike Road or Roads lying, as to Part thereof, in more than One of the said Counties, such Sum or Sums of Money shall be paid to or to the Account of the several County Roads Boards acting in and for the respective Counties in which such Road or Roads shall lie, according to such Rules and Proportions as the said Commissioners for carrying this Act into execution shall determine.

County Roads Boards may continue existing Toll Gates.

XLVIII. And be it enacted, That the said County Roads Boards acting in and for each of the said Counties respectively may, subject to the Restrictions herein-after contained, continue all or any of the Toll Gates, Toll Bars, and Toll Houses in any of the said Counties erected by virtue of any of the Local Acts to be repealed in pursuance of this Act, or by virtue of any former Act relating to any Turnpike Roads within or partly within any of the said Counties, and may, subject as aforesaid, erect such other Toll Gates, Toll Bars, and Toll Houses in, upon, or across, or at the Sides of such Parts of any of the Turnpike Roads within any of the said Counties respectively as the said County Boards shall think proper and expedient, and from Time to Time may repair, renew, and rebuild, as Occasion shall require, such Toll Gates, Toll Bars, and Toll Houses, and cause all such other Erections, Buildings, and other Conveniences to be made and put up, as in their Opinion shall be necessary and proper for the collecting and

levying of the Tolls herein-after authorized to be taken upon the said Turnpike Roads, or for any other Purposes connected therewith.

County Roads Boards may remove Toll Gates.

XLIX. And be it enacted, That it shall be lawful for the County Roads Board of any of the said Counties respectively, when and so often as they shall think proper, to cause any of the Toll Gates, Toll Bars, or Toll Houses, or other Erections or Buildings appertaining thereto, already erected or to be hereafter erected in, upon, across, or on the Side of any of the said Turnpike Roads, to be removed to, and erected in, upon, across, or on the Side of such other Parts of the said Turnpike Roads or any of them, or otherwise wholly to be removed or taken away, as the said County Roads Board shall respectively from Time to Time order and direct.

Rates of Toll to be taken under this Act.

L. And be it enacted, That from and after the Repeal of the said Local Acts respectively it shall be lawful for the County Roads Board of any of the said Counties respectively, or their respective Lessees, Collectors, or Agents, and they are hereby authorized, to demand, receive, and take, on or at the Side of the said several Turnpike Roads in their respective Counties, before the Horse or other Animal, Carriage or other Vehicle, in respect of which any Toll shall be payable, shall be allowed to pass through any Gate or Bar erected or to be erected upon, across, or on the Side of the said Roads, the several Tolls specified in the Second Schedule hereto annexed, subject to the Restrictions and Exemptions in this Act mentioned, and also to the Restrictions, Exemptions, and Provisions in the said General Turnpike Acts mentioned, except so far as the same are varied, altered, or repealed by this Act: Provided always, that the same Rate or Rates of Toll for every Horse or other Animal not drawing, and for every Horse or other Animal drawing, any Carriage or Vehicle of the same Class or Description according to the said Second Schedule, shall, subject as herein-after is mentioned, be respectively taken and received at every Gate and Bar within the same County.

Equal Tolls to be taken at all Gates in same County.

Distinction as to Breadth of Wheels to be abolished.

LI. And be it enacted, That from and after the Repeal of the said Local Acts respectively no higher or different Rate of Toll shall in any Case be taken or demanded upon any Turnpike Roads within any of the said Counties respectively by reason of any Regulation or Distinction relating to the Breadth, Size, Form, or Construction of the Wheels of any Carriage, Cart, or other Vehicle used or employed upon such Roads, but one and the same uniform Rate of Toll according to the Second Schedule hereunto annexed, and subject to the Provisions and Exemptions of this Act, shall in all Cases be taken in respect of each several Description of Carriage or Vehicle in the said Second Schedule mentioned, without reference to the Dimensions or Construction of the Wheels thereof, any thing contained in the said General Turnpike Acts or in any other Act to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to repeal, vary, alter, or affect any Regulations in the said General Turnpike Acts or any of them contained with respect to any additional Tolls or Penalties thereby imposed or made chargeable on any Carriage, Cart, or other Vehicle by reason of or in proportion to the Weights carried or conveyed in any such Carriage, Cart, or other Vehicle respectively.

Toll once paid to clear Seven Miles in same or Two in an adjacent County.

LII. And be it enacted, That from and after the Repeal of the said Local Acts respectively when any Toll shall have been once taken in respect of any Horse or other Animal not drawing, or of any Horse or other Animal drawing, any Carriage or Vehicle, at any Toll Gate or Bar within any of the said Counties, no Toll shall thereafter be taken in respect of the same Horse or other Animal, or in respect of the same Carriage or other Vehicle, on the same Day (to be computed from Twelve of the Clock of the Night to Twelve of the Clock in the succeeding Night), for repassing through the same Gate or Bar, or for passing or repassing through any other Gate or Bar in the same County, within the Distance of Seven Miles from the Gate or Bar at which such Toll shall have been taken, such Distance measured along Turnpike Roads only, nor for passing or repassing through any Gate or Bar in any other of the said Counties adjoining, within the Distance of Two Miles from the Gate or Bar at which such Toll shall have been taken, to be measured as aforesaid, along and in respect of Turnpike Roads within either of such Counties, nor within One Mile, measured as aforesaid, from the Boundary of such Counties.

Where any Toll payable within the specified Distance is a higher one, the Difference only to be paid.

LIII. Provided always, and be it enacted, That in case any Horse or other Animal, Carriage or other Vehicle, shall be subject to a higher Rate of Toll on repassing through the same Gate or Bar as aforesaid, or on passing or repassing through any other Gate or Bar, within the said Distances respectively before specified, by reason of a different Use made of the same Horse or other Animal, or of the Carriage or other Vehicle drawn by the same, or by reason of a Toll larger than the Toll first paid being payable in any other of the said Counties adjoining, then and in every such Case the Difference only between the Toll so first paid and such larger Toll shall be paid on such subsequent passing or repassing.

Provision as to Stage Coaches and Stage Waggons.

LIV. And be it enacted, That from and after the Repeal of the said Local Acts respectively the Tolls authorized to be taken by this Act shall be paid in respect of all Horses or other Animals drawing any Stage Coach, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, the same being customarily used and employed to convey Passengers or Goods for Hire or Reward, for every Time of passing or repassing through any Toll Gate or Bar at which such Tolls shall be payable: Provided always, that in every Case in which Toll shall have been taken at any Toll Gate or Bar in respect of any such Stage Coach, Stage Waggon, or other Stage Carriage, no second or other Toll shall be taken in respect thereof, by reason of any Change of the Horses drawing the same, at any Toll Gate or Bar either in the same or in any adjoining County within the Limits of this Act at which such second or other Toll would not have been payable if such Horses had not been changed.

Post Horses to be charged on

LV. And be it enacted, That the Tolls hereby made payable shall be paid for any Horse or Horses or other Animals drawing any Post Chaise or other Carriage travelling for Hire as often as a new Hiring shall

shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or other Animals had been made on the same Day. every fresh Hiring.

LVI. And be it enacted, That all Exemptions from Tolls enacted and contained in the said General Turnpike Acts or any of them shall be and the same are hereby extended to this Act, and made applicable thereto, in the same Manner as if the same had been expressly re-enacted herein. Exemptions from Toll.

LVII. 'And whereas Doubts have arisen with respect to the Construction of certain Portions of the 'said General Turnpike Acts relating to such Exemptions from Toll: And whereas Toll has been paid 'or demanded in certain Cases, and with respect to certain Matters and Things which it is expedient 'should be exempted therefrom; and it is also expedient that such Doubts as aforesaid should be 'removed;' be it therefore enacted, That from and after the Repeal of the said Local Acts respectively no Toll shall be taken on any Turnpike Road within any of the said Counties for any Horse or other Animal carrying, drawing, or conveying any agricultural Produce which shall have grown or arisen on Land or Ground in the Occupation of, or cultivated, used, or enjoyed by, the Owner of any such agricultural Produce, and which shall not have been bought, sold, or otherwise profitably exchanged or disposed of, nor be going to be bought, sold, or otherwise profitably exchanged or disposed of, or for any Sheep going to be washed or returning therefrom, or for any Horse or other Animal drawing or not drawing which shall not go or pass more than Three hundred Yards along or upon such Turnpike Road, whether the Whole or any Part of such Three hundred Yards shall have been traversed before passing through any Gate or Bar, or shall be traversed after passing through the same. Exemptions of General Turnpike Acts explained and extended.

LVIII. And be it enacted, That none of the said Exemptions from Toll in the said General Turnpike Acts or in this Act contained shall be in anywise qualified, restrained, or taken away by reason of any Regulation or Distinction with respect to the Size, Form, Construction, or Dimensions of the Wheels of any Carriage, Cart, or other Vehicle used or employed upon any Turnpike Roads within the Limits of this Act, or by reason of any Regulations as to Weight contained in the said General Turnpike Acts or any of them. Exemptions not to be defeated on account of Regulations as to Breadth of Wheels, &c.

LIX. And be it enacted, That from and after the Repeal of the said Local Acts respectively it shall not be lawful to demand or take on any Turnpike Road within any of the said Counties respectively, for or in respect of any Horse or other Animal employed in carrying, drawing, or conveying any Lime to be used for the Purposes of Manure, more than One Half of the Tolls which would be otherwise payable in respect of such Horse or other Beast drawing any such Carriage or Vehicle according to the said Second Schedule to this Act annexed. Lime to be charged Half Toll.

LX. And be it enacted, That from and after the Repeal of the said Local Acts respectively no Toll shall be taken, and no Money arising from Tolls on any Turnpike Roads shall be laid out on any Road or Roads, or Part of any Road or Roads, which by or under any Local Act of Parliament in force for the Time being for the Improvement of any City, Borough, or Town, or any Part or Parts thereof, is or are repaired or maintained by any Commissioners or Trustees for executing such Local Act, nor in paving, repairing, or cleansing any Street, Road, or Highway within the Limits of any City or Market or Borough Town for which there shall not be any such Local Act as aforesaid, and which said Limits shall be fixed and determined for the Purposes of this Act, with respect to every such City or Market or Borough Town respectively, by the said Commissioners upon the Report and Recommendation of the County Roads Board acting in and for the County to which any such City or Market or Borough Town shall belong; and no Street, Road, or Highway comprised within such Limits, or maintained by any such Local Commissioners as aforesaid, shall be deemed or held to be a Turnpike Road to any Intent or Purpose within the Meaning of this Act. Toll not to be taken within Limits of Towns.

LXI. And be it enacted, That the County Roads Board of each of the said Counties respectively shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every Toll Gate and Toll Bar within such County, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, or in White Letters on a Board with a Black Ground, containing at the Top thereof the Name of the Gate or Bar at which the same shall be put up, and also a List of all the Tolls payable at such Gate or Bar under the Authority of this Act; and such Table shall specify the several Sorts or Descriptions of Vehicles in respect of which any different Rates of Tolls shall be payable, and also a List of all the Gates or Bars which shall be wholly or partially cleared by the Payment of Toll at such Toll Gate or Bar; and any Lessee of Tolls who shall collect or receive any Tolls at any Gate or Bar at which such Table of Tolls shall not be affixed as aforesaid shall be liable to forfeit and pay a Sum not less than Forty Shillings *per Diem* for every Day during which he shall continue to collect Tolls without such Table being affixed: Provided always, that no Lessee of Tolls shall be liable to any Forfeiture or Penalty under this Act by reason of such Table of Tolls not being affixed as aforesaid, in case it shall appear to the Justice or Justices before whom Information or Complaint in such Case shall be made that such Table has been, by some other Person, without the Privity of such Lessee, unlawfully removed or destroyed, and that sufficient Time has not elapsed for restoring or supplying the same: Provided also, that in case any County Roads Board shall omit to provide a proper Table of Tolls according to the Requirement of this Act, it shall be lawful for the Lessee of Tolls at any such Toll Gate or Bar, of his own Authority, to cause such Table to be made and affixed, and in that Case such Lessee shall be entitled to deduct the Expences necessarily incurred by him in providing such Table of Tolls from the Monies next payable by him to the said County Roads Board in respect of the Rent of such Toll Gate or Bar, and the said County Roads Board shall allow such Deduction upon Receipt of the Residue of the said Rent, Toll Tables to be affixed at all Gates. Penalty for Want of Toll Table.

Rent, and the said Lessee shall be acquitted and discharged of so much Money as the said Expences shall amount to, in the same Manner as if the same had been actually paid to the said Board.

County Roads Boards empowered to reduce Tolls in Schedule.

LXII. And be it enacted, That it shall be lawful for the County Roads Board of each of the said Counties respectively, at any Time, with the Consent of the Commissioners to be appointed by virtue of this Act, or, after such Commission shall have determined, of One of Her Majesty's Principal Secretaries of State, to lessen and reduce the said Tolls specified in the said Second Schedule to this Act annexed, and again at any Time, with the like Consent, to advance the same, so that theTolls payable in any of the said Counties do not at any Time exceed the Rates specified in the said Second Schedule, and so that in every such County the said Tolls be always advanced or reduced according to one uniform Scale and Proportion, as to the several Descriptions of Horses or Beasts, Carriages or Vehicles chargeable therewith: Provided nevertheless, that it shall be lawful for the said County Roads Board of any of the said Counties respectively, when and for so long as they shall think proper, to reduce the Toll payable for any Horse or other Animal drawing Peat or Fern to any Sum not less than One Half of the Sum otherwise chargeable under the said Second Schedule, without reducing any other Toll at the same Time: Provided also, that the entire Sum of One Halfpenny shall be taken in lieu of any fractional Part thereof which would otherwise become payable in consequence of any advancing or reducing of the said Tolls: Provided also, that no Alteration in the said Tolls, either by advancing or reducing the same, shall be made to take effect until One Calendar Month at the least after Notice of the same shall have been given by Advertisement twice published in One or more Newspapers circulating in the County to which the same shall relate.

Meetings of County Roads Boards.

Power of Adjournment.

LXIII. And be it enacted, That the County Roads Boards acting in and for each of the said Counties respectively shall hold not less than Four regular Meetings in each Year, including the General Annual Meeting herein-after referred to, at some convenient Place or Places within each of the said Counties respectively, and may adjourn themselves to meet at any other Place or Places within such Counties respectively, and at such Time or Times as the said County Roads Boards, or the major Part of the Members thereof present at any Meeting respectively, shall appoint; and all Acts, Orders, Proceedings, Matters, and Things by this Act authorized or directed to be done by the said County Roads Boards, or by the said General Turnpike Acts authorized or directed to be done by any Trustees or Commissioners of Turnpike Roads, shall and may, except so far as the same are altered, varied, or repealed by this Act, be made, done, and exercised by the major Part of the Members of the said County Roads Boards who shall be present at the respective Meetings to be held by virtue of this Act, or of the said General Turnpike Acts, the whole Number present together at any such Meeting of any County Roads Board not being less than Five: Provided always, that at any Meeting of any County Roads Board which shall be held for the Purpose of letting to farm the Tolls of any District or Districts of any County, such Tolls may be lawfully let, and all Acts and Proceedings relating to such letting of Tolls at such Meeting shall be valid and effectual, although not more than Three Members of such County Roads Board shall be present at such Meeting: and the Time and Manner of holding and convening and also of giving Notice of any Special or Extraordinary Meeting of such Board which it may be thought necessary to hold upon any Emergency shall be regulated as nearly as may be according to the Provisions and Regulations of the said General Turnpike Acts with respect to the like Meetings of Trustees or Commissioners of any Turnpike Roads.

Three to be Quorum when Tolls are to be let.

Tolls may be let at any Meeting without putting them up at the Sum before realized.

LXIV. And be it enacted, That whenever any Tolls shall hereafter be let to farm by virtue of the Powers given by this or by any other Act or Acts of Parliament, it shall not be necessary, in the Notice to be given according to the Provisions of the said General Turnpike Acts previously to such letting, to specify the Sum which the said Tolls shall have produced during any Time previous to such letting, nor to state that the said Tolls will be put up at the Sum which they were let for or produced during any such previous Time; and the County Roads Board acting in and for each County may and they are hereby authorized to let such Tolls at every General Meeting to be held in pursuance of this Act for the best Price they may then be enabled to obtain for the same, without being compelled to put up the said Tolls at the Sum for which they were at any previous Time let, or to have any second or other Meeting for letting the same, any Law or Custom to the contrary notwithstanding.

Repeal of Part of 3 G.4. c.126.

LXV. 'And whereas by an Act of Parliament passed in the Third Year of King *George* the Fourth, 'intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part 'of* Great Britain *called* England, it is enacted, "that the Trustees or Commissioners of every Turnpike 'Road shall and they are hereby required at their General Annual Meeting in each Year, to examine, 'audit, and settle the Accounts of the respective Treasurers, Clerks, and Surveyors appointed by them, 'and to require such Treasurers, Clerks, and Surveyors to produce their Books, Accounts, Papers, and 'Vouchers, and to examine into the Revenues and Debts, distinguishing Bond from Simple Contract 'Debts of the several Roads for which they shall act as Treasurer, Clerk, or Surveyor; and when the 'Account of the said several Treasurers, Clerks, and Surveyors, shall be settled and allowed by the 'Trustees or Commissioners present at such Meeting, the same shall be signed by the Chairman of such 'Meeting; and if any Treasurer, Clerk, or Surveyor shall refuse or neglect to produce his Accounts, 'or any Book, Paper, or Voucher, required to be produced by him, such Treasurer, Clerk, or Surveyor 'shall be dealt with according to the Provisions herein-before contained with regard to Officers refusing 'to account or deliver up Books or Papers, or pay over any Money in their Hands; and when and as soon 'as the said Accounts of the said respective Treasurers, Clerks, and Surveyors shall be audited, allowed, 'and signed the Clerks to the Trustees or Commissioners holding such Meeting shall forthwith make 'out a Statement of the Debts, Revenues, and Expenditure received or incurred on account of the

'Trust

'Trust for which the Meeting shall be held, in the Form contained in the Schedule to this Act annexed, 'which said Statement shall be submitted to the Trustees or Commissioners assembled at such 'Meeting, and when approved by the Majority of them shall be signed by the Chairman of the said 'Meeting; and the said Statement being so approved and signed, the said Clerk shall, within Thirty 'Days thereafter, transmit the same to the Clerk of the Peace of the County in which the Road, or the 'major Part thereof, to which the said Statement relates, shall lie; and if any Clerk shall refuse or 'neglect to make out such Statement as aforesaid, or to transmit the same within the Time herein-before 'mentioned, every Clerk so offending shall for such Offence forfeit and pay the Sum of Fifty Pounds, to 'be recovered as herein-after directed:" And whereas by the same Act it is enacted, "that the Clerk 'of the Peace of every County to whom such Statements shall be transmitted shall, on receiving such 'Statements, cause the same to be produced to the Justices assembled at the Quarter Sessions to be held 'next after the Receipt thereof, and also to be registered and kept amongst the Records of the Quarter 'Sessions of the County for which such Clerk of the Peace shall act; and the said Statements so to be 'transmitted to the said respective Clerks of the Peace shall, when registered, be open to the Inspection 'of all and every Person and Persons whatsoever, who may take Extracts therefrom or Copies thereof, 'paying to the Clerk of the Peace in whose Custody the same shall be the Sum of Five Shillings for 'each Inspection, and the Sum of Sixpence for every Seventy-two Words of such Extract or Copy 'taken;"' be it enacted, that so much of the said Act passed in the Third Year of King *George* the Fourth as is herein-before recited shall, so far as relates to the said Counties respectively, be and the same is hereby repealed.

Repeal of Part of 3 & 4 W. 4. c. 80.

LXVI. 'And whereas by an Act passed in the Session held in the Third and Fourth Years of King 'William the Fourth, intituled *An Act requiring the annual Statements of Trustees or Commissioners of 'Turnpike Roads to be transmitted to the Secretary of State, and afterwards laid before Parliament*, it is 'enacted, "that the several and respective Clerks to the said Trustees or Commissioners holding such 'annual Meetings respectively as aforesaid shall, within Thirty Days from the passing of this Act, transmit 'to One of His Majesty's Principal Secretaries of State for the Time being Copies of all such annual 'Statements so already sent by them respectively to the Clerks of the Peace as aforesaid, and shall also 'transmit to One of His Majesty's Principal Secretaries of State for the Time being Copies of all such 'general annual Statements for any future Year or Years so directed to be transmitted to the Clerks of 'the Peace as aforesaid, within Thirty Days after the same shall have been so approved and signed as 'aforesaid; and if any such Clerk to the said Trustees or Commissioners shall refuse or neglect to 'transmit such Copies of such annual Statements within the Time herein-before prescribed for that 'Purpose, then and in every such Case every such Clerk so offending shall for every such Offence forfeit 'any Sum not exceeding Ten Pounds, nor less than Five Pounds, at the Discretion of any Justice or 'Justices of the Peace before whom Complaint of such Offence shall be made:" And whereas by the 'same Act it is enacted, "that from and after the Expiration of the present Year the Trustees and 'Commissioners of every Turnpike Road shall hold their General Annual Meeting on or before the 'Twenty-fifth Day of *March* in every future Year, and not at any other Time, any thing in the said 'recited Acts or either of them to the contrary notwithstanding;"' be it enacted, That so much of the said recited Act passed in the Session held in the Third and Fourth Years of King *William* the Fourth as is herein-before recited shall, so far as relates to the said Counties respectively, be and the same is hereby repealed.

Annual General Meeting of County Roads Boards.

LXVII. And be it enacted, That the several County Roads Boards of and for each of the said Counties respectively shall and they are hereby required to hold One General Meeting in every Year in each of the said Counties, for auditing and examining the Accounts relating to the several Roads under their Management, on some Day or Days to be appointed for the same by each County Roads Board respectively at their first Meeting to be held after the passing of this Act, or at some subsequent regular Meeting of the said Board, and which said annual General Meeting shall always take place in each of the said Counties respectively in the Months of *January* or *February* in each Year; and the Times of holding such annual General Meetings in the said Counties respectively shall be so fixed and arranged with reference one to another as to enable the General Superintendent of County Roads, to be appointed as herein-after mentioned by virtue of this Act, to be present at such annual General Meeting in each of the said several Counties successively; and if at any Time they shall not be so fixed and arranged respectively as aforesaid, it shall be lawful for the said Commissioners, or, after the said Commission has determined, for One of Her Majesty's Principal Secretaries of State, by their or his Order directed to any County Roads Board, to alter the Time appointed for holding the said annual General Meeting in any of the said Counties, and to appoint such other Time for holding the same as may be found convenient.

Business to be transacted at annual General Meeting.

LXVIII. And be it enacted, That the said last-mentioned Meeting shall be called and known as the "annual General Meeting of the County Roads Board;" and the said Boards respectively shall at the said Meeting in each Year examine, audit, and settle the Accounts of the respective Treasurers, Clerks, Surveyors, Collectors, and other Officers appointed by them respectively, and shall then, or at any other Time as may be found necessary, be authorized to require such Treasurers, Clerks, Surveyors, Collectors, and other Officers to produce their Books, Accounts, Papers, and Vouchers, and shall also audit, examine, and settle the Accounts of the several District Roads Boards, to be appointed in manner herein-after mentioned, in each of the said Counties respectively, and of the several Officers acting under such District

District Roads Boards, and shall also receive and examine the several Estimates, Reports, and Accounts which shall be made and submitted to the said County Roads Boards by the General Superintendent of County Roads herein-after mentioned: Provided always, that if any Treasurer, Clerk, Surveyor, Collector, or other Officer shall refuse or neglect to produce his Accounts, or any Book, Paper, or Voucher required by any such County Roads Board, or by the General Superintendent of County Roads herein-after mentioned, to be produced by him, such Treasurer, Clerk, Surveyor, Collector, or other Officer shall be dealt with according to the Provisions contained in the said General Turnpike Acts with respect to Officers refusing to account or deliver up Books or Papers, or pay over Money in their Hands, to the Trustees or Commissioners appointed by or acting under any Local Act.

General Superintendent of County Roads to be appointed.

LXIX. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State, by any Writing under his Hand to appoint a fit and proper Person (or Two fit and proper Persons, if required,) to superintend the Management, Maintenance, and Repair of all the several Turnpike Roads within the said Counties respectively, and from Time to Time, at the Discretion of the said Principal Secretary of State, to remove the said Person from such Office, and appoint another in his Stead.

His Office and Duties; to overlook Management of Roads; to attend Meetings of County and District Boards; to examine Accounts at annual Meetings; to prepare Statements and Estimates; to transmit Statements and Estimates to Commissioners; and to report from Time to Time.

LXX. And be it enacted, That the said Person so to be appointed as aforesaid shall be called "The General Superintendent of County Roads for *South Wales*," and shall from Time to Time examine, inspect, and overlook the Management and Repairs of the several Turnpike Roads within each of the said Counties respectively, and the Execution of all Alterations, Improvements, and Works relating to the same, and shall have the Superintendence and Control of all Surveyors and other Officers employed by or under the several District Boards in each County herein-after referred to, and shall be entitled to be present at and to take part in the Proceedings and Business transacted at all Meetings of the several County Roads Boards, and also of the several District Roads Boards herein-after referred to, within any of the said Counties respectively, and to inspect and examine all the Accounts, Books, and other Documents of or relating to the same, and shall attend the said annual General Meetings of the said County Roads Boards in each of the said Counties respectively, and shall examine, audit, and check, and ascertain the Legality of, all Accounts, Bills, Charges, and Vouchers which shall be presented to or laid before such County Roads Boards at such annual General Meetings, and shall also prepare and submit to them, at such Meetings, a general Statement of the Debts, Revenue, and Expenditure incurred or received in and for the Year preceding on account of the several Turnpike Roads within each of the said Counties respectively; and shall also prepare and submit to the said County Roads Boards respectively, at such Meetings, an Estimate of the Revenue and Expenditure on account of the said Roads to be received or incurred in and for the ensuing Year, specifying in such Statements and Estimates the Amount and Proportion of Revenue and Expenditure received or incurred or to be received or incurred in respect of the several Districts to be constituted by virtue of this Act in each of the said Counties respectively, according to the Provisions herein-after contained, and shall sign such Statements and Estimates respectively; and so soon as the said Statements and Estimates shall have been submitted to and examined by such County Roads Boards shall transmit the same or Copies thereof to the said Commissioners, or, after the said Commission shall have determined, to One of Her Majesty's Principal Secretaries of State, to be by them or him laid before both Houses of Parliament, according to the Provisions of the said General Turnpike Acts, and shall also cause the same to be published in One or more of the Newspapers circulating in the County; and shall also from Time to Time, and whenever he shall be required by any County Roads Board so to do, prepare and submit to such County Roads Board an Estimate or Estimates of the probable Expence to be incurred in respect of any proposed Improvement, Alteration, or Work relating to the Roads under the Management of such Board, and shall make such further Reports from Time to Time to the said County Roads Board, or to the said Commissioners, or to the said Secretary of State, respecting the Management and Administration of any Roads hereby placed under his Charge or Control, as he shall be required by them or any of them to do.

Books to be kept, and to be open to Inspection.

LXXI. And be it enacted, That every County Roads Board shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and the said Board shall cause Notes, Minutes, or Copies, as the Case may require, of all the Orders and Proceedings of such Board at the several Meetings thereof to be duly entered in Books to be from Time to Time provided for that Purpose, and such Books shall be Evidence in all Proceedings at Law or in Equity, without further Proof of the Contents thereof, and shall at all seasonable Times be open to the Inspection of all Members of such Boards and of all District Boards within the same County, and of every Person paying any Rate by this Act authorized to be made, without any Fee being demanded for such Inspection; and all such Members and Persons respectively shall be entitled, at seasonable Times, to take Copies or Extracts from the said Books, without paying any Fee for the same; and if, on Request made for that Purpose, the Clerk of any County Roads Board shall refuse to permit any of such Members or Persons respectively to inspect any such Books, or to take Copies or Extracts therefrom as aforesaid, such Clerk shall for every such Refusal forfeit and pay a Sum not exceeding Five Pounds.

First Meeting of County Roads Boards when to be held.

LXXII. And be it enacted, That the first Meeting of each and every County Roads Board to be held in and for the said Counties respectively shall take place on such Day or Days, and at such Place within each of the said Counties respectively, as the said Commissioners by their Order shall direct.

LXXIII. And

Chairman and Vice Chairman of County Roads Boards to be appointed.

LXXIII. And be it enacted, That the County Roads Board of each County respectively at such first Meeting assembled shall, in the first place, elect and appoint Two fit and proper Persons, being Members of such Board, to be the Chairman and Vice Chairman respectively of such Board; and the said Chairman, or in his Absence the said Vice Chairman, shall preside at all Meetings to be thereafter held of such Board, and shall have a casting Vote in addition to his own Vote; and in case at any Meeting the said Chairman and Vice Chairman shall both be absent, then some other Member of such Board, to be chosen by the major Part of the Members present at the Time being, shall preside as Chairman for such Meeting; and whenever any Chairman or Vice Chairman shall die or resign, or shall refuse to act, the said County Roads Board shall, at their General Meeting to be held next after such Death, Resignation, or Refusal, elect and appoint some other fit and proper Person, being a Member of the said Board, in his Stead.

Clerk and Treasurer to be appointed.

LXXIV. And be it enacted, That every County Roads Board shall at such first Meeting respectively elect and appoint a fit and proper Person to be the Clerk of such Board, and shall also appoint a Treasurer to the said Board; and the said Board shall at their said first Meeting, or afterwards, from Time to Time, appoint such Number of Surveyors as in their Judgment shall be required to overlook the Management and Repairs of the several Turnpike Roads in their County, and shall also determine the Salaries to be paid to such Clerk and Surveyors respectively out of the County Toll Fund herein-after mentioned; and the said Board may from Time to Time at their Discretion remove the said Clerk or Treasurer or Surveyors, and so often as the said Offices or either of them shall become vacant shall elect other fit and proper Persons for the same.

County Roads Boards to fix Times of Meeting, &c.

LXXV. And be it enacted, That every County Roads Boards respectively shall at such first Meeting determine and appoint the Times and Places for holding their General Meetings to be held in pursuance of this Act, and shall also from Time to Time determine and agree upon such Rules and Regulations for the Guidance of their own Proceedings at such Meetings, and otherwise, as they shall deem expedient.

Board to report upon County Roads, and make Recommendations, &c.

what shall be Turnpike Roads;

what shall cease to be maintained by County;

Division of County into Districts.

LXXVI. And be it enacted, That the said County Roads Boards respectively shall at their said first Meeting, with the Aid and Advice of the said General Superintendent of County Roads, make a full Examination and Inquiry into the Limits, Extent, Condition, and Circumstances of all the several Turnpike Roads within or partly within their respective Counties which shall, at the Time of the passing of this Act, be regulated by or comprised in any Local Act for making or regulating Turnpike Roads therein; and shall also examine and consider, with the Aid and Advice aforesaid, what Portions (if any) of such Turnpike Roads it may be expedient thereafter to maintain and continue as Main Turnpike Roads; and what Portions (if any) of such Roads it may be expedient wholly to reject and discontinue as Turnpike Roads, so that the same may thereafter be subject to the Laws now in force concerning Highways; and also what Division or Arrangement of the several Roads which they shall deem proper to be maintained as Turnpike Roads within their respective Counties it may be expedient to make for the Purpose of District Management, as herein-after provided; and the said County Roads Boards respectively shall, as soon as may be, in pursuance of the said Inquiry, make or cause to be made a full and particular Report in Writing to the Commissioners for carrying this Act into execution respecting the several Matters herein-before directed to be examined and considered by them, together with such other Recommendations and Suggestions as may be necessary for any other Purposes of this Act, or as they may deem essential to the due Execution thereof.

Commissioners to make Orders respecting Distribution and Arrangement of County Roads.

LXXVII. And be it enacted, That the said Commissioners shall, upon due Consideration of such Reports and Recommendations respectively, make such Determination respecting the Premises as to them shall seem meet, and shall, by their Orders to be made under their Hands and Seal, direct, with respect to each of the said Counties respectively, what Portions of the said Roads regulated by or comprised in any Local Act as aforesaid shall thereafter continue to be maintained as Turnpike Roads, and also what Portion thereof (if any) shall be wholly rejected and discontinued as Turnpike Roads; and the said Commissioners shall also, by their said Order, direct such and so many Districts as in their Judgment shall be necessary to be formed and constituted in each of the said Counties respectively in which they shall deem the Formation of such Districts to be expedient for the separate Management and Repair of the several Turnpike Roads within the said Districts, according to the Regulations herein-after contained: Provided always, that in case in any of the said Counties the said Commissioners shall not deem it expedient to constitute any such Division of Districts as aforesaid, then the Management and Repair of all the Turnpike Roads within such County, and all Powers and Things necessary thereto, shall belong, and shall be carried on, done, and executed by or under the Direction of the County Roads Board of such County.

Plan of County Roads to be made by Authority of Commissioners.

LXXVIII. And be it enacted, That the said Commissioners, in pursuance of their said Orders as aforesaid, shall cause a Map or Plan to be made for each of the said Counties, wherein shall be distinctly set out and delineated the several Roads thereafter to be maintained in and for such County as Turnpike Roads, as well as the several Districts into which such County shall be divided, and to which the said Turnpike Roads shall thenceforth respectively be annexed and belong; and the said Map or Plan, or a Copy thereof, stamped with the Seal of the said Commissioners, shall be deposited with the Clerk of every County Roads Board respectively, and shall be received as Evidence, and shall be referred to, in all Suits, Controversies, and Disputes touching the Limits, Boundaries, Situation, or Classification of any such Roads or Districts respectively: Provided always, that the said Map or Plan may be altered or amended by Authority of the said Commissioners, or, after such Commission has determined, of One of Her Majesty's Principal Secretaries of State, if it should become necessary so to do, through the Operation of any of the Provisions herein-after contained.

Plan may be amended.

Roads rejected by Commissioners to become Highways.

LXXIX. And be it enacted, That all such Roads or Portions of Roads within any of the said Counties respectively as the said Commissioners, by their Order as aforesaid, shall direct to be discontinued as Turnpike Roads shall thenceforth cease to be repaired or maintained as such, and no Tolls shall be collected thereon, and all Toll Gates or Toll Bars now standing thereon shall be removed, and the said Roads shall thenceforth be repaired and maintained according to the Laws for the Time being in force relating to Highways, or by the Parties otherwise liable by Law to repair the same.

County Roads Boards to make special Reports in certain Cases.

LXXX. And be it enacted, That it shall be lawful for the said County Roads Boards respectively, at any of their regular Meetings to be held under the Authority of this Act, with the Aid and Advice of the said General Superintendent of County Roads, to make or cause to be made any special Report to the said Commissioners, or, after the said Commission shall have determined, to the said Secretary of State, and by such Report to recommend that any Roads or Portions of Roads theretofore maintained as Turnpike Roads should cease to be so maintained, or that any Deviation or Diversion of or from the Course of any such Roads should be made, or that any other Alteration, Improvement, or Work should be executed, other than for the ordinary Maintenance and Repair of such Roads, and whereof the probable Expence, according to the Estimate of the said General Superintendent, would exceed One hundred Pounds; and thereupon it shall be lawful for the said Commissioners, or, after the said Commission shall have determined, for the said Secretary of State, by their or his Authority, to order that such Recommendations respectively or any of them be carried into effect, and that such Additions, Diversions, Deviations, Alterations, Improvements, or other Works be made and executed as the said Commissioners or the said Secretary of State respectively may approve; and the said County Roads Boards respectively shall then have full Power to make and execute the same out of the Monies or on the Credit of the County Toll Fund herein-after mentioned, subject to the Restrictions and Limitations herein-after contained: Provided always, that no such special Report as aforesaid relating to any such Addition, Diversion, Deviation, Alteration, Improvement, or other Work shall be made, adopted, or agreed to at any Meeting of any County Roads Board unless Notice of the proposed Undertaking or Work to which such Report shall have reference, and of the estimated Cost thereof, shall have been previously given by Advertisement twice published in some or one of or more of the Newspapers circulating in the County to which the same shall relate Twenty-one Days at least before such Meeting of the said County Roads Board.

Restrictions on borrowing by County Roads Boards.

LXXXI. And be it enacted, That no Money shall be hereafter raised or borrowed for any Purpose whatsoever by or on account of any County Roads Board, or by or on account of any Person or Body of Persons acting in the Execution of this Act, upon the Credit of the Tolls to be raised and collected in any of the said Counties, or upon the Credit of any County Road Fund or County Road Rate herein-after referred to, save and except upon such Terms and Conditions as to the Repayment thereof as will necessarily provide for the Extinction of the Debt thereby created, both in respect of the Principal Monies borrowed and of Interest for the same, before the Expiration of Twenty-one Years from the Time of borrowing such Monies, nor without the Consent of the said Commissioners, or, after the said Commission shall have determined, of the said Secretary of State.

Local Boards to be appointed, called "District Roads Boards."

How to be constituted.

LXXXII. And be it enacted, That the Maintenance and Repairs of the several Turnpike Roads situate and being within the several Districts which shall be marked out and defined in each of the said Counties respectively by the said Commissioners, according to the Provisions herein-before contained, shall, subject to the Superintendence and Authority of the said County Roads Boards and of the said Commissioners as aforesaid, be placed under the Care and Management of local Boards, to be styled "District Roads Boards," and which shall be constituted in manner following; (that is to say,) the said Commissioners shall, so soon as any District shall have been marked out and defined as aforesaid, by Order under their Hands and Seal, nominate and appoint a certain Number, not exceeding Ten in any one District, of fit and proper Persons, not being Justices of the Peace, qualified as herein-after next mentioned, to be Members of such District Roads Board; and every Person who shall reside within such District, and who in his own Right or in right of his Wife shall be the Owner or Occupier, or shall be in the actual Possession of the Rents or Profits, of any Lands, Tenements, or Hereditaments, whether Freehold or Copyhold, within the County wherein such District is situated, which shall be rated or rateable to the Relief of the Poor in the Parishes or Places in which the same shall lie at not less than Eighty Pounds *per Annum*, shall be duly qualified to be and be capable of being appointed a Member of such Board; and whenever any of the said Persons who shall have been so nominated and appointed by the said Commissioners as aforesaid shall die or resign, or shall absent himself for Twelve Months from the Meetings of the said Board, or shall cease to be qualified in respect of Residence and Estate or Interest as aforesaid, then the other Members of such Board shall elect other fit and proper Persons, qualified as herein-before described, to be Members of such Board in their Stead; and whenever any of such last-mentioned Persons shall die or resign, or be absent as aforesaid, or shall cease to be qualified as aforesaid, the Vacancy or Vacancies thereby occasioned shall be from Time to Time supplied by Election in like Manner; and all Her Majesty's Justices of the Peace residing within or acting at any Petty Sessions within any such District shall be *ex officio* Members of such District Roads Board.

Commissioners, if expedient, may appoint additional Members. Manner of choosing additional Members.

LXXXIII. And be it enacted, That in case in any of the said Counties the said Commissioners shall not deem it expedient to constitute any such Division of Districts for the Purpose of District Management as aforesaid, then the said Commissioners shall, by their Order as aforesaid, nominate and appoint certain Persons, not less than Six nor more than Twelve in Number, to be additional Members of the County Roads Board of such County, who shall be chosen in manner following; that is to say, an equal Number of such Persons shall be chosen in respect of each Hundred of such County, and shall be Persons resident within

within such Hundred respectively, and qualified in respect of Property in such County in like Manner as is herein-before provided with respect to the Qualification of Members of District Boards; and whenever any of the Persons who shall have been so nominated by the said Commissioners as aforesaid shall die or resign, or shall cease to be qualified in respect of Residence and Estate or Interest as aforesaid, then the said County Roads Board shall elect other fit and proper Persons, resident and qualified as herein-before described, in their Stead, and all other Vacancies which shall thereafter occur shall be from Time to Time supplied by Election in like Manner; provided that among the Persons so from Time to Time constituted as additional Members of such County Road Boards there shall always be Two Persons at least, resident and qualified as aforesaid, for and in respect of each Hundred of such County.

Persons hereafter chosen as Members of District Boards shall cease to be Members by Rotation, and their Vacancies to be filled up.

LXXXIV. And be it enacted, That the Persons who shall hereafter be appointed as Members of District Boards, or as additional Members of County Roads Boards in Counties having no District Boards, shall after certain Periods cease to be Members of the same respectively by Rotation, and the Vacancies thereby occasioned shall in either Case be supplied from Time to Time in manner following; that is to say, of the Persons who shall have been originally nominated by the said Commissioners as Members thereof respectively Three Persons (who shall be selected by Ballot) shall at the Expiration of Three Years from the Time of such Nomination cease to be such Members, and at the Expiration of Four Years from the said Time a like Number of such Persons (to be also selected by Ballot) shall cease in like Manner, and at the Expiration of Five Years from the said Time the Residue of the said Persons who shall have been so originally nominated as aforesaid shall cease to be Members of such Board respectively in like Manner; and in every such Case, and at each of such Periods as aforesaid, for the Purpose of supplying the Vacancies which shall then arise, the other Members of such Boards respectively shall elect an equal Number of fit and proper Persons, qualified as herein-before described, to be Members of such Boards in their Stead; provided that at the Expiration of every Year successively after the said Fifth Year those Persons who shall have been elected as aforesaid, and shall have served for the Period of Three Years from such Election as Members of District Boards, or as additional Members of County Roads Boards, shall respectively cease to be such Members, and the Vacancies thereby occasioned shall be from Time to Time supplied by Election in like Manner; and all Persons who shall have been elected at any Time after the passing of this Act to supply any casual Vacancies in such Boards, occasioned by Death, Resignation, or otherwise as aforesaid, shall at the Expiration of Three Years from their said Election cease to be Members thereof, and the Vacancies thereby occasioned shall be from Time to Time supplied by Election in like Manner.

Declaration to be made by Members of District Boards.

LXXXV. And be it enacted, That no Person shall be qualified to act as a Member of any District Roads Board unless and until he shall in the Presence of One of Her Majesty's Justices of the Peace acting in and for the County to which such District Board shall belong, or of any Two Persons who shall have duly qualified themselves to act as Members of such District Roads Board, make and subscribe the Declaration following; (that is to say,)

'I *A.B.* do solemnly and sincerely affirm, That I will truly and impartially, according to the best 'of my Judgment and Ability, execute and perform the several Powers, Authorities, and Trusts 'reposed in me by virtue of an Act passed in the Session held in the Seventh and Eighth Years of Her 'Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Laws relating to Turnpike 'Trusts in* South Wales.'

And if any Person shall act as a Member of any District Board before he shall have made and subscribed the said Declaration, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, with full Costs of Suit, to any Person or Persons who shall inform or sue for the same in any of Her Majesty's Courts of Record at *Westminster*.

County Roads Boards to appoint Officers of District Boards.

LXXXVI. And be it enacted, That the said County Roads Board acting in and for each of the said Counties respectively shall, at their Meeting to be held next after the Division of such County into Districts shall have been determined and declared by the said Commissioners as aforesaid, elect and appoint such Number of fit and proper Persons as they shall deem necessary, not exceeding the Number of the Districts into which such County shall have been divided, to be the Clerks to the several District Roads Boards acting in and for such Districts respectively, and shall from Time to Time fix and appoint the Salaries to be paid out of the said County Toll Fund to such Clerks respectively; and such County Roads Board may at any subsequent Meeting appoint such new and additional Clerks, not exceeding in the whole such Number as aforesaid, as they may from Time to Time deem necessary, and may fix the Salaries to be paid to them respectively, and also at any such Meeting, at their Discretion, make Orders for the Removal of any such Clerk, and whenever any such Clerk shall be removed, or shall die or resign, or refuse to act, may at any subsequent Meeting appoint some other fit and proper Person in his Stead.

Powers and Duties of District Boards.

LXXXVII. And be it enacted, That the District Roads Board for each District respectively shall have Power to direct and superintend all Matters and Things relating to the maintaining, repairing, and draining of the several Turnpike Roads within such District, and also the maintaining and repairing the Turnpike Gates, Toll Bars, and Toll Houses belonging to the same, and also the Execution of any Work or Improvement which shall respectively have been placed under the Direction and Superintendence of such District Roads Board by the County Roads Board acting in and for the same County, and to direct and superintend the Expenditure of all Monies, and the Use and Application of all Materials and Things, which shall be appropriated to such District by the Order of the said County Roads Board; and the Acts, Orders, Regulations, and Proceedings of such District Roads Boards, as to all the Matters and Things aforesaid, shall be binding and effectual; and such District Roads

Boards shall cause Accounts to be kept of the Expenditure and Application of such Monies and Materials as aforesaid, and of all Debts incurred by them, and of the Balance of Money and Materials remaining at their Disposal, and the Clerk of any District Roads Board shall, as often as he shall be required so to do, deliver or transmit such Accounts to the said General Superintendent of County Roads, to be by him submitted to the County Roads Board of such County.

Money and Materials to be placed at the Disposal of District Boards.

LXXXVIII. And be it enacted, That it shall be lawful for the County Roads Board of each County, by their Order, to assign and place to the Credit or at the Disposal of the several District Roads Boards in each County respectively such Sum or Sums of Money out of the County Toll Fund herein-after mentioned, and such Quantity of Materials or other necessary Things purchased out of the said County Toll Fund, as the said General Superintendent, by his Estimate, to be laid before the said County Roads Board at their annual General Meeting as herein-before provided, shall certify to be necessary and sufficient for the ordinary Maintenance and Repairs of the several Turnpike Roads within such Districts respectively; and it shall also be lawful for the said County Roads Board, by their Order as aforesaid, to place under the Control and Superintendence of the said District Roads Boards respectively, subject to the Restrictions and Limitations herein-before made and provided, any Works or Improvements to be done or executed in or upon any of the Roads within such Districts respectively; and for the Purpose of enabling them to carry on and execute such Works and Improvements to place to their Credit or at their Disposal such Monies, Materials, and other Things as aforesaid as the said General Superintendent, by his Estimate, shall certify to be necessary and sufficient for the Performance thereof.

First and other Meetings of District Boards.

LXXXIX. And be it enacted, That the several District Roads Boards to be appointed and constituted in manner aforesaid shall meet first at such Time and Place as the said Commissioners shall, by their Order, appoint for them respectively, and shall from Time to Time hold other Meetings not less in Number than Six in each Year, for executing the several Powers and Duties hereby vested in them, at such Times, and at such convenient Place or Places within their respective Districts, as the said Commissioners, upon the Report and Recommendation of the County Roads Board acting in and for the County to which any such District Roads Board shall belong, shall order and appoint; and all Acts, Matters, and Things executed or done by any District Roads Board, in pursuance of this Act, at any such Meeting, the whole Number present at the Time being not being less than Three, shall be valid and effectual; and for the Purpose of adjourning and voting at all such Meetings, and generally for the Regulation of their Proceedings at all such Meetings, as to all such Things as may be done by such District Roads Boards, the several Provisions of the said General Turnpike Acts, except so far as the same may be altered, varied, or repealed by the Provisions of this Act, shall be applicable to the Meetings of the said last-mentioned Boards.

District Boards to appoint Chairman and Vice Chairman.

XC. And be it enacted, That every District Roads Board, at their said first Meeting, shall in the first place elect and appoint Two fit and proper Persons, being Members of such Board, to be the Chairman and Vice Chairman respectively of such Board for Three Years; and the said Chairman, or in his Absence the said Vice Chairman, shall preside at all Meetings of such Board, and shall have a casting Vote in addition to his own Vote; and in case at any Meeting such Chairman and Vice Chairman shall both be absent, then such other Member as shall be chosen by the major Part of the Members present for the Time being shall preside as Chairman of such Meeting; and whenever any Chairman or Vice Chairman shall die or resign, or shall refuse to act, such Board shall, at their regular Meeting to be held next after such Death, Resignation, or Refusal, elect and appoint some other Member or Members of such Board in his Stead.

District Boards to elect Two of their own Members to serve on County Board.

XCI. And be it enacted, That every District Roads Board shall at their said first Meeting after the passing of this Act, and afterwards in every Year at the regular Meeting of such Board which shall take place next before the Thirty-first Day of *December* in each Year, elect and appoint Two fit and proper Persons, being Members of such Board, to serve for the Year then next ensuing as Members of the County Roads Board acting in and for the same County to which such District Roads Board shall belong, and the said Persons so elected shall thereupon become and be duly qualified and lawful Members of such County Roads Board, and shall have all the same Rights, Powers, and Authorities as any other Members of the same; and in case the Persons so elected, or either of them, shall die, resign, or refuse to act, then it shall be lawful for the said District Roads Board, at their next regular Meeting after such Death, Resignation, or Refusal, to elect and appoint One or more fit and proper Persons in their or his Stead: Provided always, that nothing herein contained shall prevent the said District Roads Boards from re-electing the same Persons, or either of them, for the Year next ensuing, nor from electing as a Member of such County Roads Board any Person who may have previously been chosen to serve as such Member by any other District Roads Board.

Members of County and District Boards not to be interested in Contracts.

XCII. And be it enacted, That no Person shall be capable of acting as a Member of any County Roads Board, or of any District Roads Board, in any Case in which he shall be personally interested within the Meaning and according to the Provisions and subject to the Penalties declared and enacted in the said General Turnpike Acts, and the Provisions in the said Acts contained, by which it is declared unlawful for the Trustees or Commissioners of any Turnpike Roads under any Local Act to hold any Place of Profit under such Act, or to be concerned or engaged in any Contract for making or repairing, or in any way relating to, the Road or Roads for which they shall respectively act, shall, together with all Exceptions, Restrictions, Penalties, and Clauses thereto relating, be applicable, except so far as the same may be varied, altered, or repealed by this Act, to all Members of County Roads Boards and District Roads Boards respectively appointed under or acting in execution of this Act.

XCIII. Pro-

Members of County and District Boards.

XCIII. Provided always, and be it enacted, That no Person shall be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Member of any County Roads Board, or of any District Roads Board.

Application of Tolls.

XCIV. And be it enacted, That from and after the Repeal of the said Local Acts respectively the Tolls to be collected on the several Turnpike Roads in each and every of the said Counties by virtue of this Act shall be respectively accounted for, and paid to the Treasurer of the County Roads Board, and shall form in each County One common Fund, to be called the "County Roads Fund," and the said County Roads Fund shall be administered and applied, subject to the Provisions and Restrictions herein-before contained, by the said County Roads Board, and shall be applicable in the first place to the Payment of such Annuity as shall be charged upon such County Roads Fund, and such Rates as aforesaid, according to the Provisions herein-before contained; and the Treasurer of every County Roads Board respectively is hereby directed and required, from and out of the first Monies which shall come to his Hands, to pay such Annuity so charged as aforesaid when and as the same shall become due according to this Act; and, subject to such Payment, the said County Roads Fund shall be applicable to the Repair, Maintenance, Management, and Improvement of the several Turnpike Roads within such County, and to the Salaries of the Officers of the several County and District Boards respectively, and to such other just and necessary Expences as may be incurred in and about the Management of the said Turnpike Roads, and in execution of the Powers and Provisions of this Act.

If County Roads Fund prove insufficient for the Purposes required, County Roads Board shall certify the Amount required to Quarter Sessions.

XCV. And be it enacted, That in case it shall appear to any County Roads Board acting in and for any of the said Counties respectively, at the annual General Meeting of such Board to be held under this Act, upon comparing the estimated Receipts and Expenditure of and for such County in respect of Turnpike Roads for the Year next ensuing, which shall be made out and submitted to such Board by the said General Superintendent as aforesaid, that the said County Roads Fund will in the Year next ensuing be insufficient for the several Purposes to which the same is by this Act made applicable, such County Roads Board shall thereupon proceed to determine what Amount of Money will be necessary and sufficient, in addition to such County Roads Fund, to meet and supply the several Purposes aforesaid; and the said County Roads Board shall then certify the Sum of Money necessary as aforesaid by a Certificate in Writing, to be signed by the Chairman of the said Board at their said Meeting, and which shall be forthwith transmitted by the Clerk of such Board to the Clerk of the Peace or Deputy Clerk of the Peace for such County; and the said Clerk of the Peace, or his Deputy, shall produce the said Certificate to the Justices of the Peace for such County at their General Quarter Sessions assembled which shall be held next after he shall have received the same: Provided always, that the Sum so certified by any County Roads Board to be required in aid of such County Roads Fund shall in no Case exceed the yearly Sum which shall be payable by way of Annuity as aforesaid to the said Public Works Loan Commissioners by the County in which such Sum shall be required.

Justices in Quarter Sessions to make a Rate to supply the Amount required.

XCVI. And be it enacted, That the Justices of such County in such General Quarter Sessions assembled shall, for the Purpose of raising the Monies specified in such Certificate, make a fair and equal Rate, to be called "the County Road Rate," and for that Purpose shall assess and tax the whole of such County according to a certain Pound Rate of and upon the full and fair annual Value of all Messuages, Lands, Tenements, and Hereditaments within the said County, to be computed according to the Valuation for the Time being acted upon in assessing the County Rate of such County, which said County Road Rate shall be levied, collected, and paid in the same Manner, and by the same Persons, and under the same Powers, Provisions, and Authorities, as any County Rate now by Law authorized to be collected from the Persons liable to contribute to the same: Provided always, that whenever the said County Road Rate shall be collected together with and as Part of the ordinary County Rate, the Warrants issued by the said Justices to the High Constables, and by the High Constables to the Overseers, and others required by Law to collect the County Rates, shall state how much is levied for the ordinary County Rate, and how much for the said County Roads Rate, and the said Rates shall be levied accordingly.

Provision for levying Road Rate in Places not contributing to County Rate.

XCVII. And be it enacted, That for the Purpose of obtaining the Sum which ought to be contributed towards the said County Roads Rate by any Liberty or Franchise not contributing to the County Rate of any such County, it shall be lawful for the said Justices so assembled as aforesaid to make a Rate, in just and equal Proportion to the Pound Rate to be levied upon Property liable to the County Rate as aforesaid, upon all Property within any Liberty or Franchise which shall be liable to any Liberty Rate, or Rate in the Nature of a County Rate therein, according to the Valuation of such Property acted upon, and for the Time being, in assessing the said Liberty Rate, or Rate in the Nature of a County Rate, in such Liberty or Franchise; and the said Justices shall thereupon issue their Warrant under the Hands of Two or more of them, by which Warrant they shall require the Treasurer, or other Person having the Receipt of any Liberty Rate, or Rate in the Nature of a County Rate, within such Liberty or Franchise, to pay to the Treasurer of such County, out of the Monies collected by way of Liberty Rate, or Rate in the Nature of a County Rate, the Amount mentioned in such Warrant; and every such Warrant shall specify the Rate in the Pound at which the Sum therein mentioned shall be computed.

Justices of any Liberty or Franchise to make a Rate upon the same.

XCVIII. And be it enacted, That the Justices of such Liberty or Franchise shall order a Rate to be made, at the Rate mentioned in the said Warrant, upon the Property so liable as aforesaid within such Liberty or Franchise, which shall be levied and collected therein as Part of the Liberty Rate, or Rate in the Nature of a County Rate, to which such Liberty or Franchise is liable, in like Manner as the said County Road Rate is herein-before directed to be levied and collected in such Parts of any County as are liable to any County Rate, and shall be paid over by the Treasurer, or other Person having the Receipt of

of any Liberty Rate, or Rate in the Nature of a County Rate, within such Liberty or Franchise, within Forty Days from the Receipt of such Warrant, to the Treasurer of the County from the Justices of which such Warrant shall have issued.

In case of Default, or if there is no Rate applicable within such Liberty or Franchise, Justices of the County empowered to act.

XCIX. And be it enacted, That if Payment shall not be made within the said Forty Days, according to the Exigency of the said Warrant, or if there shall be no Person to whom such Warrant can be directed, or no Liberty Rate, or Rate in the Nature of a County Rate, to which the Inhabitants of such Liberty or Franchise contribute, or if for any other Reason it shall seem more convenient to the said last-mentioned Justices, it shall be lawful for them to levy upon any Liberty or Franchise the full Amount of the Rate to which they shall have determined such Liberty or Franchise to be liable as aforesaid; and for the Purpose of levying and collecting such Rate the said Justices shall have, for the Purposes of this Act, within every such Liberty or Franchise respectively, the same Powers which they have for levying and collecting County Rates within the Limits of their own Commission, and such Rate may be levied and collected by the like Methods and subject to the same Right of Appeal as are applicable to any County Rate collected within the Parts of any County liable to the same; and the High Constable of every Hundred or other Division in which such Liberty or Franchise shall be wholly or in part locally situated, on the Receipt of a Warrant to that Effect, under the Hands of Two or more of the said Justices, shall collect the said Rate; and the Overseers of the Poor, or in default of Overseers, or in case there shall be no separate Rate for the Relief of the Poor in any Portion of such Liberty or Franchise, then such Person or Persons as the said Justices in Quarter Sessions assembled shall appoint for that Purpose, in every Parish or Place to which such Liberty or Franchise or any Part thereof shall belong, upon Receipt of a Warrant to that Effect from the said High Constable, shall pay the Amount assessed upon their Parish or Place respectively, or upon that Part of it which is liable thereto, in like Manner, and subject to the like Penalties in case of Default, as if such Liberty or Franchise were, for the Purpose of a County Rate, and for all other Intents and Purposes, a Part of such County.

Power to inspect Rates and Returns.

C. And be it enacted, That the Treasurer of any of the said Counties, or any Person having an Order for that Purpose under the Hand of such Treasurer, may inspect any Liberty Rate, or Rate in the Nature of a County Rate, made or to be made for any Liberty or Franchise locally situate within such County, and may also inspect any Returns relating to any of the Parishes or Places the Inhabitants of which shall be liable to be rated as aforesaid, which have been or are to be delivered in pursuance of any of the Acts relating to County Rates, and may take Copies or Extracts of or from any such Rates or Returns without Payment of any Fee or Reward; and if any Person having the Custody of any such Rate or Return shall wilfully neglect or refuse to permit any such Treasurer or other Person authorized as aforesaid to inspect the same, or to take Copies of or Extracts from the same, for Two Days after such Order shall have been produced and shown to him, or a Copy thereof left at his usual Place of Abode, he shall, on Conviction thereof before any Two Justices of the Peace, forfeit and pay for every such Offence such Sum, not exceeding Ten Pounds, as they shall think meet.

Occupier paying Road Rate may deduct it from Rent paid to his Landlord.

CI. 'And whereas it is expedient that the Charge to be created in respect of such County Road 'Rate should be imposed upon the Owners and Proprietors of Land within the said Counties respectively;' be it therefore enacted, That any Person who shall occupy any Lands or Tenements in any of the said Counties, or in any Liberty or Franchise locally situated therein, having any Interest not amounting to a Freehold Interest in the same, and not being Tenant thereof for any Term exceeding Thirty Years certain from the Commencement of such Term, who shall be called upon to pay any Monies in respect of such Rate, shall be entitled to demand a Receipt in Writing for the same, and upon producing such Receipt shall be entitled to deduct from the Rent next payable to the Landlord or Person under whom he holds or occupies such Lands or Tenements so much as he shall have paid on account of such Rate during the same Period in respect of which such Rent shall be due and payable, and such Landlord or other Person shall allow such Deduction upon receipt of the Residue of the said Rent; and such Occupier, Lessee, or Tenant shall be acquitted and discharged of so much Money as he shall have paid in respect of such Rate in the same Manner as if the same had been actually paid to such Landlord or other Person.

Road Rate to be paid over by County Treasurer to Treasurer of County Roads Board.

CII. And be it enacted, That the Treasurer of any County in which such Rate shall have been levied as aforesaid shall, so soon as the same shall have been collected, pay over all Monies received in respect of the same to the Treasurer of the County Roads Board acting in and for such County, and such Monies when so paid over shall form a Part of the County Roads Fund for such County, and shall be applicable as such to the several Purposes to which the said County Roads Fund is herein-before directed to be applied.

County Roads Board may make Orders on Parishes to carry or draw Materials for Turnpike Roads.

CIII. And be it enacted, That it shall be lawful for any County Roads Board, at any regular Meeting held under this Act, if in their Judgment, with reference to the State of the County Roads Fund, and the State and Condition of the Roads in their County, or otherwise, it shall be necessary or expedient so to do, to determine what Proportion, if any, of the Carriage or Haulage of Materials required to be carried or drawn for the Purpose of making or repairing any Turnpike Roads in such County shall be done and performed by or at the Cost of the Inhabitants of any Parish, Township, or Place in which any Part of such Roads shall be locally situate, and in pursuance of such Determination to make such Order in Writing as to them shall seem meet, which said Order shall be signed by the Chairman of such Meeting, and shall be addressed and delivered to any Surveyor of Highways of the Parish, Township, or Place to which such Order shall relate: Provided always, that no such Order shall be valid which shall require or direct

direct the Performance of any other Kind of Work, Labour, or Duty, except as is herein-before mentioned, or which shall require or direct the Payment of any Money, or the Supply of any Materials by or at the Cost or Charge of the Inhabitants of any such Parish, Township, or Place.

Surveyor of Turnpike Roads to pay for Work done in drawing Materials, and to be repaid out of Highway Rate.

CIV. And be it enacted, That the Surveyor of Turnpike Roads of the District wherein shall be comprised the Road or Roads with respect to which such Carriage or Haulage shall be required as aforesaid shall fix a certain fair and reasonable Rate or Scale of Prices to be allowed for the Carriage or Conveyance of Materials according to the Weight or Measurement thereof, and according to the Distance to be traversed in carrying or conveying the same, and shall contract and agree with any Inhabitant or Inhabitants of the said Parish or Place having the requisite Means or Ability for performing the same, for the carrying and conveying of such Materials as may be required, in pursuance of the said Order of the said County Roads Board; and when such Carriage or Conveyance shall have been done and performed then the said Surveyor shall pay to such Inhabitant or Inhabitants the Price or Rate fixed as aforesaid in respect of the same; and all Monies so paid by such last-mentioned Surveyor shall be repaid to him by the Surveyor of Highways to whom any such Order as aforesaid shall have been addressed, out of the Monies collected or to be collected by him as and for the Highway Rate of the Parish, Township, or Place to which such Order shall relate, and the said Surveyor of Turnpike Roads shall give to the said Surveyor of Highways Receipts in Writing for all Monies so paid.

Disputes respecting Carriage of Materials to be referred to Two Justices.

Penalty.

CV. And be it enacted, That in case the said Surveyor of Turnpike Roads shall be unable to agree with any Inhabitant thereof for the Performance of such Carriage and Conveyance of Materials as aforesaid, or in case any Dispute shall arise between such Surveyor and any Inhabitant of such Parish, District, or Place respecting the Liability of such Inhabitant to perform such Carriage and Conveyance as aforesaid, or respecting the Price or Sum by the said Surveyor to be allowed for such Carriage or Conveyance, or otherwise, then and in every such Case it shall be lawful for any Two or more Justices of the Peace acting in and for the County in which such Parish, District, or Place shall be, upon Application made to them by such Surveyor, or by such Inhabitant, to hear and determine the said several Matters in dispute, and the said Justices may either order that such Inhabitant shall perform some certain Portion of such Carriage or Conveyance, or that the Rate or Scale to be allowed for such Carriage or Conveyance shall be altered or amended, or shall make such other Order respecting the Premises as Justice shall require, and such Order shall be final and conclusive as to all Matters therein specified; and any such Inhabitant who shall have been commanded by such Order to perform any Carriage or Conveyance of Materials, and who shall neglect or refuse to obey such Order for Seven Days after he shall have received Notice of the same, shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

Llandilo Rhynws Bridge and Towey Suspension Bridge to become County Bridges.

CVI. 'And whereas a certain public Bridge called the *Llandilo Rhynws* Bridge has been erected over 'the River *Towey* in the County of *Caermarthen*, and the same has been maintained and repaired under 'the Provisions of a certain Local Act of Parliament to be repealed in pursuance of this Act as aforesaid: 'And whereas a certain other Bridge over the same River called the *Towey* Suspension Bridge, and in the 'same County, has been erected and maintained under the Provisions of a certain other Local Act to be 'in like Manner repealed;' be it enacted, That all Debts due to any Mortgagees or Creditors in respect of the said Bridges or either of them, or secured upon the Tolls thereof respectively, shall be dealt with, estimated, and redeemed by the said Commissioners in manner herein-before directed with respect to the Debts of all Turnpike Trusts in the said County, but that from and after the Repeal of the said last-mentioned Local Acts respectively the same shall become to all Intents and Purposes County Bridges, and shall be repaired and maintained by and at the Charge of the said County of *Caermarthen*, in like Manner as any County Bridges ought now by Law to be maintained and repaired.

Wych Tree Bridge to become a County Bridge.

CVII. 'And whereas a certain public Bridge called "The *Wych Tree* Bridge" in the said County of '*Glamorgan* has been erected and maintained under the Provisions of a certain Local Act of Parliament 'to be repealed in pursuance of this Act;' be it enacted, That all Debts due to any Mortgagees or Creditors in respect of the said Bridge, or secured upon the Tolls thereof, shall be dealt with, estimated, and redeemed by the said Commissioners in manner aforesaid, but that from and after the Repeal of the said last-mentioned Local Act the said last-mentioned Bridge shall become to all Intents and Purposes a County Bridge, and shall be repaired and maintained by and at the Charge of the said County of *Glamorgan*, in like Manner as any County Bridges ought now by Law to be repaired and maintained.

Commissioners to treat the Wych Tree Trusts as if heretofore consolidated with the Swansea District.

CVIII. 'And whereas the Trustees acting in execution of the Local Act regulating the said *Wych* '*Tree* Bridge and Avenues leading thereto have heretofore agreed with the Trustees of the *Swansea* 'District of Roads in the said County of *Glamorgan* for the Consolidation of the said *Wych Tree* Trust 'with the said *Swansea* District, and the Arrangements necessary to such Consolidation have been partly 'carried into effect, and such Arrangements have been *bonâ fide* made by the said Trustees, and would 'if this Act had not been passed have been beneficial to the said County;' be it enacted, That the said *Wych Tree* Trust, and the Accounts, Debts, and Liabilities thereof, shall be treated, considered, and dealt with by the said Commissioners in their said Inquiry, and in estimating the said Debts, in like Manner to all Intents and Purposes as if the said *Wych Tree* Trust had been heretofore by Law consolidated with the *Swansea* District.

Loughor Bridge to be maintained as a County Bridge between the Counties of Glamorgan and

CIX. 'And whereas a certain public Bridge called the *Loughor* Bridge has been erected over a certain 'River or Estuary called the *Loughor* River, which divides the said County of *Caermarthen* from the 'said County of *Glamorgan*, and the same has been maintained and repaired under the Provisions of a 'certain Local Act of Parliament to be repealed in pursuance of this Act: And whereas the said last-

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Caermarthen jointly.

‘ mentioned Bridge is useful and beneficial to both of the said last-mentioned Counties respectively;’ be it therefore enacted, That all Debts due to any Mortgagees or Creditors in respect of the said last-mentioned Bridge, or secured upon the Tolls thereof, shall be dealt with, estimated, and redeemed as aforesaid by the said Commissioners; and when the total Amount or Value of the said Debts shall have been by them fixed and determined a Sum equal to One Fourth Part thereof shall be charged by the said Commissioners, according to the Provisions of this Act, upon the said County of *Glamorgan*, and the Residue thereof shall be charged in like Manner upon the said County of *Carmarthen;* and after the said Local Act regulating the said last-mentioned Bridge shall have been repealed as aforesaid the said Bridge so soon as it shall have been certified under the Hand of the General Superintendent of County Roads to be appointed under this Act to be in good and sufficient Repair, which Repair, if required, shall be done at the Cost and Charge of the said County of *Carmarthen*, shall become a County Bridge, and shall be repaired and maintained in equal Share and Proportion, and at the joint Charge and Expence of the Counties of *Carmarthen* and *Glamorgan*, in like Manner as any County Bridges ought now by Law to be repaired and maintained, and each of the said Counties shall be and continue severally liable in respect of One Moiety of the said Bridge and of the Repairs thereof.

Part of the Debt of the Rumney Bridge Trust to be borne by the Newport Turnpike Trust.

CX. ‘ And whereas a certain public Bridge called the *Rumney* Bridge has been erected over the River ‘ *Rumney*, which divides the said County of *Glamorgan* from the County of *Monmouth*, and the same ‘ has been maintained and repaired under the Provisions of a certain Local Act of Parliament to be ‘ repealed in pursuance of this Act: And whereas the said last-mentioned Bridge has been and is useful ‘ and beneficial to both of the said last-mentioned Counties respectively;’ be it therefore enacted, That all Debts due to any Mortgagees or Creditors in respect of the said last-mentioned Bridge, or secured upon the Tolls thereof, shall be dealt with, estimated, and redeemed by the said Commissioners as aforesaid in like Manner as the Debts of any Turnpike Trust in the said County of *Glamorgan:* Provided nevertheless, that the Sum of One thousand Pounds shall be paid and contributed for and towards the Redemption and Payment of the said Debts by the Trustees appointed under and acting in execution of a certain Act of Parliament made in the Second Year of His late Majesty King *William* the Fourth, intituled *An Act for diverting, altering, repairing, maintaining, and improving the several Turnpike Roads within the District of* Newport *in the County of* Monmouth, which said Sum of One thousand Pounds shall, after the Repeal of the Local Act regulating the said Bridge, be due and payable by and from the said last-mentioned Trustees unto or to the Account of the County Roads Board acting in and for the said County of *Glamorgan;* and the said Trustees are hereby authorized and empowered to charge the Tolls of the said *Newport* Turnpike Trust with the Payment to the said last-mentioned County Roads Board of such an Annuity as shall be equal to Five Pounds and Five Shillings for every One hundred Pounds of the said Principal Sum of One thousand Pounds, together with Interest thereon, and so in proportion for every fractional Part of One hundred Pounds, such Annuity to be payable for the Term of Thirty Years, commencing from a certain Day to be named by the said Commissioners for carrying this Act into effect, after the Repeal of the Local Act regulating the said Bridge, and to be paid half-yearly and without Deduction on certain Days to be fixed by the said Commissioners, the first Payment whereof shall be made on such of the said half-yearly Days of Payment as shall next happen after such Annuity shall have commenced and become payable as aforesaid; and after the said Local Act regulating the said last-mentioned Bridge shall have been repealed as aforesaid the said Bridge shall (so soon as it shall have been certified under the Hand of the General Superintendent of County Roads to be appointed under this Act to be in good and sufficient Repair, such Repairs to be done at the Cost and Charge of the said County of *Glamorgan*,) become a County Bridge, and shall be thenceforth repaired and maintained in equal Share and Proportion, and at the joint Charge and Expence of the said Counties of *Glamorgan* and *Monmouth*, in like Manner as any County Bridges ought now by Law to be repaired and maintained, and each of the said Counties shall be and continue severally liable in respect of One Moiety of the said Bridge, and of the Repairs thereof; and no Part of the said Repairs or of the Expence thereof shall be thereafter required to be done or contributed by any Person or Persons, or by the Inhabitants of any Parish or Place, heretofore liable or accustomed to repair the same.

2 & 3 W. 4. c. xiv.

Rumney Bridge to be maintained as a County Bridge between the Counties of Glamorgan and Monmouth jointly.

Act not to apply to Hay Bridge, nor to Haverfordwest or Boughrood Bridges.

CXI. And be it enacted, That nothing in this Act contained shall extend or apply to a certain Bridge erected over and across the River *Wye* called the *Hay* Bridge, and which is situated on or between the Confines of the said County of *Radnor* and of the said County of *Brecknock*, nor to a certain other Bridge lately erected over and across the River *Dungleddau* at or in the Town and County of *Haverfordwest*, nor to a certain other Bridge erected over and across the said River *Wye* called the *Boughrood* Bridge, and which is situated on or between the Confines of the said County of *Brecknock* and of the said County of *Radnor*, nor to any Local Act or Acts of Parliament for making, erecting, maintaining, or regulating the said last-mentioned Bridges respectively, any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Provision as to Portion of Road in Rhayader and Llangerrig Trust.

10 G. 4. c. iv.

CXII. ‘ And whereas a certain Portion of Road heretofore made and maintained under a certain Local ‘ Act of Parliament passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An* ‘ *Act for making and maintaining a Road from* Rhayader *in the County of* Radnor *to* Llangerrig *in the* ‘ *County of* Montgomery, is locally situated in the said last-mentioned County of *Montgomery;*’ be it enacted, That from and after the Repeal of the said last-mentioned Local Act the said last-mentioned Portion of Road shall, for the Purpose of this Act, and for the Purpose of maintaining the same, be annexed to and become Part of the next adjoining District of Roads of and belonging to the said County of *Montgomery;* and all the Powers, Clauses, and Provisions of an Act passed in the Session held in the

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Fourth and Fifth Years of the Reign of King *William* the Fourth, intituled *An Act for improving and maintaining certain Roads in the Counties of* Montgomery, Merioneth, Salop, *and* Denbigh, shall apply to and include such last-mentioned Portion of Road, in like Manner as if the same had been expressly mentioned and comprised in the said Act: Provided always, that it shall not be lawful for the Trustees, or other Persons acting in execution of the said last-recited Act, to erect or maintain any Toll Gate or Toll Bar, or to collect or cause to be collected any Toll, upon, across, or at the Side of the said Portion of Road, any thing in the said last-recited Act to the contrary notwithstanding. 4 & 5 W. 4. c. xxxi.

CXIII. And be it enacted, That all Fines and Penalties imposed by this Act shall be recovered and applied in the same Manner as Fines and Penalties imposed by the said General Turnpike Acts or any of them; and the several Clauses and Provisions in the said last-mentioned Acts contained respecting the Recovery and Application of Penalties shall be applicable for the Purposes of this Act as if the same were expressly re-enacted herein. Recovery and Application of Penalties.

CXIV. And be it enacted, That in construing this Act the following Words and Expressions shall have the several Meanings herein-after assigned to them, unless there be something in the Subject or Context repugnant to such Constructions; (that is to say,) Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall include Corporation, whether sole or aggregate:

Words importing the Masculine Gender shall include Females:

The Word "Lands" shall include all Messuages, Tenements, and Hereditaments:

The Word "Parish" shall include Townships, Tithings, Rapes, Vills, Wapentakes, Divisions, Liberties, Market Towns, Franchises, Hamlets, Precincts, Chapelries, or other like Districts:

The Words "General Quarter Sessions" shall include General or Quarter Sessions, or Adjournments thereof:

The Words "Justices of the Peace" shall include Justices of the Peace of any County, Borough, Liberty, Precinct, County of a Town, or Town Corporate:

The Words "Turnpike Roads" shall include all Roads, Ways, Streets, Lanes, Causeways, or Bridges, or Parts thereof, mentioned or comprised in any Local Act of Parliament, in, upon, or at the Sides of which Tolls are authorized by such Act to be collected, and which Tolls are applicable to the Debt charged upon the same, and to the Maintenance or Repair of such Roads, Ways, Streets, Lanes, Causeways, or Bridges:

The Words "Turnpike Trust" shall include all and every Turnpike Road or Roads, or Parts thereof, the Tolls of which are applicable to the Debt charged upon such Tolls only, or to the Maintenance of such Road or Roads only, or Parts thereof, whether regulated or not by the same Act or Acts of Parliament, with any other Road or Roads, or Parts thereof:

The Word "Trustees" shall be held to include Commissioners and all Persons appointed to put in execution any Local Act or Acts for regulating Turnpike Roads:

The Word "Tolls" shall include all Monies payable under any Act regulating Turnpike Roads, or forming Part of the Revenue of any Turnpike Roads:

The Words "Toll Gates" shall include Toll Bars, Toll Houses, and all other Erections, Buildings, and Things built, set up, or made for any Purpose connected with the Collection of Tolls:

The Word "Mortgage" shall include all Deeds, Tallies, Bonds, Assignments, or other Instruments by which any Principal Sum of Money is secured upon any Tolls, or by which any Tolls or Toll Gates, or any Part or Proportion thereof, are assigned, in consideration of any Principal Sums of Money advanced to any Trustees of Turnpike Roads, and all Assignments of such Deeds, Assignments, or other Instruments:

The Word "Mortgagee" shall include all Persons holding or entitled to hold any such Mortgages, Tallies, Deeds, Bonds, Assignments, or other Instruments or Assignments, or Transfers thereof as aforesaid:

The Word "Month" shall mean Calendar Month; and where any Number of Days is specified, the same shall be reckoned exclusively of the Days to and from which Computation is directed to be made.

CXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

An Act passed in the Third Year of the Reign of King George the Fourth, intituled "An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England."

An Act passed in the Fourth Year of the Reign of King George the Fourth, intituled "An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England."

An Act passed in the Session held in the Seventh and Eighth Years of the Reign of King George the Fourth, intituled "An Act to amend the Acts for regulating Turnpike Roads in England."

An Act passed in the Ninth Year of the Reign of King George the Fourth, intituled "An Act to amend the Acts for regulating Turnpike-Roads."

An Act passed in the Session held in the First and Second Years of the Reign of King William the Fourth, intituled "An Act to amend the Acts for regulating Turnpike Roads in England, so far as they relate to certain Exemptions from Toll."

An Act passed in the Session held in the Second and Third Years of the Reign of King William the Fourth, intituled "An Act to explain certain Provisions in Local Acts of Parliament relating to Double Toll on Turnpike Roads."

An Act passed in the Session held in the Third and Fourth Years of King William the Fourth, intituled "An Act requiring the annual Statements of Trustees or Commissioners of Turnpike Roads to be transmitted to the Secretary of State, and afterwards laid before Parliament."

An Act passed in the Session held in the Fourth and Fifth Years of the Reign of King William the Fourth, intituled "An Act to amend an Act of the Third Year of King George the Fourth, for regulating Turnpike Roads in England, so far as the same relates to the Weights to be carried upon Waggons with Springs."

SECOND SCHEDULE.

RATE of TOLL to be taken in the COUNTIES to which this Act refers.

	£	s.	d.
For every Horse or other Beast drawing any Coach, Chariot, Berlin, Landau, Landaulet, Barouche, Chaise, Phaeton, Vis-a-vis, Calash, Curricle, Car, Chair, Gig, Hearse, Caravan, Litter, or any such like Carriage	0	0	6
For every Horse or other Beast, except Asses, drawing any Waggon, Wain, Cart, or other such like Carriage	0	0	4
For every Ass drawing any Cart, Carriage, or other Vehicle	0	0	2
For every Horse or Mule, laden or unladen, and not drawing	0	0	1½
For every Ass, laden or unladen, and not drawing	0	0	0½
For every Drove of Oxen, Cows, or neat Cattle, the Sum of Ten-pence per Score, and so in proportion for any greater or less Number.			
For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence per Score, and so in proportion for any greater or less Number.			
For every Carriage drawn or impelled by Steam, or other Power other than Animal Power, having Two Wheels	0	1	0
And for every such last-mentioned Carriage having more than Two Wheels	0	2	0

CAP. XCII.

An Act to amend the Law respecting the Office of County Coroner. [9th *August* 1844.]

'WHEREAS the Regulations for the Elections of Coroners for Counties are insufficient: And whereas such Elections are made with much Inconvenience, and are attended with great and unnecessary Expence: And whereas, for Remedy of such Grievances, it is expedient that an Alteration should be made in the Manner of making such Elections:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Elections of Coroners for Counties*, shall be repealed.

58 G. 3. c. 95. repealed.

Petition for Division of Counties.

II. And be it enacted, That when and as often as it shall seem expedient to the Justices of any County that such County should be divided into Two or more Districts for the Purposes of this Act, or that any Alteration should be made of any Division theretofore made under this Act, it shall be lawful for the said Justices, in General or Quarter Session assembled, to resolve that a Petition shall be presented to Her Majesty, praying that such Division or Alteration be made, and thereupon to adjourn the further Consideration of such Petition until Notice thereof shall be given to the Coroner or Coroners of such County as herein-after provided.

Preparation of Petition.

III. And be it enacted, That the Clerk of the Peace shall give Notice of any such Resolution to every Coroner for such County, and of the Time when the Petition will be taken by the said Justices into consideration, and the Justices shall confer with every such Coroner, who shall attend the Meeting of the Justices for that Purpose, touching such Petition, having due Regard to the Size and Nature of each proposed District, the Number of the Inhabitants, the Nature of their Employments, and such other Circumstances as shall appear to the Justices fit to be considered in carrying into execution the Provisions of this Act; and such Petition, with a Description of the several proposed Districts, and of the Boundaries thereof, with the Reasons upon which the Petition is founded, shall be certified to Her Majesty under the Hands and Seals of Two or more of the Justices present when such Petition shall be agreed to, and the Clerk of the Peace for such County shall forthwith give or send a true Copy of such Petition, certified under his Hand, to every Coroner for such County.

IV. And

IV. And be it enacted, That it shall be lawful for Her Majesty, if She shall think fit, with the Advice of Her Privy Council, after taking into consideration any such Petition, and also any Petition which may be presented to Her by any Coroner of the same County concerning such proposed Division or Alteration, or whenever it shall seem fit to Her Majesty to direct the Issue of a Writ De coronatore eligendo, for the Purpose of authorizing the Election of an additional Coroner above the Number of those who have been theretofore customarily elected in such County, to order that such County shall be divided into such and so many Districts, for the Purposes of this Act, as to Her Majesty, with the Advice aforesaid, shall seem expedient, and to give a Name to each of such Districts, and to determine at what Place within each District the Court for the Election of Coroner for such District shall be holden as herein-after provided, and every such Order shall be published in the *London Gazette*. Division of the County into Districts.

V. And be it enacted, That the Justices in General or Quarter Session assembled shall assign one of such Districts to each of the Persons holding the Office of Coroner in such County, and upon the Death, Resignation, or Removal of any such Person each of his Successors, and also every other Person thereafter elected into the Office of Coroner in such County, shall be elected to and shall exercise the Office of Coroner, according to the Provisions of this Act, and shall reside within the District in and for which he shall be so elected, or in some Place wholly or partly surrounded by such District, or not more than Two Miles beyond the outer Boundary of such District. Districts to be assigned to Coroners.

VI. And be it enacted, That whenever it shall appear to Her Majesty, with the Advice aforesaid, and shall be set forth in the said Order in Council, that any such County has been customarily divided into Districts for the Purpose of holding Inquests during the Space of Seven Years before the passing of this Act, and it shall seem expedient to Her Majesty, with the Advice aforesaid, that the same Divison of the County be made under this Act, each of such Districts shall be assigned to the Coroner usually acting in and for the same District before the passing of this Act; but if it shall appear expedient to Her Majesty, with the Advice aforesaid, that a different Division of such County be made, and any such Coroner shall present a Petition to Her Majesty, praying for Compensation to him for the Loss of his Emoluments arising out of such Change, it shall be lawful for Her Majesty, with the Advice aforesaid, to order the Lord High Treasurer or Commissioners of Her Majesty's Treasury to assess the Amount of Compensation which it shall appear to him or them ought to be awarded to such Coroner, and the Amount of such Compensation shall be paid by the Treasurer of the County to such Coroner, his Executors or Administrators, out of the County Rate. Provision for Coroners already acting in Districts.

VII. And be it enacted, That such Justices so assembled as aforesaid shall order a List to be prepared by the Clerk of the Peace for their respective Counties of the several Parishes, Townships, or Hundreds, as the Case may be, in each and every of the several Districts into which the respective Counties shall be divided under the Authority of this Act, specifying in such List the Place within each District at which the Court for the Election of Coroner is to be holden, and also the Place or Places at which the Poll shall be taken, inserting the Parishes, Townships, and Places for each of such Polling Places, and shall cause such Order to be enrolled among the Records of the County. List of Places in each District to be made.

VIII. And be it enacted, That all isolated or detached Parts of Counties shall be considered, for the Purposes of this Act, as forming a Part of that County, Riding, or Division respectively whereby such isolated or detached Parts shall or may be wholly surrounded, but if any such isolated or detached Part shall be surrounded by Two or more Counties, Ridings, or Divisions, then as forming Part of that County, Riding, or Division with which such isolated or detached Part shall have the longest common Boundary. Detached Parts to form Parts of Counties by which they are surrounded.

IX. And be it enacted, That from and after the Time when any County shall have been so as aforesaid divided every Election of a Coroner for any such District shall be held at some Place within the District in which he shall be elected to serve the Office of Coroner; and that every Person to be so elected shall be chosen by a Majority of such Persons residing within such District as shall at the Time of such Election be duly qualified to vote at the Elections of Coroners for the said County. Election to be held in the District; who to elect.

X. And be it enacted, That from and after the Division of any Counties as aforesaid into Coroners Districts, upon every Election to be made of any Coroner or Coroners for any County the Sheriff of the County where such Election shall be made shall hold a Court for the same Election at some convenient Place within the District for which the Election of Coroner shall take place, on some Day to be by him appointed, which Day shall not be less than Seven Days nor more than Fourteen Days after the Receipt of the Writ De coronatore eligendo; and in case the said Election be not then determined upon the View, with the Consent of the Electors there present, but that a Poll shall be demanded for Determination thereof, then the said Sheriff, or in his Absence his Under Sheriff, shall adjourn the same Court to Eight of the Clock in the Forenoon of the next Day but one, unless such next Day but one shall be *Saturday* or *Sunday*, and then of the *Monday* following; and the said Sheriff, or in his Absence the Under Sheriff, with such others as shall be deputed by him, shall then and there proceed to take the said Poll in some public Place or Places by the same Sheriff, or his Under Sheriff as aforesaid in his Absence, or others appointed for the taking thereof as aforesaid; and such Polling shall continue for Two Days only, for Eight Hours in each Day; and no Poll shall be kept open later than Four of the Clock in the Afternoon of either of the said Days. Sheriff to hold a Special County Court for Election of Coroner. If Election not determined on the View, then to proceed to take a Poll. Duration of Poll.

XI. And be it enacted, That for more conveniently taking the Poll at all Elections of Coroners under the Authority of this Act the Poll for the Election of the Coroner in each District shall be taken at the Place to be appointed for holding the Court for such Election, and at such other Places within the same District as may for the Time being be appointed by the Quarter Sessions. Places for taking the Poll at Elections for Coroners.

Sheriff may erect Polling Booths for taking the Poll at.

XII. And be it enacted, That at every contested Election of Coroner for any District of the said County the Sheriff, Under Sheriff, or Sheriff's Deputy shall, if required by or on the Behalf of any Candidate on the Day fixed for the Election, and, if not so required, may, if it shall appear to him expedient, cause a Booth or Booths to be erected for taking the Poll at the Court or principal Place of Election, and also at each of the Polling Places within the District herein-before directed to be used for the Purposes of such Election, and shall cause to be affixed on the most conspicuous Part of each of the said Booths the Names of the several Parishes, Townships, and Places for which such Booth is respectively allotted; and no Person shall be admitted to vote at any such Election in respect of any Property situate in any Parish, Township, or Place, except at the Booth so allotted for such Parish, Township, or Place, and if no Booth shall be allotted for the same, then at any of the Booths for the same Districts; and in case any Parish, Township, or Place, or Part of any Parish, Township, or Place, shall happen not to be included in any of the Districts, the Votes in respect of Property situate in any Parish, Township, or Place, or any Part of any Parish, Township, or Place, so omitted, shall be taken at the Court or principal Place of Election for such District of the said County.

No Voter to poll out of the District where his Property lies.

In case of a Parish not included in any District.

Poll Clerks to be appointed and sworn.

XIII. And for the more due and orderly proceeding in the said Poll, be it enacted, That the said Sheriff, or in his Absence the Under Sheriff, or such as he shall depute, shall appoint such Number of Clerks as to him shall seem meet and convenient for the taking thereof, which Clerks shall take the said Poll in the Presence of the said Sheriff or his Under Sheriff, or such as he shall depute; and before they begin to take the said Poll every Clerk so appointed shall by the said Sheriff or his Under Sheriff, or such as he shall depute as aforesaid, be sworn truly and indifferently to take the same Poll, and to set down the Names of each Elector, and the Place of his Residence, and for whom he shall poll, and to poll no Elector who is not sworn, if required to be sworn by the Candidates or either of them; and which Oaths of the said Clerks, the said Sheriff or his Under Sheriff, or such as he shall depute, shall have Authority to administer; and the Sheriff, or in his Absence his Under Sheriff, as aforesaid, shall appoint for each Candidate such one Person as shall be nominated to him by each Candidate to be Inspector of every Clerk who shall be appointed for taking the Poll; and every Elector, before he is admitted to poll at the same Election, shall, if required by or on behalf of any Candidate, first take the Oath herein-after mentioned; which Oath the said Sheriff, by himself or his Under Sheriff, or such sworn Clerk by him appointed for taking the said Poll as aforesaid, shall have Authority to administer; (that is to say,)

Inspector of Poll Clerk.

Electors to be sworn.

Oath.

'I SWEAR [*or, being one of the People called Quakers, or entitled by Law to make Affirmation,* solemnly affirm], That I am a Freeholder of the County of and have a Freehold Estate, consisting of lying at within the said County; and that such Freehold Estate has not been granted to me fraudulently or colourably on purpose to qualify me to give my Vote at this Election; and that the Place of my Abode is at [*and, if it be a Place consisting of more Streets or Places than One, specifying what Street or Place*]; that I am Twenty-one Years of Age, as I believe; and that I have not been before polled at this Election [*adding, except in Cases of solemn Affirmations,*] So help me GOD.'

Punishment for Perjury.

XIV. And be it enacted, That every Elector or other Person who shall wilfully and falsely take the said Oath or Affirmation hereby appointed to be taken by the Electors as aforesaid shall for every such Offence incur the Penalties by Law inflicted on Persons guilty of Perjury; and every Person who shall unlawfully and corruptly procure or suborn any Freeholder or other Person wilfully and falsely to take the said Oath or Affirmation in order to be polled shall for every such Offence incur such Pains and Penalties as are by Law inflicted on Persons guilty of Subornation of Perjury.

Custody of Poll Books, and final Declaration of the Poll.

XV. And be it enacted, That the Poll Clerks shall, at the Close of the Poll, enclose and seal their several Books, and shall publicly deliver them, so enclosed and sealed, to the Sheriff, Under Sheriff, or Sheriff's Deputy presiding at such Poll, who shall give a Receipt for the same; and every such Deputy who shall have received any such Poll Books shall forthwith deliver or transmit the same, so enclosed and sealed, to the Sheriff or his Under Sheriff, who shall receive and keep all the Poll Books unopened until the reassembling of the Court on the Day next but one after the Close of the Poll, unless such next Day but one shall be *Sunday*, and then on the *Monday* following, when he shall openly break the Seals thereon, and cast up the Number of Votes as they appear on the said several Books, and shall openly declare the State of the Poll, and shall make Proclamation of the Person chosen, not later than Two of the Clock in the Afternoon of the said Day.

Expences of Sheriff, &c. to be paid by the Candidates.

XVI. And be it enacted, That all the reasonable Costs, Charges, and Expences which the said Sheriff, or his Under Sheriff or other Deputy, shall expend or be liable to in and about the providing of Poll Books, Booths, and Clerks (such Clerks to be paid not more than One Guinea each for each Day), for the Purpose of taking the Poll at any such Election, shall be borne and paid by the several Candidates at such Election in equal Proportions.

Coroners may compel Attendance of Jurors and Witnesses.

XVII. 'And whereas great Difficulty and Delay is frequently occasioned by the Nonattendance of Jurors and Witnesses summoned to attend the Coroner on taking an Inquest;' be it therefore enacted, That if any Person, having been duly summoned as a Juror or Witness to give Evidence upon any Coroner's Inquest, as well of Liberties and Franchises contributing to the County Rates, as of Counties, Cities, and Boroughs, shall not, after being openly called Three Times, appear and serve as such Juror, or appear and give Evidence on such Inquest, every such Coroner shall be empowered to impose such Fine upon every Person so making default as he shall think fit, not exceeding Forty Shillings; and every such Coroner shall make out and sign a Certificate, containing the Name and Surname, the Residence, and Trade or Calling of every such Person so making default, together with the Amount of the Fine imposed,

Coroner to certify Defaulters to the

and

and the Cause of such Fine, and shall transmit such Certificate to the Clerk of the Peace for the County, Riding, Division, or Place in which such Defaulter shall reside, on or before the First Day of the Quarter Session of the Peace then next ensuing, and shall cause a Copy of such Certificate to be served upon the Person so fined, by leaving it at his Residence Twenty-four Hours at the least before the First Day of the said next Quarter Session of the Peace; and every such Clerk of the Peace shall copy the Fine or Fines so certified on the Roll on which all Fines and Forfeitures imposed at such Quarter Session of the Peace shall be copied, and the same shall be estreated, levied, and applied in like Manner, and subject to the like Powers, Provisions, and Penalties in all respects, as if such Fine or Fines had been Part of the Fines imposed at such Quarter Session: Provided always, that nothing herein contained shall be construed to affect any Power now by Law vested in the Coroner for compelling any Person to appear and give Evidence before him on any Inquest or other Proceeding, or for punishing any Person for Contempt of Court in not so appearing and giving Evidence, or otherwise.

Clerk of the Peace;

who shall enter them on the Roll of Fines.

Proviso.

XVIII. And be it enacted, That from and after the passing of this Act, in all Cases in which any Person shall be charged by any Coroner's Inquisition with the Commission of any Crime, and shall be subsequently put upon his Trial, either on such Inquisition, or in pursuance of any Bill of Indictment found for the same, the Coroner before whom such Inquisition shall have been found shall be wholly incompetent to act as an Attorney in Prosecution or Defence of such Person for such Crime, either by himself or his Partner (directly or indirectly); and that in all Cases in which it shall appear to the Judge before whom such Person shall be tried that any Coroner shall have so acted contrary to the Provision and Intention of this Act, such Judge shall impose upon every Coroner so offending such Penalty, not exceeding Fifty Pounds, as the said Judge shall in his Discretion think fit.

Coroner not to act professionally in Prosecutions where he shall have sat as Coroner in the same Case.

XIX. And be it enacted, That every Coroner elected under the Authority of this Act, although such Coroner may be designated as the Coroner for any particular District of a County, and may be elected by the Electors of such District, and not by the Freeholders of the County at large, shall for all Purposes whatsoever, except as herein-after mentioned, be considered as a Coroner for the whole County, and shall have the same Jurisdiction, Rights, Powers, and Authorities throughout the said County as if he had been elected one of the Coroners of the said County by the Freeholders of the County at large.

Jurisdiction of Coroner for a District.

XX. And be it enacted, That, except as aforesaid, every Coroner for any County, or any District thereof, or his Deputy, after he shall, in pursuance of the Provisions of this Act, have beeen assigned to or elected by the Electors of any particular District, shall, except during Illness or Incapacity or unavoidable Absence as aforesaid of any Coroner for any other District, or during a Vacancy in the Office of Coroner for any other District, hold Inquests only within the District to or for which he shall have been assigned or elected: Provided always, that the Coroner who shall, by himself or Deputy, hold any Inquest in any other District, save that to which he shall have been assigned or elected as aforesaid, shall, in his Inquisition to be returned on such Inquest, certify the Cause of his Attendance and holding such Inquest; which Certificate shall be conclusive Evidence of the Illness or Incapacity or unavoidable Absence as aforesaid of the Coroner in whose Stead he shall so attend, or of there being a Vacancy in the Office of Coroner for the District in which such Inquest shall be holden.

Present and future Coroners, except during Illness, &c. of Coroner for another District, &c., to act only in their own Districts.

XXI. 'And whereas Doubts have arisen as to the Power of the Justices to order the Payment of 'Allowances for travelling in any Case where an Inquisition has not been taken, although such Coroner 'has been compelled to travel from his usual Place of Abode for the Purpose of taking an Inquisition;' be it therefore enacted, That it shall and may be lawful for the Justices of the Peace in their General or Quarter Sessions assembled for the County, Riding, Division, or Liberty where such Inquisition would have been taken, or the major Part of them, if they shall see fit, to order the Payment of such Allowances for travelling to any Coroner who shall show, to the Satisfaction of the said Justices, that he had been compelled, in the Discharge of his Office, to travel from his usual Place of Abode for the Purpose of taking an Inquisition, but which, in the Exercise of his Discretion, he deemed to be unnecessary, and declined to take.

Coroners to be paid travelling Expences where Inquisition shall not be taken.

XXII. 'And whereas, in Cases where the Sheriff is a Party, or otherwise disqualified to act, and in 'various other Cases, Writs and Processes in civil Actions and Suits, and also Extents and other Process 'where the Queen is interested, are frequently directed to and executed by the Coroner in the Place and Stead of the Sheriff, but the Coroner is not in any such Case allowed any Fee or Reward for the Execution of any such Writs, Process, or Extents;' be it therefore enacted, That in all Cases where any Writ, Process, or Extent whatsoever shall be directed to and executed by any Coroner or Coroners in the Place or Stead of any Sheriff or Sheriffs, such Coroner or Coroners shall have and receive such and the same Poundage Fees or other Compensation or Reward for executing the same as the Sheriff or Sheriffs, if he or they had executed the same, would have been entitled to receive for so doing, and shall also have such and the same Right to retain, and all other Remedies for the Recovery of the same, as the Sheriff or Sheriffs would have had in whose Place and Stead such Coroner or Coroners shall have been substituted; and if the Fees or Compensation payable to the Sheriffs shall at any Time after the passing of this Act be increased by Act of Parliament or otherwise, that in every such Case the Coroner or Coroners shall be entitled to such increased Fees or Compensation.

Coroners to be paid when they act for Sheriffs.

XXIII. 'And whereas by an Act passed in the Sixth Year of the Reign of Her Majesty Queen '*Victoria*, intituled *An Act for the more convenient holding of Coroners Inquests*, it was enacted, that 'for the Purpose of holding Coroners Inquests every detached Part of a County, Riding, or Division 'shall be deemed to be within that County, Riding, or Division by which it is wholly surrounded, or 'where it is partly surrounded by Two or more Counties, within that one with which it has the longest 'common

Coroners for detached Places to continue to hold Inquests. 6&7 Vict. c. 12.

'common Boundary: And whereas as to some such detached Parts of Counties, Ridings, or Divisions 'there were at the Time of the passing of the last-mentioned Act Coroners appointed expressly for 'and having Jurisdiction in such detached Parts only, and Doubts have arisen whether such last-men- 'tioned Coroners were superseded by such last-mentioned Act;' be it therefore enacted, That as to every such detached Part of any County for which at the Time of the passing of the said last-mentioned Act there was a Coroner appointed for and acting in such detached Part such last-mentioned Coroner shall (if now living, and not having resigned, or been removed from his Office otherwise than by the Operation of the said Act,) continue to hold and exercise his former Office and Jurisdiction within such detached Part for so long a Time and in such Manner as such Coroner would have held and exercised the said Office and Jurisdiction if the said last-mentioned Act had not passed.

Expences of Inquests occasioned to any County with respect to any detached Part of any other County.

XXIV. And be it enacted, That the Treasurer of every County shall keep an Account of all Expences occasioned to such County by any Inquest in or with respect to any such detached Part of any other County, and shall twice in every Year send a Copy of such Account to the Treasurer of the other County to which such detached Part belongs; and the Treasurer of such other County shall, out of the Monies in his Hands as Treasurer, pay the same to the Order of the Treasurer sending the Account, with all reasonable Charges of making and sending the Account; and in case any Difference shall arise concerning the said Account, and such Difference shall not be adjusted by Agreement, it shall be lawful for either of the Parties to apply to the Justices of Assize of the last preceding Circuit or of the next succeeding Circuit, or to one of such Justices, who shall, by Writing under their or his Hands or Hand, nominate a Barrister at Law, not having any Interest in the Question, to arbitrate between the Parties; and such Arbitrator may, if he shall see fit, adjourn the Hearing from Time to Time, and require all such further Information to be afforded by either of the Parties as shall appear to him necessary, and shall by his Award in Writing determine the Matters in difference, and his Award shall be final and conclusive between the Parties; and such Arbitrator shall also assess the Costs of the Arbitration, and shall direct by whom and out of what Fund the same shall be paid.

Coroners for particular Places excepted out of this Act.

XXV. And be it enacted, That no Coroner of the Queen's Household and the Verge of the Queen's Palaces, nor any Coroner of the Admiralty, nor any Coroner of the City of *London* and Borough of *Southwark*, or of any Franchises belonging to the said City, nor any Coroner of any City, Borough, Town, Liberty, or Franchise which is not contributory to the County Rates, or within which such Rates have not been usually assessed, shall be entitled to any Fee, Recompence, or Benefit given to or provided for Coroners by this Act; but that it shall be lawful for all such Coroners as are last mentioned to have and receive all such Fees, Salaries, Wages, and Allowances as they were entitled to by Law before the making of this Act, or as shall be given or allowed to them by the Person or Persons by whom they have been or shall be appointed.

Act as to Expences to extend to the Cinque Ports.

XXVI. And be it enacted, That the Provisions of this Act touching the Allowance for the travelling Expences of Coroners shall be deemed and taken to extend to Coroners appointed and acting for the Jurisdiction of the Cinque Ports, any thing herein-before contained to the contrary notwithstanding.

To what Places this Act shall not extend.

XXVII. And be it enacted, That nothing in this Act contained touching the Divisions of Counties into Districts, or the Appointment or Election of Coroners, shall extend to the County of *Chester*, or any County Palatine, City, Borough, Town, Liberty, Franchise, Part, or Place the Appointment or Election of Coroner whereof takes place by Law otherwise than under the Writ De coronatore eligendo.

Meaning of "County."

XXVIII. And be it enacted, That in construing this Act the Word "County," shall be taken to mean County, Riding, or Division of a County in and for which a separate Coroner hath been customarily elected; and that in the Counties of *York* and *Lincoln* all things herein-before directed to be done by and with respect to the Justices in General or Quarter Sessions assembled, and by their Clerk, shall be done by and with respect to the Justices of the said Counties of *York* and *Lincoln* in General Gaol Sessions assembled, and by their Clerk.

Not to affect the Royal Prerogative.

XXIX. Provided always, and be it declared and enacted, That nothing herein contained shall be construed to abridge or affect the Royal Prerogative, or the Authority of the Lord Chancellor, for issuing a Writ De coronatore eligendo, as fully as if this Act had not been passed.

Extent of Act.

XXX. And be it enacted, That this Act shall extend only to *England*.

Act may be amended, &c.

XXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. XCIII.

An Act to enable Barristers appointed to arbitrate between Counties and Boroughs to submit a Special Case to the Superior Courts. [9th *August* 1844.]

5 & 6 W. 4. c. 76. 5 & 6 Vict. c. 98.

'WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* 'Wales, and by another Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to* 'amend the Law concerning Prisons, Provision was made for the Appointment of Barristers at Law to 'arbitrate in Cases of Difference concerning certain Accounts and the Amounts of certain Expences 'therein mentioned: And whereas it is expedient that the Treasurer of the County, the Visiting Justices 'of the Prison, and the Council of the Borough, or any of them, affected by any Award which may be 'made by any Barrister under the Authority of either of the said Acts, should be enabled to obtain in a 'summary Way the Opinion of One of the Superior Courts of Common Law at *Westminster* upon any

'Point

'Point of Law arising out of any of the Matters referred to such Barrister:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Case in which a Barrister at Law shall have been or shall hereafter be named, as in the said recited Acts or either of them is mentioned, to arbitrate between the Parties, such Barrister at Law, upon the Requisition in Writing of the Treasurer of the County, or of the Visiting Justices of the Prison, or of the Town Clerk of the Borough, on behalf of the Council of the Borough who shall be interested in the Decision of such Barrister, shall be empowered, if he shall think fit, before making his Award, to state One or more Special Case or Cases touching any of the Matters referred to such Barrister at Law for the Opinion of such One of the Superior Courts of Common Law at *Westminster* as he shall direct, or to raise in any Award to be at any Time made by him any Question or Questions for the Opinion of such Court; and such Court shall hear and determine the Matter according to the Practice of the Court upon Special Cases, and make such Order as to the Costs, and by and to whom and in what Manner the same shall be paid or borne, as to such Court shall seem meet, and the Decision of the Court shall be binding on such Barrister in making his Award.

Arbitrating Barrister, upon receiving a Requisition in Writing from Treasurer of the County or the Visiting Justices of the Prison, &c. may state a Special Case touching any Matter referred to him, for the Opinion of a Superior Court.

II. And be it declared and enacted, That in case any Barrister who shall have been or shall hereafter be named, in pursuance of the said recited Acts or either of them, or of this Act, shall die, or refuse to act, or be disabled from acting, either from ceasing to practise as a Barrister or for any other Reason, before making his Award, the several Parties in the said several Acts mentioned shall be authorized and required to name another Barrister at Law for all the Purposes in the said several Acts mentioned, or any of them, in like Manner as if no Appointment had been made under the same; and the Barrister so newly named shall have the same Authority to decide the Matters in difference as if no other Appointment had been made; and in every such Case in which, before the passing of this Act, a second Barrister has been appointed to settle or determine any Matters in difference, left unsettled or undetermined by the Barrister first appointed for that Purpose, the Appointment of such second Barrister shall be deemed good, and the Barrister so secondly appointed shall be deemed to have and to have had from his Appointment the same Authority as if appointed under this Act.

In case Barrister die before making his Award another one to be chosen.

CAP. XCIV.

An Act to explain and amend an Act for making better Provision for the Spiritual Care of populous Parishes. [9th *August* 1844.]

'WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to make better Provision for the Spiritual Care of populous Parishes;* and it is expedient to explain and amend certain of the Provisions of the said Act:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That wherever any Right of Patronage of any District or new Parish constituted under the Authority of the said Act, and Nomination of the Minister or Perpetual Curate thereof, shall be assigned to or vested in or may be exercised by Her Majesty, according to or under the Provisions of the same Act, it shall be lawful for Her Majesty to nominate to the Bishop of the Diocese a Spiritual Person to be licensed to such District or new Parish as Minister or Perpetual Curate thereof, as the Case may be, by Warrant under Her Royal Sign Manual; and such Warrant shall be full and sufficient Authority to such Bishop to license such Spiritual Person accordingly.

6 & 7 Vict. c. 37.

Crown may nominate Ministers by Warrant under Sign Manual.

II. And be it declared and enacted, That wherever any Right of Patronage of any such District or new Parish shall in like Manner be assigned to or vested in or may be exercised by any Bishop, it shall be lawful for such Bishop to license a Spiritual Person to such District or new Parish as Minister or Perpetual Curate thereof, as the Case may be, in the same Manner, *mutatis mutandis*, as he may now by Law license a Spiritual Person to any Perpetual Curacy.

Bishop may license, as to any existing Perpetual Curacy.

III. Provided always, and be it enacted, That no Fee whatever shall be payable for or in respect of any such Warrant as aforesaid; and that a Fee of One Pound, and no more, shall be receivable by the Secretary of any Bishop for and in respect of each and every Licence granted by such Bishop of a Spiritual Person as Minister or Perpetual Curate of any such District or new Parish as aforesaid, or of any Building licensed by such Bishop within any such District for the Performance of Divine Service, pursuant to the Provisions of the said Act; and no further or larger Fee or Gratuity shall be receivable by any Person whomsoever for or in respect of the making, issuing, or granting of any such Licence as aforesaid.

Warrant without Fee.

Fee for Licence.

IV. And be it declared and enacted, That wherever any Incumbent or Patron to whom, according to the Provisions of the said recited Act, it shall be necessary to transmit or deliver the Draft of any Scheme proposed to be laid before Her Majesty in Council, shall be beyond the Seas, it shall be and be deemed to be a sufficient Compliance with such Provisions to leave such Draft, in the Case of an Incumbent, at the House of Residence belonging to his Benefice or Church, or if there be no such House of Residence then at his last usual Place of Abode in *England*, and in the Case of a Patron at his last usual Place of Abode in *England:* Provided always, that in any such Case of an absent Incumbent or Patron such Scheme shall not be laid before Her Majesty in Council until after the Expiration of Two Calendar Months from the Day on which the Draft thereof shall have been so left, unless such Incumbent and Patron shall in the meantime consent to the same.

How Scheme to be served where Incumbent or Patron absent from England.

V. And

How where Incumbent incapacitated or Benefice sequestered.

V. And be it declared and enacted, That in the Case of any such Incumbent being an Idiot or Lunatic or of unsound Mind, or of any Benefice or Church being under Sequestration, or of the Duties thereof being performed by a Curate duly appointed in consequence of the Suspension or the reputed Incapacity of the Incumbent thereof, it shall be and be deemed to be a sufficient Compliance with the same Provisions to deliver or transmit the Draft of any such Scheme to the Committee of such Idiot, Lunatic, or Person of unsound Mind, or to the Sequestrator, or to such Curate of such Benefice or Church, as the Case may be; and the Consent of such Committee, Sequestrator, or Curate shall be deemed to be the Consent of the Incumbent, within the Meaning of the said Act.

How where Patrons numerous.

VI. And be it declared and enacted, That in any Case in which the Patronage of any Church or Chapel of any Parish, Chapelry, or District is or shall be vested in and exercised by the Inhabitants generally of such Parish, Chapelry, or District, or by any Body or Class of Persons exceeding Five in Number, it shall be and be deemed to be a sufficient Compliance with the same Provisions to deliver or transmit the Draft of any such Scheme to one of such Patrons, and to the Churchwardens or Chapelwardens of any such Church or Chapel, as the Case may be; and such Churchwardens or Chapelwardens, or one of them, shall thereupon cause Notice of the Contents of such Draft to be given to such Patrons, and shall ascertain their Objections, if any, or their Consent to such Scheme, in such Manner as the Ecclesiastical Commissioners for *England* shall direct, and such Churchwardens or Chapelwardens, or one of them, shall communicate the same to the said Commissioners or to the Bishop of the Diocese; and the said Commissioners shall not lay such Scheme before Her Majesty in Council until after the Expiration of Two Calendar Months from the Day on which such Draft shall have been so delivered or transmitted, unless such Consent shall in the meantime be given.

Construction of certain Terms in 6 & 7 Vict. c. 37.

VII. And be it declared and enacted, That in the Construction of the said recited Act the Words "Goods and Chattels" shall be construed to extend to and comprehend all Personal Estate and Property whatsoever; and the Word "Testament" shall be construed to extend to and comprehend any Will or Testamentary Paper whatsoever, including under such Definition the Execution by any such Will, Testament, or Testamentary Paper of any Appointment, in pursuance of any Power, howsoever conferred or acquired.

Original Map or Plan may be registered.

VIII. And be it declared and enacted, That, notwithstanding any thing in the said recited Act contained, it shall be lawful to transmit the original Map or Plan annexed to any Scheme laid before Her Majesty in Council under the Provisions of the said recited Act, to be registered in the Registry of the Diocese, instead of a Copy thereof, as provided by the same Act.

Bounds of Districts may be varied within limited Time.

IX. And be it declared and enacted, That it shall be lawful, by the Authority in the said recited Act provided, at any Time or Times within Twelve Months after the Date of the Licence of the Minister first licensed to any separate District constituted under the Provisions of the same Act, to alter the Bounds of such District, although any Alteration be not required with a view to the constituting of another separate District: Provided always, that the Scheme for making any such Alteration shall be subject to all the Provisions in the same Act and in this Act contained relating to Schemes for constituting separate Districts thereunder; and that any Portion of any such separate District which by any such Alteration as aforesaid shall become detached or excluded therefrom shall to all Intents and Purposes again belong to and form Part of the Parish, Chapelry, or District out of which such Portion was taken, upon such separate District being originally constituted, or to and of any new District, as shall be determined by the like Authority.

Until Minister licensed, cure of Souls not affected.

X. And be it declared and enacted, That in the Case of any District constituted under the Provisions of the said recited Act nothing contained in the Scheme or Order for constituting the same shall in any Manner whatever affect any Parish, Chapelry, or District, as to the Pastoral Superintendence of the Inhabitants thereof or otherwise, until a Minister shall have been duly licensed to such newly constituted District.

Form of Grant or Conveyance.

XI. And be it enacted, That any Grant, Conveyance, or Assurance which shall be made to the said Commissioners by Deed, under the Authority of the said recited Act, of any Lands, Tithes, Tenements, or other Hereditaments, may be made, according to the Form in the Schedule hereunto annexed contained, or as near thereto as the Circumstances of the Case will admit; and every such Conveyance and Assurance shall be valid and effectual in the Law to all Intents and Purposes.

Act may be amended, &c.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

SCHEDULE.

I [*or* We, *or the Corporate Title, if a Corporation*], under the Authority of Acts passed in the Sessions of Parliament held in the Sixth and Seventh and Seventh and Eighth Years of the Reign of Her present Majesty, intituled respectively, "An Act to make better Provision for the Spiritual Care "of populous Parishes," and "An Act to explain and amend an Act to make better Provision for the "Spiritual Care of populous Parishes," do by these Presents freely and voluntarily, and without any valuable Consideration, give, grant, convey, and assure to the Ecclesiastical Commissioners for England all [*describe the Premises to be conveyed*], and all [my, *or* our, *or* the] Right, Title, and Interest [of, *if a Corporation,*] to and in the same and every Part thereof, to hold to the said Commissioners and their Successors for the Purpose of [*describe the particular Purpose, being some Purpose within the Provisions of the said Acts, or say, generally,* for the Purposes of the said Acts]. In witness whereof, *&c.*

CAP. XCV.

An Act to amend an Act of the Ninth Year of King *George* the Fourth, for the Preservation of the Salmon Fisheries in *Scotland*. [9th *August* 1844.]

'WHEREAS an Act was passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the Preservation of the Salmon Fisheries in* Scotland: And whereas it is expedient to prevent the Destruction of Salmon, or Fish of the Salmon Kind, in the Sea or Shores thereof: And whereas Doubts are entertained of the Provisions of the said Act being applicable to the Sea or Sea Shore:' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person not having a legal Right or Permission from the Proprietor of the Salmon Fishery shall from and after the passing of this Act wilfully take, fish for, or attempt to take, or aid or assist in taking, fishing for, or attempting to take, in or from any River, Stream, Lake, Water, Estuary, Firth, Sea Loch, Creek, Bay, or Shore of the Sea, or in or upon any Part of the Sea, within One Mile of Low-water Mark, in *Scotland*, any Salmon, Grilse, Sea Trout, Whitling, or other Fish of the Salmon Kind, such Person shall forfeit and pay a Sum not less than Ten Shillings and not exceeding Five Pounds for each and every such Offence, and shall, if the Sheriff or Justices shall think proper, over and above, forfeit each and every Fish so taken, and each and every Boat, Boat Tackle, Net, or other Engine used in taking, fishing for, or attempting to take Fish as aforesaid; and it shall be lawful for any Person employed in the Execution of this Act to seize and detain all Fish so taken, and all Boats, Tackle, Nets, and other Engines so used, and to give Information thereof to the Sheriff or any Justice of the Peace, and such Sheriff or Justice may give such Orders concerning the immediate Disposal of the same as may be necessary.

9 G. 4. c. 39.

Persons fishing for Salmon within One Mile of the Shore, not having a legal Right or Permission, liable to Penalty.

II. And be it enacted, That the Regulations as to the Recovery and Application of Penalties and the Apprehension of Offenders, and all other Enactments and Provisions of the said recited Act, shall extend and apply to what is herein above enacted, and this Act shall be construed and applied in the same Manner and in all respects as if it had formed Part of the said recited Act.

Provisions of recited Act extended to this Act.

III. And be it enacted, That nothing herein contained shall be construed as depriving any Proprietor of Salmon Fishery of any Right now by Law vested in such Proprietor to prevent any Person from fishing either within or beyond the Limits specified in this Act.

Saving Rights of Proprietors.

IV. And be it enacted, That nothing herein contained shall affect the Rights or Property of the Crown.

Saving Rights of the Crown.

CAP. XCVI.

An Act to amend the Law of Insolvency, Bankruptcy, and Execution. [9th *August* 1844.]

'WHEREAS it is expedient to amend an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the Relief of Insolvent Debtors*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That a Petition for Protection from Process under the said Act may be presented to any Court or District Court of Bankruptcy within the District of which the Petitioner shall have resided Twelve Calendar Months, without any Notice whatever being given to any Creditor, or in the *London Gazette*, or any Newspaper.

5&6 Vict. c. 116.

Petition for Protection from Process may be presented to any Court of Bankruptcy without Notice given.

II. And be it enacted, That every Petition for Protection from Process presented after the Commencement of this Act to the Court of Bankruptcy, or to any District Court of Bankruptcy, shall be in the Form specified in the Schedule hereunto annexed (A. No. 1.); and such Petition, and the Schedule required by the said recited Act to be annexed thereto, shall be verified by an Affidavit of the Petitioner in the Form specified in the Schedule hereunto annexed (A. No. 2.); and such Affidavit shall be sworn in like Manner as Affidavits in Matters of Bankruptcy may be sworn by any Law now in force relating to Bankrupts, and shall be annexed to such Petition at the Time of filing the same; and if such Petition and Affidavit shall not be in the Form herein prescribed such Petition shall be dismissed.

Form of Petition.

Petition and Schedule to be verified by Affidavit in the Form specified.

III. And be it enacted, That the Commissioner authorized to act in the Matter of such Petition shall forthwith, after such Petition shall have been filed, cause Notice of the filing of such Petition to be given, in such Manner as the Commissioner shall direct, to the Creditors named in the Schedule of the Petitioner, and resident within the United Kingdom, and whose Debts respectively shall amount to the Sum of Five Pounds, and to be inserted in the *London Gazette* and in some Newspaper or Newspapers circulating within the County wherein the Petitioner shall reside, and shall thereby appoint a public Sitting of the Court whenever the Commissioner shall think fit for the first Examination of the Petitioner; and the Commissioner may adjourn such Sitting from Time to Time, and allow the Petitioner to amend his Schedule and correct any Mis-statement therein, at the Discretion of the Commissioner, and the Choice of the Creditors Assignee shall take place at such Sitting, or any Adjournment thereof, and shall be made by the Majority in Number and Value of the Creditors who may attend, by themselves or their Attornies duly authorized by Letters of Attorney in that Behalf, before the Commissioner on such Day; provided that the Commissioner shall have Power to reject any Person so chosen who shall appear to him unfit to be such Assignee as aforesaid, or to remove any Assignee; and upon such Rejection or Removal a new Choice of another Assignee shall be made in like Manner.

After filing Petition a Notice to be given to Creditors, &c., and a public Sitting of the Court appointed for first Examination of Petitioner and Choice of Creditors Assignee.

Commissioner may reject or remove Person so chosen.

Property of Petitioner to vest in Assignees for the Time by virtue of the Appointment.

IV. And be it enacted, That the Property of the Petitioner shall, for the Purposes of the said recited Act and of this Act, vest in the Assignee or Assignees for the Time being, by virtue of the Appointment of such Assignee or Assignees; and every such Assignee shall be deemed to be an Officer of the Court in which the Petition shall be filed, and shall be liable as such to the Control thereof: Provided always, that the Property of the Petitioner shall in every Case be possessed and received by the Official Assignee alone, save where it shall be otherwise directed by the Commissioner: Provided also, that it shall be lawful for the Lord Chancellor, or the Judges and Commissioners of the Court of Bankruptcy in *London*, or the Majority of them, if authorized so to do by the Lord Chancellor, from Time to Time to make such Orders, Rules, and Regulations for the Security of the Property of the Petitioner as he or they may judge reasonable and proper.

Upon Petition being filed, Commissioner to have the like Power for Seizure of the Property of the Petitioner, and Examination of him and other Persons, as in Bankruptcy.

V. And be it enacted, That upon such Petition being filed the Commissioner shall possess the like Power and Authority touching the Seizure of the Property of such Petitioner (except as herein otherwise directed), and also to compel the Attendance of and to examine such Petitioner and his Wife, and every Person known or suspected to have any of the Property of such Petitioner in his Possession, or who is supposed to be indebted to such Petitioner, and every Person whom the Commissioner believes capable of giving any Information concerning the Person, Trade, Business, or Calling, Dealings, or Property of such Petitioner, or any Information material to the full Disclosure of the Dealings of such Petitioner, and to enforce both Obedience to such Examination, and the Production of Books, Deeds, Papers, Writings, and other Documents, as by any Law now in force relating to Bankrupts are possessed by the several Courts authorized to act in the Prosecution of Fiats in Bankruptcy touching the Seizure of Property and the Examination of any Bankrupt or other Person under a Fiat in Bankruptcy.

Any Prisoner in Execution upon Judgment in an Action for Debt, not being a Trader, or being a Trader whose Debts are less than 300*l.*, may by Petition be protected from Process and from being detained in Prison for any Debt mentioned in his Schedule; and if so detained, Commissioner may order his Discharge.

VI. And be it declared and enacted, That any Prisoner in Execution upon any Judgment obtained in any Action for the Recovery of any Debt, either not being a Trader within the Meaning of the Statutes relating to Bankrupts, or being a Trader within the Meaning of the said Statutes, owing Debts amounting on the whole to less than Three hundred Pounds, may be a Petitioner for Protection from Process; and every such Petitioner to whom an Interim Order for Protection shall have been given shall not only be protected from Process, as provided by the said recited Act, but also from being detained in Prison in Execution upon any Judgment obtained in any Action for the Recovery of any Debt mentioned in his Schedule; and if any such Petitioner, being a Prisoner in Execution, shall be detained in Prison in Execution upon any such Judgment, it shall be lawful for the Commissioner to order any Officer who shall have such Petitioner in Custody by virtue of such Execution to discharge such Petitioner out of Custody as to such Execution, without exacting any Fee, and such Officer shall hereby be indemnified for so doing; and no Sheriff, Gaoler, or other Person whatsoever shall be liable to any Action as for the Escape of any such Prisoner by reason of such his Discharge; and such Petitioner so discharged shall be protected by his Interim Order from all Process for such Time as the Commissioner shall by such Interim Order or any Renewal thereof think fit to appoint, until the making of the Final Order for Protection, in the same Manner as if such Petitioner had not been a Prisoner in Execution: Provided always, that after the Time allowed by any such Interim Order or any Renewal thereof (as the Case may be) shall have elapsed such Petitioner shall not by such Discharge be protected from being again taken in Execution upon such Judgment, but such Judgment shall remain in full Force and Effect notwithstanding such Discharge.

If Petitioner be in Custody, and is not entitled to be discharged, he may be brought up by Warrant.

VII. And be it enacted, That whenever any such Petitioner is a Prisoner under any Process, Attachment, Execution, Commitment, or Sentence, and is not entitled to his Discharge in manner aforesaid, the Commissioner may, by Warrant under his Hand directed to the Person in whose Custody such Petitioner is confined, cause such Petitioner to be brought before him for Examination at any Sitting of the Court, either public or private, and the Expence of bringing such Petitioner shall be paid out of his Estate, and such Person shall be indemnified by the Warrant of the Commissioner for bringing up such Petitioner.

In case of Death of Petitioner.

VIII. And be it enacted, That if any Petitioner for Protection from Process shall die after the filing of his Petition, the Commissioner may proceed in the Matter of such Petition, for the Discovery and Distribution of his Property, as he might have done if the Petitioner were living.

Wearing Apparel, Bedding, working Tools, &c. of the Value of 20*l.* excepted from the Operation of the Act.

IX. And be it enacted, That the Wearing Apparel, Bedding, and other Necessaries of the Petitioner and his Family, and the working Tools and Implements of the Petitioner, not exceeding in the whole the Value of Twenty Pounds, may be excepted by the Petitioner in his Petition from the Operation of the said recited Act and of this Act, and in such Case shall be altogether excluded from the Operation of the said Acts: Provided always, that such excepted Articles, with the Values thereof respectively, to be ascertained and appraised, if the Commissioner shall think fit, in such Manner as he shall direct, be fully and truly described by the Petitioner in his Schedule, but otherwise the Exception thereof shall be of no Force as to any Part of the same.

Official Assignee may act until Creditors Assignee appointed; may sell the Property if Commissioner so order, and make

X. And be it enacted, That until an Assignee shall be chosen by the Creditors of any Petitioner for Protection from Process the Official Assignee nominated by the Commissioner upon the filing of the Petition of such Petitioner shall be enabled to act, and shall be deemed to be, to all Intents and Purposes, a sole Assignee of the Property of such Petitioner, and, if the Commissioner shall so order, may sell or otherwise dispose of such Property, or any Part thereof, and make such Allowance out of the Property of such Petitioner for the Support of himself and his Family as the Commissioner shall direct; and the Property vested in any Official Assignee alone, or jointly with any Assignee chosen by Creditors under the said recited Act, this Act, or either of them, shall not remain in such Official Assignee

Assignee alone, or jointly with such Assignee chosen by Creditors, if such Official Assignee shall resign or be removed from his Office, nor in the Heirs, Executors, or Administrators of such Official Assignee, nor in the surviving Assignee alone, in case of the Death of such Official Assignee, but all such Property shall in every such Case go to and be vested in the Successor in Office of such Official Assignee alone, or jointly with the Assignee chosen by the Creditors (if any), as the Case may be; and whenever any such Petition shall have been or shall be dismissed all Sales and Dispositions of Property, and Payments duly made, and all other Acts theretofore done by any Assignee, or any Person or Persons acting under his Authority, or by any Messenger or other Person under the Authority of the Commissioner, according to the Provisions of the said recited Act and of this Act or either of them, shall be good and valid, but the Property of the Petitioner shall otherwise in such Case revest in such Petitioner; provided, however, that no Action or Suit shall be prosecuted or commenced against such Assignee, Messenger, or other Person or Persons acting as aforesaid, except to recover any Property of such Petitioner detained after an Order made by the Commissioner for the Delivery thereof, and Demand made thereupon.

Allowance to Petitioner for his Support.

Property vested in Official Assignee to go to his Successor.

If Petition dismissed, all Acts theretofore done according to the Act to be good and valid.

XI. And be it enacted, That all Powers vested in any Petitioner for Protection from Process, whose Estate shall, under the Provisions of the said recited Act, of this Act, or either of them, have been vested in an Assignee or Assignees, which such Petitioner might legally execute for his own Benefit, (except the Right of Nomination to any vacant Ecclesiastical Benefice), shall be hereby vested in such Assignee or Assignees, to be by such Assignee or Assignees executed for the Benefit of the Creditors of such Petitioner under this Act, in such Manner as such Petitioner might have executed the same.

Assignees may execute Powers which the Petitioner might have executed for his own Benefit.

XII. And be it enacted, That in all Cases in which any such Petitioner shall be entitled to any Lease or Agreement for a Lease, and his Assignee or Assignees shall accept the same, and the Benefit thereof, as Part of such Petitioner's Property, the said Petitioner shall not be liable to pay any Rent accruing after the filing of his Petition, nor be in any Manner sued after such Acceptance, in respect of any subsequent Nonobservance or Nonperformance of the Conditions, Covenants, or Agreements therein contained: Provided that in all such Cases as aforesaid it shall be lawful for the Lessor or Person agreeing to make such Lease, his Heirs, Executors, Administrators, or Assigns, if the said Assignee or Assignees shall decline, upon his or their being required so to do, to determine whether he or they will or will not accept such Lease or Agreement for a Lease, to apply to the Commissioner, praying that he or they may either so accept the same, or deliver up such Lease or Agreement for a Lease, and the Possession of the Premises demised or intended to be demised; and the Commissioner shall thereupon make such Order as in all the Circumstances of the Case shall seem meet and just, and such Order shall be binding on all Parties.

Where Lease accepted by Assignees, the Petitioner not liable for Rent.

Assignees not determining whether to accept the Lease, the Lessor may apply to the Court.

XIII. And be it enacted, That it shall be lawful for the Assignee or Assignees of any such Petitioner, and such Assignee or Assignees shall be hereby empowered, to sue, from Time to Time as there may be Occasion, in his or their own Name or Names, for the Recovery, obtaining, and enforcing of any Property or Rights of such Petitioner, but in trust for the Benefit of the Creditors of such Petitioner, according to the Provisions of the said recited Act and this Act, and to give such Discharge and Discharges to any Person or Persons who shall be respectively indebted to such Petitioner as may be requisite; and to make Compositions with any Debtors or Accountants to such Petitioner, where the same shall appear necessary, and to take such reasonable Part of any such Debts as can upon such Composition be gotten in full Discharge of such Debts and Accounts; and to submit to Arbitration any Difference or Dispute between such Assignee or Assignees and any Person or Persons for or on account or by reason of any Matter, Cause, or Thing relating to the Property of such Petitioner: Provided nevertheless, that no such Composition, or Submission to Arbitration, shall be made, nor any Suit in Equity be commenced, by any such Assignee or Assignees, without the Consent in Writing of the major Part in Value of the Creditors of such Petitioner, who shall meet together pursuant to a Notice of such Meeting, to be published at least Fourteen Days before such Meeting in the *London Gazette*, and also in some Newspaper usually circulated in the Neighbourhood of the Place where such Petitioner had his last usual Residence before the filing of his Petition, nor without the Approbation of the Commissioner.

Assignees may sue in their own Names;

may make Composition for Debts;

ma submit Diynces to Arbitration.

Proviso for Consent of Creditors to Compositions and Arbitrations.

XIV. And be it enacted, That in all Matters wherein Creditors shall vote, or wherein the Assent or Dissent of Creditors shall be exercised in pursuance of or in carrying into effect the said recited Act or this Act, every Creditor shall be accounted such in respect of such Amount only as upon an Account fairly stated between the Parties, after allowing the Value of mortgaged Property, and other such available Securities and Liens, shall appear to be the Balance due; and that all Disputes arising in such Matters concerning any such Amount shall, upon Application duly made in that Behalf, be examined into by the Commissioner, who shall have Power to determine the same, and, if it seem fit, to refer the Examination thereof to an Officer of the said Court: Provided always, that the Amount in respect of which any such Creditor shall vote in any such Matter shall not be conclusive of the Amount of his or her Debt for any ulterior Purposes, in pursuance of the Provisions of this Act.

Creditors to vote according to Balance due to them on an Account fairly stated.

XV. And be it enacted, That if any such Petitioner shall at the Time of filing his Petition, or at any Time before such Petitioner shall become entitled to his Final Order according to this Act, have any Government Stocks, Funds, or Annuities, or any of the Stock or Shares of or in any public Company, either in *England*, *Scotland*, or *Ireland*, standing in his own Name in his own Right, it shall be lawful for the Commissioner, whenever he shall deem fit so to do, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of such Assignee or Assignees as aforesaid; and all such

Where the Petitioner is beneficially entitled to Stock, the Commissioner may order a Transfer.

such Persons whose Act or Consent is so necessary as aforesaid shall be hereby indemnified for all Things done or permitted pursuant to such Order.

Suits not to be abated by the Death or Removal of Assignees.

XVI. And be it enacted, That whenever any Assignee shall die, resign, or be removed, or a new Assignee shall be duly appointed, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit is depending may, upon the Suggestion of such Death, Resignation, or Removal, and new Appointment, (if any,) allow the Name or Names of the surviving or new Assignee to be substituted in the Place of the former, and such Action or Suit shall be prosecuted in the Name or Names of the said surviving or new Assignee, in the same Manner as if he had originally commenced the same.

Goods in Possession, Order, or Disposition of Petitioner, whereof he was reputed Owner, to be deemed his Property.

XVII. And be it enacted, That if any Petitioner for Protection from Process shall at the Time of filing his Petition, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof such Petitioner was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the same shall be deemed to be the Property of such Petitioner, so as to become vested in the Assignee or Assignees for the Time being of the Estate and Effects of such Petitioner; provided that no Transfer or Assignment of any Ship or Vessel, or any Share thereof, made as a Security for any Debt or Debts, either by way of Mortgage or Assignment, duly registered according to the Provisions of an Act made in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the registering of* British *Vessels*, shall be invalidated or affected by reason of such Possession, Order, or Disposition of the same as aforesaid.

3 & 4 W. 4. c. 55.

Distress not to be available for more than One Year's Rent.

XVIII. And be it enacted, That no Distress for Rent made and levied, after the filing of any Petition for Protection from Process, upon the Goods or Effects of the Petitioner, shall be available for more than One Year's Rent accrued prior to the filing of such Petition, but that the Landlord or Party to whom the Rent shall be due shall and may be a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available, and entitled to all the Provisions made for Creditors by the said recited Act or by this Act.

Voluntary Preference fraudulent and void as against Assignees.

XIX. And be it enacted, That if the Petitioner shall, before or after the filing of his Petition, in contemplation of his becoming insolvent, or being in insolvent Circumstances, voluntarily convey, assign, transfer, charge, deliver, or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Goods, or Effects whatsoever, to any Creditor or Creditors, or to any Person or Persons in trust for, or to or for the Use, Benefit, or Advantage of any Creditor or Creditors, or to any Person who is or may be liable as Surety for such Petitioner, every such Conveyance, Assignment, Transfer, Charge, Delivery, and making over shall be deemed fraudulent and void as against any Assignee or Assignees of the Estate and Effects of such Petitioner appointed under the Provisions of the said recited Act and of this Act, or of either of them: Provided always, that no such Conveyance, Assignment, Transfer, Charge, Delivery, or making over shall be so deemed fraudulent and void if made at any Time prior to Three Months before the filing of the Petition, and not with the View or Intention, by the Party so conveying, assigning, transferring, charging, delivering, or making over, of petitioning the Court for Protection from Process.

Proviso.

Provisions of 3 G. 4. c. 39. extended to the Assignees of of Insolvent Petitioners.

XX. And be it enacted, That the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*, shall extend to the Assignee or Assignees of every Petitioner for Protection from Process whose Estate shall, after the Expiration of Twenty-one Days next after his Execution of such Warrant of Attorney, or giving of such Cognovit actionem as therein mentioned, be vested in an Assignee or Assignees under the Provisions of the said recited Act and of this Act, or of either of them, as if the said Act so intituled as aforesaid had been expressly herein enacted; and every such Warrant of Attorney, and Judgment and Execution thereon, and every such Cognovit actionem, and Judgment entered up thereon, and Execution taken out on such Judgment, as are declared by the said last-mentioned Act to be fraudulent and void against the Assignees mentioned therein, shall be deemed equally fraudulent and void against the Assignee or Assignees of the Estate of such Petitioner, and such Assignee or Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Petitioner, all the Monies levied and Effects seized under or by virtue of any such Judgment or Execution.

Warrant of Attorney and Cognovit actionem not to be acted upon against Property of Insolvent Petitioner after filing his Petition.

XXI. And be it enacted, That in all Cases where any Petitioner for Protection from Process, whose Estate shall have been vested in an Assignee or Assignees under the Provisions of the said recited Act and of this Act or of either of them, shall have executed any Warrant of Attorney to confess Judgment, or shall have given any Cognovit actionem or Bill of Sale, whether for a valuable Consideration or otherwise, no Person shall, after the filing of the Petition of such Petitioner, avail himself of any Execution issued or to be issued upon any Judgment obtained or to be obtained upon such Warrant of Attorney or Cognovit actionem, either by Seizure and Sale of the Property of such Petitioner or any Part thereof, or by Sale of such Property theretofore seized, or any Part thereof, or avail himself of such Bill of Sale, but that any Person or Persons to whom any Sum or Sums of Money shall be due in respect of any such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, shall and may be a Creditor or Creditors for the same under the said recited Act and this Act.

Final Order to protect the Per-

XXII. And be it enacted, That the Final Order to be made under the Provisions of the said Act as amended by this Act shall protect the Person of the Petitioner from being taken or detained under any Process

Process whatever in the Cases herein-after mentioned; (that is to say,) from all Process in respect of the several Debts and Sums of Money due or claimed to be due at the Time of filing the Petition from such Petitioner to the several Persons named in his Schedule as Creditors, or as claiming to be Creditors for the same respectively, or for which such Persons shall have given Credit to such Petitioner before the Time of filing such Petition, and which were not then payable, or in respect of the Claims of any other Persons not known to such Petitioner at the Time of making the Final Order, who may be Endorsees or Holders of any negotiable Securities set forth in such Schedule: Provided always, that every such Final Order may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors as aforesaid; and such Final Order shall be in the Form specified in Schedule (A. No. 3.)

son of the Petitioner from Process in respect of the Debts or Sums herein particularly mentioned. Specification of Debts, &c. not necessary in Final Order.

XXIII. And be it enacted, That if any such Petitioner, being a Prisoner in Execution at the Time of filing his Petition, shall be detained in Prison for any Debt or Claim in respect of which he is protected from Process by his Final Order, it shall be lawful for the Commissioner to order any Officer who shall have such Petitioner in Custody by virtue of such Execution to discharge such Petitioner without exacting any Fee; and such Officer shall be hereby indemnified for so doing.

If protected Prisoner be detained Commissioner may order his Discharge.

XXIV. Provided always, and be it enacted, That if on the Day for the first Examination of the Petitioner, or at any Adjournment thereof, it shall appear to the Commissioner that the Debts of the Petitioner, or any of them, were contracted by any manner of Fraud or Breach of Trust, or by any Prosecution whereby he had been convicted of any Offence, or without having at the Time a reasonable or probable Expectation of being able to pay such Debt or Debts, or that such Debts, or any of them, were contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious suing out a Fiat of Bankruptcy, or malicious Trespass, or that the Petitioner has parted with any of his Property since the presenting of his Petition, the Commissioner shall not be authorized in any such Case to name any Day for making such Final Order, or to renew such Interim Order; and in every such Case wherein any such Petitioner shall have been a Prisoner in Execution, and discharged out of Custody by Order of the Commissioner under the Provision herein in that Behalf contained, such Petitioner shall be remanded by an Order of the Commissioner to his former Custody; but if none of the Matters aforesaid shall so appear, and the Commissioner shall be satisfied that the Petitioner has made a full Discovery of his Estate, Effects, Debts, and Credits, it shall then be lawful for the Commissioner to cause Notice to be given that on a certain Day, to be named therein, he will proceed to make such Final Order, unless Cause be shown to the contrary.

If it appear to Commissioner that any Debts of the Petitioner were contracted by Fraud or Breach of Trust, &c. no Day to be named for making the Final Order for Protection; but if otherwise, a Notice of such Day to be given.

XXV. And be it enacted, That every Sum of Money which shall be payable, by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Securities of any Nature whatsoever, shall be deemed and taken to be Debts within the Meaning of the said recited Act and of this Act: Provided always, that every Person who would be a Creditor of any Petitioner for Protection from Process for such Sum or Sums of Money, if the same were presently due, shall be admissible as a Creditor of such Petitioner for the Value, and no more, of such Sum or Sums of Money so payable as aforesaid, which Value the Commissioner authorized to act in the Matter of the Petition shall, upon Application at any Time made in that Behalf, ascertain, regard being had to the original Price given for such Sum or Sums of Money, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Time of filing such Petition; and such Creditor shall be entitled in respect of such Value to the Benefit of all the Provisions made for Creditors by the said recited Act or by this Act, without Prejudice nevertheless to the respective Securities of such Creditor, excepting as respects the Effect of the Final Order which shall be obtained by such Petitioner under the Provisions of the said recited Act and of this Act.

Sums payable by way of Annuity to be deemed Debts, and the Annuitants to be Creditors for the Value thereof.

XXVI. Provided always, and be it enacted, That the Final Order for Protection from Process shall and may extend to all Process issuing from any Court for any Contempt of Court, Ecclesiastical or Civil, for Nonpayment of Money or of Costs or Expences in any such Court; and that in such Case such Final Order shall be deemed to extend also to all Costs which the Petitioner would be liable to pay in consequence or by reason of such Contempt, or on purging the same; and that every Final Order as to any Debt or Damages of any Creditor of the Petitioner shall be deemed to extend also to all Costs incurred by such Creditor before the filing of the Petitioner's Schedule in any Action or Suit brought by such Creditor against the Petitioner for the Recovery of the same; and that all Persons as to whose Demands for any such Costs, Money, or Expences as aforesaid the Final Order obtained by the Petitioner shall be adjudged to extend shall be deemed and taken to be Creditors of such Petitioner in respect thereof, and entitled to the Benefit of all the Provisions made for Creditors by the said recited Act or by this Act; subject nevertheless to such ascertaining of the Amount of the said Demands as may be had by Taxation or otherwise, and to such Examination thereof as is herein provided in respect of all Claims to a Dividend of such Petitioner's Estate and Effects.

Final Order may extend to Process for Contempt in Nonpayment of Money, and to Costs incurred by Creditor, but subject to Taxation.

XXVII. And be it enacted, That it shall be lawful for the Commissioner, at the Time appointed for making the Final Order for Protection from Process, or at any Adjournment thereof, to adjourn the Consideration of such Final Order *sine Die*.

Adjournment of Consideration of Final Order.

XXVIII. And be it enacted, That if for any of the Causes in that Behalf aforesaid no Day be named for making the Final Order, or if the Consideration of such Final Order be adjourned *sine Die*, or such Final Order be refused, the Commissioner shall have the Power, after the Expiration of such Time subsequent to the filing of the Petition as, having regard to all the Circumstances of the Insolvency, and the

If Final Order refused or adjourned sine Die, the Court, after the Lapse of such Time as

it thinks just, having regard to the Insolvency and the Conduct of the Insolvent, may make an Order to protect him from further Imprisonment in respect of the Debts, &c. mentioned in his Schedule.

the Conduct of the Petitioner as an Insolvent Debtor before and after his Insolvency, the Commissioner shall think just, and after hearing the Petitioner or any of his Creditors, or his or their Counsel or Attornies, to make an Order to protect the Petitioner from being taken or detained under any Process whatever for or in respect of the several Debts and Sums of Money due or claimed to be due at the Time of filing his Petition, from the said Petitioner, to the several Persons named in his Schedule as Creditors or as claiming to be Creditors for the same respectively, or for which such Persons should have given Credit to the said Petitioner before the Time of filing his Petition, and which were not then payable, and as to the Claims of all other Persons not known to the said Petitioner at the Time of making such Order, who may be Endorsers or Holders of any negotiable Security set forth in his said Schedule: Provided always, that no Debtor shall be imprisoned on any Process for more than Twelve Calendar Months for any Debt contracted before filing his Petition, in case the Final Order shall be refused or shall not be made, or in case the Protecting Order shall not be renewed.

Petitioner taken or detained after obtaining such Order may be discharged.

XXIX. And be it enacted, That if such Petitioner shall be taken or detained under any Process whatever for any Debt or Claim in respect of which he is protected from Process by such Order as last aforesaid it shall be lawful for the Commissioner to order any Officer who shall have such Petitioner so in Custody to discharge such Petitioner therefrom, without exacting any Fee; and such Officer shall be hereby indemnified for so doing.

Where Error in Schedule without Fraud, Act to operate upon the actual Amount of Debt.

XXX. 'And whereas it may sometimes happen that a Debt of, or Claim upon, or Balance due from a 'Petitioner for Protection from Process may be specified in his Schedule so sworn to as aforesaid at an 'Amount which is not exactly the actual Amount thereof, without any culpable Negligence or Fraud or 'evil Intention on the Part of such Petitioner;' be it enacted, That in such Case the Commissioner shall allow the Schedule to be amended in that Behalf; and in every Case in which an Amendment of the Schedule shall be allowed the said Petitioner shall be entitled to every Benefit and Protection of the said recited Act and of this Act; and the Creditor in that Behalf shall be entitled to the Benefit of all the Provisions made for Creditors by the said recited Act and by this Act in respect of the actual Amount of such Debt, Claim, or Balance, and neither more nor less than the same, to all Intents and Purposes, such Error in the said Schedule notwithstanding.

How Dividend to be made.

XXXI. And be it enacted, That whenever after an Audit there shall appear to the Commissioner to be in the Hands of the Official Assignee any Balance wherewith a Dividend may be made, Proceedings shall be had forthwith, under the Direction of the Commissioner, for making such Dividend, and also, when it shall appear necessary, for correcting and ascertaining the List of Creditors entitled to receive the same;

Notice of Sittings.

and Notice of any Sitting of the Court ordered to be held for such ascertaining of Debts, or for an Audit, or for declaring a Dividend thereupon, or for all such Purposes, shall be given for such Time and in such Manner as the Commissioner shall from Time to Time direct; and such Dividend shall be made amongst the Creditors of the Petitioner whose Debts shall be admitted in his Schedule sworn to by the Petitioner, and amongst such other Creditors (if any) who shall prove their Debts in pursuance of any Order of the Commissioner to be made in that Behalf, in proportion to the Amount of the Debts so admitted, or so admitted and proved, as the Case may be: Provided always, that if the Petitioner, or any Creditor or Assignee, shall object in whole or in part to any Debt tendered to be so proved as aforesaid, or to any Debt mentioned in the Schedule of the Petitioner, or if any Person whose Demand is stated in such Schedule, but is not admitted therein to the Extent of such Demand, shall claim to be admitted as a Creditor for the whole of such Demand, or for more thereof than is so admitted, the said Objections and Claims shall, upon Application duly made, be examined into by the Commissioner, and the Decision of the Commissioner thereupon shall be conclusive with respect to the Title of such Creditor or Creditors to his or their Share of such Dividend: Provided always, that if in any Case it shall appear expedient it shall be lawful at any Time for the Commissioner, by Notice as may be directed in that Behalf, to cause all or any of the Creditors to prove their Debts, in such Manner as the Commissioner shall require, and to decide upon such Debts, and the Right to receive Dividends thereupon, and to do all Things requisite thereto, as aforesaid.

Examination of Objections and Claims.

Commissioner may require Proof of Debts.

Outstanding Debts, &c. may be sold by Order of the Commissioner.

XXXII. And be it enacted, That if at the Expiration of Twelve Calendar Months from the filing of any Petition for Protection from Process there shall remain any outstanding Debts or other Property due or belonging to the Estate of the Petitioner, which cannot, in the Opinion of the Commissioner, be collected and received, without unreasonable or inconvenient Delay, it shall be lawful for the Assignees, under the Direction of the Commissioner, to sell and assign such Debts and other Property in such Manner as shall be ordered by the Commissioner.

Proceedings not liable to Stamp Duty, nor Sales to Auction Duty.

XXXIII. And be it enacted, That no Letter of Attorney, Affidavit, Certificate, or other Proceeding, Instrument, or Writing whatsoever in the Matter of any Petition for Protection from Process, nor any Copy thereof, nor any Advertisement inserted in any Newspaper by the Direction of any Commissioner of the Court of Bankruptcy relating to any such Matter, shall be liable to or charged with the Payment of any Stamp or other Duty whatsoever; and that no Sale of any Real or Personal Estate of any such Petitioner as aforesaid, for the Benefit of his Creditors, under the said recited Act or this Act, shall be liable any Auction Duty: Provided always, that no such Exemption from Auction Duty shall be allowed unless such Sale shall be conducted by a licensed Auctioneer, and such Auctioneer shall at the Time of passing his Account thereof produce to the Officer of Excise a Catalogue, signed and certified by the Assignees by whose Order such Sale shall have been made, in manner and form required by the Laws of Excise.

XXXIV. And

Sum to be paid on Prosecution of Petition.

XXXIV. And be it enacted, That under every Petition for Protection from Process after the passing of this Act in the Court of Bankruptcy in *London*, or in any District Court of Bankruptcy in the Country, there shall be paid by the Official Assignee of the Estate and Effects of the Petitioner, into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to the Account intituled "The Secretary of Bankrupts Account," a Sum not less than One Eighth of a Pound *per Centum* and not exceeding Five Pounds *per Centum* on the gross Produce from Time to Time of the Petitioner's Estate, such Sum, within the Limit aforesaid, and the Time or Times for Payment thereof, to be fixed by the Lord Chancellor by any general Order for those Purposes, and to be applicable to all the Purposes of the said Account, and to be subject to the like Orders as other Monies directed to be paid in to the said Account; and that it shall be lawful for the Lord Chancellor from Time to Time to lessen or increase such Sum, within the Limit aforesaid, as to the Lord Chancellor may seem just and reasonable, upon Consideration of the Amount from Time to Time standing to the said Account, and of the Claims from Time to Time chargeable thereupon.

Remuneration to Official Assignee.

XXXV. And be it enacted, That from and after the passing of this Act it shall be lawful for the Commissioner authorized to act in the Matter of any Petition for Protection from Process to direct Remuneration to the Official Assignee for his Services in the Matter of such Petition, in like Manner as in Bankruptcy, but nevertheless so as such Remuneration shall in no Case exceed the Rate of Five Pounds *per Centum* on the Sum received as Produce of the Property of the Petitioner.

Fees.

XXXVI. And be it enacted, That no Fee or Gratuity shall be received or taken by the Court of Bankruptcy, or any District Court of Bankruptcy, or any Solicitor, Auctioneer, Broker, Appraiser, Accountant, Messenger, or other Officer of any such Court, for any thing done or to be done in the Matter of any such Petition, of or from any Person whomsoever, except as herein-before authorized, and except such Fees as shall at any Time be specified in a List thereof to be signed by the Commissioners of the Court of Bankruptcy authorized to act in the Prosecution of Fiats in Bankruptcy in *London*, or the major Part of them, and such of the Commissioners of the said Court authorized to act in the Prosecution of Fiats in Bankruptcy in the Country as shall be nominated by the Lord Chancellor for that Purpose, and to be approved of by the Lord Chancellor, a Copy of which List shall be exposed to View in every such Court.

Proceedings, or Copy thereof, duly signed, receivable in Evidence.

XXXVII. And be it enacted, That any Petition for Protection from Process, and any Proceeding in the Matter of such Petition purporting to be signed by a Commissioner of the Court of Bankruptcy, or a Copy of such Petition or other Proceeding purporting to be so signed, shall in all Cases be receivable in Evidence of such Proceedings having respectively taken place.

Rules and Orders made under recited Act to be applicable to this Act.

XXXVIII. And be it enacted, That the Rules and Orders made by the Judges and Commissioners of the Court of Bankruptcy under the said recited Act shall extend and be applicable to this Act, except as otherwise provided by this Act: Provided always, that it shall be lawful for the Commissioners of the Court of Bankruptcy acting in *London*, or the major Part of them, and such of the Commissioners of the said Court acting in the Country as shall be nominated by the Lord Chancellor for that Purpose, from Time to Time to alter or vary such Rules and Orders, or to make other Rules and Orders, to be approved of by the Lord Chancellor, for the better carrying into execution the said recited Act, as amended by this Act: Provided also, that any such Rules and Orders may be rescinded or varied as the Lord Chancellor shall direct.

Persons wilfully omitting any thing in Schedule guilty of a Misdemeanor, and liable to Three Years Imprisonment.

XXXIX. And be it enacted, That in case any Petitioner for Protection from Process shall, with Intention to defraud the Creditors of such Petitioner, wilfully and fraudulently omit in his Schedule so sworn to as aforesaid any Property whatsoever, or retain or except out of such Schedule as Wearing Apparel, Bedding, or other Necessaries, or working Tools or Implements, Property of greater Value than Twenty Pounds, every such Person so offending, and any Person aiding and assisting him to do the same, shall, upon being thereof convicted by due Course of Law, be adjudged guilty of a Misdemeanor, and thereupon it shall be lawful for the Court before whom such Offender shall have been so tried and convicted to sentence such Offender to be imprisoned and kept to hard Labour for any Period not exceeding Three Years; and that in every Indictment or Information against any Person for any Offence under this Act it shall be sufficient to set forth the Substance of the Offence charged on the Person offending, without setting forth the Petition, or any Proceeding whatever in the Matter of such Petition, except so much of the Schedule of such Petitioner as may be necessary for the Purpose.

Indictment need only set out Substance of Offence charged.

Wilfully making a false Oath, &c. punishable as Perjury.

XL. And be it enacted, That if any Person who shall make or take any Oath or Affirmation under or in pursuance of the said recited Act or of this Act shall therein be guilty of wilful Falsehood, every such Person, being duly convicted thereof, shall be subject to the same Pains, Penalties, and Forfeitures to which Persons convicted of wilful and corrupt Perjury are or shall be subject.

The Lord Chancellor may issue a Fiat in Bankruptcy against a Trader having filed a Declaration of Insolvency, upon the Petition of the Trader himself.

XLI. And be it enacted, That the Lord Chancellor shall have Power, upon Petition made to him in Writing by any Trader who shall have filed a Declaration of Insolvency in manner and form prescribed by the Statute in that Case made and provided relating to Bankrupts, and upon Payment of the like Sum as is payable upon the granting a Fiat upon the Petition of a Creditor, to be carried to and applicable to the Purposes of the Account in the Bank of *England* intituled "The Secretary of Bankrupts Account," to issue a Fiat in Bankruptcy against such Trader, and to authorize the Prosecution thereof in the Court of Bankruptcy in *London* or in any District Court of Bankruptcy; and that it shall and may be lawful for such Court so authorized as aforesaid, upon the Application of such Trader, and upon Proof of the Trading and of the filing of such Declaration, or upon the Application of any Creditor or Creditors of such Trader to such Amount as by the said Statute required for a Petitioning Creditor's Debt, and upon

Proof

Proof of the Matters requisite to support a Fiat issued upon the Petition of a Creditor, to make the Adjudication of Bankruptcy under such Fiat, and all further Proceedings under such Fiat shall be thenceforth prosecuted and carried on in like Manner as if such Fiat had been issued and adjudicated upon on the Petition of a Creditor of the Bankrupt.

Attaching Country Commissioners to Districts.

XLII. And be it enacted, That it shall be lawful for the Lord Chancellor from Time to Time to attach the several Commissioners of the Court of Bankruptcy appointed to act in the Country to such Districts described by Her Majesty, with the Advice of Her Privy Council, as he shall think fit.

Minute of Petitions filed to be transmitted to Secretary.

XLIII. And be it enacted, That a Minute of every Petition filed by any Trader under the Provisions of the said recited Act as amended by this Act shall be transmitted to the Lord Chancellor's Secretary of Bankrupts at such Time and in such Manner and Form as the Lord Chancellor shall direct.

Lord Chancellor authorized to give necessary Directions where Courts shall sit.

XLIV. 'And whereas it may be expedient that the Courts of Bankruptcy should hold Sittings in some 'Matters of Bankruptcy, or Petitions for Protection from Process, at some Place or Places at which such 'Courts have not hitherto been used to sit;' be it enacted, That it shall be lawful for the Lord Chancellor, at any Time or Times whenever it shall appear to him under the Circumstances of the Case to be expedient, by any Order or Orders, to give the necessary Directions in that Behalf; and every Commissioner and Deputy Registrar acting under any such Order shall have paid to him his travelling and other Expences, in the same Manner and out of the same Fund as travelling and other Expences are directed to be paid by the Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the Amendment of the Law of Bankruptcy*, to any Commissioner or Deputy Registrar acting for or in aid of any Commissioner or Deputy Registrar in Cases provided for by such Act.

5&6 Vict. c. 122.

Lord Chancellor empowered to appoint a Taxing Officer.

XLV. And be it enacted, That from and after the passing of this Act it shall be lawful for the Lord Chancellor to appoint some fit and proper Person, such Person being a Barrister of not less than Five Years standing at the Bar, or who shall have practised as a Pleader for not less than Five Years, or who shall have held the Office of Registrar or Deputy Registrar of the Court of Bankruptcy for not less than Five Years, or an admitted Attorney of One of Her Majesty's Superior Courts at *Westminster*, or of Her Majesty's Court of Bankruptcy, in actual Practice, of not less than Five Years standing on the Roll of such Court or Courts, to be the Taxing Officer of the Court of Bankruptcy, and to be called the Master of the said Court, at such Salary, not exceeding One thousand two hundred Pounds *per Annum*, as the Lord Chancellor shall think fit, and to be entitled to an Annuity not exceeding Two Thirds of such Salary, if and when such Officer shall be affected with some permanent Infirmity disabling him from the due Execution of his Office, such Salary or Annuity, as the Case may be, to be charged upon and paid (without any Deduction except the Tax on Income) out of the same Fund and at the same Times and in like Manner as the Salaries or Annuities, as the Case may be, of the Registrars and Deputy Registrars of the said Court; and as and when any Vacancy shall occur in such Office the same shall be supplied by the Lord Chancellor, by the Appointment of some other fit and proper Person of like Qualifications as aforesaid; and every such Taxing Officer shall hold his Office during his good Behaviour, and shall discharge his Duties in Person, except where otherwise provided by this Act, or by any Regulation to be made under this Act, and may be removed from his Office by the Lord Chancellor for Misconduct; and the Business to be transacted by such Taxing Officer, from and after the passing of this Act, shall be the swearing of such Affidavits as may be sworn before any Commissioner, Registrar, or Deputy Registrar of the Court of Bankruptcy, and the taxing of such Costs taxable by any Court of Bankruptcy by virtue of any Statute now or hereafter to be in force as the Lord Chancellor shall from Time to Time by any general or other Order direct, subject to Review of the Court authorized to tax the same; and the Place, Time, and Manner in which the same shall be conducted shall be such as the Lord Chancellor shall by any such Order direct.

Tenure of Office, Duties, and Removal.

General Provision as to Business of Taxing Officer.

Sum to be paid on the Taxation of Bills.

XLVI. And be it enacted, That upon the Taxation by virtue of this Act of any Bills of Fees, Charges, or Disbursements there shall be paid to the Master such Sum as the said Master shall decide, not less than One Shilling nor more than the Sum of Ten Shillings, and also Four-pence a Folio, over and above the said Sum of Ten Shillings, for every Folio exceeding Twenty Folios of such Bill.

Sums received by Master to be paid into Bank, after deducting such Sum as Lord Chancellor thinks fit for Expences, &c.

XLVII. And be it enacted, That the Sums so directed to be paid to and received by the Master, and also all Fees received by him for swearing Affidavits, shall be paid by him, at such Times as the Lord Chancellor shall by any Order direct, into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to the Account intituled "The Secretary of Bankrupts Account," after deducting thereout such Sum as the Lord Chancellor shall think fit for the Expences of the said Office; and all Monies to be so paid in to the said Account shall be applicable to all the Purposes of the said Account, and be subject to the like Orders as other Monies directed to be paid in to the said Account.

In case of Sickness or other reasonable Cause, the Duty of the Master may be performed by Deputy.

XLVIII. Provided always, and be it enacted, That if the said Master shall from Sickness or other unavoidable Cause have Occasion to be absent from the Business of his Office for a longer Period than Two Months at any One Time, then and in every such Case it shall be lawful for the Lord Chancellor to give Leave of Absence, by his Order in Writing, to such Master, and, if necessary, to appoint a Deputy in his Place during such Time as shall be expressed in such Order; and the Name of such Deputy, and the Cause and Time of such Absence, shall be stated in such Order; and such Deputy may, if Occasion require it, be changed by the Lord Chancellor; and every Deputy so appointed shall be paid out of the said Fund as the Salary of the said Master is chargeable upon such Remuneration for his Services as the Lord Chancellor shall direct in such Order, not being in any Case less than One Third of the Amount of the Salary of such Master.

XLIX. And

Registrars, &c. who now receive the Surplus of certain Fees to be paid in future solely by Salary.

XLIX. 'And whereas the Registrars and Deputy Registrars of the Court of Bankruptcy, in addition to 'their respective Salaries, are entitled to and now receive the Surplus of certain Fees authorized to be 'taken, and the Payment or partial Payment of such Officers by Fees has been found to be objection-'able;' be it enacted, That instead of the Salaries and surplus Fees heretofore received by such Registrars and Deputy Registrars there shall, from and after the Eleventh Day of *October* next, be paid to them by the Governor and Company of the Bank of *England*, out of the Fund placed to the Credit of the Accountant in Bankruptcy intituled "The Secretary of Bankrupts Account," by virtue of any Order or Orders of the Lord Chancellor to be from Time to Time made for that Purpose, and without any Draft from the Accountant in Bankruptcy, the several Salaries herein-after mentioned; that is to say, the net yearly Sum of One thousand two hundred Pounds to each of the Registrars of the said Court appointed under an Act passed in the Reign of His late Majesty, intituled *An Act to establish a Court in Bankruptcy*, and his Successors in such Office; the net yearly Sum of One thousand Pounds to each Deputy Registrar of the said Court, acting as such in the City of *London*, and his Successors in such Office; and the net yearly Sum of Eight hundred Pounds to each Deputy Registrar of the said Court, acting as such in the Country, and his Successors in such Office; which Salaries shall be free from all Taxes, Deductions, and Abatements whatsoever out of the same or any Part thereof (except the Tax on Income), and shall be paid quarterly, on the Eleventh Day of *January*, the Eleventh Day of *April*, the Eleventh Day of *July*, and the Eleventh Day of *October* in every Year, by equal Portions; and that if any Person for the Time being holding any of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive such proportionable Part of his Salary as shall have accrued during the Time that such Person shall have executed his Office since the last Payment; and that the Successor of any such Person so dying, resigning, or being removed as aforesaid shall be entitled to receive such Portion of his Salary as shall be accruing or shall accrue from the Day of such Death, Resignation, or Removal.

1 & 2 W. 4. c. 56.

Fees to be accounted for.

L. And be it enacted, That from and after the Eleventh Day of *October* next all Fees received and taken by or accounted for and paid over to the Chief Registrar of the Court of Bankruptcy shall be paid by him, at such Times as the Lord Chancellor shall by any Order direct, into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to the Account intituled "Interest arising from the Bankruptcy Fund Account," after deducting thereout such Sum as the Lord Chancellor shall think fit for Stationery and other incidental Expences of the Offices of the Chief Registrar and the Court of Review; and that the Salaries and Sums of Money to Clerks, Ushers, and other Under Officers of the Court of Bankruptcy heretofore paid by the Chief Registrar out of such Fees shall thenceforth be paid by the Governor and Company of the Bank of *England* out of the Fund standing to such Account, under such Order or Orders as may from Time to Time be made by the Lord Chancellor, but subject and without Prejudice to the Payment of all Salaries and Sums of Money by any Act or Acts now in force directed or authorized to be paid thereout; and that on or before the First Day of *March* One thousand eight hundred and forty-five, if Parliament be then sitting, or, if not, within Fourteen Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament by the said Chief Registrar a Return, made up to the Thirty-first Day of *December* then last, of the total Amount of all Fees received by or accounted for and paid over to him, and of the Payment over to the Bank of *England* (such Payment over to the Bank of *England* to be certified by the Accountant in Bankruptcy), and that a like Return shall be afterwards made by him annually at the same Period for the Year ending the Thirty-first Day of *December* then last.

Retiring Pension to Registrars.

LI. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders to be by him from Time to Time made on a Petition to be presented to him for that Purpose, to order (if he shall think fit) an Annuity or clear yearly Sum of Money to be paid to any Person executing the Office of Chief Registrar, Registrar, or Deputy Registrar of the Court of Bankruptcy, and acting in *London* or in the Country, not exceeding Two Thirds of the yearly Salary which such Person shall under this Act be entitled to at the Time of presenting such Petition, to be paid out of the Interest and Dividends that have arisen or may arise from the Securities now or hereafter to be placed in the Bank of *England* to the Account intituled "The Bankruptcy Fund Account," (but subject and without Prejudice as aforesaid,) if and when such Person shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and shall be desirous of resigning the same; and the Annuity or yearly Sum mentioned in such Order or Orders shall be paid by the Governor and Company of the Bank of *England* out of the Interest and Dividends of the said Securities (but subject and without Prejudice as aforesaid) by equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, to such Person, from the Period when he shall resign his said Office, for the Term of his Life, free from Taxes, except the Tax on Income.

Compensation to T. A. Warburton for having performed the Duties of Deputy Registrar.

LII. 'And whereas one of the Deputy Registrars of the Court of Bankruptcy has since the Twenty-'first Day of *November* One thousand eight hundred and forty-two performed the Duties of Taxing 'Officer; and during that Period the Duties of Deputy Registrar were discharged by *Thomas Acton* '*Warburton* Esquire, Barrister at Law;' be it enacted, That out of the Fund placed to the Credit of the Accountant in Bankruptcy, intituled "The Secretary of Bankrupts Account," there shall be paid to the said *Thomas Acton Warburton*, by the Governor and the Company of the Bank of *England*, by virtue of an Order in Writing of the Lord Chancellor, such Sum of Money, not exceeding Eight hundred Pounds, as the Lord Chancellor shall think reasonable.

Court may send a Registrar to take Proof of Debts, &c. where expedient.

LIII. And be it enacted, That the Court authorized to act in the Prosecution of any Fiat in Bankruptcy or any Petition for Protection from Process shall have Power, whenever it shall seem expedient to such Court, to direct a Deputy Registrar of such Court to act in the Prosecution of such Fiat or Petition for Proof of Debts and the Examination of Parties or Witnesses on Oath, or for either of such Purposes, subject to such Rules and Regulations as the Lord Chancellor shall from Time to Time think fit to make in that Behalf; the travelling Expences of such Officer to be settled by such Court, and paid out of the Estate of the Bankrupt or Petitioner, as the Case may be; and such Officer so acting shall have and exercise the Power vested in such Court for Proof of Debts and Examination of Parties or Witnesses, except the Power of Commitment: Provided always, that all such Examinations of Parties or Witnesses shall be taken down in Writing, and shall be annexed to and form Part of the Proceedings under such Fiat or Petition, as the Case may be.

Examinations to be taken down.

Style of Deputy Registrars of the Court of Bankruptcy.

LIV. And be it enacted, That from and after the passing of this Act the Deputy Registrars of the Court of Bankruptcy and their Successors, whether acting in *London* or in the Country, shall be called the Registrars of the said Court.

Repealing Provisions in 5 & 6 W. 4. c. 29. as to Fees receivable by Accountant in Bankruptcy.

LV. 'And whereas by an Act which passed in the Sixth Year of the Reign of King *William* the 'Fourth, intituled *An Act for investing in Government Securities a Portion of the Cash lying unemployed 'in the Bank of* England *belonging to Bankrupts Estates, and applying the Interest thereon in discharge 'of the Expences of the Court of Bankruptcy; and for the Relief of the Suitors in the said Court; and 'for removing Doubts as to the Extent of the Powers of the Court of Review and of the Subdivision 'Courts*, it is enacted, that the Salaries herein-before provided shall be in lieu of all Fees and Emoluments 'whatsoever, and that all such Fees and Emoluments, whether for Commission, Brokerage, or otherwise, 'as are now receivable by the said Accountant General of the Court of Chancery in Matters of Bank-'ruptcy, shall, from and after the Appointment of the said Accountant in Bankruptcy, be received by 'him and paid into the Bank in the Name of the said last-mentioned Accountant, and be carried to the 'Credit of the said Account to be intituled "Interest arising from the Bankruptcy Fund Account," and 'be applicable to all the Purposes of the said Account: And whereas the said Enactment requires 'Alteration;' be it enacted, That the said Enactment shall be repealed.

Salary of Accountant.

LVI. And be it enacted, That the Salary allowed to the Accountant shall be in lieu of all Fees and Emoluments whatsoever, and that the Accountant shall not, directly or indirectly, receive any Sum either for Commission, Brokerage, or otherwise, but only the Sum expressly allowed to him as his Salary; that from henceforth the Broker shall transact the Brokerage Business of the Accountant's Office upon such Terms as the Accountant and any Two of the Commissioners of the Court of Bankruptcy to be appointed by the Lord Chancellor shall, with the Approbation of the Lord Chancellor, determine; and that the Sum paid to the Broker shall be charged by the Accountant to the Estate for which the Investment or Sale shall be made; and that when such Sum to be paid to the Broker shall be determined it shall be lawful for the Lord Chancellor to direct the Payment or any Part of it to be made from such Time retrospectively and prospectively as to him may seem just.

Arrest upon Final Process in an Action for Debt not exceeding 20*l.* and Costs abolished.

LVII. 'And whereas it is expedient to limit the present Power of Arrest upon Final Process;' be it enacted, That from and after the passing of this Act no Person shall be taken or charged in Execution upon any Judgment obtained in any of Her Majesty's Superior Courts, or in any County Court, Court of Requests, or other Inferior Court, in any Action for the Recovery of any Debt wherein the Sum recovered shall not exceed the Sum of Twenty Pounds, exclusive of the Costs recovered by such Judgment.

Persons in Execution at the Time of passing this Act where the Debt shall not exceed 20*l.* and Costs shall be discharged on Application to a Judge.

Proviso for Discharge fraudulently obtained.

Sheriffs, &c. not liable as for Escape.

Judgment to remain in force notwithstanding the Discharge of the Debtor.

LVIII. And be it enacted, That all Persons in Execution at the Time of passing this Act, upon any Judgment obtained in any of the Courts aforesaid in any Action for the Recovery of any Debt wherein the Sum recovered shall not exceed the Sum of Twenty Pounds, exclusive of the Costs recovered by such Judgment, shall and may, upon the Application of every such Person or Persons for that Purpose, made at any Time after the passing of this Act, to a Judge of one of Her Majesty's Superior Courts of Law at *Westminster*, or to the Court in which such Judgment shall have been obtained, to the Satisfaction of such Judge or Court, be forthwith discharged out of Custody as to such Execution by an Order of such Judge or Court: Provided always, that if it shall happen that any such Discharge shall have been unduly or fraudulently obtained upon any false Allegation of Circumstances, which, if true, might have entitled the Prisoner to be discharged by virtue of this Act, such Prisoner shall, upon the same being made to appear to the Satisfaction of the Judge or Court by whose Order such Prisoner shall have been so discharged, be liable to be again taken in Execution, and remanded to his former Custody by an Order of such Judge or Court: Provided also, that no Sheriff, Gaoler, or other Person whatsoever shall be liable as for the Escape of any such Prisoner in respect of his Enlargement during such Time as he shall have been at large by means of such his undue Discharge as aforesaid; Provided also, that, for and notwithstanding the Discharge of any Debtor or Debtors by an Order of any such Judge or Court in manner aforesaid, the Judgment whereupon any such Debtor or Debtors was or were taken or charged in Execution shall nevertheless remain and continue in full Force to the Intent and Purpose that the Judgment Creditor or Creditors may have and take Remedy and Execution upon every such Judgment against the Property and Effects of any such Debtor or Debtors, in such Manner and Form as such Creditor or Creditors otherwise could or might have done in case such Debtor or Debtors had never been taken or charged in Execution upon such Judgment, and it shall be lawful for such Creditor or Creditors to have and take such Remedy and Execution.

LIX. Provided always, and be it enacted, That if at any Time it shall appear to the Judge who shall try such Cause, being either a Judge of One of the Superior Courts, or a Barrister or Attorney at Law, that the Defendant in incurring the Debt or Liability which may be the Subject of Demand, has obtained Credit from the Plaintiff under false Pretences, or with a fraudulent Intent, or has wilfully contracted such Debt or Liability without having at the same Time a reasonable Assurance of being able to pay or discharge the same, or shall have made or caused to be made any Gift, Delivery, or Transfer of any Personal Property, or shall have removed or concealed the same with an Intent to defraud his Creditors or any of them, it shall be lawful for such Judge, if he shall think fit, to order that such Defendant may be taken and detained in Execution upon such Judgment in like Manner and for such Time as he might have been if this Act had not been passed, or for any Time not exceeding Six Calendar Months in any Case in which the Time for which a Person taken in Execution under Process issuing out of any such Court could lawfully be detained in Custody, according to the Constitution of the said Court, before the passing of this Act, is less than Six Calendar Months, whether or not Execution against the Goods and Chattels of such Defendant shall have issued as herein-after provided. Power of Imprisonment for Fraud.

LX. And be it enacted, That whenever the Judge of any such Court shall have made an Order for the Payment of Money the Amount shall be recoverable, in case of Default or Failure of Payment thereof forthwith, or at the Time or Times and in the Manner thereby directed, by Execution against the Goods and Chattels of the Party against whom such Order shall be made; and the Clerk of the said Court, at the Request of the Party prosecuting such Order, shall issue, under the Seal of the Court, a Writ of Fieri facias, as a Warrant of Execution to One of the Bailiffs of the Court, who by such Warrant shall be empowered to levy, by Distress and Sale of the Goods and Chattels of such Party within the Jurisdiction of the said Court, such Sum of Money as shall be so ordered, and also the Costs of the Execution; and all Constables and other Peace Officers within their several Jurisdictions shall aid in the Execution of every such Warrant. Execution against the Goods.

LXI. And be it enacted, That if the Judge of any such Court shall have made any Order for Payment of any Sum of Money by Instalments, Execution upon such Order shall not issue against the Party until after Default in Payment of some Instalment according to such Order, and Execution or successive Executions may then issue for the whole of the said Sum of Money and Costs then remaining unpaid, or for each successive Instalment and Costs remaining from Time to Time unpaid, as the Judge shall order, either at the Time of making the original Order, or at any subsequent Time, under the Seal of the Court. Execution not to issue till after Default in Payment of Instalment.

LXII. And be it enacted, That if it shall at any Time appear to the Satisfaction of the Judge of any such Court, by the Oath or Affirmation of any Person, or otherwise, that any Defendant is unable, from Sickness or unavoidable Accident, to pay and discharge the Debt or Damages recovered against him, or any Instalment thereof ordered to be paid as aforesaid, it shall be lawful for the Judge, in his Discretion, to suspend or stay any Judgment, Order, or Execution given, made, or issued in such Action for such Time as the Judge shall think fit, and so from Time to Time until it shall appear, by the like Proof as aforesaid, that such temporary Cause of Disability has ceased. Power to suspend Execution in certain Cases.

LXIII. And be it enacted, That in or upon every such Warrant of Execution issued against the Goods and Chattels of any Person whomsoever the Clerk of the Court shall cause to be inserted or endorsed the Sum of Money and Costs adjudged, with the increased Costs allowed for such Execution; and if the Party against whom such Execution shall be issued shall, before an actual Sale of the Goods and Chattels, pay or cause to be paid or tendered unto the Clerk of the said Court, or to the Bailiff holding the Warrant of Execution, such Sum of Money and Costs as aforesaid, or such Part thereof as the Person entitled thereto shall agree to accept in full of his Debt or Damages and Costs, together with such Fees as shall have been lawfully incurred by him in the Suit on which such Execution issued, the Execution shall be superseded. Execution to be suspended on Payment of Debt and Costs.

LXIV. And be it enacted, That in case any Bailiff of any such Court who shall be employed to levy any Execution against Goods and Chattels shall, by wilful or notorious Neglect or Connivance or Omission, lose the Opportunity of levying any such Execution, then, upon Complaint of the Party aggrieved by reason of such Neglect, Connivance, or Omission, (and the Fact alleged being proved to the Satisfaction of the Court out of which Execution issued, on the Oath of any credible Witness,) the Judge shall order such Bailiff to pay such Damages as it shall appear that the Plaintiff has sustained thereby, not exceeding in any Case the Sum of Money for which the said Execution issued, and the Bailiff shall be liable thereto; and upon Demand made thereof, and on his Refusal so to pay and satisfy the same, it may be recovered against him by such Ways and Means as are provided for the Recovery of Debts adjudged in the said Court. Bailiffs made answerable for Neglect to levy

LXV. And be it enacted, That if any Bailiff or Officer of any such Court, acting under colour or pretence of the Process of the said Court, shall be charged with Extortion or Misconduct, or with not duly paying or accounting for any Money levied by him under the Authority of the Court, it shall be lawful for the Judge to inquire into such Matter in a summary Way, and for that Purpose to summon and enforce the Attendance of all necessary Parties in like Manner as the Attendance of Witnesses in any Suit before him may be enforced, and to make such Order thereupon for the Repayment of any Money extorted, or for the due Payment of any Money so levied as aforesaid, and for the Payment of such Damages and Costs, as he shall think just; and in default of Payment of any Money so ordered to be paid the same may be recovered by such Ways and Means as are provided for the Recovery of Debts adjudged in the said Court. Remedies against Bailiffs and other Officers.

Execution against the Goods to be within the Provisions of 7 & 8 G. 4. c. 17.

LXVI. And be it enacted, That every Sale of Goods which shall be taken in Execution under Process issuing from any such Court for the Recovery of Small Debts shall be taken to be within all the Provisions of an Act passed in the Eighth Year of the Reign of King *George* the Fourth, intituled *An Act to extend the Provisions of an Act made in the Fifty-seventh Year of King* George *the Third, for regulating the Costs of certain Distresses.*

Landlord's Lien for Rent restrained.

LXVII. And be it enacted, That no Landlord of any Tenement let at a weekly Rent shall have any Claim or Lien upon any Goods taken in Execution under the Process of any Court of Law for more than Four Weeks Arrears of Rent; and if such Tenement shall be let for any other Term less than a Year the Landlord shall not have any Claim or Lien on such Goods for more than the Arrears of Rent accruing during Four such Terms or Times of Payment.

Claims as to Goods taken in Execution to be adjudicated in Court.

LXVIII. And be it enacted, That if any Claim shall be made to or in respect of any Goods or Chattels taken in Execution under the Process of any Court for the Recovery of Small Debts, or in respect of the Proceeds or Value thereof, by any Landlord for Rent, or by any Person not being the Party against whom such Process has issued, it shall be lawful for the Clerk of the Court out of which such Execution issued, upon Application of the Officer charged with the Execution of such Process, either before or after any Action brought against such Officer, to issue a Summons calling before the Court out of which such Execution issued both the Party issuing such Process and the Party making such Claim, and thereupon any Action which shall have been brought in any of Her Majesty's Superior Courts at *Westminster*, or in the Court of Common Pleas at *Lancaster*, or in any local or inferior Court, in respect of such Claim, shall be stayed; and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing such Action to pay the Costs of all Proceedings had upon such Action after the Issue of such Summons; and the Judge of the Court for the Recovery of Small Debts out of which such Execution issued shall adjudicate upon such Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings, as to him shall seem fit; and such Order shall be enforced in like Manner as any Order made in any Suit brought in such Court.

Distress not unlawful for Want of Form.

LXIX. And be it enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party distraining be deemed a Trespasser from the Beginning on account of any Irregularity which shall afterwards be committed by the Party so distraining, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Compensation to Persons whose Emoluments will be diminished.

LXX. And be it enacted, That every Person entitled to any Fees or Salary for his Services as a Judge or other Officer of any Court, and every Keeper or other Officer of any Debtors Prison, whose Emoluments shall be diminished under the Operation of this Act, so far as the same relates to or restrains Imprisonment for Debt, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Twelve Calendar Months after the passing of this Act; and it shall be lawful for the said Commissioners, in such Manner as they shall think proper, to inquire what were the lawful Fees and Emoluments of the Claimant or Claimants before the passing of this Act in respect of which such Compensation should be allowed, and how the same have been affected under this Act, by reason of the Decrease of the Number of Causes or otherwise; and the Commissioners in each Case shall take into account the Manner of Appointment of every such Judge, Officer, and Person, and his Term or Interest in his Office or Employment, and all other Circumstances of the Case, and shall award such gross or yearly Sum, and for such Time, as they shall think just to be awarded, upon Consideration of the special Circumstances of each Case, and shall order and direct such Compensation to be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Inquiry into Amount of Compensation.

LXXI. And be it enacted, That the Commissioners of Her Majesty's Treasury shall have Power from Time to Time to appoint such and so many Persons to be Commissioners for enabling them to ascertain the Amount of Compensation to be awarded under this Act as to them shall appear fit and necessary; and every such Commissioner shall ascertain the gross and net annual Value, according to a fair Average of Seven Years before the passing of this Act, or, if the Court shall not have been established with its present Jurisdiction for Seven Years, then for the Period during which the Court shall have been established with its present Jurisdiction, of any Fees and Emoluments the Consideration of which shall be referred to him by the said Commissioners of the Treasury, and shall be empowered to inquire into and ascertain as well the Legality as the Amount of such Fees and Emoluments, and the Manner of Appointment of the Person entitled thereto, and his Term or Interest in his Office or Employment, and such other Circumstances of the Case as shall be necessary for ascertaining the Amount of such Compensation.

Appointment of Assessors of Inferior Courts.

LXXII. 'And whereas there are divers Courts of Requests and other Inferior Courts for the Recovery 'of Small Debts not presided over by a Barrister or an Attorney at Law as Judge or Assessor;' be it enacted, That it shall be lawful for the Commissioners of any such Court, if they shall think fit, with the Approval of One of Her Majesty's Principal Secretaries of State, to appoint any Person, being a Barrister who shall have practised as a Barrister for at least Seven Years then last past, or an Attorney at Law of One of the Superior Courts of Common Law at *Westminster*, or of the Court of Common Pleas at *Lancaster*, who shall have practised as an Attorney for at least Ten Years, to be the Assessor of such Court, and to direct what Fees shall be paid to such Assessor by the Suitors of such Court, not exceeding

the

the Fees in the Schedule marked (B.) hereunto annexed; and it shall be lawful for the said Secretary of State to remove any such Assessor for Incompetence or Misbehaviour: Provided always, that no Assessor so to be appointed shall be deemed to be entitled to any Compensation for the Loss of his Office, or for any Diminution in the Value thereof, by reason of the passing of any general Act for the Recovery of Small Debts.

Construction of the Act.

LXXIII. And be it enacted, That in construing this Act the Word "Property" shall mean and include all the Real and Personal Estate and Effects of the Petitioner within this Realm and abroad, (except the Wearing Apparel, and such other Articles of the Value in that Behalf aforesaid as may by this Act be excepted from the Operation of the said recited Act and this Act,) and all the future Estate, Right, Title, Interest, and Trust of such Petitioner in or to any Real or Personal Estate and Effects within this Realm or abroad which such Petitioner may purchase, or which may revert, descend, be devised or bequeathed, or come to him before he shall have obtained the Final Order, and all Debts due or to be due to such Petitioner before he shall have obtained such Final Order; and the Words "Oath" and "Affidavit" shall mean and include Affirmation, where by Law such Affirmation shall be required or may be taken in place of an Oath; and all Powers given to or Duties directed to be performed by the Lord Chancellor may be performed by the Lord Keeper or Lords Commissioners of the Great Seal; and the Word "Judge," as applied to any Court for the Recovery of Small Debts, shall mean and include the County Clerk, Judge, Steward, and Assessor, or the Person holding or presiding in such Court; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and Bodies Corporate as well as Individuals; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; (unless, in the Cases above specified, a different Construction shall be provided, or the Construction be repugnant to the Subject Matter or Context;) and the Provisions of the said recited Act and of this Act shall be construed by Analogy to the Law of Bankruptcy, except where otherwise therein respectively expressed, and in the most beneficial Manner for promoting the Ends intended by the said recited Act and by this Act.

Recited Act not to be affected, except as herein provided.

LXXIV. And be it enacted, That nothing herein contained shall be construed to repeal, affect, or in any Manner alter the Provisions of the said recited Act, except so far as herein above expressly provided, or except so far as the Provisions of the said recited Act may be inconsistent with or at variance with the Provisions of this Act.

Act may be altered, &c.

LXXV. And be it enacted, That this Act may be altered, amended, or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE.

(A. No. 1.)

Form of Petition for Protection from Process.

To the Court of Bankruptcy, London,

or

To the District Court of Bankruptcy.

The humble Petition of _____

Insert at full Length the Name, Address, and Quality of the Petitioner, and also the Description of the Trade or Business or (if more than One) Trades or Businesses which he carries or has carried on during his Twelve Months Residence within the District of the Court.

Showeth, That your Petitioner is not a Trader within the Meaning of the Statutes now in force relating to Bankrupts.

If a Trader, strike out the Word "not," and add after the Word "Bankrupts" the Words "but owing Debts amounting in the whole to less than 300*l.*"

That your Petitioner has resided Twelve Calendar Months within the District of this Honourable Court; that is to say,

Insert the Places and Periods of Residence.

That your Petitioner has become indebted to divers Creditors, whose Names are inserted in the Schedule (A.) [*or, as the Case may be,*] to this his Petition annexed, and that he is unable to pay his Debts in full.

That

That your Petitioner has examined the said Schedule, and that such Schedule contains a full and true Account of your Petitioner's Debts, and the Claims against him, with the Names of his Creditors and Claimants, and the Dates of contracting the Debts and Claims severally, as nearly as such Dates can be stated, the Nature of the Debts and Claims, and Securities (if any) given for the same, and that there is reasonable Ground in his Belief for disputing so much of the Debts as are thereby mentioned as disputed, and also a true Account of the Nature and Amount of his Property, and an Inventory of the same, and of the Debts owing to him, with their Dates, as nearly as such Dates can be stated, and the Names of his Debtors, and the Nature of the Securities (if any) which he has for such Debts; and that the said Schedule doth also contain a Balance Sheet of so much of his Receipts and Expenditures as is required by this Honourable Court in that Behalf, and doth fully and truly describe the Wearing Apparel, Bedding, and other such Necessaries of your Petitioner and his Family, and his working Tools and Implements.

That your Petitioner has not parted with or charged any of his Property (except for the necessary Support of himself and his Family, and the necessary Expences (not exceeding £) of this his Petition, or in the ordinary Course of Trade), at any Time within Three Months of the Date of filing this his Petition, or at any Time with a view to this Petition.

That your Petitioner is desirous that his Estate should be administered under the Protection and Direction of this Honourable Court, and that he verily believes such Estate is of the Value of £ at the least unincumbered, and beyond the Value of his Wearing Apparel, and other Matter which your Petitioner is authorized to except by this Act, and that the same is available for the Benefit of his Creditors.

* Omit this Paragraph if no special Proposal.

* That your Petitioner submits to this Honourable Court the Proposal for the Payment of his Debts contained in the said Schedule.

That your Petitioner is ready and willing to be examined from Time to Time touching his Estate and Effects, and to make a full and true Disclosure and Discovery of the same.

Your Petitioner, therefore, prays such Relief in the Premises as by the Statutes now in force for the Relief of Insolvent Debtors may be adjudged by this Honourable Court.

And your Petitioner shall ever pray, &c. &c.

Signed by the said Petitioner on the Day of 184 in the Presence of of Attorney or Agent in the Matter of the said Petition.

(A. No. 2.)

Affidavit verifying Petition and Schedule.

In the Court of Bankruptcy, London,
or
In the District Court of Bankruptcy.

A.B. of the Petitioner named in the Petition hereunto annexed [*if the Petitioner affirm, alter accordingly*], maketh Oath and saith, That the several Allegations in the said Petition, and the several Matters contained in the Schedule hereunto annexed, are true.

Sworn, *&c.*

(A. No. 3.)

Final Order for Protection from Process.

In the Court of Bankruptcy, London,
or
In the District Court of Bankruptcy,

In the Matter of the Petition of of in the of an Insolvent Debtor, and not being a Trader within the Meaning of the Statutes now in force relating to Bankrupts [*or* and being a Trader within the Meaning of the Statutes now in force relating to Bankrupts, but owing Debts amounting in the whole to less than Three hundred Pounds].

Be it remembered, That the said having presented his Petition for Protection from Process to this Honourable Court, and such Petition having been duly filed in Court, and the said Petitioner having duly appeared, and been examined touching his Debts, Estate, and Effects, and it appearing to the undersigned Commissioner that the said by virtue of the Statutes in that Case made and provided, is entitled to the Protection of his Person from being taken or detained under any Process whatever in respect of the several Debts and Claims herein-after mentioned, a Final Order is hereby made to protect the Person of the said from being taken or detained under any Process whatever in respect of the several Debts and Sums of Money due or claimed to be due at the Time of filing his Petition from the said Petitioner to the several Persons named in his Schedule as Creditors or as claiming to be Creditors for the same respectively, or for which such Persons shall have given Credit to the said Petitioner before the Time of filing his Petition, and which were not then payable, and as to the Claims of all other Persons not known to the said Petitioner at the Time of making this Order, who may

may be Endorsers or Holders of any negotiable Security set forth in his said Schedule: And it is hereby directed, that the Proposal of the said Petitioner, set forth in his Petition, for the Payment of his Debts, be carried into effect in the following Manner; that is to say,

Given under my Hand, this of 184 .
(Signed)
Commissioner.

SCHEDULE (B.)

Assessor's Fees.

	s.	d.
For every Summons	1	0
For every Hearing or Trial	2	6
For every Order, Decree, or Judgment	1	0

CAP. XCVII.

An Act for the more effectual Application of Charitable Donations and Bequests in *Ireland*.

[9th *August* 1844.]

'WHEREAS it is expedient that the pious Intentions of charitable Persons should not be defeated by the Concealment and Misapplication of their Donations and Bequests to public and private Charities in *Ireland*: And whereas the Provisions of the Act passed by the Parliament of *Ireland* in the Third Year of His late Majesty King *George* the Third, intituled *An Act for the better Discovery of Charitable Donations and Bequests*, and of the Act passed by the Parliament of *Ireland* in the Fortieth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to amend an Act passed in the Third Year of His present Majesty King* George *the Third, intituled "An Act for the better Discovery of Charitable Donations and Bequests,"* have been found insufficient for such Purposes; and it is expedient and necessary that Provision should be made for the better Management of such Charitable Donations and Bequests as have been heretofore made, and such as hereafter may be made:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the hereinbefore recited Acts shall be repealed, save as to any thing done at any Time before the Commencement of this Act, all which shall be and remain good to all Intents and Purposes whatsoever as if this Act had not passed.

3 G. 3. (I.)

40 G. 3. (I.)

Recited Acts repealed, save as to any thing done before Commencement of this Act.

II. And be it enacted, That the Master of the Rolls in the High Court of Chancery of *Ireland* for the Time being, the Chief Baron of the Court of Exchequer in *Ireland* for the Time being, and the Judge of Her Majesty's Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout *Ireland* for the Time being, together with Ten other proper and discreet Persons, to be from Time to Time appointed by Her Majesty in Council, by Warrant under the Sign Manual, of which Ten Persons Five and not more than Five shall at all Times be Persons professing the Roman Catholic Religion, shall be One Body Politic and Corporate, by the Name of "The Commissioners of Charitable Donations and Bequests for *Ireland*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name may sue and be sued.

Commissioners of Charitable Donations and Bequests for Ireland appointed.

III. And be it enacted, That the said Commissioners shall be at all Times removable by Her Majesty in Council, by Warrant under the Sign Manual; and that whenever, by Death, Resignation, Removal, or otherwise, any Person shall cease to be a Commissioner under this Act, it shall be lawful for Her Majesty, by Warrant as aforesaid, to appoint One other Person instead of the Person so ceasing to be such Commissioner; and every Appointment of the said Commissioners and their Successors shall be published in the *Dublin Gazette*.

Removal and Appointment of such Commissioners.

IV. And be it enacted, That all Things which the said Commissioners are by this Act authorized to do may be done by any Five of such Commissioners: Provided always, that such Five Commissioners be for such Purpose assembled at a Meeting whereof due Notice shall have been given to all the said Commissioners.

How many Commissioners may act.

V. And be it enacted, That at each Meeting of the said Commissioners the said Master of the Rolls, or in his Absence the said Chief Baron of the Court of Exchequer, or in his Absence the said Judge of the Prerogative Court, if present, and, in the Absence of all, the senior Commissioner in the Order of Appointment, shall preside; and the Chairman at all such Meetings shall not only vote as a Commissioner, but, in case of the Equality of Votes, shall have also the casting or decisive Vote.

Chairman of Commissioners.

VI. Provided always, and be it enacted, That the Consideration of all Charitable Donations and Bequests, and of Matters relating to them, in which any Question shall arise before the said Commissioners concerning the Usages or Discipline of the United Church of *England* and *Ireland*, or of any Body of Protestant Nonconformists, shall be referred to a Committee of the said Commissioners consisting of those Commissioners who are Protestants; and that the Consideration of all Charitable Donations and Bequests, and of Matters relating to them, in which any Question shall arise before the said Commissioners, concerning the Usages or Discipline of the Church of *Rome*, shall be referred to a Committee of the said Commissioners consisting of those Commissioners who profess the Roman Catholic Religion; and that whenever,

Religious Questions to be referred to Committees.

whenever, by reason of Reference to or Intendment of any Usage of any such Church or Body, or any District or Division, in use according to the Discipline of any such Church or Body, the Object of the Donation, Devise, or Bequest shall not be defined with legal Certainty in the Deed or Will creating the Trust, the Committee to which the same shall be referred shall certify to the Commissioners who is, according to the Uses and Intendment of such Church or Body, the Person for the Time being intended to take the Benefit of such Donation, Devise, or Bequest, or other particular Facts concerning the Usages or Discipline of such Church or Body necessary to be known, for the due Administration of the Trust, according to the true Intent and Meaning of the Donor; and the Commissioners shall receive every such Certificate as Evidence of the Facts certified, and shall give Effect to such Donation, Devise, or Bequest accordingly, so far as the same may be lawfully executed according to the Provisions of this Act: Provided always, that nothing herein contained shall be construed to limit or affect the Jurisdiction of any Court of Law or Equity.

Appointment of Officers.

VII. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governors of *Ireland*, with the Consent and Approbation of the Commissioners of Her Majesty's Treasury, from Time to Time to appoint during his Pleasure a Secretary or Secretaries to the said Commissioners, and also such Officers, Clerks, and Servants as may be necessary for the Purposes of this Act; and the said Commissioners of Her Majesty's Treasury shall fix the Salary or Salaries of the said Secretary or Secretaries, Officers, Clerks, and Servants in fit Proportion, according to the Duties which they from Time to Time may have to perform.

Salaries and Expences.

VIII. And be it enacted, That the Salaries of the said Secretaries, Officers, Clerks, and Servants, and also the necessary Expences of carrying on the Business of the said Commissioners of Charitable Donations and Bequests for *Ireland*, not herein otherwise provided for, shall be paid by the Commissioners of Her Majesty's Treasury out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Minutes of Proceedings to be kept.

IX. And be it enacted, That one of the Secretaries, or some other Officer of the said Commissioners, shall make Minutes of the Proceedings of the said Commissioners at their several Meetings, and shall keep a Book, in which he shall enter a fair Copy of such Minutes, and the Names of the Commissioners present; and the fair Copy of the Minutes of the Proceedings of each Meeting shall be read at the next Meeting of the Commissioners, and if approved as correct shall be signed by the Chairman of the Meeting at which they shall be so read.

Commissioners to report.

X. And be it enacted, That the Commissioners shall, once at least in every Year, and also whenever Her Majesty's Pleasure shall be signified to them in that Behalf, report to Her Majesty their Proceedings under this Act; and a Copy of every such Report shall be communicated to both Houses of Parliament within Six Weeks after the same shall be made, if Parliament be then sitting, or if not then within Six Weeks next after the next Meeting of Parliament.

Property, &c. belonging to Body Corporate created by recited Act 40 G. 3. (I.) vested in Commissioners under this Act.

XI. And be it enacted, That from and after the first Publication in the *Dublin Gazette* of the Appointment of the Commissioners of Charitable Donations and Bequests for *Ireland* under this Act the Property, Estate, and Effects, Rights, Claims, Titles, and Possessions, of what Nature or Kind soever, of or belonging or which of Right ought to belong to the said Body Politic and Corporate created by the said recited Act of the Fortieth Year of King *George* the Third, and vested in the said Body by virtue of the said Act or otherwise, shall vest in and devolve upon the Commissioners of Charitable Donations and Bequests for *Ireland* created by this Act, subject to such Trusts and Conditions, Liabilities, Contracts, and Engagements, as the same shall then be subject and liable to.

Commissioners may sue for Recovery of Charitable Donations, &c. withheld, &c, Proceedings to be first submitted to Attorney or Solicitor General.

XII. And be it enacted, That the said Commissioners of Charitable Donations and Bequests for *Ireland* may sue for the Recovery of every Charitable Donation, Devise, or Bequest intended to be applied in *Ireland*, which shall be withheld, concealed, or misapplied, and shall apply the same, when recovered, to charitable and pious Uses, according to the Intention of the Donor or Donors; and the said Commissioners shall be empowered to deduct out of all such Charitable Donations, Devises, and Bequests as they shall recover all the Costs, Charges, and Expences which they shall be put to in the suing for and Recovery of the same: Provided always, that no Information shall be filed, or Petition presented, or other Proceeding at Law or in Equity undertaken or prosecuted, by the said Commissioners, until the same shall be submitted to and allowed by Her Majesty's Attorney or Solicitor General for *Ireland*, and such Allowance certified by him.

Actions not abated by Dissolution of Corporation created by 40 G. 3., but same may be prosecuted by Commissioners under this Act.

XIII. And be it enacted, That no Action or Suit at Law or in Equity shall be abated by the Dissolution of the said Corporation created by the said Act of the Fortieth Year of the Reign of King *George* the Third, but that the Court in which any Action or Suit shall be depending at the Time of the Commencement of this Act may, if such Court shall so think fit, upon the Application of any Party to the said Action or Suit, allow the Name of the Commissioners of Charitable Donations and Bequests for *Ireland* incorporated by this Act to be substituted in the Place of the said Commissioners created by the said Statute of the Fortieth of *George* the Third, and such Action or Suit may be prosecuted and defended in the same Manner as if the same had been originally instituted by or against the said Commissioners incorporated by this Act.

Commissioners not to pay Costs to Attornies, &c. unless Amount approved by the Treasury.

XIV. And be it enacted, That no Sum shall be paid by the said Commissioners of Charitable Donations and Bequests for *Ireland* to any Attorney or Solicitor, as and for Costs, Charges, or Expences unless the Amount of such Payment shall first have been approved of by the Commissioners of Her Majesty's Treasury; and before any such Sum shall be allowed by the said Commissioners of the Treasury on such Account as aforesaid, the Particulars of all such Costs, Charges, and Expences shall be laid before them.

XV. And

Persons or Bodies may by Deed vest Lands, &c. in the Commissioners, in trust for Roman Catholic Ministers in Ireland.

XV. And be it enacted, That every Person or Body Corporate having in his, her, or their own Right any Estate or Interest, in possession, reversion, or remainder, of or in any Lands, Tenements, or Hereditaments, or any Property of or in any Goods or Chattels, shall have full Power, at his, her, and their Will and Pleasure, by Deed duly executed, and attested by Two credible Witnesses, or by his or her last Will in Writing, duly executed according to Law, to give and grant to and vest in the said Commissioners of Charitable Donations and Bequests for *Ireland*, and their Successors, all such his, her, or their Estate, Interest, or Property in such Lands, Tenements, Hereditaments, Goods, and Chattels, or any Part or Parts thereof, in trust for building, enlarging, upholding, or furnishing any Chapel or Place of Religious Worship of Persons professing the Roman Catholic Religion, or in trust for any Archbishop or Bishop or other Person in Holy Orders of the Church of *Rome* officiating in any District, or having pastoral Superintendence of any Congregation of Persons professing the Roman Catholic Religion, and for those who shall from Time to Time so officiate or shall succeed to the same pastoral Superintendence, or for building a Residence for his and their Use; and such Estate, Interest, or Property in such Lands, Tenements, or other Hereditaments, Goods, and Chattels, shall vest in and be holden by the said Commissioners, subject to the Trusts of such Deed and Will respectively, without any Writ or Licence other than this Act: Provided always, that nothing herein contained shall be construed to render lawful any Donation, Devise, or Bequest to or in favour of any Religious Order, Community, or Society of the Church of *Rome* bound by Monastic or Religious Vows prohibited by an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for the Relief of His Majesty's Roman Catholic Subjects*, or to or in favour of any Member or Members thereof. 10 G. 4. c. 7.

Deeds to be registered.

XVI. And be it enacted, That after the Commencement of this Act no Donation, Devise, or Bequest for pious or charitable Uses in *Ireland* shall be valid to create or convey any Estate in Lands, Tenements, or Hereditaments for such Uses, unless the Deed, Will, or other Instrument containing the same shall be duly executed Three Calendar Months at the least before the Death of the Person executing the same, and unless every such Deed or Instrument, not being a Will, shall be duly registered in the Office for registering Deeds in the City of *Dublin* within Three Calendar Months after the Execution thereof.

Archbishops, &c. not to alien or demise Lands, &c. enjoyed by them under this Act.

XVII. And be it enacted, That it shall not be lawful for any such Archbishop, Bishop, or Person in Holy Orders of the Church of *Rome* to alien, set, let, or in any Manner demise for any Period whatever such Lands, Tenements, or Hereditaments, or any Part thereof, or in any Manner whatever to charge or incumber the same, or any Property enjoyed by him under this Act, but that all Charges and Incumbrances upon such Lands, Tenements, and Hereditaments, or other Property, and all Conveyances, Gifts, Grants, Demises, or Sub-demises of the same or any Part thereof, made or to be made by any such Archbishop, Bishop, or other Person in Holy Orders of the Church of *Rome*, shall be absolutely void: Provided always, that it shall and may be lawful for the said Archbishop, Bishop, or other Person in Holy Orders of the Church of *Rome* to execute such Leases as herein-after are mentioned.

Commissioners of Charitable Donations, &c. may lease said Lands, &c. with Consent of Archbishop, &c. of Church of Rome.

XVIII. And be it enacted, That it shall and may be lawful for the said Commissioners of Charitable Donations and Bequests for *Ireland*, from Time to Time, by Deed under the Common Seal of the said Commissioners, to demise or lease the said Lands, Tenements, or Hereditaments, or any Part thereof, by and with the Consent of the said Archbishop, Bishop, or other Person in Holy Orders of the Church of *Rome*, or those who respectively shall succeed them as aforesaid, testified by his or their being a Party to and executing such Lease, for any Term not exceeding Twenty-one Years, unless on Building Lease, in which Case such Lease may be granted for any Term not exceeding One hundred Years: Provided always, that the said Lease shall take effect in possession, and not in reversion or by way of future Interest, and that there be made payable during the Estate or Interest thereby created the best yearly Rent that can be reasonably obtained for the same, without any Fine, Premium, or Foregift for the making thereof being paid or payable to the said Commissioners, or to the said Archbishop, Bishop, or other Person in Holy Orders of the Church of *Rome;* and provided that there be contained in every such Demise or Lease a Covenant for the Payment of the Rent thereby reserved, and a Condition for Re-entry on Nonpayment of the Rent or any Part thereof for Twenty-one Days next after the same shall become due, and so that the Lessee or Lessees therein named do execute a Counterpart of the said Demise or Lease, and be not in any Manner made dispunishable for committing Waste.

Vicar General and Registrar of Prerogative Court to make Return to Commissioners of Charitable Donations, &c. of every Charitable Donation contained in any Will entered in the Office of such Vicar General, &c.

XIX. And be it enacted, That from and after the Commencement of this Act the Vicar General or his Surrogate, and the Registrar of the Prerogative Court, shall make a Return upon Oath to the Commissioners of Charitable Donations and Bequests for *Ireland*, between the First Day of *July* and the First Day of *November* in every Year, of every charitable Devise or Bequest contained in any Will which shall be entered in the Office of such Vicar General, Surrogate, or Registrar, which Return shall likewise contain the Name of the Testator, the Name or Names of the Person or Persons to whom Probate of any such Will, or Letters of Administration with such Will annexed, shall be granted, with the Date of such Will, Probate, or Administration; which Return shall be lodged with one of the Secretaries of the said Commissioners; and every such Officer as aforesaid who shall neglect to make such Return as aforesaid shall forfeit the Sum of Five Pounds Sterling, to be recovered by any Person who shall sue for the same by Civil Bill; and the Person or Persons to whom the Probate of any such Will or Letters of Administration as aforesaid shall be granted shall, within Three Calendar Months next after obtaining the same, publish in the *Dublin Gazette*, Three Times successively, every Charitable Devise or Bequest contained in such Will, the Name of the Testator and Date of such Will or Codicil, and the Name of the Person or Persons to whom such Charitable Devise or Bequest is given and bequeathed, and the Name of the Person or Persons appointed by the Testator for the Management and Direction thereof; and the Expence of such

Publication shall be paid by the said Executors or Administrators out of the said respective Charities; and every such Person or Persons who shall neglect to publish the same in manner herein required shall forfeit for every such Neglect the Sum of Five Pounds Sterling, to be recovered by any Person who shall sue for the same, by any Action of Debt, Bill, Plaint, or Information, in any of Her Majesty's Courts of Record.

Accounts of the Commissioners to be audited by Chief or Second Remembrancer of the Exchequer in Ireland;

XX. And be it enacted, That the Accounts of the said Commissioners of the Sums passing through their Hands arising from Charitable Donations and Bequests shall, from and after the Commencement of this Act, be from Time to Time audited and declared by the Chief Remembrancer or Second Remembrancer of the Court of Exchequer in *Ireland;* and that the said Commissioners of Charitable Donations and Bequests in *Ireland* shall cause the said Accounts to be made out in such Form as the said Chief or Second Remembrancer shall direct, and shall send the same to him, with proper Vouchers for their Receipts and Payments; and the said Chief Remembrancer or Second Remembrancer, after examining each Account rendered to him as aforesaid, with the Documents annexed thereto, shall settle and declare the same, and shall lodge such Account, when so settled and declared, with the Clerks of Her Majesty's Privy Council in *Ireland,* who shall send one Copy thereof to the said Commissioners of Charitable Donations and Bequests for *Ireland,* and keep one other Copy thereof in the Privy Council Office in *Ireland.*

who may examine Persons on Oath respecting such Accounts.

XXI. And be it enacted, That it shall be lawful for the said Chief Remembrancer or Second Remembrancer to call before him and examine on Oath any Person whom he may deem it necessary to examine on the Matter of such Accounts; and every Person who on such Examination on Oath shall wilfully make any false Statement shall be deemed guilty of Perjury.

Commencement of Act.

XXII. And be it enacted, That this Act shall commence from and after the First Day of *January* One thousand eight hundred and forty-five; and that nothing herein contained shall be taken to avoid or render unlawful any Donation, Devise, or Bequest which but for this Act would be lawful, except as to the Time within which the Deed, Will, or Instrument containing such Donation, Devise, or Bequest for pious or charitable Uses is herein-before required to be executed and registered.

Act may be amended, &c.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XCVIII.

An Act to enable the Commissioners of Public Works in *Ireland* to accept a certain Sum of Money in satisfaction of their Mortgage on the Branch Canals communicating with the Grand Canal in *Ireland.* [9th *August* 1844.]

'WHEREAS the late Commissioners for the Loan of Public Money in *Ireland* did, in pursuance of the Powers vested in them, lend to the Company of Undertakers of the Grand Canal in *Ireland* the Sum of Forty-seven thousand one hundred and eight Pounds Thirteen Shillings and Three-pence, for the Employment of the Poor, by making a Branch Canal from the River *Shannon* near *Banagher* in the *King's County* to the Town of *Ballinasloe* in the County of *Galway,* communicating with the said Grand Canal by the River *Shannon,* upon a Mortgage of the Lands taken for the said Branch Canal, and of the expected Rates, Rents, Tolls, and Profits to be derived from the said Branch Canal: And whereas the said Commissioners did also lend to the said Company the further Sum of Thirty-three thousand four hundred and sixteen Pounds Six Shillings and Three-pence, for the Employment of the Poor, by making another Branch Canal from the Town of *Monasterevan* in the County of *Kildare* to the Town of *Mountmellick* in the *Queen's County,* communicating with the said Grand Canal, upon a like Mortgage of the Lands taken for the last-mentioned Branch, and also of the expected Rates, Rents, Tolls, and Profits of the said last-mentioned Branch Canal: And whereas the said Commissioners did also lend to the said Company the further Sum of Eighteen thousand Pounds, for the Purpose of making a Third Branch Canal, extending from the said Grand Canal at *Ballycommon Lock* in the *King's County* to the Town of *Kilbeggan* in the County of *Westmeath,* upon a Mortgage of the Lands taken for the last-mentioned Branch Canal, and also of the expected Rates, Rents, Tolls, and Profits of the said last-mentioned Branch Canal: And whereas it appears that the Tolls and Profits of the said Branch Canals, after paying the Costs and Charges of Maintenance, have been and are wholly inadequate to discharge the Principal Sums of Money lent on the Security thereof, or the Interest thereof: And whereas the Duties of the said Commissioners are now exercised by, and the said Mortgage Securities were afterwards transferred to, the Commissioners of Public Works in *Ireland:* And whereas it is expedient that the said last-mentioned Commissioners should be empowered to accept the Sum herein-after mentioned, instead of all Demands against the said Company on account of the said several Loans:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon Payment of the Sum of Ten thousand Pounds by the said Company of Undertakers of the Grand Canal into the Bank of *Ireland,* to the Credit and for account of the Paymaster of Civil Services in *Ireland,* all the Estate, Right, Title, Property, or Interest whatsoever of the said Commissioners of Public Works in *Ireland,* or of any Person or Persons in trust for them, of, in, and to the several Lands, Tenements, and Hereditaments, Waters, Watercourses, Bridges, Locks, Sluices, Drains, Banks, Dams, Roads, Towing Paths, and other Ways of the said Three Branch Canals, extending from the said River *Shannon* to the Town of *Ballinasloe,* and from the said Town of *Monasterevan* to the said Town of *Mountmellick,* and from

On Payment of 10,000*l.* by the Grand Canal Company the Branch Canals herein set forth to vest in the Company.

from the said Grand Canal at *Ballyshannon Lock* to the Town of *Kilbeggan*, as aforesaid, shall be vested in the said Company and their Successors, and that all the said Lands, Tenements, and Hereditaments, Waters, Watercourses, Bridges, Locks, Sluices, Drains, Roads, Towing Paths, and other Ways, shall, from and after such Payment as aforesaid, be deemed to be Parts of the said Grand Canal, and be vested in the said Company and their Successors, freed and discharged from the said Mortgages and all Interest accruing thereon, and from all Claims and Demands whatever in respect thereof; and the said Company shall thereafter hold the same to their own Use and Benefit, and to the Use and Benefit of their Successors for ever, subject and according to the Powers and Provisions which constitute them Undertakers and Proprietors of the said Grand Canal.

Commissioners of Public Works to reconvey Mortgages.

II. And be it enacted, That upon Payment of the said Sum of Ten thousand Pounds as aforesaid the said Commissioners of Public Works in *Ireland* shall, upon the Request and at the Cost of the said Company, assign over and reconvey, or cause to be assigned over and reconveyed, to the said Company, any Assignment or Assignments, Mortgage or Mortgages of the said Lands, Rates, Rents, Tolls, and Profits of the said Three Branch Canals, taken or holden by them or by any Person or Persons in trust for them, or for securing Payment of the said several Sums of Forty-seven thousand one hundred and eight Pounds Thirteen Shillings and Three-pence, Thirty-three thousand four hundred and sixteen Pounds Sixteen Shillings and Three-pence, and Eighteen thousand Pounds, and surrender up the same to the said Company of Undertakers or their public Officer; and that the said Company and their Successors shall thereupon be freed and discharged from all Claim by the said Commissioners of Public Works on account of the said several Loans of Money, or any Interest due thereon.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XCIX.

An Act to extend the Time limited by an Act passed in the Fourth and Fifth Years of Her present Majesty, empowering the Commissioners for the Issue of Exchequer Bills for Public Works to complete the Works for improving the Navigation and Harbour of *Tralee* in the County of *Kerry*. [9th *August* 1844.]

'WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a navigable Cut or Canal from a* 9 G. 4. c. cxviii.
'*Point at or near the* Black Rock *in the Harbour of* Tralee *in the County of* Kerry *to* Croompanrickard
'*near the Town of* Tralee *in the said County; and for otherwise improving the said Harbour of* Tralee,
'whereby certain Parties were incorporated, and were created One Body Corporate by the Name and
'Style of "The Commissioners of the Harbour of *Tralee*," for the Purposes of erecting, making, and
'completing the said Canal, and the other Works by such Act authorized and required: And whereas
'it was by the said recited Act enacted, that in case the said Canal and the other Works in and by the
'said Act authorized and required should not have been completed and made in the Space of Eight Years,
'to be computed from the passing thereof, then and from thenceforth all the Powers, Authorities, and
'Privileges given by the said Act should cease and determine, save only and except as to so much, if any,
'of the intended Canal, Basin, Dock, Harbour, and other Works therein mentioned as should have been
'declared and certified to have been completed within the said Term by the Justices of the Peace for the
'County of *Kerry* assembled at any Quarter Sessions of the Peace to be holden in and for the said County
'at any Time before the Expiration of the said Term of Eight Years, or within Six Calendar Months
'next after the Expiration thereof: And whereas another Act was passed in the Sixth and Seventh
'Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to extend the Time* 6&7 W. 4. c. 114.
'*limited by an Act passed in the Ninth Year of the Reign of His late Majesty King* George *the Fourth,*
'*for improving the Navigation and Harbour of* Tralee *in the County of* Kerry, whereby, after reciting
'that the said Commissioners had proceeded in the Execution of the said recited Act, and had made
'great Progress in the cutting, making, forming, and completing the said Canal and other the Works in
'and by the said Act authorized to be made, and had entered into Contracts in relation to the same,
'but in order to complete the said Canal and other the Works contemplated by the said Act it was
'necessary that further Time should be granted for that Purpose, it was enacted, that the Time limited
'by the said first-recited Act for the Completion of the said Canal and the Works authorized to be made
'under the said first-recited Act should be and the same was thereby extended for the further Term of
'Five Years; but by the said Act now in recital it was provided and further enacted, that in case the said
'Canal and other Works authorized by the said first-recited Act to be made should not be made and com-
'pleted within the said Term of Five Years, to be computed from the passing of the Act now in recital,
'then from and after the Expiration of the said Term of Five Years all Powers, Authorities, and Privileges
'by the said recited Act given to or conferred upon the said Commissioners for making such Canal, and
'the several Works, Matters, and Things belonging thereto or connected therewith should cease and
'determine, save only and except as to so much of the said Canal and other Works as should have been
'declared and certified to have been completed within the said Term by the Justices of the Peace of the
'said County of *Kerry* assembled at any Quarter Sessions of the Peace to be holden for the said County
'at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months
'next after the Expiration thereof, upon the Evidence of One or more Witness or Witnesses upon Oath

'to be produced before them for that Purpose: And whereas another Act was passed in the Fourth and
4 & 5 Vict. c. 46. 'Fifth Years of Her present Majesty's Reign, intituled *An Act to empower the Commissioners for the 'Issue of Exchequer Bills for Public Works to complete the Works authorized to be made by an Act of 'the Sixth and Seventh Year of the Reign of His late Majesty King* William *the Fourth, for improving 'the Navigation and Harbour of* Tralee *in the County of* Kerry; *and to extend the Time for that 'Purpose,* whereby, after reciting that in the Year One thousand eight hundred and thirty-two the said 'Commissioners of the Harbour of *Tralee* borrowed of the Commissioners for carrying into execution the 'several Acts passed for authorizing the Issue of Exchequer Bills and Advance of Money for carrying on 'Public Works and Fisheries, and Employment of the Poor, and particularly an Act passed in the Sixth
6 G. 4. c. 35. 'Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to render more effectual 'the several Acts for authorizing the Advances for carrying on Public Works, so far as relates to* Ireland, 'the Sum of Six thousand Pounds, and for securing the Repayment thereof, with Interest, by the Instal-'ments, at the Times, and in manner mentioned in the Indenture of Mortgage therein-after recited, the 'said Commissioners of the Harbour of *Tralee* executed to the Secretary of the said Commissioners for 'the Issue of Exchequer Bills a Mortgage, bearing Date the Eighteenth Day of *July* One thousand eight 'hundred and thirty-two, of all and every the Rates, Tolls, Duties, and Receipts, Hereditaments, Chattels, 'and Property whatsoever of or belonging to the said Commissioners of the Harbour of *Tralee,* and 'reciting, that, Default having been made in Payment of certain of the Instalments of Principal and 'Interest which had become due on the said Mortgage, the said Commissioners for the Issue of Exchequer 'Bills, in pursuance of the Powers and Provisions of their said Acts, had entered into and were then in 'possession of the Works and Property of or belonging to the said Commissioners of the Harbour of '*Tralee,* and it was expedient, in order to prevent the Loss of the Sum of Five thousand four hundred 'Pounds, Part of the said Sum of Six thousand Pounds, with the Interest thereon, by reason of the 'incomplete State of the said Canal and other Works by the said first-recited Act authorized or required 'to be made and executed, that the same should be completed by the said Commissioners for the Issue of 'Exchequer Bills for Public Works, but in order thereto it was necessary that further Time should be 'granted for that Purpose, it was enacted, that the Time limited by the said recited Act of the Sixth 'and Seventh Years of the Reign of His said late Majesty King *William* the Fourth, for the Completion 'of the said Canal and other Works by the said first-recited Act authorized and required to be made 'and executed, should be and the same was thereby extended for the further Term of Three Years, to be 'computed from the Expiration of the said Term of Five Years by the said last-recited Act limited for 'such Purposes; but by the said Act now in recital it was provided and enacted, that in case the said 'Canal and other Works by the said first-recited Act authorized to be made and executed should not be 'made and completed within the said Term of Three Years, to be computed from the Expiration of the 'said Term of Five Years by the said last-recited Act limited for such Purposes as aforesaid, then from 'and after the Expiration of the said Term of Three Years all the Powers, Authorities, and Privileges by 'the said first-recited Act given to or conferred upon the said Commissioners for making such Canal, 'and the several Works, Matters, and Things belonging thereto or connected therewith, should cease 'and determine, save only and except as to so much of the said Canal and other Works as should have 'been declared and certified to have been completed within the said Term by the Justices of the Peace 'of the said County of *Kerry* assembled at any Quarter Sessions of the Peace to be holden for the said 'County at any Time before the Expiration of the said Term of Three Years, or within Six Calendar 'Months next after the Expiration thereof, upon the Evidence of any One or more Witness or Witnesses 'upon Oath to be produced before them for that Purpose: And whereas the said Commissioners for the 'Issue of Exchequer Bills for Public Works have made great Progress in making and executing the said 'Canal and other Works by the said first Act authorized or required to be made and executed; but in 'order to complete the said Canal and other Works it is necessary that further Time should be granted 'for that Purpose:' May it therefore please Your Majesty that it may be enacted; and be it enacted by

The Time limited by the last-recited Act for the Execution of the Works extended for Three Years.

the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Time limited by the said last-recited Act for the Completion of the said Canal and other Works by the said first-recited Act authorized and required to be made and executed shall be and the same is hereby extended for the further Term of Three Years, to be computed from the Expiration of the said Term of Three Years by the said last-recited Act limited for such Purposes as aforesaid.

The Powers given by the first-recited Act to cease at the End of the said Term, save as to Works certified by Justices of Kerry to have been completed.

II. Provided always, and be it enacted, That in case the said Canal and other Works by the said first-recited Act authorized to be made and executed shall not be made and completed within the said Term of Three Years, to be computed from the Expiration of the Term of Three Years by the said last-recited Act limited for such Purposes as aforesaid, then from and after the Expiration of the said Term of Three Years limited by this Act all the Powers, Authorities, and Privileges by the said first-recited Act given to or conferred upon the said Commissioners for making such Canal, and the several Works, Matters, and Things belonging thereto or connected therewith, shall cease and determine, save only and except as to so much of the said Canal and other Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Kerry* assembled at any Quarter Sessions of the Peace to be holden for the said County at any Time before the Expiration of the said Term of Three Years limited by this Act, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of any One or more Witness or Witnesses upon Oath to be produced before them for that Purpose.

CAP. C.

An Act to supply an Omission in an Act of the Sixth and Seventh Years of Her present Majesty, for amending and continuing the Laws in *Ireland* relative to the registering of Arms, and the Importation, Manufacture, and Sale of Arms, Gunpowder, and Ammunition.

[9th *August* 1844.]

'WHEREAS an Act was passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend, and continue for Two Years, and to the End of the then next Session of Parliament, the Laws in* Ireland *relative to the registering of Arms, and the Importation, Manufacture, and Sale of Arms, Gunpowder, and Ammunition:* And whereas the Forty-ninth Section of the said Act is in the Words following; (that is to say,) "And be it enacted, That it shall be lawful for the Grand Jury of every County of a City and County of a Town in *Ireland* at each Assizes, and for the Grand Juries at each Presenting Term for the County of *Dublin* and County of the City of *Dublin*, and they are hereby respectively required, to present such Sums to be raised off the County as shall have been necessarily disbursed in marking Arms under the Provisions of this Act in such County of a City or Town, and such Sums as shall appear to them to have been necessarily disbursed shall be paid to the Officer by whom such Disbursements shall have been made; and it shall be also lawful for the said Grand Juries at each Assizes or Presenting Term to present such Sums as may be necessary to pay the Clerks of the Peace and Petty Sessions respectively for their Trouble and Expences in the Execution of this Act:" And whereas in the Phrase in the said Section, "And be it enacted, That it shall be lawful for the Grand Jury of every County of a City and County of a Town in *Ireland*," the Word "County" was inadvertently omitted, and it is expedient to supply such Omission:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said herein-before recited Section of the said Act shall be deemed, construed, and taken to have such and the same Effect to all Intents and Purposes whatsoever as if the Words following, (that is to say,) "And be it enacted, That it shall be lawful for the Grand Jury of every County, County of a City, and County of a Town in *Ireland*," had been originally inserted in the said Section, instead of the said Words "And be it enacted, That it shall be lawful for the Grand Jury of every County of a City and County of a Town in *Ireland*;" and that the Presentments to be made in every County in *Ireland* at the next Assizes for raising off the County such Sums as shall have been necessarily disbursed in marking Arms in such County, under the Authority of the said recited Act and this Act, shall respectively include such Sums as shall have been so disbursed for such Purpose before the passing of this Act; and that it shall be also lawful for the Grand Jury of every County in *Ireland* to include in each such Presentment respectively such Sums as may be necessary to pay the Clerks of the Peace and Petty Sessions respectively for the Trouble and Expences incurred by them in the Execution of the said recited Act before the passing of this Act.

6&7 Vict. c.74.

Sect. 49. in recited Act to have the Effect intended, notwithstanding the Omission.

II. And be it enacted, That the Provisions of the said last-recited Act (save and except such Parts thereof as are by this Act amended) shall apply and extend to this Act, and that the said recited Act and this Act shall be construed together as One Act.

Recited Act and this Act to be construed as One Act.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. CI.

An Act for the further Amendment of the Laws relating to the Poor in *England*.

[9th *August* 1844.]

'WHEREAS it is expedient to amend an Act passed in the Session held in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, and certain other Acts relating to the Relief of the Poor in *England*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all Powers for obtaining or making an Order upon any putative Father for the Maintenance of a Bastard Child shall cease and determine, except as herein-after provided.

4&5W.4. c.76.

Powers of making Order on putative Father to cease.

II. And be it enacted, That any single Woman who may be with Child, or who may be delivered of a Bastard Child, after the passing of this Act, or who has been delivered of a Bastard Child within the Period of Six Calendar Months before the passing of this Act, may either before the Birth, or at any Time within Twelve Months from the Birth of such Child, or at any Time thereafter, upon Proof that the Man alleged to be the Father of such Child has within the Twelve Months next after the Birth of such Child paid Money for its Maintenance, make Application to any One Justice of the Peace acting for the Petty Sessional Division of the County, or for the City, Borough, or Place in which she may reside, for a Summons to be served on the Man alleged by her to be the Father of such Child; and if such Application be made before the Birth of the Child the Woman shall make a Deposition upon Oath stating who is the Father of such Child, and such Justice of the Peace shall thereupon issue his Summons to the

The putative Father to be summoned to Petty Sessions, on Application of Mother of Bastard.

the Person alleged to be Father of such Child to appear at a Petty Session to be holden after the Expiration of Six Days at least for the Petty Sessional Division, City, Borough, or other Place in which such Justice usually acts.

Justices in Petty Session may make an Order on the putative Father for Maintenance and Costs, and enforce the same by Distress and Commitment.

III. And be it enacted, That after the Birth of such Bastard Child, on the Appearance of the Person so summoned, or on Proof that the Summons was duly served on such Person, or left at his last Place of Abode Six Days at least before the Petty Session, the Justices in such Petty Session shall hear the Evidence of such Woman, and such other Evidence as she may produce, and shall also hear any Evidence tendered by or on behalf of the Person alleged to be the Father; and if the Evidence of the Mother be corroborated in some material Particular by other Testimony, to the Satisfaction of the said Justices, they may adjudge the Man to be the putative Father of such Bastard Child; and they may also, if they see fit, having regard to all the Circumstances of the Case, proceed to make an Order on the putative Father for the Payment to the Mother of the Bastard Child, or to any Person who may be appointed to have the Custody of such Child under the Provisions of this Act, of a Sum of Money weekly, and of such Costs as may have been incurred in the obtaining of such Order, including, if they think proper, Ten Shillings for the Midwife, and Ten Shillings towards the Funeral Expences of the Child, provided it have died before the making of such Order; and if the Application be made before the Birth of the Child, or within Two Calendar Months after the Birth of the Child, such weekly Sum may, if the said Justices think fit, be calculated from the Birth of the Child, at a Rate not exceeding Five Shillings *per* Week for the first Six Weeks after the Birth of such Child; and in other Cases such Sum shall not exceed Two Shillings and Sixpence *per* Week from the Time of the making of the Application; and if at any Time after the Expiration of One Calendar Month from the making of such Order as aforesaid it be made to appear to any One Justice, upon Oath or Affirmation, that any Sum to be paid in pursuance of such Order has not been paid, such Justice may, by Warrant under his Hand and Seal, cause such putative Father to be brought before any Two Justices; and in case such putative Father neglect or refuse to make Payment of the Sums due from him under such Order, or since any Commitment for Disobedience to such Order as herein-after provided, together with the Costs attending such Warrant, Apprehension, and bringing up of such putative Father, such Two Justices may, by Warrant under their Hands and Seals, direct the Sum so appearing to be due, together with such Costs, to be recovered by Distress and Sale of the Goods and Chattels of such putative Father, and may order such putative Father to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless he give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of such Justices, for his Appearance before Two Justices on the Day which may be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Time of taking any such Security; but if upon the Return of such Warrant, or if by the Admission of such putative Father, it appear that no sufficient Distress can be had, then any such Two Justices may, if they see fit, by Warrant under their Hands and Seals, cause such putative Father to be committed to the Common Gaol or House of Correction of the County, City, Borough, or Place where they have Jurisdiction, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Sum and Costs, and all reasonable Charges attending the said Distress, together with the Costs and Charges attending the Commitment and conveying to Gaol or to the House of Correction, and of the Persons employed to convey him thither, be sooner paid and satisfied: Provided always, that if the Woman have allowed the weekly Payment to be in arrear for more than Thirteen successive Weeks, without Application to a Justice, the Man shall not be called upon to pay more than the Amount due for Thirteen Weeks in discharge of the whole Debt, and no Warrant of Distress shall be issued for more than the Amount of Arrears for Thirteen Weeks Payment in discharge of the whole Arrears or Debt.

Proviso.

Applications to be made within Forty Days.

Appeal to Quarter Sessions for the putative Father.

IV. And be it enacted, That the Justices in Petty Session as aforesaid may adjourn the Hearing of the Case as often as to them may seem fit; but no such Order shall be made unless applied for at such Petty Sessions within the Space of Forty Days from the Service of the Summons after the Birth of the Bastard Child on the Person alleged to be the Father of such Bastard Child; and if within Twenty-four Hours after the Adjudication and making of any Order on the putative Father as aforesaid such putative Father give Notice of Appeal to the Mother of the Bastard Child, and also within Seven Days give sufficient Security, by Recognizance or otherwise, for the Payment of Costs, to the Satisfaction of some One Justice of the Peace, it shall be lawful for such putative Father to appeal to the General Quarter Sessions of the Peace to be holden after the Period of Fourteen Days next after the making of the said Order for the County, City, Borough, or Place for which such Petty Session may have been held; and the Justices in such Quarter Sessions assembled, or the Recorder, as the Case may be, shall thereupon hear and determine such Appeal, and shall order such Costs to be paid by either Party as to them or him may seem fit.

Money under the Order to be paid to the Mother or to a Person appointed by the Justices.

V. And be it enacted, That all Money payable under any Order as aforesaid shall be due and payable to the Mother of the Bastard Child in respect of such Time and so long as she lives and is of sound Mind, and is not in any Gaol or Prison, or under Sentence of Transportation; and after the Death of the Mother of such Bastard Child, or whilst such Mother is of unsound Mind, or confined in any Gaol or Prison, or under Sentence of Transportation, any Two Justices may, if they see fit, by Order under their Hands and Seals from Time to Time appoint some Person who, with his own Consent, shall have the Custody of such Bastard Child, so long as such Bastard Child is not chargeable to any Parish or Union, and any Two such Justices may revoke the Appointment of such Person, and may appoint another Person in his Stead; and every Person so appointed to have the Custody of a Bastard Child shall, so long as such Child

Child is not chargeable to any Parish or Union, be empowered to make Application for the recovering of all Payments becoming due under the Order of the Court of Petty Session as aforesaid, in the same Manner as the Mother of such Bastard Child might have done; and the Clerk to the Justices making any Order on the putative Father of a Bastard Child, or appointing any Person to have the Custody of such Child, as herein-before provided, shall as soon as may be send by Post or otherwise a Duplicate of such Order or Appointment, signed by such Clerk, to the Clerk to the Guardians of the Union or Parish in which the Mother of such Bastard Child resided at the Time of making such Order or Appointment: Provided always, that no Order for the Maintenance or Support of any such Bastard Child made in pursuance of this Act shall, except for the Purpose of recovering Money previously due under such Order, be of any Force or Validity after the Child in respect of whom it was made has attained the Age of Thirteen Years, or after the Marriage of the Mother of such Child, or after the Death of such Child.

Time of Cessation of Order.

VI. And be it declared and enacted, That every Woman neglecting to maintain her Bastard Child, being able wholly or in part so to do, whereby such Child becomes chargeable to any Parish or Union shall be punishable as an idle and disorderly Person, under the Provisions of an Act made and passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of the United Kingdom called* England; and every Woman so neglecting to maintain her Bastard Child, after having been once before convicted of such Offence, and every Woman deserting her Bastard Child, whereby such Bastard Child becomes chargeable to any Parish or Union, shall be punishable as a Rogue and Vagabond, under the Provisions of the said last-recited Act.

Mother punishable for Neglect or Desertion of her Bastard Child. 5 G. 4. c. 83.

VII. And be it enacted, That it shall not be lawful for any Justice of the Peace to appoint any Officer of any Parish or Union to have the Custody of any Bastard Child as herein-before provided, or for any Officer of any Parish or Union, Clerk of Justices, or Constable, to receive any Money in respect of any Bastard Child under an Order of Petty Session as aforesaid, or as such Officer to conduct any Application to make or enforce such Order, or in any way to interfere as such Officer in causing such Application to be made, or in procuring Evidence in support of such Application, under a Penalty of Forty Shillings, to be levied on Conviction before any Two Justices as Penalties and Forfeitures under the said first-recited Act: Provided always, that after the Death of such Mother, or if such Mother be incapacitated as aforesaid, so often as any Bastard Child for whose Maintenance such Order of Petty Sessions has been made becomes chargeable to any Parish or Union by the Neglect of the putative Father to make the Payments due under the Orders of Justices, then and in such Case it shall be lawful for any Board of Guardians of an Union or Parish, or if there be no such Board of Guardians for the Overseers of any Parish or Place, to make such Application for the Enforcement of the Order as might have been made by the Mother of such Bastard Child if alive; but all Payments for the Maintenance of such Child made in pursuance of such Application shall be made to some Person to be from Time to Time appointed by the Justices as herein-before provided, and on condition that such Bastard Child shall cease to be chargeable to such Parish or Union.

Officers of Parishes or Unions not to receive Money under their Order, or to interfere in any respect.

Proceedings against putative Father in case of Death or Incapacity of Mother.

VIII. And be it enacted, That if any Officer of a Union, Parish, or Place endeavour to induce any Person to contract a Marriage by Threat or Promise respecting any Application to be made or any Order to be enforced with respect to the Maintenance of any Bastard Child, such Officer shall be guilty of a Misdemeanor; and every Person having the Custody of any Bastard Child under any Order of Justices, as herein-before provided, who may misapply Monies paid by the putative Father for the Support of such Child, or may withhold proper Nourishment from such Child, or otherwise abuse and maltreat such Child, shall, on Conviction before any Two Justices, forfeit and pay a Sum not exceeding Ten Pounds.

Penalties for promoting Marriage of a Mother of a Bastard improperly, misapplying Monies, or maltreating a Bastard Child.

IX. And be it enacted, That nothing in this Act contained shall affect the Validity of any Orders for the Maintenance of a Bastard Child made by Justices in Quarter or Petty Sessions before the passing of this Act; but no such Order made before the Fourteenth Day of *August* One thousand eight hundred and thirty-four shall be in force after the First Day of *January* One thousand eight hundred and forty-nine, and that all Proceedings actually pending before Justices in Quarter Sessions or Petty Sessions at the Time of the passing of this Act may be continued, and Orders made therein in the same Manner as if this Act had not been passed.

Existing Orders, &c. not to be affected, and Orders made before 14th of August 1834 to cease on 1st Jan. 1849.

X. 'And whereas various Unions established under the Authority of the said recited Act are situate 'partly in one County, Riding, or Division, and partly in an adjoining County, Riding, or Division: And 'whereas Doubts have been entertained whether any Justice of the Peace acting under Two Commissions 'for different Counties, Ridings, or Divisions can legally make Orders in Bastardy when acting in Petty 'Sessions within the Limits of one of such Commissions, for such Parts of such Unions as are situate 'within the Limits of the other of such Commissions: And whereas it is expedient to remove all such 'Doubts with regard to Orders which have before the passing of this Act been made under such Circum-'stances;' be it therefore enacted, That all Orders in Bastardy which have been made by any Justices of the Peace acting as such under Two Commissions for any Two adjoining Counties, Ridings, or Divisions, shall although not made within the County, Riding, or Division in which the Parish interested in the Order, or any Part thereof, is situate, be as valid, good, and effectual in the Law, to all Intents and Purposes, as if they had been made within such County, Riding, or Division.

Orders made by Justices acting in Two adjoining Counties to be valid, although not made in the County in which the Parish is situate.

XI. And be it enacted, That every Clerk to the Justices shall once in each Year, (that is to say,) as soon as may be after the First Day of *January*, make up, in the Form in the Schedule (A.) annexed to this Act, and forward to the Clerk of the Peace, a complete List of Summonses issued, Applications heard, and

Clerks to Justices annually to make a Return of Summonses,

Orders, &c. to the Clerks of the Peace; who shall transmit Copies thereof to the Secretary of State, with Lists of Appeals.

and Orders made as aforesaid since the First Day of *January* of the Year preceding, by the Justices to whom he acts as Clerk; and every Clerk of the Peace shall receive such Lists, and shall, on Demand of the Clerk to the Justices, acknowledge under his Hand the Receipt of any such List, and shall preserve the said Lists, and shall, as soon as may be after the Receipt of such Lists, transmit Copies thereof, duly certified, to Her Majesty's Principal Secretary of State for the Home Department, and shall also transmit a List of all the Cases in which Appeals have been made to the Court of Quarter Sessions during the same Period, with the Result of every such Appeal; and it shall be lawful for the Justices of the Peace, at their respective General Quarter Sessions of the Peace, to make and settle a Fee or Fees to be paid to every such Clerk to the Justices for every such List; and on Production by any such Clerk to the Justices of the Acknowledgment by the Clerk of the Peace of the Receipt of such List the Treasurer of the County shall pay the Fee so made and settled, and due in respect of any such List, out of the County Stock in the Hands of such Treasurer.

Poor Law Commissioners to prescribe the Duties of poor Apprentices, and Masters neglecting to fulfil them liable to Penalty.

Guardians to bind poor Children Apprentices instead of Overseers.

XII. And be it enacted, That the Poor Law Commissioners may, by Order under their Hands and Seal, prescribe the Duties of the Masters to whom poor Children may be apprenticed, and the Terms and Conditions to be inserted in the Indentures by which such Children may be so bound as Apprentices; and every Master of such Apprentice who wilfully refuses or neglects to perform any of such Terms or Conditions so inserted in any such Indenture shall be liable, upon Conviction thereof before any Two Justices, to forfeit any Sum not exceeding Twenty Pounds; and that after the First Day of *October* next no poor Child shall be bound Apprentice by the Overseers of any Parish included in any such Union or subject to a Board of Guardians under the Provisions of the first-recited Act, but it shall be lawful for the Guardians of such Union or Parish respectively to bind any such poor Child to be an Apprentice, and in such Case the Indentures of Apprenticeship shall be executed by the said Guardians, and shall not need to be allowed, assented to, or executed by any Justice or Justices of the Peace, and the Guardians shall have all the Powers for binding or assigning any such Apprentice which are now possessed by Overseers, and shall cause all Apprentices so bound or assigned by them to be registered by their Clerk according to the Form prescribed by the Statute of the Forty-second Year of the Reign of King *George* the Third relating to the Registration of Parish Apprentices, so far as the same may be applicable to such Binding or Assignment: Provided always, that nothing herein contained shall directly or indirectly interfere with the Provisions of any Act of Parliament relating to Apprentices to be bound to the Sea Service.

Compulsory Apprenticeship abolished.

Repeal of 43 Eliz. c. 2. 8 & 9 W. 3. c. 3.

XIII. And be it enacted, That after the passing of this Act so much of an Act passed in the Forty-third Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Relief of the Poor*, and so much of an Act passed in the Session held in the Eighth and Ninth Years of the Reign of King *William* the Third, intituled *An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom*, or of any other Act of Parliament, whether general or local, as compels any Person to receive any poor Child as an Apprentice, shall be and is hereby repealed.

Repeal of so much of 4 & 5 W. 4. c. 76. as relates to Number of Votes of Owners and Rate-payers. 58 G. 3. c. 69.

XIV. 'And whereas by the said first-recited Act it is provided, that in every Case of an Election of 'Guardians under the said Act, or whenever the Consent of Owners of Property or Rate-payers in any 'Parish or Union may be required for any of the Purposes of the said Act, the Owner, as well as the 'Rate-payer, in respect of any Property in such Parish or Union, shall be entitled to vote, and the Owner 'shall have the same Number and Proportion of Votes respectively as is provided for Inhabitants and 'other Persons in and by an Act made and passed in the Fifty-eighth Year of the Reign of His late 'Majesty King *George* the Third, intituled *An Act for the Regulation of Parish Vestries*, and in and by 'an Act to amend the same, made and passed in the Fifty-ninth Year of His said late Majesty; and the 'Rate-payers under Two hundred Pounds shall each have a single Vote; and the Rate-payers rated at 'Two hundred Pounds or more, but under Four hundred Pounds, shall each have Two Votes; and the 'Rate-payers rated at Four hundred Pounds or more shall each have Three Votes: And whereas it is 'expedient that the Number and Proportion of Votes of Owners of Property and of Rate-payers respectively should be assimilated;' be it enacted, That so much of the said Act as is above recited relating to the Number and Proportion of Votes of Owners of Property and of Rate-payers respectively shall be and the same is hereby repealed; and that in all Cases in which by the said Act, or by any Act amending or extending the same, Owners of Property and Rate-payers are entitled to vote, every Owner of Property and Rate-payer shall have respectively the same Number and Proportion of Votes, according to the Scale following; (that is to say,) if the Property in respect of which he is entitled to vote be rated upon a rateable Value of less than Fifty Pounds, he shall have One Vote; if such rateable Value amount to Fifty Pounds and be less than One hundred Pounds, he shall have Two Votes; if it amount to One hundred Pounds and be less than One hundred and fifty Pounds, he shall have Three Votes; if it amount to One hundred and fifty Pounds and be less than Two hundred Pounds, he shall have Four Votes; if it amount to Two hundred Pounds and be less than Two hundred and fifty Pounds, he shall have Five Votes; and if it amount to or exceed Two hundred and fifty Pounds, he shall have Six Votes.

Owners of Property and Rate-payers to vote according to the Scale herein set forth.

Regulations as to Votes of Owners and of Proxies.

XV. And be it enacted, That no Owner of Property shall be entitled to vote as such, under the Provisions of the said recited Act, either in Person or Proxy, during the Year following the Twenty-fifth Day of *March* in any Year, unless before the First Day of *February* next preceding such Twenty-fifth Day of *March* he had given to the Overseers the Statement required by the said Act, signed by him, nor unless such Statement contain a Description of the Nature of the Interest or Estate he may have in such Property, and a Statement of the Amount of all Rent Service (if any) which he may receive or pay in respect thereof, and of the Persons from whom he may receive or to whom he may pay such Rent Service; and no Person shall be entitled to vote as Proxy until Fourteen Days after he have made

his

his Claim so to vote in the Manner required by the said Act; and no Person shall be entitled to vote as Proxy for more than Four Owners of Property in any One Parish (except he be a Steward, Bailiff, or Land Agent, or Collector of Rents for the Owners of Property for whom he may be appointed to vote); and no Appointment of Proxy shall remain in force for a longer Period than Two Years from the making thereof, excepting only in the Case in which an Owner appoints his Tenant, Bailiff, Steward, Land Agent, or Collector of Rents to be his Proxy, in which Case such Appointment shall remain in force so long as the Proxy may continue to be such Tenant, Bailiff, Steward, Land Agent, or Collector, and while such Appointment remains unrevoked; and the Overseers of every Parish containing a Population exceeding Two thousand Persons, according to the last Enumeration of the Population published by the Authority of Parliament, shall, on or before the Fifth Day of the Month of *February* in every Year, enter in the Book to be from Time to Time provided for the Purpose the Names and Addresses of all Persons who before the First Day of the said Month of *February* have given such Statement or made such Claims as Owners or Proxies as aforesaid; and such Overseers shall allow any Person to peruse such Book, without Payment of any Fee, at all reasonable Hours between the said Fifth Day and the Tenth Day of *February;* and any Person who has given such Statement or made such Claim, or any Rate-payer of such Parish, may, on or before the Fifteenth Day of the said Month of *February*, object to any other Person as not being entitled to vote as such Owner, by delivering to the Clerk of the Board of Guardians of the said Parish, or of the Union in which it may be comprised, and at the Address of the Person objected to, Notice in Writing of the Grounds of such Objection; and on or before the Twentieth Day of such Month of *February* such Clerk shall send to the Overseers of such Parish Notice of some Day, between the Twenty-fourth of the said Month and the First of *March* then next, on which he or some Person duly appointed for the Purpose will hear Evidence in relation to such Objections, and of the Place within the Parish or Union at which he or such other Person will attend to hear such Evidence; and such Overseers shall forthwith cause a Copy of such Notice to be fixed on or near the Doors of all Churches or Chapels within such Parish, and at all the usual Places of affixing Notices of parochial Business; and such Clerk shall attend on the Day and at the Place so appointed, and shall, in the Presence of all Persons who may think fit to be present, hear any Matter adduced in support of such Grounds of Objection, or in opposition thereto, but none other; and the Overseers of the said Parish shall then and there attend, and produce to such Clerk the Rate Books of the Parish for the whole Year preceding, and shall answer all such Questions as such Clerk may put to them or any of them touching the Matter of any such Objection; and such Clerk shall retain in the said Book the Name of all Persons to whom no Objection has been duly made, and of all Persons objected to, unless the Party objecting have appeared in support of his Objection, and established such Objection, and when the Name of any Person has been duly objected to, such Clerk shall require Proof of the Right of such Person to vote as Owner; and in case any Matter be adduced in support of the Objection, and the Right of the Person objected to be not proved to the Satisfaction of such Clerk, he shall expunge the Name of such Person from such Book; and such Clerk shall have Power to adjourn from Time to Time, and administer an Oath to the Overseers of any Parish, and to all Persons attending before him claiming a Right to vote as Owners or objecting to such Right, and to all Witnesses who may be tendered, or examined on either Side; and such Clerk shall write his Initials against every Name struck out, and sign his Name to every Page of the said Book; and the Persons whose Names as Owners are retained by such Clerk in such Book shall be the only Persons entitled to vote in such Parish as Owners of Property for the Year following the Twenty-fifth of *March* next ensuing: Provided always, that the said Commissioners may, if they see fit, by Order under their Hands and Seal, direct the Guardians of such Parish or Union to appoint some Person, other than the Clerk to such Guardians, as a paid Officer, to hear and decide the Matter of such Objections as aforesaid, who shall have all such Powers as are herein-before given to the Clerk, and perform all such Duties as are herein-before imposed on the Clerk in that Behalf: Provided also, that nothing herein contained shall affect any Election in which Proceedings have been commenced before the passing of this Act.

So much of 4 & 5 W. 4. as relates to not voting only to extend to Poor's Rates.

XVI. 'And whereas by the said first-recited Act it is provided that no Person shall be deemed a Rate-payer, or be entitled to vote, or do any other Act, Matter, or Thing as such, under the Provisions of that Act, unless he shall have been rated to the Relief of the Poor for the whole Year immediately preceding his so voting or otherwise acting as such Rate-payer, and shall have paid the parochial Rates and Assessments made and assessed upon him for the Period of One whole Year, as well as those due from him at the Time of so voting or acting, except such as shall have been made or become due within Six Months immediately preceding such voting or acting;' be it enacted, That such Parochial Rates and Assessments shall be deemed to extend only to Rates made for the Relief of the Poor.

Annual Election of Guardians to take place within Forty Days after the 25th of March.

XVII. 'And whereas in the said first-recited Act it is provided, that Guardians of the Poor elected under the Provisions of that Act shall go out of Office, and Guardians for the ensuing Year shall be chosen within Fourteen Days next after the Twenty-fifth Day of *March* in every Year: And whereas such Period hath been found to be too short, and it is expedient to extend the same;' be it therefore enacted, That the Period within which the annual Election of Guardians shall take place shall be extended to the Period of Forty Days next after the said Twenty-fifth Day of *March*, and that the Guardians of the preceding Year shall continue in Office for the said Period of Forty Days, or until the Election of Guardians for the succeeding Year have taken place.

Number of Guardians may be altered as to Population, &c.

XVIII. And be it enacted, That it shall be lawful for the said Commissioners, having due Regard to the relative Population or Circumstances of any Parish included in a Union, to alter the Number of Guardians to be elected for such Parish, without such Consent as is required by the said first-recited Act.

Parishes may be divided into Wards.

XIX. And be it enacted, That in every Case in which a Parish in which Guardians are to be elected under the Provisions of the said first-recited Act contains more than Twenty thousand Persons, according to the Enumeration of the Population then last published by Authority of Parliament, it shall be lawful for the said Commissioners, by Order under their Hands and Seal, for the Purpose of conducting the Election of Guardians, to divide such Parish into such and so many Wards as they may deem expedient, so that no such Ward shall contain a Number of rated Houses less than Four hundred, and to determine the Number of Guardians to be elected for every such Ward, having due Regard to the Value of the rateable Property therein; and each such Ward shall, for the Purpose of every Election of Guardians, so far as the said Commissioners may direct, be considered as a separate Parish.

Qualifications of Guardians in Wards.

XX. And be it enacted, That in every Case in which a Parish is divided into Wards for the Purpose of electing Guardians every Person qualified to be elected as a Guardian in the Parish shall be qualified to be elected in any Ward within the same Parish; but no Person shall at any Election of Guardians be elected for more than One Ward within the same Parish; and if at any such Election a Person be nominated in Two or more Wards, the Returning Officer at such Election shall, if such Person reside within the Parish, give such Person Notice thereof in Writing, to be left at his Place of Residence on the Day following the last Day fixed for the Nomination of Candidates, and such Person, whether he reside in the Parish or not, may at any Time, until Two Days preceding the issuing of the Voting Papers, elect by Notice in Writing delivered to the Returning Officer any One Ward for which he will stand an Election; and if he do not so elect some One Ward the Returning Officer shall place his Name on the List of Candidates for that Ward only for which he was first duly nominated.

Voting in Wards.

XXI. And be it enacted, That no Person entitled to vote shall give in the whole of the Wards into which a Parish may be divided a greater Number of Votes than he would be entitled to have given if the Parish had not been divided into Wards, nor in any One Ward a greater Number of Votes than he is entitled to in respect of Property in that Ward; but, subject to the foregoing Limitations, any Ratepayer, Owner of Property, or Proxy entitled to vote may, by Notice in Writing delivered to the Overseers of the Parish before the Day appointed for the annual Nomination of Candidates, elect in what Ward or Wards he will vote for the ensuing Year, and determine the Proportion of Votes which he will give in any One or more of such Wards; and if he do not give such Notice he shall not be entitled to vote for any Ward in which he does not reside.

Restriction as to separate Overseers, &c.

XXII. And be it enacted, That after the passing of this Act it shall not be lawful to appoint separate Overseers for any Township or Village or other Place for which before the passing of this Act separate Overseers had not been lawfully appointed.

Orders of Poor Law Commissioners valid, notwithstanding separate Appointment of Overseers.

XXIII. And it is hereby declared and enacted, That in all Cases in which Overseers have for the first Time been separately appointed for any Township or Village since the Fourteenth Day of *August* in the Year of our Lord One thousand eight hundred and thirty-four all Orders of the Poor Law Commissioners, determining the Number of Guardians, or ascertaining the Averages of any such Township or Village, or of any Portion of the Parish from which such Township or Village had been separated, shall be and be deemed to be good and valid in Law, notwithstanding such separate Appointment of Overseers.

Justices who reside in extra-parochial Places or Parishes within Unions to be ex-officio Guardians.

XXIV. And be it enacted, That when any Union has been formed under the Provisions of the said first-recited Act, or where the said Commissioners have under the Provisions of the said Act directed that the Laws for the Relief of the Poor of any single Parish shall be administered by a Board of Guardians, every Justice of the Peace acting for the County, Riding, or Division in which such Union or Parish, or any Part thereof, is situated, and residing in any extra-parochial Place the boundary Line of which, or the greater Part of the boundary Line of which, is included within or coincident with the boundary Line of such Union or Parish, shall be *ex officio* a Guardian of such Union or Parish; and every Justice of the Peace residing in any Parish within such a Union, and acting for any County, Riding, or Division in which any Part of such Union is situated, shall be *ex officio* a Guardian of such Union.

Relief of married Women in certain Cases to be subject to the same Conditions as if they were Widows.

XXV. And be it enacted, That so long as it may appear that the Husband of any Woman is beyond the Seas, or in Custody of the Law, or in Confinement in a licensed House or Asylum as a Lunatic or Idiot, all Relief given to such Woman, or to her Child or Children, shall, notwithstanding her Coverture, be given to such Woman in the same Manner and subject to the same Conditions as if she was a Widow; but nothing herein contained shall diminish or affect the Obligations or Liabilities of such Husband in respect of such Relief.

Relief to Widows in certain Cases.

XXVI. And be it enacted, That in the Case of any Person being a Widow having a legitimate Child dependent on her for Support, and no illegitimate Child born after the Commencement of her Widowhood, and who at the Time of her Husband's Death was resident with him in some Place other than the Parish of her legal Settlement, and not situated in any Union in which such Parish is comprised, it shall be lawful for the Guardians of such Parish or Union, if they see fit, to grant Relief to such Widow, although not residing in such Parish or Union: Provided always, that, notwithstanding any thing herein contained, the Guardians of any Union or Parish, and the Overseers of any Parish, in which such Widow may be resident or may require Relief, shall be and remain liable to relieve such Widow in the same Manner as any other Person requiring Relief in such Union or Parish.

Proviso.

XXVII. And

XXVII. And be it enacted, That if it be made to appear to any Two Justices that any Insane Person, Lunatic, or Idiot chargeable to any Parish hath an Estate more than sufficient to maintain his Family, they shall by Order under their Hands and Seals direct the Overseers of the Parish to which such Person is chargeable to seize so much of any Money, to seize and sell so much of any Goods and Chattels, or to receive so much of the Rent of the Lands or Tenements of such Person who is proved to such Justices to be necessary to pay any Charges incurred in providing for the Removal, Maintenance, Clothing, Medicine, and Care of such Person; and if any Trustee or other Person having the Possession, Custody, or Charge of any Property of an Insane Person, Lunatic, or Idiot, or if the Governor and Company of the Bank of *England*, or any other Person or Persons, having in his or their Hands any Stock, Interest, Dividend, or Annuity due to any such Insane Person, Lunatic, or Idiot, pay any Money to any Overseer or to any Guardians of the Poor to defray the Charges incurred by any Parish in the Removal, Maintenance, Clothing, Medicine, or Care of such Insane Person, Lunatic, or Idiot, the Receipt of such Overseer or of the Clerk of such Guardians shall be a good Discharge to such Trustee or other Person aforesaid.

Expences incurred for Insane Paupers may be levied off their Estates.

XXVIII. And be it enacted, That the Guardians of every Parish or Union appointed under any local Act, and their Officers appointed to act in the Relief of the Poor, and their Clerks, shall, from and after the passing of this Act, have the like Powers and shall be liable to perform the same Duties with respect to Insane Persons as are provided in the Case of Guardians appointed under the Provisions of the said first-recited Act, their Relieving Officers and their Clerks respectively.

Guardians under local Acts to have Powers with respect to Insane Poor.

XXIX. And be it enacted, That the Guardians of any Parish or Union constituted by the said Commissioners shall apply all Money raised or borrowed for the Purpose of defraying the Expences of Emigration in such Parish or in any Parish within such Union, subject to the Conditions and Restrictions imposed by the said first-recited Act.

Guardians to apply Money raised for Emigration.

XXX. And be it enacted, That in addition to the Principal Sum or Sums of Money which Guardians are empowered by the said first-recited Act to raise or borrow for the Purpose of purchasing, hiring, building, enlarging, or altering Workhouses, or Buildings to be converted into Workhouses, the Guardians of any Parish or Union any Part of which is situated within the Metropolitan Police District, or the City of *London*, or the Select Vestry of the Parish of *Liverpool*, may, with the Consent of the Poor Law Commissioners, also raise or borrow and charge the future Poor Rates of such Parish or Union with such further or other Sum or Sums of Money as may be or may have been necessary for the Purchase of any Land, or Interest in Land, required as the Site of such Workhouse, or of any Additions to any such Workhouse.

Cost of obtaining Site of Workhouses in the Metropolitan Police

XXXI. And be it declared and enacted, That it shall be lawful for Guardians, or where there are no Guardians for the Overseers, to bury the Body of any poor Person which may be within their Parish or Union respectively, and to charge the Expence thereof to any Parish under their Control to which such Person may have been chargeable, or in which he may have died, or otherwise in which such Body may be; and unless the Guardians, in compliance with the Desire expressed by such Person in his Lifetime, or by any of his Relations, or for any other Cause, direct the Body of such poor Person to be buried in the Churchyard or Burial Ground of the Parish to which such Person has been chargeable (which they are hereby authorized to do), every dead Body which the Guardians or any of their Officers duly authorized shall direct to be buried at the Expence of the Poor Rates shall (unless the deceased Person, or the Husband or Wife or next of Kin of such deceased Person, have otherwise desired,) be buried in the Churchyard or other consecrated Burial Ground in or belonging to the Parish, Division of Parish, Chapelry, or Place in which the Death may have occurred; and in all Cases of Burial under the Direction of the Guardians or Overseers as aforesaid the Fee or Fees payable by the Custom of the Place in which the Burial may take place, or under the Provisions of any Act of Parliament, shall be paid out of the Poor Rates, for the Burial of each such Body, to the Person or Persons who by such Custom or under such Act may be entitled to receive any Fee: Provided always, that it shall not be lawful for any Officer connected with the Relief of the Poor to receive any Money for the Burial of the Body of any poor Person which may be within the Parish, Division of Parish, Chapelry, or Place in which the Death may have occurred, or to act as Undertaker for personal Gain or Reward in the Burial of any such Body, or to receive any Money from any Dissecting School or School of Anatomy, or Hospital, or from any Person or Persons to whom any such Body may be delivered, or to derive any personal Emolument whatever for or in respect of the Burial or Disposal of any such Body; and any such Officer offending as aforesaid shall, on Conviction thereof before any Two Justices, forfeit and pay a Sum not exceeding Five Pounds.

Burials of Paupers.

XXXII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time, by Order under their Hands and Seal, to combine the Parishes and Unions in *England* and *Wales* into Districts for the Audit of Accounts, and from Time to Time to add any Parish or Union to any such District, or separate any Parish or Union therefrom; and the Chairman and Vice Chairman of each Board of Guardians constituted under the said first-recited Act or any other Act, or if there be no Chairman or Vice Chairman of any Guardians constituted under any other Act, then some Two of their Number to be selected by such last-mentioned Guardians, or if there be no such Body then some Two of the Overseers to be selected by the Overseers respectively acting within the District, shall elect, at the Time and in the Manner to be prescribed by the said Commissioners, a Person to be the Auditor of the District; but in any Case in which there are Two Vice Chairmen appointed in any Board of Guardians such Board of Guardians shall select One of the Vice Chairmen, who shall vote in the Election

Commissioners may combine Parishes and Unions into Districts for Audit of Accounts.

Election of District Auditors.

of such Auditor; and the said Commissioners shall have all the Powers with regard to the Salaries of the said Auditors to be charged on the Poor Rates, and to all other Matters relating to Auditors for such Districts, as they have under the said first-recited Act with regard to paid Officers; and every Auditor appointed for such a District shall have full Powers to examine, audit, allow, or disallow of Accounts, and of Items therein, relating to Monies assessed for and applicable to the Relief of the Poor of all Parishes and Unions within his District, and to all other Money applicable to such Relief; and such Auditor shall charge in every Account audited by him the Amount of any Deficiency or Loss incurred by the Negligence or Misconduct of any Person accounting, or of any Sum for which any such Person is accountable, but not brought by him into account against such Person, and shall certify on the Face of every Account audited by him any Money, Books, Deeds, Papers, Goods or Chattels, found by him to be due from any Person; and when any such Auditor has so certified any Money, Books, Deeds, Papers, Goods or Chattels, to be due from any Person, he shall forthwith report the same to the said Commissioners; and the Person from whom any Money is so certified to be due shall within Seven Days pay or cause to be paid such Money to the Treasurer of the Guardians of the Union or Parish, if there be any such Treasurer; and in the Case of a Union such Money shall be applied by the Guardians to the Use of all or any of the Parishes included in such Union, according as all or any of such Parishes may be interested in the Sum so paid; and all Books, Deeds, Papers, Goods and Chattels, and in the Case where there is no Treasurer as aforesaid all Monies so certified to be due, shall be delivered over or paid, within Seven Days of the same being certified, to the Person or Persons authorized to receive the same; and if any such Money, Books, Deeds, Papers, Goods or Chattels, be not duly paid or delivered over as herein-before directed, the said Auditor, or any Auditor subsequently appointed, shall proceed, as soon as may be, to enforce the Payment or delivering over of the same; and all Monies so certified to be due by such Auditor shall be recoverable as so certified from all or any of the Persons making or authorizing the illegal Payment, or otherwise answerable for such Monies, and shall be recovered on the Application of such Auditor, or of any such Auditor subsequently appointed, or by any Person for the Time being entitled or authorized to receive the same, in the same Manner as Penalties and Forfeitures may be recovered under the Provisions of the said first-recited Act; and the Expences attending such Proceeding or Recovery shall (except so far as the same may be paid by the Person against whom the Proceedings have been taken) be repaid to such Auditor by the Guardians of the Parish or Union, or by the District Board of the District to which the Proceedings may respectively relate, and shall be charged in their Accounts in such Manner and in such Proportions as the said Commissioners may direct; and if any Person from whom any such Books, Deeds, Papers, Goods or Chattels, may be due, neglect or refuse to deliver over the same to the Person for the Time being entitled or authorized to receive the same, the Person so neglecting or refusing shall be liable, on the Complaint of any such Auditor for the Time being, or of the Person entitled or authorized to receive the same, to the Penalties and Proceedings provided in the Case of Overseers refusing or neglecting to pay and deliver over to their Successors any Sum or Sums of Money, Goods, Chattels, and other Things, in their Hands; and any Churchwarden, Surveyor of the Highways, Overseer or other Officer of a Parish or Union, who shall wilfully authorize or make an illegal or fraudulent Payment from the Church Rate, Highway Rate, or other public Fund of a Parish or Union, or shall unlawfully make any Entry in his Accounts for the Purpose of defraying or making up to himself or any other Person the Whole or any Part of any Sum of Money unlawfully expended from the Poor Rate, or disallowed or surcharged in the Accounts of any Parish or Union by such Auditor, shall, upon Conviction thereof before any Two Justices, forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds, and also Treble the Amount of such Payment or of the Sum so entered in his Accounts.

Their Powers and Duties.

Rate Books, &c. to be made up Seven Days before the Audit Day.

Notice of Time and Place of Audit.

Inspection of Books.

XXXIII. And be it enacted, That Seven clear Days at least before the Day fixed for the Audit of Accounts the Overseers or other Officers employed in any Parish in carrying the Laws for the Relief of the Poor into execution, and every Collector or Assistant Overseer acting for such Parish, shall cause their Rate Books and other Accounts to be made up and balanced; and the Books so made up shall forthwith be deposited at the House within the Parish of some One of such Overseers or other Officers, or of such Collector or Assistant Overseer, or at some other House within the Parish; and Notice shall forthwith be affixed at the usual Place or Places of giving Parish Notices, stating the Time and Place of Audit, as notified by the Auditor, and the Place where the Books are deposited; and such Books shall on each of such Days be open between the Hours of Eleven and Three, for the Inspection of every Person liable to be rated to the Relief of the Poor; and such Auditor shall give or send by Post or otherwise to the said Overseers or other Officers Fourteen Days Notice of the said Audit; but it shall not be necessary for the Auditor to give or send separate Notices to each of such Overseers or other Officers, and it shall be sufficient if it be proved that any One of them had Notice; and if any such Overseer or other Officer, Collector or Assistant Overseer, neglect to make up such Account, or alter such Account, or allow it to be altered when so made up, or refuse to allow such Inspection thereof, he shall be liable, on Conviction thereof, to forfeit Forty Shillings; and if any such Overseer or other Officer, Collector or Assistant Overseer, refuse or wilfully neglect to affix such Notice of Audit, and of the Time and Place for the Inspection of such Accounts, as above provided, he shall be liable, on Conviction thereof, to forfeit Forty Shillings; and it shall be lawful for every Rate-payer in any Parish or Union to be present at the Audit of the Accounts relating to such Parish or Union, and to make any Objection to any such Accounts before such Auditor; and it shall be lawful for any such Auditor to require any Person holding or accountable for any Money, Books, Deeds, Papers, Goods or Chattels, relating to the Poor's Rate or the Relief of the

Poor,

Poor, to produce to such Auditor his Accounts and Vouchers, and to make or sign a Declaration with respect to such Accounts; and so often as such Person neglects or refuses to attend, either at the Audit or any Adjournment thereof, when so required by such Auditor, or to produce to him such Accounts or Vouchers, or any of them, or to make or sign a Declaration with respect to his Accounts, if thereunto required by such Auditor, he shall be liable for every such Refusal or Neglect to forfeit Forty Shillings, to be recovered as Penalties and Forfeitures under the said first-recited Act, or if he wilfully make or sign a false Declaration in respect of such Accounts he shall be liable to the Penalties of Perjury.

Balances found before the passing of this Act may be discharged.

XXXIV. And be it enacted, That in every Case in which before the passing of this Act any Balance has been struck by any Auditor in the Account of any Officer of any Parish or Union, and such Balance has not been paid nor any Proceedings commenced before the passing of this Act for the Recovery thereof, it shall be lawful, on the Application of the Officers of any Parish or of any Board of Guardians of any Union, and in all other Cases of disputed Accounts relating to the Expenditure and Management of the Fund for the Relief of the Poor previous to the passing of this Act upon the Application of the Board of Guardians to the said Commissioners, and with the Consent of the said Commissioners, for the Auditor to discharge the Officers for the Time being from the Payment of such Balance; and all Balances struck against any Person, and not so discharged, shall be recoverable, after the passing of this Act, as if the same had been struck and the Amount thereof certified by an Auditor appointed in pursuance of the Provisions of this Act.

Certiorari for Auditors Allowances or Disallowances.

XXXV. And be it enacted, That if any Person aggrieved by any Allowance, Disallowance, or Surcharge by any such Auditor require such Auditor to state the Reasons for the said Allowance, Disallowance, or Surcharge, the Auditor shall state such Reasons in Writing in the Book of Account in which the Allowance, Disallowance, or Surcharge may be made; and it shall be lawful for every Person aggrieved by such Allowance, and for every Person aggrieved by such Disallowance or Surcharge, if such last-mentioned Person have first paid or delivered over to any Person authorized to receive the same all such Money, Goods, and Chattels as are admitted by his Account to be due from him or remaining in his Hands, to apply to the Court of Queen's Bench for a Writ of Certiorari to remove into the said Court the said Allowance, Disallowance, or Surcharge, in the like Manner and subject to the like Conditions as are provided in respect of Persons suing forth Writs of Certiorari for the Removal of Orders of Justices of the Peace, except that the Condition of such Recognizance shall be, to prosecute such Certiorari, at the Costs and Charges of such Person, without any wilful or affected Delay, and if such Allowance, Disallowance, or Surcharge be confirmed, to pay to such Auditor or his Successor, within One Month after the same may be confirmed, his full Costs and Charges, to be taxed according to the Course of the said Court, and except that the Notice of the intended Application, which shall contain a Statement of the Matter complained of, shall be given to such Auditor or his Successor, who shall in return to such Writ return a Copy under his Hand of the Entry or Entries in such Book of Account to which such Notice shall refer, and shall appear before the said Court, and defend the Allowance, Disallowance, or Surcharge so impeached in the said Court, and shall be reimbursed all such Costs and Charges as he may incur in such Defence out of the Poor Rates of the Union or Parish respectively interested in the Decision of the Question, unless the said Court make any Order to the contrary; and that on the Removal of such Allowance, Disallowance, or Surcharge the said Court shall decide the particular Matter of Complaint set forth in such Statement, and no other; and if it appear to such Court that the Decision of the said Auditor was erroneous, they shall, by Rule of the Court, order such Sum of Money as may have been improperly allowed, disallowed, or surcharged to be paid to the Party entitled thereto by the Party who ought to repay or discharge the same; and they may also, if they see fit, by Rule of the Court, order the Costs of the Person prosecuting such Certiorari to be paid by the Parish or Union to which such Accounts relate, as to such Court may seem fit; which Rules of Court respectively shall be enforced in like Manner as other Rules of the said Court are enforceable.

Persons aggrieved may apply to Commissioners, who may issue Orders thereupon.

XXXVI. Provided always, and be it enacted, That it shall be lawful for any Person aggrieved as aforesaid by any Allowance, Disallowance, or Surcharge, in lieu of making Application to the Court of Queen's Bench for a Writ of Certiorari, to apply to the said Commissioners to inquire into and to decide upon the Lawfulness of the Reasons stated by the Auditor for such Allowance, Disallowance, or Surcharge, and it shall thereupon be lawful for the said Commissioners to issue such Order therein, under their Hands and Seal, as they may deem requisite for determining the Question.

Cessation of Powers of Justices to audit.

XXXVII. And be it enacted, That in every District for which an Auditor may be appointed under the Provisions of this Act the Powers of Justices of the Peace and of all other Persons to examine, audit, allow, or disallow Accounts shall, so far as relates to any Accounts which such Auditor is authorized to examine and audit, cease, and the same are hereby repealed: Provided always, that where any Union or Unions and Parishes have been already combined by the said Commissioners under the Provisions of the said first-recited Act for the Appointment of an Auditor, and such an Auditor has been appointed, or where any Person has been appointed Auditor for more than One Union, it shall be lawful for the said Commissioners to continue such Auditor in Office, and such District shall be deemed to have been formed, and such Unions to have been formed into a District, and such Auditor to have been appointed respectively under this Act: Provided also, that if the said Commissioners subsequently add any Parish or Union to any District now formed or to be formed after the passing of this Act, or which is to be deemed to be formed under this Act, or separate any Parish or Union therefrom, such Addition or Separation shall not vacate the Appointment of any Auditor appointed previously to such Addition or Separation,

Existing District Auditors may be retained.

Proviso.

Separation, but it shall be lawful for the Commissioners to continue such Auditor in Office for such increased or diminished District without any Re-election of such Auditor.

Accounts may be rendered half yearly.

XXXVIII. And be it enacted, That so much of the said first-recited Act as provides that Accounts shall be made and rendered not less frequently than once in every Quarter shall be and is hereby repealed; and such Accounts shall be made and rendered at such Times and as often as the said Commissioners may direct, but not less often than once in every Half Year.

Taxation and Allowance of Law Bills.

XXXIX. And be it enacted, That on Application of any Overseer, or of any Board of Guardians, or of any Attorney at Law, it shall be the Duty of the Clerk of the Peace of the County or Place, or his Deputy, if thereunto required, to tax any Bill due to any Solicitor or Attorney in respect of Business performed on behalf of any Parish or Union situate wholly or in part within such County or Place; and the Allowance of any Sum on such Taxation shall be *primâ facie* Evidence of the Reasonableness of the Amount, but not of the Legality of the Charge; and the Clerk of the Peace shall be allowed for such Taxation after the Rate to be fixed from Time to Time by the Master of the Crown Office, and declared by an Order of the said Commissioners; and if any such Bill be not taxed before it is presented to the Auditor, the Auditor's Decision on the Reasonableness as well as the Legality of the Charges shall be final.

Parishes and Unions may, within certain Limits, be combined into School Districts.

XL. And be it enacted, That it shall be lawful for the said Commissioners, as and when they may see fit, by Order under their Hands and Seal, to combine Unions, or Parishes not in union, or such Parishes and Unions, into School Districts, for the Management of any Class or Classes of infant Poor not above the Age of Sixteen Years, being chargeable to any such Parish or Union, who are Orphans, or are deserted by their Parents, or whose Parents or surviving Parent or Guardians are consenting to the placing of such Children in the School of such District; but the said Commissioners shall not include in any such District any Parish any Part of which would be more than Fifteen Miles from any other Part of such District: Provided always, that when the Relief of the Poor has been hitherto administered in any Parish or united Parishes by Guardians appointed under a Local Act, and not by Overseers of the Poor, if such Parish or united Parishes, according to the last Enumeration of the Population published by Authority of Parliament, contain more than Twenty thousand Persons, it shall not be lawful for the said Commissioners, without the Consent in Writing of the Majority of such Guardians, to include such Parish or united Parishes in a School District.

Districts for providing Asylums for houseless Poor may be formed in the Towns specified in Schedule (B.)

XLI. 'And whereas it is expedient that more effectual Means should be provided for the temporary 'Relief of poor Persons found destitute and without Lodging within the District of the Metropolitan 'Police, or the City of *London*, and the City, Towns, and Boroughs named in the Schedule annexed to 'this Act, and for avoiding the Introduction of infectious Disease, by the Reception of such poor Persons 'into the Workhouses established for the ordinary Relief of the Poor within such Districts and Places;' be it enacted, That it shall be lawful for the said Commissioners, as and when they may see fit, by Order under their Hands and Seal, to declare so many Parishes or Unions, or Parishes and Unions, any Part of which may be within the District of the Metropolitan Police, or the City of *London*, or within the Limits respectively of the City, Towns, or Boroughs named in the Schedule marked (B.) annexed to this Act, as such Limits are described in an Act passed in the Third Year of the Reign of King *William* the Fourth, "to settle and describe the Division of Counties, and the Limits of Cities and Boroughs, in *England* and *Wales*, so far as respects the Election of Members to serve in Parliament," to be combined into Districts for the Purpose of providing and managing Asylums for the temporary Relief and setting to work therein of destitute houseless Poor who are not charged with any Offence, and who may apply for Relief, or become chargeable to the Poor's Rates within any such Parish or Union.

Constitution of the District Boards for Schools and Asylums.

XLII. And be it enacted, That a Board shall be constituted for every District formed under this Act for the Maintenance of a School or of an Asylum; and every District Board so constituted shall respectively consist of Members to be elected from amongst the Persons rated within the District to the Relief of the Poor; and the said Commissioners shall fix the Qualification of such Members, such Qualification to consist in being rated within the District to the Relief of the Poor, but not so as to require a Qualification exceeding the net annual Value of Forty Pounds; and such Members shall be elected at such Periods not exceeding Three Years, and in such Proportions and in such Manner, as the said Commissioners may from Time to Time direct, by the Guardians of every Parish or Union governed by a Board of Guardians under the Provisions of the said first-recited Act or of any Local Act, and if there be no such Guardians then by the Overseers of a Parish not governed by such Guardians; and the Chairman of every Board of Guardians constituted under the Provisions of the said first-recited Act shall, if he consent thereto, be *ex officio* a Member of any District Board constituted under the Provisions of this Act.

Powers and Duties of District Boards.

XLIII. And be it enacted, That every such District Board shall have such of the Powers of Guardians for the Relief and Management of the Poor within any School or Asylum, and for the Appointment, Payment, and Control of paid Officers, as the said Commissioners may direct; and the legal and reasonable Orders of such District Board shall be obeyed and Obedience thereto enforced in the same Manner and by the same Remedies and Penalties as the legal and reasonable Orders of Guardians; and it shall be lawful for the said Commissioners, with the Consent in Writing of a Majority of any District Board, to direct such District Board to purchase or hire or build, and to fit up and furnish, a Building or Buildings, of such Size and Description, and according to such Plan, and in such Manner as the said Commissioners may deem most proper, for the Purpose of being used or rendered suitable for the Relief and Management of the Poor to be received into such School or Asylum; and the said Commissioners may, with the like

Consent,

Consent, alter the District for which such District Board was originally constituted, by adding thereto or taking therefrom any Parish or Parishes, Union or Unions, as aforesaid; and the said Commissioners shall have the same Powers for regulating the Proceedings of any District Board or of any Committee thereof, and for directing and regulating the Appointment, Duties, Remuneration, and Removal of paid Officers to be appointed by any District Board, as they have with respect to the Proceedings of Boards of Guardians, or with respect to paid Officers to be appointed by any Board of Guardians; and every such Board for a School District shall appoint, with the Consent of the Bishop of the Diocese, at least One Chaplain of the Established Church as one of the paid Officers aforesaid, who shall be empowered to superintend the religious Instruction of all the infant Poor being under the Control of such District Board; and it shall be lawful for the said Commissioners to issue Rules and Regulations for the Government of any such School or Asylum, and the Inmates thereof, as if such School or Asylum were a Workhouse, and any Orders or Regulations of the said Commissioners made in pursuance of this Act shall be enforced in the same Manner and by the same Penalties as if the same were an Order or Regulation made in pursuance of the said first-recited Act: Provided always, that no Rules, Orders, or Regulations of the said Commissioners, nor any Regulations made by such District Board, shall oblige any Inmate of any such School or Asylum to attend any religious Service which may be celebrated in a Mode contrary to the religious Principles of such Inmate, nor shall authorize the Education of any Child in any religious Creed other than that professed by the Parents or surviving Parent of such Child, and to which such Parents or surviving Parent may object, or, in the Case of an Orphan or deserted Child, to which his next of Kin may object: Provided also, that it shall be lawful at all reasonable Times of the Day, according to Rules and Regulations to be made for this Purpose by the said Board, for any Minister of the religious Persuasion professed by an adult Inmate, or of the religious Persuasion in which any Child has been brought up, or in which the Parents, or surviving Parent, or next of Kin, as the Case may be, may desire such Child to be instructed, to visit the School or Asylum, at the Request of such adult Inmate, for the Purpose of affording to him religious Assistance, or to visit such Child for the Purpose of instructing such Child in the Principles of his Religion: Provided also, that it shall be lawful at all Times for any Inspector of Schools appointed by Her Majesty in Council to visit such Schools, and to examine into the Proficiency of the Scholars therein.

Powers of District Board for purchasing and Hire of Land, &c.

XLIV. And be it enacted, That for the Purpose of providing a Building for such School or Asylum it shall be lawful for such District Board, subject to the Order of the said Commissioners, to exercise the Powers given to Boards of Guardians by the said first-recited Act or any other Act or Acts for the Purchase and Hire of Lands and Buildings, and to borrow, in like Manner as is provided in the said first-recited Act or in any other Act or Acts, such Sum or Sums of Money as may be necessary for the Purpose of purchasing any Site, or purchasing, hiring, or building, and of fitting up and furnishing such Building or Buildings as aforesaid, and to charge the future Poor Rates of the Parishes or Unions, or Parishes and Unions so combined as aforesaid, with the Payment of such Sum or Sums of Money, and Interest thereon: Provided always, that the Consent of any Rate-payers or Owners of Property of any Parish shall not be necessary to any Sale, Exchange, Lease, or other Disposal by Guardians or Overseers to or with any such District Board of any Workhouse, Tenement, Building, or Land: Provided also, that the Principal Sum or Sums to be raised for the Purpose of providing any such Building or Buildings as aforesaid, and charged on any Union, or on any Parish not included in a Union, shall in no Case exceed One Fifth of the average annual Amount of the aggregate Expenditure relating to the Relief of the Poor within any such Union, or of the like Expenditure within any such Parish for Three Years ending the Twenty-fifth Day of *March* next preceding the raising of such Money; provided also, that the Principal Sum or Sums required for the Purpose of providing any such Building or Buildings shall, if the same be borrowed, be repaid, with all Interest thereon, within a Period not exceeding Twenty Years.

Sums to be raised for providing Schools or Asylums not to exceed One Fifth Part of the average annual Rates.

District Board to hold Property of District as a Corporation.

XLV. And be it enacted, That every such District Board shall be enabled to accept, take, and hold, on behalf of the District for which they act, any Lands, Buildings, Goods, Effects, or other Property, as a Corporation, and in all Cases to sue and be sued as a Corporation, by the Name of the Board of Management of the District School or Asylum, as the Case may be.

Payment of Contributions to District Boards.

XLVI. And be it enacted, That every District Board for the Management of any School or Asylum shall from Time to Time call on the Parishes and Unions included in such District for such Contributions as they may deem requisite for the Purposes of this Act; and Notice in Writing of the Amount of such Contributions, purporting to be signed by the Clerk or other Officer of such District Board, in any Form prescribed by the said Commissioners, shall, Fourteen Days at least before such Contribution becomes due, be forwarded, by Post or otherwise, to the Clerk to the Board of Guardians of any Union, and to Two at least of the Overseers or other Officers authorized to make and levy Rates for the Relief of the Poor in every Parish from whom such Contributions or any Part thereof will become due; and if such Contributions are not duly paid to the Treasurer of such District Board, such District Board shall, in addition to any other Remedy which now is or hereafter may be given to any Persons against any Board of Guardians, have the like Remedy for Recovery of the same from the Overseers or other Officers authorized to make and levy the Rates for Relief of the Poor of the several Parishes, whether comprised in an Union or otherwise, and which may form Part of the District for which such District Board may act, as are given to Guardians for the Recovery from Overseers of the Contributions of Parishes; and in case of any Addition or Separation of Parishes or Unions, the said Commissioners shall ascertain the proportionate Value of Property and Amount of Obligations of every Parish or Union affected

affected by the Change, and shall fix the Amount to be received or paid, or secured to be paid, by every such Parish or Union.

Distribution of Charges for Schools.

XLVII. And be it enacted, That the Expences incurred by any District Board in the Purchase or Hire of any Building or Buildings to be used as a School, or in erecting, repairing, adding to, or fitting up any Building, and in the Purchase of Utensils and Materials for the Employment of the Inmates of such School, or of Books and other Objects and Things necessary for the Instruction of such Inmates, and the Salaries of the Officers and Servants of the Establishment, and all other Expences incurred on the common Account of the Parishes or Unions, or Parishes and Unions, so united for the Management of any Class of infant Poor, or incidental to the Discharge of the Duties of such District Board, shall be paid by such Unions in the Proportion of the Averages last declared for every such Union, and by such Parishes in the Proportion of the average Expenditure of every such Parish for the like Period and Purposes as those to which the declared Averages of such Unions shall relate; and the said Commissioners shall from Time to Time, by Order under their Hands and Seal, ascertain and declare the Proportion and Rates of Contribution in the above respects of every such Parish and Union; and that all other Expences incurred in the Relief of the Children under the Management of such District Board shall be separately charged by such District Board to the Parish or Union from which each such Child may be sent.

Distribution of Charges for Asylums.

XLVIII. And be it enacted, That the Expences incurred by every such District Board in the Purchase or Hire of any Building or Buildings, or in erecting, repairing, adding to, or fitting up any Building as an Asylum, and in the Purchase of Utensils and Materials for the Employment of the Inmates of such Asylum, and other Objects and Things necessary for the Relief of such Inmates, and the Salaries of the Officers and Servants of the Establishment, and all other Expences incurred by such District Board in the Relief of the Poor, or in the Management of such Asylum, or incidental to the Discharge of the Duties of such District Board, shall be charged by such District Board upon the Parishes or Unions, or Parishes and Unions, comprised in such District, in proportion to the annual Value of Messuages, Lands, Tenements, and Hereditaments upon which such Parishes and the Parishes combined in such Unions are respectively assessed to the County or Borough Rate, or other Rate in the Nature of a County or Borough Rate; and where any Parish or Place comprised in such District does not contribute in respect of the whole thereof to any County or Borough Rate, the said Expences shall be paid by such Parish or Place in proportion to the net annual Value of all the Property therein assessed to the Rates for the Relief of the Poor; and any Information necessary for the Distribution of such Charge shall be furnished, on Demand of such District Board or of the said Commissioners, by every Parish Officer, and by every Clerk of the Peace, Town Clerk, or other like Officer of any County, City, Town, or Borough, or other Place raising Rates in the Nature of County or Borough Rates.

Appointment of Auditors for District Boards.

XLIX. And be it enacted, That the Poor Law Commissioners shall appoint some Person, being at the Time the Auditor of some Parish or Union situated within the District for which any District Board for any School or Asylum may be appointed, who shall be the Auditor of such District, and shall be empowered and required to audit the Accounts of each District Board, and of the Officers of such District Board; and the Salary of every such Auditor of a District shall be paid by the District Board thereof; and the said Commissioners shall have the same Powers for regulating the Duties and Remuneration of such Auditors as they have with respect to paid Officers appointed by any Board of Guardians; and it shall be lawful for the said Commissioners, as they may see fit, to remove any Auditor of such District, and in case of Vacancy to appoint another Person as aforesaid to the Office; and every District Board constituted under this Act, and every Officer of such District Board, shall, twice in the Year at least, at such Time and in such Manner and Form as may be prescribed by the Poor Law Commissioners, account to the Auditor appointed as aforesaid; and such Auditor shall have all the Powers of allowing and disallowing any Charges in such Accounts as are or may hereafter be given to Auditors under the Provisions of the said first-recited Act or any other Act for the Audit of Accounts relating to Rates for the Relief of the Poor; and all Sums disallowed or reduced, or charged as Balances against any Person by such Auditor, shall be recovered, on the Application of such Auditor (which Application he is hereby empowered to make), in the same Way as Penalties and Forfeitures under the said first-recited Act, from the Person making or authorizing such illegal Payment; and within Thirty Days of such Audit each District Board shall cause to be printed, and shall forward by Post or otherwise to each Board of Guardians, and to the Officers of every Parish within their District, an Abstract of the Accounts of their District, so audited, in such Form as the Poor Law Commissioners may direct.

Guardians may visit and inspect Asylums.

L. And be it enacted, That every Guardian of every Union or Parish included in any such District formed for the Maintenance of an Asylum shall at all reasonable Times be entitled to enter the Asylum of such District, and inspect any Part thereof, and enter his Remarks thereon in a Book to be kept for that Purpose.

Children may be sent to District Schools from Parishes and Unions not combined, but not distant more than Twenty Miles.

LI. And be it enacted, That in any Case where a Parish or Union is not combined in a School District, and where any Part of such Parish or Union is not more than Twenty Miles from a District School, the Board of Guardians of such Parish or Union may, with the Consent of the Board of such District, send to such District School any infant Poor not above the Age of Sixteen Years, being chargeable to any such Parish or Union, who are Orphans, or are deserted by their Parents, or whose Parents or surviving Parent or Guardians are consenting thereto; and the Costs of the Maintenance, Employment, and Instruction of such infant Poor in such District Schools shall be paid by such Board of Guardians to such District Board,

Board, according to such Rates and at such Times and in such Manner as may be agreed upon by the said Boards, with the Approbation of the said Commissioners; and such infant Poor while at such District School shall be subject to the Control and Management of such District Board and their Officers, in like Manner as if the said Parish or Union were combined in such School District by virtue of this Act.

Repeal of the Acts 7 G. 3. c. 39. and 2 G. 3. c. 22.

LII. And be it enacted, That the Provisions of the Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of the Parish poor Children of the several Parishes therein mentioned within the Bills of Mortality*, and of an Act passed in the Second Year of the Reign of His said late Majesty, intituled *An Act for the keeping regular, uniform, and annual Registers of all Parish poor Infants under a certain Age within the Bills of Mortality*, shall be and are hereby repealed.

Class of destitute Poor to be relieved in such Asylum.

LIII. And be it enacted, That every District Board for the Management of any Asylum under this Act shall make Provision for the temporary Relief and setting to work therein of any poor Person found destitute within any such District, not professing to be settled in any Parish included therein, and not known to have any Place of Abode there, and not being charged with any Offence under the Provisions of an Act passed in the Fifth Year of His late Majesty King *George* the Fourth, intituled *An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of* Great Britain *called* England, or of any other Act; and, subject to any Regulations of the said Commissioners, every such District Board or any Committee thereof may direct the Mode of Admission of such poor Persons to the Asylum of such District; and it shall be lawful for any Constable of the Metropolitan Police, or of the Police of the City of *London*, or any Constable of the Police acting under the Chief Constable of any County, District, or Division, or any Constable of the City, Towns, or Boroughs respectively named in the Schedule marked (B.) annexed to this Act, personally to conduct any such poor Person found wandering abroad within any District to any Asylum established in such District in pursuance of this Act, and such poor Person shall, if there be Room in such Asylum, be temporarily relieved therein; and the Serjeant of Police or Constable conducting such poor Person shall sign his Name in a Column, headed to the following Effect, in a Book to be kept, in such Form and Manner as the said Commissioners may from Time to Time direct, by some Officer of every such Asylum, in which shall be entered the alleged Names of all poor Persons admitted:

5 G. 4. c. 83.

Mode of Admission into Asylum.

'WE, the undersigned Constables of the Metropolitan Police [*or* of the Police of the City of *London*, *or* Constable, *&c., as the Case may be*], do severally declare, so far as each of us is concerned therein, that we have conducted the poor Persons (whose alleged Names are set opposite our respective Signatures) to the Asylum of District, the said poor Persons having been by us found wandering abroad, and apparently destitute, and not having committed or being charged with any Offence punishable by Law, within our Knowledge.'

And every such Book, purporting to be signed and to be certified at the Foot of the Page by the Officer keeping the same, shall be received in all Courts of Justice as sufficient Evidence of the Fact that the poor Persons described therein were chargeable to the said District at the Time of their Admission, and, if not contradicted by other Evidence, of such other Particulars as are therein duly recorded; and all poor Persons admitted into any such Asylum shall, if they desire it, be relieved with Food and Lodging for the Night succeeding such Admission; but no such poor Person shall be detained against his Will for any longer Space of Time than until the ordinary Hour of Breakfast of the Day next succeeding his Admission, and Four Hours afterwards, unless such poor Person, since his Admission, have become lawfully punishable for Misbehaviour within such Asylum, in which Case it shall be lawful to detain such poor Person for a Space of Time sufficient for such Punishment; but no poor Person shall be punished for any Offence or Misbehaviour in any Asylum by Confinement for any longer Space of Time than Twenty-four Hours, and such longer Space of Time as may be necessary in order to have such Person before a Justice of the Peace; and if any poor Person so admitted as aforesaid shall be disabled by Sickness, or shall be unwilling to depart from such Asylum, he may receive Relief therein, if he consent to remain, and conform to the Rules of the House, until the next Meeting of the District Board or of some Committee (which such District Board, subject to the Rules of the said Commissioners, is hereby authorized to appoint), who shall give such Directions respecting such poor Person as they may deem right, by discharging him from such Asylum, with a Direction to apply for Relief in the District where he has dwelt, or otherwise as to them may seem fit: Provided always, that, except under a medical Certificate of Sickness, it shall not be lawful for the Officers of any such Asylum to relieve any poor Person for a longer Period continuously in such Asylum than is sufficient to enable his Case to be decided by the District Board or Committee as aforesaid: Provided also, that if any Person received into such Asylum shall wilfully give a false Name, or make a false Statement, or shall be proved to have given Two or more different Names on Two or more different Occasions, when so received into any such Asylum, such Person not having lawfully changed her Name in consequence of Marriage, such Person shall be deemed a Rogue and Vagabond within the Meaning of the said Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of the United Kingdom called* England.

Regulations with respect to poor Persons admitted into such Asylums.

5 G. 4. c. 83.

Liabilities of Persons relieved in such Asylums.

LIV. And be it enacted, That every poor Person relieved in any Asylum under the Management of any District Board shall be liable to the same Obligations in respect of the Relief afforded to him as if the same were afforded in any Workhouse, and shall be subject to the same Punishment and Penalties as are provided

55 G. 3. c. 137. provided by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their Use; to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons, in certain Cases, for a longer Period than One Month at a Time; and for other Purposes therein mentioned relating to the Poor*, or under any other Act or Acts, for Refusal or Neglect to work, in pursuance of any Regulations or Directions prescribing a Task of Work, or for wilfully destroying or injuring his own Clothes or any Property, or for absconding with any Clothes or other Articles provided by such District Board, or for damaging any of the Property of such District Board, or for any Misbehaviour in such Asylum, by Disobedience of the Rules and Regulations in force therein, or otherwise, as if he were relieved or set to work in any Workhouse under the Control of a Board of Guardians acting under the Orders and Regulations of the said Commissioners in pursuance of the said first-recited Act: Provided always, that nothing in this Act contained shall relieve any Guardian, Overseer, Relieving Officer, or Master of a Workhouse from any Obligation now imposed upon him by Law with regard to the Relief of Cases of sudden and urgent Necessity, or shall prevent the Reception into a Workhouse of any Person labouring under dangerous Illness, or shall authorize the Transfer to an Asylum of any Person received into such Workhouse in a Case of dangerous Illness, unless with the Certificate in Writing of a Medical Man duly licensed to practise, to the Effect that such Person is then in a fit State to be removed, and stating the Manner in which such Person, in the Opinion of such Medical Man, may be safely removed.

Penalty for returning after Removal.

LV. And be it enacted, That if any poor Person return and become chargeable in the Asylum of any District after Removal from any Parish in such District, he shall be deemed to have returned and become chargeable, without any Certificate, to the Parish whence he has been legally removed by Order of Two Justices of the Peace, within the Meaning of the said Act made and passed in the Fifth Year of King *George* the Fourth, intituled *An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of* Great Britain *called* England.

5 G. 4. c. 83.

Workhouse to be deemed to be situate in every Parish of an Union, &c.

LVI. And be it enacted, That, for the Purposes of Relief, Settlement, and Removal of poor Persons, and the Burial of the Poor, the Workhouse of any Union or Parish, and every such District School, shall be considered as situated in the Parish to which each poor Person respectively to be relieved, removed, or buried, or otherwise concerned in any such Purpose, is or has been chargeable: Provided always, that every Birth and Death within any such Workhouse or Building shall be registered in the Parish or Place in which such Workhouse or Building is locally situated; and all Fees for registering Births and Deaths in any such Workhouse or Building shall be charged by the Guardians to the Parish or Union to which the Person dying or the Mother of the Child respectively is chargeable.

Committal of Offenders in Workhouses to the Gaol of the Place to which the Offenders belong.

LVII. And be it enacted, That if any Person be convicted before any Justice or Justices of any Offence committed in any Workhouse, while maintained therein, or of absconding from any Workhouse, and carrying away Clothes or other Property therefrom, and be liable to be committed for such Offence to any Gaol or House of Correction, it shall be lawful for the Justice or Justices before whom such Person is convicted to commit such Person to the Common Gaol or House of Correction of the County or Place in which the Parish is situated to which such Person at the Time of the Commission of the Offence was chargeable, notwithstanding that such Workhouse may not be situated in such County or Place, and notwithstanding that such Justices may not be Justices of such County or Place; and if such Person have not Goods or Money within such County or Place sufficient to bear the Charges of himself and those who convey him, then such Charges shall be defrayed at the Expence of the County, Place, or Parish, according to the Provisions of an Act passed in the Twenty-seventh Year of the Reign of King *George* the Second, intituled *An Act for the better securing to Constables and others the Expences of conveying Offenders to Gaol; and for allowing the Charges of poor Persons bound to give Evidence against Felons;* provided that in Cases of such Conviction and Committal as aforesaid all further Proceedings in respect thereof may be taken; and the Costs and Charges of such Proceedings, and for the Maintenance of such Offender in such Gaol or House of Correction, shall be payable in like Manner and under the like Authority as such Proceedings would have been taken, or as such Costs and Charges would have been payable, in case the Offence had been committed within the Parish or Place to which such Offender was chargeable at the Time when he committed such Offence.

27 G. 2. c. 3.

Punishment of Persons in Workhouses for Misconduct.

LVIII. 'And whereas by the said Act passed in the Fifty-fifth Year of the Reign of King *George* the 'Third, it is enacted, that if any Person or Persons shall desert or run away from any Workhouse or 'Workhouses, and carry away with him, her, or them any Clothes, Linen, or other Goods as aforesaid, 'such Person or Persons, being thereof lawfully convicted, either by the Confession of such Party or 'Parties, or by the Oath or Oaths of One or more credible Witness or Witnesses, before any Justice or 'Justices of the Peace, shall by such Justice or Justices of the Peace be forthwith committed to the 'Common Gaol or House of Correction, there to remain without Bail or Mainprize for the Space of Three 'Calendar Months; and it is further enacted, that in case any Person or Persons maintained in any 'public Workhouse or Workhouses established for the Relief, Maintenance, and Employment of the Poor 'shall refuse to work at any Work, Occupation, or Employment suited to his, her, or their Age, Strength, 'and Capacity, or shall be guilty of Drunkenness or other Misbehaviour, every such Person or Persons, 'being thereof lawfully convicted before any Justice or Justices of the Peace, shall thereupon by such 'Justice or Justices of the Peace be committed to the Common Gaol or House of Correction, there to 'remain without Bail or Mainprize for any Period of Time not exceeding Twenty-one Days, and during 'such

'such Time to be kept to hard Labour: And whereas it is desirable that Justices of the Peace should 'have a Power to commit such Persons as are first mentioned for a Period less than Three Months, and 'such Persons as are last mentioned for a Period greater than Twenty-one Days, in Cases of repeated 'Offences;' be it therefore enacted, That it shall be lawful for any Justice or Justices to commit any such Person as is first mentioned to the Common Gaol or House of Correction, to be kept there in the Manner provided by the said recited Act for any Period not less than Seven Days nor greater than Three Months, and to commit any such Persons as are last mentioned, in case such Persons have been before convicted of a like Offence, to the Common Gaol or House of Correction, in manner provided by the said Act, for any Period not exceeding Forty-two Days.

Costs of certain Civil and Criminal Proceedings to be paid out of Poor Rates.

LIX. And be it enacted, That it shall be lawful for any Board of Guardians or District Board to pay out of the Funds in their Hands the reasonable Costs of the Apprehension and of the Prosecution of any Person who, according to the Laws in force at the Time being, is charged with refusing or neglecting to maintain himself or his Family, or with running away and leaving his Family chargeable, or whereby such Family has become chargeable, or with wilfully neglecting or disobeying the Rules, Orders, and Regulations of the Poor Law Commissioners, or with any Offence or Misbehaviour in any Workhouse, or with deserting or running away from any Workhouse, and carrying away Clothes, Linen, or other Goods or Things belonging to any Workhouse, or given or procured or provided as or for Relief, or with Neglect or Disobedience of the reasonable and lawful Orders of Justices or Guardians, or of any District Board, in the Administration of the Laws relating to the Relief of the Poor, or with obstructing or assaulting any Officer engaged in the Administration of the Laws for Relief of the Poor, or with fraudulently obtaining, stealing, purloining, embezzling, wasting or injuring, or wilfully misapplying, any Property applicable to or connected with the Relief of the Poor, or with any Offence directly affecting the Administration of the Laws for the Relief of the Poor, and the reasonable Costs of apprehending and prosecuting any Officer who may have been employed in the Administration of the Laws for the Relief of the Poor, for any Neglect or Breach of any Duty of his Office, or for any Maltreatment or Abuse of any poor Person; and, subject to the Approval of the said Commissioners, every Board of Guardians or District Board shall pay the Costs of all legal Proceedings taken by any Auditor, or under his Direction, for the Protection of the Poor Rates or Property of any Parish, Union, or District, or taken by any other Person whom the Board of Guardians or District Board have authorized or directed to institute such Prosecution or legal Proceedings; and to the Extent to which any such Costs may not be repaid by the offending or other Party, or from the County, Liberty, or Borough Rates, the Guardians of any Union then may, in any of the Cases aforesaid, having due Regard to the Circumstances of the Case, and subject to the Approval of the Poor Law Commissioners, charge such Expences, either to the common Funds of the Union, or to any Parish or Parishes comprised therein; and the District Board of any District may, having like Regard to the Circumstances of the Case, and subject to the like Approval of the Poor Law Commissioners, charge such Expences, either to the Funds of the whole of such District, or on any One or more of the Unions and Parishes comprised therein.

Expences of Jury Lists and Boundaries of Parishes may be paid out of Poor Rates. 6 G. 4. c. 50.

LX. And be it enacted, That the Costs, Charges, and Expences properly incurred by the Officers of the Parish in making out, preparing, printing, and collecting the Lists of Persons qualified to serve on Juries, according to the Provisions of the Act in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries*, and relating thereto, shall be paid and allowed to them out of the Poor Rates of the Parish, together also with all Expences properly incurred by the same Officers on the Perambulation of the Parish, and in setting up and keeping in proper Repair the Boundary Stones of the Parish, provided that such Perambulations do not arise more than once in every Three Years.

Collectors appointed by Guardians may be appointed to perform the Duties of Assistant Overseers. 2 & 3 Vict. c. 84.

LXI. 'And whereas by an Act passed in the Third Year of the Reign of Her Majesty Queen *Victoria*, 'intituled *An Act to amend the Laws relating to the Assessment and Collection of Rates for the Relief 'of the Poor*, it was amongst other things enacted, "that all Orders heretofore made and issued under 'the Hands and Seals of the Poor Law Commissioners, and not rescinded by them or quashed before 'the Sixth Day of *May* in the present Year, by which the said Commissioners may have directed the 'Overseers or Guardians of any Parish or Union to appoint any Person to collect the Rates for the 'Relief of the Poor in any Parish or Parishes, or shall have defined or specified or directed the Execution 'of the Duties of such Person, or the Places or Limits within which the same shall be performed, or 'shall have directed the Mode of Appointment, or determined the Continuance in Office or Dismissal 'of any such Person from his Office, or the Amount or Nature of the Security to be given by any such 'Person, or shall have regulated the Amount of Salary payable to any such Person, or the Time or Mode 'or the Proportions of Payment thereof, shall be deemed and the same are hereby declared to have 'the same Force and Validity as if the same had been warranted by an Act passed in the Fourth and 'Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the* 4 & 5 W. 4. c. 76. '*Amendment and better Administration of the Laws for the Relief of the Poor;* and the Commissioners 'shall have the same Powers and Authorities with respect to all such Orders, and to the Persons 'appointed in pursuance thereof, as they have with respect to Orders made and issued, and the paid 'Officers appointed, under the Provisions of the said Act; and that every Person appointed by Guardians 'of the Poor under any such Order of the said Commissioners shall have the like Powers, Authorities, 'Privileges, Immunities, Protections, and Remedies, in and for the Performance of his Duty under such 'Order, as are by Law given to Overseers of the Poor in the Performance of the like Duty;" and it is

'expedient that such Collectors should in certain Cases be invested with other of the Duties of Overseers 'of the Poor;' be it enacted, That the Inhabitants in Vestry assembled of any Parish situated within the District for which any Collector or Assistant Overseer appointed under any Order of the said Commissioners now acts may appoint such Collector or Assistant Overseer to discharge all the Duties of an Overseer of the Poor, in addition to those of Collector of Poor Rates for such Parish, and in the same Manner as if he were appointed thereto as an Assistant Overseer under the Provisions of an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor;* and wherever any such Collector or Assistant Overseer has been or may be appointed under any Order of the said Commissioners, and whilst the said Order remains in force, the Powers of any Vestry or Parish Officers or of any other Persons, other than the Board of Guardians of such Parish or Union (if a Board of Guardians have been constituted), to appoint any Collector or Assistant Overseer, and (if so directed by the said Commissioners) every Appointment under such Powers shall cease: Provided always, that where the Appointment of such Assistant Overseer shall have been made under the Powers of any Local Act of Parliament of a Parish containing more than Twenty thousand Persons such Appointment shall continue, and the Powers of such Local Act, as to any future Appointment of an Assistant Overseer, shall be exercised, but subject always to the Powers of the Poor Law Commissioners, notwithstanding the Provisions of this Act: Provided always, that no Overseer shall be discharged by the Appointment of any such Collector or Assistant Overseer from his Responsibility for the Provision and Supply of Monies necessary for the Relief of the Poor, or for any of the Purposes to which the Rates made for the Relief of the Poor may be by Law applicable; and every Collector appointed or to be hereafter appointed as aforesaid, and every Assistant Overseer appointed or hereafter to be appointed, in pursuance of the said Act of the Fifty-ninth Year of the Reign of King *George* the Third, or of the Orders of the said Commissioners, shall, subject to the Rules of the Poor Law Commissioners, obey, in all Matters relating to the Duties of Overseer, all Directions of the Majority of the Overseers of the Parish for which he acts; and the said Commissioners shall have the same Powers with respect to all Collectors or Assistant Overseers as are given to them by the said first-recited Act with respect to paid Officers; and every Collector or Assistant Overseer appointed as aforesaid shall be bound to give to the Board of Guardians of the Parish or Union, or if there there be no such Board of Guardians then to the Overseers of the Parish for which such Collector or Assistant Overseer may act, sufficient Security for the due Performance of his Duties; and no Bond or any other Security entered into in pursuance of this Act, or of the said Act of the Fifty-ninth Year of the Reign of King *George* the Third, shall be charged or chargeable with, or be deemed to be or to have been subject or liable to, any Stamp Duty whatsoever; and wherever any Parish for which such Collector or Assistant Overseer may be appointed is situated in an Union, or is governed by a Board of Guardians, every Bond or Security given by any Officer, in pursuance of this Act, or of the said Act of the Fifty-ninth Year of the Reign of King *George* the Third, or of the said first-recited Act, and not contrary to the Rules of the said Commissioners, shall, if the Guardians shall see fit, be put in Suit by the Board of Guardians of the Union in which the Parish or District for which the Officer acts or has acted may be situated, notwithstanding that such Bond or Security may have been originally given to the Overseers of a Parish, or to any other Persons; and every Bond or Security given by or on account of any Officer appointed by any Board of Guardians, for the due Performance of the Office to which he is so appointed, shall remain in full Force and Effect, notwithstanding any Change in District for which such Officer may have been appointed or required to act at the Time when such Bond or Security was given, or the Addition of any Parish to or the Separation of any Parish from such Union since the giving of such Security.

59 G. 3. c. 12.

Poor Law Commissioners, on Application of the Board of Guardians, may direct Appointment of paid Collector of Poor Rates.

LXII. And be it enacted, That if the Board of Guardians of any Parish or Union make Application to the said Commissioners to direct the Appointment of a paid Collector of the Poor Rates in such Parish or Union, or in any Parish or Parishes of such Union, it shall be lawful for the said Commissioners, by Order under their Hands and Seal, to direct the said Board of Guardians to appoint such a Collector; and the said Commissioners shall have the same Powers with respect to such Collectors as are given to them by the said first-recited Act with respect to paid Officers; and all Powers of the Inhabitants of any Parish in Vestry assembled, or of Justices of the Peace, or of any Persons, other than the Board of Guardians of such Parish or Union, to appoint any Collector for any such Parish as aforesaid, and (except when otherwise directed by the said Commissioners) all Appointments under such Powers, shall cease.

Penalty on Overseers neglecting to obtain a Supply of Funds for the Relief of the Poor.

LXIII. And be it enacted, That if the Overseers of any Parish wilfully neglect to make or collect sufficient Rates for the Relief of the Poor, or to pay such Monies to the Guardians of any Parish or Union as such Guardians may require, and if by reason of such Neglect any Relief directed by the Board of Guardians to be given to any poor Person be delayed or withheld during a Period of Seven Days, every such Overseer shall upon Conviction thereof forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds.

In what Manner Guardians under Local Acts shall conduct their Proceedings.

LXIV. And be it enacted, That the Guardians of every Parish or Union acting under any Local Act for the Relief of the Poor shall hold their Meetings once in every Fortnight, or oftener, and in all Matters concerning the Relief of the Poor shall act as a Board at a Meeting, and not individually; and whenever under any such Local Act there is no Person particularly designated or authorized to act as Chairman, such Guardians shall elect and appoint annually, and from Time to Time as Vacancies may occur, a Chairman and Vice Chairman of such Board, and shall at any Meeting at which no Chairman or Vice Chairman is present elect a temporary Chairman to preside at that Meeting: Provided always, that

Parishes under Local Acts,

when

when the Relief of the Poor has been hitherto administered in any Parish by Guardians appointed under a Local Act, and not by Overseers of the Poor, if such Parish, according to the last Enumeration of the Population published by Authority of Parliament, contain more than Twenty thousand Persons, it shall not be lawful for the said Commissioners, after the passing of this Act, without the Consent in Writing of Two Thirds at least of such Guardians, to declare such Parish to be united with any other Parish for the Administration of the Laws for the Relief of the Poor, any thing in the said first-recited Act to the contrary notwithstanding; provided, however, that nothing herein contained shall prevent the said Commissioners from including any such last-mentioned Parish in a District for providing and managing an Asylum for the temporary Relief of and setting to work of destitute houseless Poor, or from including such Parish in a District for the Audit of Accounts, under the Provisions of this Act, except as hereinafter enacted.

with a Population exceeding 20,000, not to be united without Consent of Guardians.

Exception as to Vagrant and Audit Districts.

LXV. Provided always, and be it enacted, That where any Parish which is not governed by a Board of Guardians constituted under the said first-recited Act, or comprised in any Union, but is governed by Guardians or Directors under a Local Act, and contains a Population exceeding Twenty thousand Persons, according to the last Enumeration of the Population published by the Authority of Parliament, have before the First Day of *January* in this present Year adopted and acted upon the Provisions of an Act passed in the Second Year of the Reign of King *William* the Fourth, intituled *An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes of* England *and* Wales, and that where any Two or more Parishes situated within the District of the Metropolitan Police, containing together a Population exceeding Twenty thousand, according to the last Enumeration of the Population published by the Authority of Parliament, have been united for the Purposes of Rating or Settlement under the Provisions of any Local Act, and are governed by Guardians or Directors under such Local Act, and have not been comprised in any Union formed under the Provisions of the said first-recited Act, and have an Auditor or Auditors appointed and acting under any Provisions of such Local Act relating to the Audit of Accounts in such Parishes, it shall not be lawful to include such Parish or such Two or more Parishes respectively in any such District for the Audit of Accounts: Provided always, that it shall be lawful for any Assistant Poor Law Commissioner to be present at any Audit as if the same were a Meeting of a Board of Guardians or Vestry, and to inspect, examine, and take Copies or Extracts from any Books, Accounts, or Vouchers produced at such Audit.

Parishes, with a Population exceeding 20,000, under Local Acts, having adopted the Provisions of 1 & 2 W. 4. c. 60., and Parishes in the Metropolitan District having Auditors, not to be included in any District for Audit of Accounts.

Proviso.

LXVI. 'And whereas it is provided by the said first-recited Act that the said Commissioners may, 'from Time to Time as they may see fit, by Order under their Hands and Seal, declare any Union not 'united for the Purposes of Settlement or Rating to be dissolved, or any Parish or Parishes to be 'separated from or added to any such Union, and that such Union shall thereupon be dissolved, or 'such Parish or Parishes shall thereupon be separated from or added to such Union accordingly; and 'it is thereby further provided that no such Dissolution, Alteration, or Addition shall take place or be 'made unless a Majority of not less than Two Thirds of the Guardians of such Union concur therein; 'and it is expedient to enable the said Commissioners to separate any Parish or Parishes from any 'Union, or to add any Parish or Parishes to any Union, without the Concurrence of the Guardians of 'such Union respectively;' be it enacted, That it shall be lawful for the said Commissioners to exercise the Powers given to them by the said Act for the separating of any Parish or Parishes from any Union formed under the Provisions of the said Act, or for the Addition of any Parish or Parishes to any such Union, without the Concurrence of the Guardians of such Union respectively in such Separation or Addition; and the said Commissioners may, if they see fit, cause a Board of Guardians to be elected under the Provisions of the said Act for any single Parish separated from any Union in pursuance hereof, notwithstanding the Provisions of any Local Act in force in such Parish.

Commissioners may separate Parishes from Unions, or add Parishes to Unions, without the Consent of the Guardians of the Union.

LXVII. And be it enacted, That so much of an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their Use; to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons in certain Cases for a longer Period than One Month at a Time; and for other Purposes therein mentioned relating to the Poor*, as relates to the giving of Notice of the Intention to enter into Contracts relating to the Relief of the Poor, shall be and the same is hereby repealed.

Repeal of 55 G. 3. c. 137. s. 7. as to Notices of Contracts for supplying Workhouses.

LXVIII. And be it enacted, That, notwithstanding any thing contained in an Act passed in the Seventh Year of the Reign of Her Majesty, intituled *An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in* England *and* Wales, it shall be lawful for any Clerk or other Officer to any Board of Guardians constituted under the said first-recited Act or under any Local Act, or to any District Board, if duly empowered by such Board, to make or resist any Application, Claim, or Complaint, or to take and conduct any Proceedings on behalf of such Board before any Justice or Justices of the Peace at Petty or Special Sessions or out of Sessions, although such Clerk or Officer be not an Attorney or Solicitor, or have not obtained a stamped Certificate in pursuance of the Provisions of the said Act.

Clerks and Officers may conduct Proceedings before Justices at Petty Sessions on behalf of Boards of Guardians, although not Attornies.

LXIX. And be it enacted, That it shall be lawful for any Board of Guardians or District Board, at any Meeting thereof, to make a Certificate in the Form or to the Effect contained in the Schedule of this Act marked (C.), and that every such Certificate, and every Copy of a Minute of any Order, Complaint, Claim, Application, or Authority of any such Board of Guardians or District Board, purporting respec-

Guardians, &c. may make a certain Certificate, which may be received in Evidence, &c.

tively to be signed by the presiding Chairman of such Guardians or District Board, and to be sealed with their Seal, and to be countersigned by their Clerk, shall, unless the contrary be shown, be taken to be sufficient Proof of the Truth of all the Statements contained in such Certificate, and of the Directions respecting such Order, Complaint, Claim, or Application having been given as alleged in the Copy of such Minute, and shall be received in Evidence accordingly by and before all Courts of Justice and all Justices, without any Proof of the Signatures or of the official Characters of the Persons signing the same, or of such Seal, or of such Meeting; and that for the Purpose of making any Order of Removal or other Order no further or other Evidence of Chargeability than such Certificate shall be required, provided that every such Order bear Date within Twenty-one Days next after the Day of the Date of such Certificate.

Justices at Petty Sessions, or out of Sessions, may summon Witnesses, and compel them to attend and give Evidence.

LXX. And be it enacted, That in any Proceedings to be had before Justices in Petty or Special Sessions, or out of Sessions, under the Provisions of this Act or of any of the Acts required to be construed as one Act herewith, if any Party to such Proceedings request that any Person be summoned to appear as a Witness in such Proceedings, it shall be lawful for any Justice to summon such Person to appear and give Evidence upon the Matter of such Proceedings; and if any Person so summoned neglect or refuse to appear to give Evidence at the Time and Place appointed in such Summons, and if Proof upon Oath be given of personal Service of the Summons upon such Person, and that the reasonable Expences of Attendance were paid or tendered to such Person, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to require such Person to be brought before him, or any Justices before whom such Proceedings are to be had; and if any Person coming or brought before any such Justices in any such Proceedings refuse to give Evidence thereon, it shall be lawful for such Justices to commit such Person to any House of Correction within their Jurisdiction, there to remain without Bail or Mainprize for any Time not exceeding Fourteen Days, or until such Person shall sooner submit himself to be examined, and in case of such Submission the Order of any such Justice shall be a sufficient Warrant for the Discharge of such Person.

Rules, &c. printed by the Printer authorized by Her Majesty to be received in Evidence.

LXXI. 'And whereas it is provided by the said first-recited Act that all Rules, Orders, and Regulations 'made by the said Commissioners under the Authority of the said Act shall be as valid and binding, and 'shall be obeyed and observed, as if the same were specifically made by and embodied in the said Act; 'but no sufficient Provision is made for bringing such Orders to the Knowledge of Courts of Justice;' be it therefore enacted, That any Copy of any such Rule, Order, or Regulation, printed by the Printer duly authorized by Her Majesty or any of Her Royal Predecessors or Successors, shall, after the Lapse of Fourteen Days from the Date thereof, be received in Evidence, and judicially taken notice of, and shall, until the contrary be shown, be deemed sufficient Proof that such Order was duly made, and is in force.

Evidence in legal Proceedings of the Transmission of the Commissioners Rules, &c.

LXXII. 'And whereas it is provided by the said first-recited Act that a written or printed Copy of 'every Rule, Order, or Regulation of the said Commissioners shall, before the same shall come into 'operation in any Parish or Union, be sent by the said Commissioners by the Post, or in such Manner 'as the Commissioners shall think fit, sealed or stamped with their Seal, addressed to the Overseers of 'such Parish, the Guardians of such Union, or their Clerk, and to the Clerk to the Justices of the Petty 'Sessions held for the Division in which such Parish or Union shall be situate: And whereas the Proof 'of such sending is often attended with great Expence and Difficulty;' be it enacted, That it shall not in any civil or criminal Proceeding be necessary to prove such sending, except to the Clerk to the Guardians of the Union or of the Parish, or, where there shall be no Guardians, to the Overseers of the Parish within which such Rule, Order, or Regulation is intended to have effect; and that it shall in no Case be necessary to prove such sending, unless reasonable Notice in Writing be given, by the Party requiring such Proof, to the Party upon whom such Proof would lie, that such Proof will be required; and whenever it is proved to the Satisfaction of the Court that the said Rule, Order, or Regulation was sent, and that the Party was cognizant thereof, such Court shall order the reasonable Expences of the Witness or Witnesses proving the same to be paid by the Party who has given such Notice, and such Expences shall be recoverable as Penalties and Forfeitures under the first-recited Act.

Conveyances, &c. for Workhouses to be good, although not enrolled.

LXXIII. And be it enacted, That in all Cases where any Messuages, Lands, or Hereditaments, or any Estates or Interest therein, have or hath been conveyed or assured, or purported to be conveyed or assured, either gratuitously or for valuable Consideration, to or in trust for the Churchwardens and Overseers of the Poor, or the Overseers only, or the Guardians of any Parish or Parishes respectively, or otherwise for the Benefit of any Parish or Parishes respectively, or to or in trust for the Guardians of any Union, for the Purpose of providing a Workhouse or Asylum, or Workhouses or Asylums, for the Accommodation of the Poor of such Parish or Parishes or Union respectively, every such Conveyance or Assurance shall be deemed good and valid for all Purposes whatsoever, notwithstanding that such Conveyance or Conveyances have not been enrolled pursuant to the Statute passed in the Ninth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to restrain the Disposition of Lands whereby the same became inalienable.*

9 G. 2. c. 36.

Construction of Act. 5 & 6 Vict. c. 57.

LXXIV. And be it enacted, That this Act shall be construed in the same Manner as the Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to continue until the Thirty-first Day of* July *One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, the Poor Law Commission; and for the further Amendment of the Laws relating to the Poor in* England, and as one Act with the same, and with the Acts and Provisions thereby required to be construed as one Act; and the Word "Month" shall be taken to mean Calendar Month; and the Words

Words "Clerk of the Peace" shall be taken to mean the Clerk of the Peace or other Officer discharging any of the Duties of Clerk of the Peace for any County, Division of a County, Riding, Borough, Liberty, Division of a Liberty, Precinct, County of a City, City, County of a Town, Town, Cinque Port, or Town Corporate; and the Words "licensed Minister" in the said first-recited Act, and "Minister" in this Act, shall be construed to mean and include every Person in Holy Orders, and also every Person teaching or preaching in any Congregation for religious Worship whose Place of Meeting is certified and recorded according to Law; and, except where it is otherwise expressly provided, all Provisions in any Act now passed or hereafter to be passed, relating to the Officers of Boards of Guardians constituted under the Provisions of the said first-recited Act, or to the Workhouses under the Management of such Guardians, shall apply to all Officers appointed by any District Board, and to all Workhouses under the Management of any District Board.

Extent of Act.

LXXV. And be it enacted, That this Act shall extend only to *England* and *Wales*.

When Act to operate.

LXXVI. And be it enacted, That this Act shall come into operation on the Day next after that on which Her Majesty gives Her Assent thereto.

Act may be amended, &c.

LXXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

County
Division

Name of Mother of Bastard applying.	Date of Issue of Summons.	Date of Petty Sessions.	Result of the Application.	Name of the putative Father in all Cases in which Orders are made.
			[Here state if the Summons was never served, or if the alleged Father absconded, or the Complaint was abandoned or heard, and the Order refused, or, if made, the Amount of the Order.]	

I certify the above List to be correct in all Particulars.
(Signed) *A. B.*, Clerk to the Justices.

SCHEDULE (B.)

City, Towns, and Boroughs.

LIVERPOOL. LEEDS.
MANCHESTER. BIRMINGHAM.
BRISTOL.

SCHEDULE (C.)

The Board of Guardians of the Poor of the Union [*or* Parish of] do hereby certify, That on the Day of *A. B.* and his Wife *C. B.*, and his Child *E. B.*, became chargeable to the Parish of in the said Union [*or* to the said Union].

In testimony whereof the Common Seal of the said Guardians is hereunto affixed at a Meeting of their Board this Day of 18 .

(L. S.) (Signed) *W. J.*, Presiding Chairman of the said Board.
(Countersigned) *C. D.*, Clerk [*or* acting as Clerk] to the Board of Guardians of .

CAP. CII.

An Act to repeal certain Penal Enactments made against Her Majesty's Roman Catholic Subjects. [9th *August* 1844.]

'WHEREAS Roman Catholics, and Persons professing the Roman Catholic Religion, were, by certain Acts made and passed by the Parliament of *England* and the Parliament of *Great Britain*, rendered liable to Punishments, Pains, Penalties, and Disabilities for or on account of their Religious Belief or Profession, to which Punishments, Pains, Penalties, and Disabilities none other of Her Majesty's Subjects are liable: And whereas it is expedient to amend the Law in this respect:' Be it therefore

therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the several Acts herein-after mentioned, or so much and such Parts of any of them as are herein-after specified, shall be repealed; (that is to say,)

Certain Acts and Parts of Acts repealed.

5 & 6 Edw. 6. c. 1. So much of an Act passed in the Sixth Year of the Reign of King *Edward* the Sixth, intituled *An Act for the Uniformity of Service and Administration of Sacraments throughout the Realm*, as relates to the Offence of willingly and wittingly hearing and being present at any other Manner or Form of Common Prayer, of Administration of the Sacraments, of making of Ministers in the Churches, or of any other Rites contained in the Book annexed to that Act, than is mentioned and set forth in such Book, so far as the same in any Manner affects Roman Catholics:

1 Eliz. c. 1. Also so much of an Act passed in the First Year of the Reign of Queen *Elizabeth*, intituled *An Act to restore to the Crown the ancient Jurisdiction over the Estate, ecclesiastical and spiritual, and abolishing all Foreign Powers repugnant to the same*, whereby, after the following Enactment, "that if any Person or Persons dwelling or inhabiting within this Your Realm, or in any other Your Highnesses Realms or Dominions, of what Estate, Dignity, or Degree soever he or they be, after the End of Thirty Days next after the Determination of this Session of this present Parliament, shall, by writing, printing, teaching, preaching, express Words, Deed, or Act, advisedly, maliciously, and directly affirm, hold, stand with, set forth, maintain, or defend the Authority, Preheminence, Power, or Jurisdiction, spiritual or ecclesiastical, of any Foreign Prince, Prelate, Person, State, or Potentate whatsoever, heretofore claimed, used, or usurped within this Realm, or any Dominion or Country being within or under the Power, Dominion, or Obeysance of Your Highness, or shall advisedly, maliciously, and directly put in ure or execute any thing for the extolling, Advancement, setting forth, Maintenance, or Defence of any such pretended or usurped Jurisdiction, Power, Preheminence, and Authority, or any Part thereof, that then every such Person and Persons so doing and offending, their Abettors, Aiders, Procurors, and Counsellors, being thereof lawfully convicted and attainted, according to the due Order and Course of the Common Laws of this Realm, for his or their First Offence shall forfeit and lose unto Your Highness, Your Heirs and Successors, all his and their Goods and Chattels, as well real as personal; and if any such Person so convicted or attainted shall not have or be worth of his proper Goods and Chattels to the Value of Twenty Pounds at the Time of his Conviction or Attainder, that then every such Person so convicted or attainted, over and besides the Forfeiture of all his said Goods and Chattels, shall have and suffer Imprisonment by the Space of One whole Year, without Bail or Mainprise;" it is enacted, "that if any such Offender or Offenders, after such Conviction or Attainder, do eftsoons commit or do the said Offences or any of them in manner and form aforesaid, and be thereof duly convicted and attainted as is aforesaid, that then every such Offender and Offenders shall for the same Second Offence incur into the Dangers, Penalties, and Forfeitures ordained and provided by the Statute of Provision and Premunire made in the Sixteenth Year of the Reign of King *Richard* the Second; and if any such Offender or Offenders, at any Time after the said Second Conviction and Attainder, do the Third Time commit and do the said Offences or any of them in manner and form aforesaid, and be thereof duly convicted and attainted as is aforesaid, that then every such Offence or Offences shall be deemed and adjudged High Treason; and that the Offender or Offenders therein, being thereof lawfully convicted and attainted according to the Laws of this Realm, shall suffer Pains of Death, and other Penalties, Forfeitures, and Losses, as in Cases of High Treason by the Laws of this Realm:"

1 Eliz. c. 2. Also so much of an Act made and passed in the said First Year of the Reign of the said Queen *Elizabeth*, intituled *An Act for the Uniformity of Common Prayer and Service in the Church, and Administration of the Sacraments*, whereby it is enacted, "that all and every Person and Persons inhabiting within this Realm or any other the Queen's Majesty's Dominions shall diligently and faithfully, having no lawful or reasonable Excuse to be absent, endeavour themselves to resort to their Parish Church or Chapel accustomed, or upon reasonable Let thereof to some usual Place where Common Prayer and such Service of God shall be used in such Time of Let, upon every *Sunday* and other Days ordained and used to be kept as Holy Days, and then and there to abide orderly and soberly during the Time of the Common Prayer, Preaching, or other Service of God there to be used and ministered," upon the Pains, Penalties, and Punishments therein mentioned, so far as these Enactments of the last-mentioned Act relate to or affect Roman Catholics:

5 Eliz. c. 1. Also so much of an Act passed in the Fifth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act for the Assurance of the Queen's Royal Power over all Estates and Subjects within Her Dominions*, as renders any Person violating its Provisions liable to the Penalties of Treason, or of the Statute of Præmunire:

23 Eliz. c. 1. Also the whole of an Act passed in the Twenty-third Year of the Reign of the said Queen *Elizabeth*, intituled *An Act to retain the Queen's Majesty's Subjects in their due Obedience:*

27 Eliz. c. 2. Also the whole of an Act passed in the Twenty-seventh Year of the Reign of the said Queen *Elizabeth*, intituled *An Act against Jesuits, Seminary Priests, and other such like disobedient Persons:*

29 Eliz. c. 6. Also so much of an Act passed in the Twenty-ninth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act for the more speedy and due Execution of certain Branches of the Statute made in the*

the Twenty-third Year of the Queen's Majesty's Reign, intituled "*An Act to retain the Queen's Majesty's Subjects in their due Obedience,*" as relates to or in any Manner affects Roman Catholics:

Also the whole of an Act passed in the Thirty-fifth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act to retain the Queen's Majesty's Subjects in their due Obedience:* 35 Eliz. c. 1.

Also the whole of an Act passed in the said Thirty-fifth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act for restraining Popish Recusants to some certain Places of Abode:* 35 Eliz. c. 2.

Also an Act passed in the First Year of the Reign of King *James* the First, intituled *An Act for the due Execution of the Statutes against Jesuits, Seminary Priests, Recusants, &c.*, except so much of the same Act as relates to the keeping any School, or to the being a Schoolmaster, or to the retaining or maintaining a Schoolmaster: 1 Jac. 1. c. 4.

Also so much of that Part of an Act passed in the Third Year of the Reign of the said King *James* the First, intituled *An Act for a public Thanksgiving to Almighty God every Year on the Fifth of* November, whereby it is enacted, "that all and every Person and Persons inhabiting within this Realm of *England* and the Dominions of the same shall always upon that Day diligently and faithfully resort to the Parish Church or Chapel accustomed, or to some usual Church or Chapel where the said Morning Prayer, Preaching, or other Service of God shall be used, and then and there to abide orderly and soberly during the Time of the said Prayers, Preaching, or other Service of God then to be used and ministered," as relates to or in any Manner affects Roman Catholics: 3 Jac. 1. c. 1.

Also so much and such Parts of an Act passed in the said Third Year of the Reign of the said King *James* the First, intituled *An Act for the better discovering and repressing of Popish Recusants,* as relate to Popish Recusants, to the Treasons created by the same Act, and to the compelling any Roman Catholic to resort to the Church of the Parish where he or she shall most usually abide or be within the Year, and to receive the Sacrament of the Lord's Supper: 3 Jac. 1. c. 4.

Also another Act passed in the said Third Year of the Reign of the said King *James* the First, intituled *An Act to prevent and avoid Dangers which grow by Popish Recusants,* except those Parts of the same Act whereby it is enacted, "that every Person or Persons that is or shall be a Popish Recusant Convict during the Time that he shall be or remain a Recusant shall from and after the End of the then present Session of Parliament be utterly disabled to present to any Benefice with Cure or without Cure, Prebend or other Ecclesiastical Living, or to collate or nominate to any Free School, Hospital, or Donative whatsoever, and from the Beginning of the then present Session of Parliament shall likewise be disabled to grant any Avoidance to any Benefice, Prebend, or other Ecclesiastical Living," and which specify the Counties, Cities, and other Places and Limits or Precincts within which the Chancellor and Scholars of the University of *Oxford* and the Chancellor and Scholars of the University of *Cambridge* respectively have the Presentation, Nomination, Collation, and Donation of and to every such Benefice, Prebend, Living, School, Hospital, and Donative as shall happen to be void during such Time as a Patron thereof shall be and remain a Recusant Convict as aforesaid; and whereby it is provided, "that neither of the said Chancellors and Scholars of either of the said Universities shall present or nominate, to any Benefice with Cure, Prebend, or other Ecclesiastical Living, any such Person as shall then have any other Benefice with Cure of Souls, and if any such Presentation or Nomination shall be had or made of any such Person so beneficed, the said Presentation or Nomination shall be void, any thing in this Act to the contrary notwithstanding:" 3 Jac. 1. c. 5.

Also so much of an Act passed in the Seventh Year of the Reign of the said King *James* the First, intituled *An Act for administering the Oath of Allegiance and Reformation of married Women Recusants,* as relates to Recusants or to the Penalties of Recusancy: 7 Jac. 1. c. 6.

Also the whole of an Act passed in the Third Year of the Reign of King *Charles* the First, intituled *An Act to restrain the passing or sending of any to be popishly bred beyond the Seas:* 3 Car. 1. c. 2

Also so much and such Parts of Two Acts respectively, the one passed in the said Third Year of the Reign of the said King *Charles* the First, and intituled *An Act for Continuance and Repeal of divers Statutes,* and the other passed in the Sixteenth Year of the said last-mentioned Reign, and intituled *An Act for the further Relief of His Majesty's Army and the Northern Parts of the Kingdom,* relating to the Continuance of an Act made in the Thirty-fifth Year of the Reign of Queen *Elizabeth*, intituled *An Act to retain the Queen's Majesty's Subjects in their due Obedience,* as in any Manner affect Roman Catholics: 3 Car. 1. c. 4. 16 Car. 1. c. 4. 35 Eliz. c. 1.

Also so much of an Act passed in the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, intituled *An Act for the Uniformity of public Prayers and Administration of Sacraments and other Rites and Ceremonies; and for establishing the Form of making, ordaining, and consecrating Bishops, Priests, and Deacons in the Church of* Englnad, as confirms any Act or Part of any Act hereby repealed: 13 & 14 Car. 2. c. 4.

Also so much of an Act passed in the Twenty-fifth Year of the Reign of the said King *Charles* the Second, intituled *An Act for preventing Dangers which may happen from Popish Recusants,* whereby it is enacted, "that if any Person or Persons, not bred up by his or their Parent or Parents from their Infancy in the Popish Religion, and professing themselves to be Popish Recusants, shall breed up, instruct, or educate his or their Child or Children, or suffer them to be instructed or educated, in the Popish Religion, every such Person being thereof convicted shall be from thenceforth disabled of bearing any Office or Place of Trust or Profit in Church or State;" and whereby it is enacted, 25 Car. 2. c. 2.

enacted, "that all such Children as shall be so brought up, instructed, or educated are and shall be thereby disabled of bearing any such Office or Place of Trust or Profit until he and they shall be perfectly reconciled and converted to the Church of *England*, and shall take the Oaths of Supremacy and Allegiance aforesaid before the Justices of the Peace in the open Quarter Sessions of the County or Place where they shall inhabit, and thereupon receive the Sacrament of the Lord's Supper after the Usage of the Church of *England*, and obtain a Certificate thereof under the Hands of Two or more of the said Justices of the Peace:"

1 W. & M. c. 8. Also so much of an Act passed in the First Session of Parliament in the First Year of the Reign of King *William* the Third and Queen *Mary*, intituled *An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths*, as renders liable any Person or Persons who shall refuse to take the Oaths therein mentioned, or either of them, to Imprisonment, Fine, and Disability to hold any Office, civil or military, within this Kingdom:

And also so much of the said last-mentioned Act as renders liable any Person or Persons who shall refuse to make and subscribe the Declaration therein mentioned to the Pains, Penalties, Forfeitures, and Disabilities of and to be taken and deemed a Popish Recusant Convict:

1 W. & M. c. 9. Also the whole of an Act passed in the said First Session in the said First Year of the Reign of the said King *William* the Third and the said Queen *Mary*, intituled *An Act for the amoving Papists and reputed Papists from the Cities of* London *and* Westminster, *and Ten Miles Distance from the same:*

1 W. & M. c. 15. Also the whole of another Act passed in the said First Session and First Year, intituled *An Act for the better securing the Government by disarming Papists and reputed Papists:*

1 W. & M. c. 17. Also the whole of another Act passed in the said First Session and First Year, intituled *An Act for rectifying a Mistake in a certain Act of this present Parliament, for amoving Papists from the Cities of* London *and* Westminster.

Act may be repealed, &c. II. And be it enacted, That this Act or any Part thereof may be repealed, altered, or varied at any Time within this Session of Parliament.

CAP. CIII.

An Act to amend the Law for the Trial of controverted Elections of Members to serve in Parliament. [9th *August* 1844.]

'WHEREAS it is expedient to amend the Law for the Trial of controverted Elections of Members to serve in Parliament:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament*, and also so much of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for* Ireland, and also so much of an Act passed in the Forty-seventh Year of the Reign of King *George* the Third, intituled *An Act to amend several Acts for regulating the Trial of controverted Elections or Returns of Members to serve in Parliament, so far as the same relate to* Ireland, as requires the Parties appearing before any Select Committee to interchange before the said Committee Lists of the Votes and Names of Voters to which either of the Parties purposes and intends to object, and Statements in Writing respecting the Matters which either of the said Parties mean to insist upon, contend for, or to object to, or as provides that no Witness shall be called or examined to any thing not specified in such Lists or Statements, shall be repealed, except as to any thing done under either of the said Acts; but this Enactment shall not revive any Act, or Part of any Act, repealed by the firstly-recited Act.

Repeal of 9 G. 4. c. 22. and Part of 42 G. 3. c. 106. and 47 G. 3. c. 14.

What shall be deemed Election Petitions. II. And be it enacted, That every Petition which shall be presented to the House of Commons within such Time as shall be from Time to Time limited by the House, complaining of an undue Election or Return of a Member or Members to serve in Parliament, or complaining that no Return has been made to any Writ issued for the Election of any Member or Members to serve in Parliament on or before the Day on which such Writ is made returnable, or if such Writ be issued during any Session or Prorogation of Parliament, that no Return has been made to the same within Fifty-two Days after the Day on which such Writ bears Date, or that any Return is not according to the Requisition of the Writ, or complaining of the special Matters contained in any such Return, shall be deemed an Election Petition; but no Election Petition shall be received by the House unless at the Time it is presented it shall be subscribed by some Person claiming therein to have had a Right to vote at the Election to which the same shall relate, or to have had a Right to be returned or elected thereat, or alleging himself to have been a Candidate at the Election.

Recognizances to be entered into by Petitioners. III. And be it enacted, That before any Election Petition shall be presented to the House the Person or Persons subscribing the same, or some One or more of them, shall personally enter into a Recognizance to our Sovereign Lady the Queen, according to the Form given in the Schedule (A.) to this Act annexed, for the Sum of One thousand Pounds, with One, Two, Three, or Four sufficient Sureties, either in the same Recognizance or in separate Recognizances for the additional Sum of One thousand Pounds, in a Sum or Sums of not less than Two hundred and fifty Pounds each, for the Payment of all Costs and Expences which any Committee of the House selected to try such Petition in the Manner herein-after

provided

provided shall adjudge to be payable by the Person or Persons subscribing the said Petition, and also for the Payment of all Costs and Expences which shall become due from the Person or Persons subscribing such Petition to any Witness summoned in his or their Behalf, or to any Party who shall appear in opposition to such Petition, in case such Petition shall be withdrawn, as herein-after allowed.

Sureties to make Affidavits of Sufficiency, and to be described.

IV. And be it enacted, That every Person who shall enter into any such Recognizance as Surety for any other Person shall testify upon Oath in Writing, to be sworn at the Time of entering into the said Recognizance, and before the same Person by whom his Recognizance shall be taken, that he is seised or possessed of Real or Personal Estate (or both), above what will satisfy his Debts, of the clear Value of the Sum for which he shall be bound by his said Recognizance, and every such Affidavit shall be annexed to the Recognizance; and that in every such Recognizance shall be mentioned the Name and usual Place of Residence of the Persons proposed to become Sureties as aforesaid, with such other Description of the proposed Sureties as may be sufficient to identify them easily.

Examiner of Recognizances to be appointed.

V. And be it enacted, That the Speaker of the House of Commons shall appoint a fit Person to be Examiner of Recognizances; and every Person so appointed shall hold his Office during the Pleasure of the Speaker, and shall execute the Duties of his Office conformably to such Directions as he may from Time to Time receive from the Speaker.

Provision for temporary Disability of Examiner.

VI. And be it enacted, That in case of the Illnes, temporary Disability, or unavoidable Absence of the Examiner of Recognizances, the Speaker may appoint a fit Person to perform the Duties of Examiner of Recognizances during such Illness, Disability, or Absence; and throughout this Act the Expression "Examiner of Recognizances" shall be deemed to include and apply to the Person so appointed and for the Time being performing such Duties.

How Recognizances are to be entered into.

VII. And be it enacted, That every Recognizance herein-before required shall be entered into, and every Affidavit herein-before required shall be sworn, before the Examiner of Recognizances or one of Her Majesty's Justices of the Peace; and the said Examiner, and also every Justice of the Peace, is hereby empowered to take the same; and every such Recognizance and Affidavit which shall be taken before a Justice, being duly certified under the Hand of the Justice before whom they shall have been taken, shall be delivered to the Examiner of Recognizances.

Option of paying Money into the Bank instead of finding Security.

VIII. Provided always, and be it enacted, That it shall be lawful for any Person by whom the said Petition shall be signed, instead of entering into a Recognizance for the full Amount of the Sums herein-before required, to pay into the Bank of *England*, on the Account of the Examiner of Recognizances as Trustee for the like Purposes for which the Recognizance is herein-before required, any Amount of Money which he shall think fit, in a Sum or Sums not less than Two hundred and fifty Pounds each; and in such Case the Person by whom the Petition shall be signed shall still be required to enter into his personal Recognizance for the Sum of One thousand Pounds, but shall be required to find a Surety or Sureties as aforesaid for so much only of the additional Sum of One thousand Pounds as the Sum paid into the Bank shall fall short of the Sum of One thousand Pounds; and no Money shall be deemed for the Purposes of this Act to be paid into the Bank of *England* until a Bank Receipt for the same shall be procured and delivered to the Examiner of Recognizances.

Declaration of Trust.

Where Money has been paid into the Bank, the Examiner to order Payment of Expences, &c.

IX. And be it enacted, That in every Case in which Payment of any Money as aforesaid shall have been made into the Bank of *England* the Examiner of Recognizances shall be bound, in the first place, and in such Order of Payment as he in his Discretion shall think fit, to satisfy out of the said Money all the Costs and Expences for securing Payment of which such Investment was made, or so much thereof as can be thereby satisfied, and thereafter to transfer the Residue (if any), wholly discharged of the said Trust, to the Account of the Party by whom the same shall have been paid in.

No Petition to be received unless endorsed by the Examiner.

X. And be it enacted, That no Election Petition shall be received unless, at the Time it is presented to the House, it shall be endorsed by a Certificate under the Hand of the Examiner of Recognizances, that the Recognizance herein-before required has been entered into and received by him, with the Affidavits thereunto annexed; and, if the Recognizance shall not have been taken for the whole Amount, that the necessary Amount of Money has been paid into the Bank of *England* as herein-before required.

Names of Sureties to be kept in the Office of the Examiner, and to be open to Inspection.

XI. And be it enacted, That on or before the Day when any such Petition shall be presented to the House the Names and usual Places of Residence of the Sureties, when there are Sureties, shall be entered in a Book to be kept by the Examiner of Recognizances in his Office; and the said Book, and also the Recognizance and Affidavits and Bank Receipt for any Money paid into the Bank of *England*, if any, shall be open to the Inspection of all Parties concerned.

Sureties may be objected to.

XII. And be it enacted, That it shall be lawful for any sitting Member petitioned against, or for any Electors petitioning and admitted Parties to defend the Election or Return, to object to the Sureties, or any of them, who shall have entered into such Recognizance, on the Ground of Insufficiency, or that a Surety is dead, or that he cannot be found or ascertained from the Want of a sufficient Description in the Recognizance, or that a Person named in the Recognizance has not acknowledged the same; provided that the Ground of Objection shall be stated in Writing under the Hand of the objecting Party, or his or their Agent, and shall be delivered to the Examiner of Recognizances within Ten Days or not later than Twelve of the Clock at Noon of the Eleventh Day, after the Presentation of the Petition, if the Surety objected to reside in *England*, or within Fourteen Days, or not later than Twelve of the Clock at Noon of the Fifteenth Day, after the Presentation of the Petition, if the Surety objected to reside in *Scotland* or *Ireland*: Provided also, that if either such Eleventh or such Fifteenth Day shall happen to be a *Sunday*, *Good Friday*, or *Christmas Day*, it shall be sufficient if such Notice of Objection be delivered to the Examiner of Recognizances not later than Twelve of the Clock at Noon of the following Day.

Notice of Objections to be published in the Office of the Examiner, and Copies taken.

XIII. And be it enacted, That as soon as any such Statement of Objection shall be received by the Examiner of Recognizances he shall put up an Acknowledgment thereof in some conspicuous Part of his Office, and shall appoint a Day for hearing such Objections not less than Three and not more than Five Days from the Day on which he shall have received such Statement; and the Petitioner or Petitioners, and his or their Agent, shall be allowed to examine and take Copies of every such Objection.

Examiner of Recognizances to decide on the Objections.

XIV. And be it enacted, That at the Time appointed the Examiner of Recognizances shall inquire into the alleged Insufficiency of the Surety or Sureties objected to on the Grounds stated in the Notice of Objection, but not on any other Ground; and for the Purpose of such Inquiry the Examiner of Recognizances is hereby authorized to examine upon Oath any Persons who may be tendered by either Party for Examination by him, and also to receive in Evidence any Affidavit relating to the Matter in dispute before him which shall be sworn before him, or before any Master of the High Court of Chancery, or Justice of the Peace, each of whom is hereby authorized to take and certify such Affidavit; and the Examiner of Recognizances shall have Power, if he shall think fit, to adjourn the said Inquiry from Time to Time until he shall decide on the Validity of such Objection, and, if he shall think fit, to award Costs to be paid by either Party to the other, which Costs shall be taxed and recovered as herein-after provided for the Costs and Expences of prosecuting or opposing Election Petitions; and the Decision of the Examiner of Recognizances shall be final and conclusive against all Parties.

In case of Death of a Surety, the Money may be paid into the Bank.

XV. And be it enacted, That if any Surety shall die, and his Death shall be stated as a Ground of Objection before the End of the Time allowed for objecting to the Sureties, it shall be lawful for the Petitioner to pay into the Bank of *England*, on the Account of the Examiner of Recognizances, the Sum for which the deceased Surety was bound; and upon the Delivery of a Bank Receipt for such Sum to the Examiner of Recognizances, within Three Days after the Day on which the Statement of such Objection shall have been delivered to the Examiner of Recognizances, the Sureties shall be deemed unobjectionable if no Ground of Objection shall be stated to any other of the Sureties within the Time before mentioned for stating Objections to Sureties.

Examiner of Recognizances to report whether or not Sureties are objectionable.

XVI. And be it enacted, That in case the Examiner of Recognizances shall have received any Statement of Objection to the Sureties or any of them to any such Election Petition, and shall have decided that such Sureties or any of them are objectionable, he shall forthwith report to the Speaker that such Sureties are objectionable; but if he shall have decided that such Sureties are unobjectionable, or in case he shall not have received any such Statement of Objection, then as soon as the Time herein-before allowed for stating any such Objection shall have elapsed after the Presentation of the Petition (or as soon thereafter as he shall have decided upon the Statement of Objection) the Examiner of Recognizances shall report to the Speaker that the Sureties to such Petition are unobjectionable; and he shall make out a List of all Election Petitions on which he shall have reported to the Speaker that the Sureties are unobjectionable, in which List the Petitions shall be arranged in the Order in which they shall be so reported upon; and a Copy of such List shall be kept in the Office of the Examiner of Recognizances, and shall be open to the Inspection of all Parties concerned.

How Petitions may be withdrawn.

XVII. And be it enacted, That it shall be competent to the Petitioner or Petitioners at any Time after the Presentation of the Petition to withdraw the same, upon giving Notice in Writing under his Hand or their Hands, or under the Hand of his or their Agent, to the Speaker, and also to the sitting Member or his Agent, and also to any Party who may have been admitted to oppose the Prayer of such Petition, that it is not intended to proceed with the Petition; and in such Case the Petitioner or Petitioners shall be liable to the Payment of such Costs and Expences as may have been incurred by the sitting Member, and also by any Party who may have been admitted to oppose the Prayer of such Petition, to be taxed as herein-after provided.

Proceedings when the Seat becomes vacant or the sitting Member declines to defend his Return.

XVIII. And be it enacted, That if at any Time before the Appointment of a Select Committee to try any such Petition as herein-after provided the Speaker of the House of Commons shall be informed, by a Certificate in Writing subscribed by Two of the Members of the said House, of the Death of any sitting Member whose Election or Return is complained of in such Petition, or of the Death of any Member returned upon a double Return, whose Election or Return is complained of in such Petition, or that a Writ of Summons has been issued under the Great Seal of *Great Britain* to summon any such Member to Parliament as a Peer of *Great Britain*, or if the House of Commons shall have resolved that the Seat of any such Member is by Law become vacant, or if the House of Commons shall be informed, by a Declaration in Writing subscribed by any such Member, and delivered to the Speaker within Fourteen Days after the Day on which any such Petition shall have been presented, that it is not the Intention of such Member to defend his Election or Return, in every such Case Notice thereof shall immediately be sent by the Speaker to the General Committee of Elections, and to the Members of the Chairmen's Panel herein-after mentioned, and also to the Sheriff or other Returning Officer for the County, City, Borough, District, or Burghs, Port or Place, to which such Petition shall relate; and such Sheriff or other Returning Officer shall cause a true Copy of such Notice to be affixed on or near the Door of the County Hall or Town Hall, or of the Parish Church nearest to the Place where such Election has usually been held; and such Notice shall also be inserted, by Order of the Speaker, in one of the next two *London* Gazettes, and shall be communicated by him to the House.

Voters may become a Party to oppose the Petition.

XIX. And be it enacted, That at any Time within Fourteen Days after the Day on which any Election Petition shall have been presented, or within Twenty-one Days after the Day on which any Notice shall have been inserted in the Gazette, to the Effect that the Seat is vacant, or that the Member returned will not defend his Election or Return, or if either of the said Periods shall expire during a Prorogation

Prorogation of Parliament, or during an Adjournment of the House of Commons for the *Easter* or *Christmas* Holidays, then on or before the Second Day on which the House shall meet after such Prorogation or Adjournment it shall be lawful for any Person or Persons claiming to have had a Right to vote at the Election to which the Petition shall relate to petition the House of Commons, praying to be admitted as a Party or Parties to defend such Return, or to oppose the Prayer of such Election Petition; and such Person or Persons shall thereupon be admitted as a Party or Parties, together with the sitting Member, if he be then a Party against such Petition, or in the Room of such Member, if he be not then a Party against the Petition, and shall be considered as such to all Intents and Purposes whatever; and every such Petition shall be referred by the House to the General Committee of Elections herein-after mentioned.

Members having given Notice not to defend shall not be admitted as Parties.

XX. And be it enacted, That whenever the Member whose Election or Return is so complained of in such Petition shall have given Notice as aforesaid of his Intention not to defend the same, he shall not be afterwards allowed to appear or act as a Party against such Petition in any Proceedings thereupon, and he shall also be restrained from sitting in the House of Commons, or voting on any Question, until such Petition shall have been decided upon.

At the Beginning of every Session the Speaker to appoint a General Committee.

XXI. And be it enacted, That in the First Session of every Parliament, on the Day after the last Day allowed by any Order or Resolution of the House of Commons then in force for questioning the Returns of Members to serve in Parliament, and in every subsequent Session, as soon as conveniently may be after the Commencement of the Session, the Speaker of the House of Commons shall, by Warrant under his Hand, appoint Six Members of the House, who shall be willing to serve, and against whose Return no Petition shall be then depending, and none of whom shall be a Petitioner complaining of any Election or Return, to be Members of a Committee, which shall be called "The General Committee of Elections;" and every such Warrant shall be laid on the Table of the House, and, if not disapproved by the House in the course of the Three next Days on which the House shall meet for the Despatch of Business, shall take effect as an Appointment of such General Committee.

If the House disapprove the first Appointment a new one to be made.

XXII. And be it enacted, That in case the House shall disapprove any such Warrant the Speaker shall, on or before the Third Day on which the House shall meet after such Disapproval, lay upon the Table of the House a new Warrant for the Appointment of Six Members, qualified as aforesaid, and so from Time to Time until Six Members shall have been appointed by a Warrant which shall not be disapproved by the House as aforesaid.

Disapproval may be general or special.

XXIII. And be it enacted, That the Disapproval of the Warrant may be either general in respect of the Constitution of the whole Committee, or special in respect of any Member or Members named in the Warrant.

Members not disapproved may be again named.

XXIV. And be it enacted, That the Speaker may, if he shall think fit, but shall not be bound to name in the second or any subsequent Warrant all or any of the Members named in any former Warrant, whose Appointment shall not have been specially disapproved by the House as aforesaid.

For what Time the Appointment shall be.

XXV. And be it enacted, That after the Appointment of the General Committee every Member appointed shall continue to be a Member of the Committee until the End of that Session of Parliament, or until he shall cease to be a Member of the House of Commons, or until he shall resign his Appointment, or until the General Committee shall report that he is disabled by continued Illness from attending the Committee, or until the Committee shall be dissolved as herein-after provided.

Vacancy to be made known to the House, and Proceedings suspended.

XXVI. And be it enacted, That in every Case of Vacancy in the General Committee of Elections, the Speaker, on the first Day on which the House shall meet after such Vacancy shall be known by him, shall make known the Vacancy to the House, and thereupon all Proceedings of the General Committee shall be suspended until the Vacancy shall be supplied as herein-after provided.

Cases in which the General Committee shall be dissolved.

XXVII. And be it enacted, That in case the General Committee of Elections shall at any Time report to the House of Commons that, by reason of the continued Absence of more than Two of its Members, or by reason of irreconcileable Disagreement of Opinion, the said Committee is unable to proceed in the Discharge of its Duties, or in case the House of Commons shall resolve that the General Committee of Elections be dissolved, the General Committee shall be thereby forthwith dissolved.

How Vacancies shall be supplied, and Re-appointments made.

XXVIII. And be it enacted, That every Appointment to supply a Vacancy in the General Committee, and every Re-appointment of the General Committee after the Dissolution thereof, shall be made by the Speaker, by Warrant under his Hand, and laid upon the Table of the House, on or before the Third Day on which the House shall meet after the Dissolution of the Committee, or Notification of the Vacancy (as the Case may be); and the Warrant shall be subject to the Disapproval of the House, in the like Manner as is herein-before provided in the Case of the first Warrant for the Appointment of the General Committee; and upon any Re-appointment of the General Committee, the Speaker may re-appoint as many Members of the former Committee as he shall think fit, who shall then be willing and not disqualified to serve on it, but shall not be bound to re-appoint any of them.

Speaker to fix Time, &c. of first Meeting of Committee. Members to be sworn.

XXIX. And be it enacted, That the Speaker shall appoint the Time and Place of the first Meeting of the General Committee of Elections, and the Committee shall meet at the Time and Place so appointed; but no Member appointed or re-appointed to be of the General Committee of Elections shall act upon such Committee until he shall have been sworn at the Table of the House, by the Clerk, truly and faithfully to perform the Duties belonging to a Member of the said Committee, without Fear or Favour, to the best of his Judgment and Ability.

Members necessary to enable the Committee to act.

XXX. And be it enacted, That no Business shall be transacted by or before the General Committee of Elections unless at the least Four Members of the General Committee shall be then present together; and

and no Appointment of a Select Committee by the General Committee, to be made as herein-after provided, shall be of force unless at the least Four Members then present of the said General Committee shall agree in the Appointment.

Committee to regulate their Proceedings.

XXXI. And be it enacted, That, subject to the Provisions of this Act, the said Committee shall make Regulations for the Order and Manner of conducting Business to be transacted by and before them.

Clerk to keep Minutes of Proceedings to be laid before the House.

XXXII. And be it enacted, That the General Committee shall be attended by one of the Committee Clerks of the House, who shall be selected by the Clerk of the House of Commons for the Time being, and shall make a Minute of all the Proceedings of the Committee, in such Form and Manner as shall be from Time to Time directed by the Committee; and a Copy of the Minutes so kept shall be laid from Time to Time before the House of Commons.

During any Suspension, the Speaker may adjourn any Business before Committee.

XXXIII. And be it enacted, That if, at the Time of the Dissolution or Suspension of all the Proceedings of the General Committee of Elections, there shall be any Business appointed to be transacted by or before such General Committee on any certain Day, it shall be lawful for the Speaker to adjourn the Transaction of such Business to such other Day as to the Speaker shall seem convenient, and so as often as the Case may happen.

Members wholly excused from serving.

XXXIV. And be it enacted, That every Member who shall be more than Sixty Years old shall be wholly excused from serving on Election Committees; provided that on or before the reading over of the Names of such excused Members as herein-after mentioned, or upon his afterwards becoming entitled to make such Claim, he shall claim to be excused by declaring in his Place, or in Writing under his Hand, to be delivered to the Clerk at the Table, that he is more than Sixty Years old; but no Member shall be so excused who shall not claim to be excused before he shall be chosen to serve as herein-after provided.

Names of Members claiming to be excused to be called over.

XXXV. And be it enacted, That in the first Session of every Parliament on the next Meeting of the House after the last Day allowed for questioning Returns of Members to serve in Parliament, and in every subsequent Session on the next Meeting of the House after the Speaker shall have laid on the Table of the House his Warrant for the Appointment of the General Committee of Elections, the Clerk of the House of Commons shall read over the Names of all the Members who shall so have claimed to be excused.

Members temporarily excused from serving.

XXXVI. And be it enacted, That every Member who shall have Leave of Absence from the House shall be excused from serving on Election Committees during such Leave; and if any Member in his Place shall offer any other Excuse, either at the reading over the said Names or at any other Time, the Substance of the Allegations shall be taken down by the Clerk, in order that the same may be afterwards entered on the Journals, and the Opinion of the House shall then be taken thereon; and if the House shall resolve that the said Member ought to be excused, he shall be excused from serving on Election Committees for such Time as to the House shall seem fit, but no Member shall be so excused who shall not claim to be excused before he shall be chosen to serve as herein-after provided; and every Member who shall have served on One Select Committee for trying an Election Petition, and who, within Seven Days after such Committee shall have made its final Report to the House, shall notify to the Clerk of the General Committee his Claim to be excused from so serving again, shall be excused during the Remainder of the Session, unless the House shall at any Time resolve, upon the Report of the General Committee, that the Number of Members who have not so served is insufficient; but no Member shall be deemed to have served on an Election Committee who, on account of Inability or Accident, shall have been excused from attending the same throughout.

Members temporarily disqualified from serving.

XXXVII. And be it enacted, That every Member whose Return shall not have been brought in for a Time exceeding that allowed for questioning the Returns of Members, or who shall be a Petitioner complaining of an undue Election or Return, or against whose Return a Petition shall be then depending, shall be disqualified to serve on Election Committees during the Continuance of such Ground of Disqualification; and every Member of any Select Committee appointed to try an Election Petition shall be disqualified to serve again on an Election Committee during Seven Days after the final Report of the Committee on which he so served.

A corrected List, distinguishing the excused or disqualified Members, to be printed, &c. with the Votes.

XXXVIII. And be it enacted, That the Clerk of the House of Commons shall make out an alphabetical List of all the Members, omitting the Names of such Members as shall have claimed to be wholly excused from serving on Election Committees as aforesaid; and the Clerk shall also distinguish in such List the Name of every Member who shall be for a Time excused or disqualified, and shall also note in the List every Cause of such temporary Excuse or Disqualification, and the Duration thereof; and such List shall be printed and distributed with the Votes of the House, and the Names of all the Members so omitted shall be also printed and distributed with the Votes.

List may be further corrected during Three Days.

XXXIX. And be it enacted, That during Three Days next after the Day of the Distribution of such corrected List further Corrections may be made in such List by Leave of the Speaker, if it shall appear that any Name has been improperly left in or struck out of such List, or that there is any other Error in such List.

Selection of Members to serve as Chairmen of Election Committees.

XL. And be it enacted, That the List so finally corrected shall be referred to the General Committee of Elections, and the General Committee shall thereupon select, in their Discretion, Six, Eight, Ten, or Twelve Members, whom they shall think duly qualified, to serve as Chairmen of Election Committees; and the Members so selected shall be formed into a separate Panel, to be called the Chairmen's Panel, which shall be reported to the House; and while the Name of any Member shall be upon the Chairmen's

Panel

Panel he shall not be liable or qualified to serve on an Election Committee, otherwise than as Chairman; and every Member who shall have been placed on the Chairmen's Panel shall be bound to continue upon it until the End of the Session, or until he shall sooner cease to be a Member of the House, or until, by Leave of the House, he shall be discharged from continuing upon the Chairmen's Panel: Provided always, that every Member of the Chairmen's Panel, who shall have served on One or more Election Committees, and who shall notify to the Clerk of the General Committee of Elections his Claim to be discharged from continuing upon the Chairmen's Panel, shall be so discharged accordingly; and every such Member shall be excused from serving upon any Election Committee, either as Chairman or otherwise, during the Remainder of the Session; but no Member of the Chairmen's Panel shall be deemed to have served on an Election Committee who, on account of Inability or Accident, shall have been excused from attending the same throughout.

List to be divided into Five Panels.

XLI. And be it enacted, That after the Chairmen's Panel shall have been so as aforesaid selected the General Committee shall divide the Members then remaining on such List into Five Panels, in such Manner as to them shall seem most convenient, but so nevertheless that each Panel may contain as nearly as may be the same Number of Members, and shall report to the House the Division so made by them; and the Clerk shall decide by Lot at the Table the Order of the Panels as settled by the General Committee, and shall distinguish each of them by a Number denoting the Order in which they shall have been drawn; and the Panels shall then be returned to the General Committee of Elections, and shall be the Panels from which all Members shall be chosen to serve on Election Committees.

General Committee to correct the Panels from Time to Time.

XLII. And be it enacted, That the General Committee of Elections shall correct the said Panels from Time to Time by striking out of them the Name of every Member who shall cease to be a Member of the House, or who from Time to Time shall become entitled and shall claim as aforesaid to be wholly excused from serving on Election Committees, and by inserting in one of the Panels to be chosen by the General Committee, at their Discretion, the Name of every new Member of the House who shall not be entitled and claim as aforesaid to be wholly excused, and shall also from Time to Time distinguish, in the Manner aforesaid, in the said Panels the Names of those Members who shall be for a Time excused or disqualified for any of the Reasons aforesaid; and the General Committee shall, as often as they shall think fit, report to the House the Panels as they shall then stand corrected; and as often as the General Committee of Elections shall report the said Panels to the House they shall be printed and distributed with the Votes of the House.

Power to transfer to another Panel Names of Members obtaining Leave of Absence.

XLIII. And be it enacted, That when Leave of Absence for a limited Time shall have been granted by the House to any Member, it shall be lawful for the General Committee of Elections to transfer the Name of such Member from the Panel in which it shall have been placed to some other Panel subsequent in rotation, if they shall think fit so to do, having regard to the Length of Time for which such Leave of Absence shall have been granted, and to the Number of Select Committees then about to be appointed.

For supplying Vacancies, and increasing the Chairmen's Panel.

XLIV. And be it enacted, That whenever any Member of the Chairmen's Panel shall cease to be a Member of the House, or shall be, by Leave of the House, discharged from continuing upon the Chairmen's Panel, or shall be so discharged by reason of Service, under the Provisions herein-before contained, the General Committee shall forthwith select another Member to be placed upon the Chairmen's Panel in his Room; and in case it shall at any Time appear to the General Committee that the Chairmen's Panel is too small, it shall be lawful for the General Committee to select Two, Four, or Six additional Members to place upon it, so nevertheless that the Chairmen's Panel shall not at any Time consist of more than Eighteen Members, without the Leave of the House first obtained.

Members upon Chairmen's Panel to make Regulations.

XLV. And be it enacted, That it shall be lawful for the Members who are upon the Chairmen's Panel from Time to Time to make such Regulations as they may find convenient for securing the Appointment or Selection of Chairman of Election Committees, and for distributing the Duties of Chairman among all of them.

Election Petitions to be referred to the General Committee.

XLVI. And be it enacted, That all Election Petitions which shall be received by the House shall be referred by the House to the General Committee of Elections, for the Purpose of choosing Select Committees, as herein-after provided, to try such Petitions; and the Speaker shall communicate to the House and the General Committee every Report by the Examiner of Recognizances to him concerning the Sureties to any Election Petition; and in every Case in which any Election Petition shall be withdrawn, or the Examiner of Recognizances shall have reported to the Speaker that the Sureties are objectionable, the Order for referring such Petition to the General Committee of Elections shall be discharged, and no further Proceeding shall be had upon such Petition; and the General Committee shall make out a List of all Election Petitions in which the Examiner of Recognizances shall have reported to the Speaker that the Sureties are unobjectionable, and in which the Proceedings are not suspended, in which List the Petitions shall be arranged in the Order in which they shall have been so reported upon; and in every Case in which the Proceedings in any Petition inserted in such List shall be afterwards suspended the Petition shall be struck out of the List, and shall be again inserted at the Bottom of the List at the End of such Suspension of Proceedings.

List of Petitions to be made.

Where Notice of Vacancy, or that the sitting Member declines to defend, is received by the General Committee,

XLVII. And be it enacted, That when Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, shall be given to the General Committee of Elections by the Speaker as herein-before provided, the General Committee shall suspend their Proceedings in the Matter of the Petition referred to in such Notice until Twenty-one Days after the Day on which Notice of such Death or Vacancy, or Intention not to defend, shall have been inserted in the Gazette under the Provision herein-before contained, unless the Petition

Proceedings to be suspended,

of some Person or Persons claiming to be admitted as a Party or Parties in the Room of such Member shall be sooner referred to them.

Provision for Cases where more than One Petition.

XLVIII. And be it enacted, That when more than One Election Petition relating to the same Election or Return shall be referred to the General Committee of Elections they shall suspend their Proceedings in the Matter of all such Petitions until the Report of the Examiner of Recognizances upon each of such Petitions, or such of them as shall not have been withdrawn, shall be received by them; and upon Receipt of the last of such Reports they shall place such Petitions at the Bottom of the then List of Election Petitions, bracketed together, and such Petitions shall afterwards be dealt with as One Petition.

Committees to be chosen for Petitions according to their Order in the List.

XLIX. And be it enacted, That the General Committee of Elections shall choose the Committees to try the Election Petitions standing in the said List of Petitions in the Order in which such Petitions stand in the said List, and they shall from Time to Time determine how many Committees shall be chosen in each Week for trying such Petitions, and the Day or Days on which they will meet for choosing such Committees, having regard to the Number of Select Committees which may then be sitting for the Trial of Election Petitions, and to the whole Number of such Committees then to be appointed; and they shall report to the House from Time to Time the Days appointed by them for choosing such Committees.

Notice to be given when any Committee will be chosen.

L. And be it enacted, That Notice of the Time and Place at which the Committee will be chosen to try any Election Petition shall be published with the Votes, not less than Fourteen Days before the Day on which such Committee shall be appointed to be chosen; and in case the Conduct of the Returning Officer is complained of, such Notice shall be sent to him through the Post, not less than Fourteen Days before the Day on which such Committee shall be appointed to be chosen; and every such Notice shall direct all Parties interested to attend the General Committee of Elections, by themselves, their Counsel or Agents, at the Time and Place appointed for choosing the Select Committee; and if (after any such Notice shall have been published with the Votes, or sent to the Returning Officer as aforesaid,) the Proceedings in the Matter of such Petition shall become suspended, Notice of such Suspension shall be immediately published with the Votes; and in case the Conduct of the Returning Officer is complained of such Notice shall be sent to him through the Post.

Notice of Suspension to be given.

Provision for Cases where the sitting Member does not defend, and no Party has been admitted to defend, &c.

LI. Provided always, and be it enacted, That in case Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, shall have been inserted in the Gazette, by Order of the Speaker as herein-before provided, and no Party shall have been admitted to defend such Election or Return, then, if the Conduct of the Returning Officer is not complained of in such Petition, it shall not be necessary to insert such Petition at the Bottom of the then List of Petitions, but the General Committee of Elections shall meet for choosing the Select Committee to try such Petition as soon as conveniently may be after the Expiration of the Time allowed for Parties to come in to defend such Election or Return, as herein-before provided; and not less than One Day's Notice of the Time and Place appointed for choosing such Committee shall be given in the Votes.

General Committee empowered to change the Day for choosing Select Committee.

LII. And be it enacted, That it shall be lawful for the General Committee of Elections to change the Day and Hour appointed by them for choosing a Select Committee to try any Election Petition, and to appoint some subsequent Day and Hour for the same, if it shall in their Judgment be expedient so to do, giving Notice in the Votes of the Day and Hour so subsequently appointed; and in every Case in which any such Change shall be made by them they shall forthwith report the same to the House, with their Reasons for making such Change.

Notice of Petitions, &c.

LIII. And be it enacted, That Notice shall be published with the Votes of the Petitions appointed for each Week, and of the Panel from which Committees will be chosen to try such Petitions.

Lists of Voters intended to be objected to shall be delivered to the Clerk of the General Committee.

LIV. And be it enacted, That in all Cases of controverted Elections or Returns of Members to serve in Parliament all the Parties complaining of or defending such Elections or Returns shall, by themselves or their Agents, deliver into the Clerk of the General Committee Lists of the Voters intended to be objected to, giving in the said Lists the several Heads of Objections, and distinguishing the same against the Names of the Voters excepted to, not later than Six of the Clock in the Afternoon on the Sixth Day next before the Day appointed for choosing the Committee to try the Petition complaining of such Election or Return; and the said Clerk shall keep the Lists so delivered to him in his Office, open to the Inspection of all Parties concerned.

Select Committee to be chosen.

LV. And be it enacted, That the General Committee shall meet at the Time appointed for choosing the Committee to try any Election Petition, and shall choose from the Panel then standing next in Order of Service, exclusive of the Chairmen's Panel, Four Members, not being then excused or disqualified for any of the Causes aforesaid, and who shall not be specially disqualified for being appointed on the Committee to try such Petition for any of the following Causes; (that is to say,) by reason of having voted at the Election, or by reason of being the Party on whose Behalf the Seat is claimed, or related to the sitting Member or Party on whose Behalf the Seat is claimed by Kindred or Affinity in the First or Second Degree according to the Canon Law; and each Panel shall serve for a Week, beginning with the Panel first drawn and continuing by Rotation in the Order in which they were drawn, and not reckoning those Weeks in which no Select Committee shall be appointed to be chosen.

In case of Disagreement, the General Committee to adjourn.

LVI. And be it enacted, That in case at the least Four Members then present of the General Committee of Elections shall not agree in choosing a Committee to try any Petition appointed for that Day, the General Committee shall adjourn the choosing of that Committee and of the remaining Committees appointed to be chosen on that Day to the following Day, and the Parties shall be directed to attend on the following Day, or if such following Day shall happen during an Adjournment of the House then on the

the Day to which the House shall stand adjourned, and so from Day to Day until all such Committees shall be chosen, or until the General Committee of Elections shall be dissolved, as herein-before provided; and the General Committee shall not in any Case proceed to choose a Committee to try an Election Petition until they shall have chosen a Committee to try every other Election Petition standing higher in the List aforesaid, the Order for referring which shall not be then discharged, except in the Case where the Day originally appointed for choosing a Committee shall have been changed under the Provision herein-before contained.

Chairman to be chosen by the Members on the Chairmen's Panel, and his Name communicated to the General Committee.

LVII. And be it enacted, That on the Day appointed by the General Committee to choose a Committee to try an Election Petition the Members who are upon the Chairmen's Panel shall select One of such Members to act as the Chairman of such Election Committee, and when they shall have been informed by the General Committee that Four Members of such Election Committee have been chosen, they shall communicate the Name of the Member so selected by them to the General Committee, but no Member shall be so selected who would be disqualified from serving on such Committee if not upon the Chairmen's Panel: Provided always, that if, with reference to any Petition for trying which they are about to appoint a Chairman the Members of the Chairmen's Panel shall receive Notice from the Speaker, under the Provision herein-before contained, of the Death or Vacancy of the Seat of the sitting Member petitioned against in such Petition, or that it is not his Intention to defend his Seat, the Members of the Chairmen's Panel shall suspend their Proceedings with regard to the Appointment of a Chairman to try such Petition until the Day appointed by the General Committee of Elections for selecting a Committee to try such Petition.

When Committee chosen the Parties to be called in.

LVIII. And be it enacted, That as soon as the General Committee of Elections shall have chosen Four Members of a Committee to try any such Petition, and shall have received from the Members of the Chairmen's Panel the Name of a Chairman to serve on such Committee, the Parties in attendance shall be called in, and the Names of the Members so chosen and of the Chairman shall be read over to them.

General Committee to proceed in order with all Petitions appointed for that Day.

LIX. And be it enacted, That after hearing the said Names the Parties present shall be directed to withdraw, and the General Committee may proceed to choose another Committee to try the next Petition appointed for that Day, and so on until all the Committees appointed to be chosen on that Day shall be chosen, or until the choosing of any Committee shall be adjourned as aforesaid; and after any such Adjournment the General Committee shall not transact any more Business on that Day, except with regard to those Petitions for trying which Committees shall have been previously chosen.

Parties may object to disqualified Members.

LX. And be it enacted, That within One Half Hour at furthest from the Time when the Parties to any Election Petition shall have withdrawn, or if the Parties to any other Election Petition shall then be before the General Committee of Elections, then after such other Parties shall have withdrawn, the Parties in attendance shall be again called before the General Committee, in the same Order in which they were directed to withdraw; and the Petitioners and sitting Member or Members, or such Party as may have been admitted as aforesaid to defend the Return or Right of Election, their Counsel or Agents, beginning on the Part of the Petitioners, may object to all or any of the Members chosen, or to such Chairman, as being then disqualified or excused, for any of the Reasons aforesaid, from serving on the Committee for the Trial of that Election Petition, but not for any other Reason.

If General Committee allow the Disqualification a new Committee to be chosen.

LXI. And be it enacted, That if at the least Four Members then present of the General Committee shall be satisfied that any Member so objected to is then disqualified or excused for any of the Reasons aforesaid, the Parties present shall be again directed to withdraw, and the General Committee shall proceed to choose another Committee from the same Panel to try that Petition, or if the Member to whom any such Objection shall be substantiated be the Chairman, they shall send back his Name to the Members on the Chairmen's Panel, and the Members on the Chairmen's Panel shall proceed to choose another Chairman to try that Petition, and shall communicate his Name to the General Committee, and so as often as the Case may happen.

In the new Committee Members not before objected to may be included.

LXII. And be it enacted, That in the second or any following Committee the General Committee may, if they shall think fit, include all or any of the Members previously chosen by them to whom no Objection shall have been substantiated; and no Party shall be allowed to object to any Member who may be included in the second or any following Committee who was not objected to when included in the Committee first chosen to try that Petition.

Notice to be sent to every Member chosen.

LXIII. And be it enacted, That when Four Members and a Chairman shall have been chosen, to none of whom any Objection shall have been substantiated, the Clerk of the General Committee of Elections shall give Notice thereof in Writing to each of the Members so chosen by the General Committee; and with every such Notice shall be sent a Notice of the general and special Grounds of Disqualification and Excuse from serving which are herein-before mentioned, and of the Time and Place when and where the General Committee will meet on the following Day; and Notice of the Time and Place of such Meeting shall be published with the Votes.

If any Member chosen proves a Disqualification another Committee to be chosen.

LXIV. And be it enacted, That the General Committee shall meet on the following Day at the Time and Place mentioned in such Notice as last aforesaid; and if any such Member shall then and there prove, to the Satisfaction of at least Four Members then present of the General Committee, that for any of the Reasons aforesaid he is disqualified or excused from serving on the Committee for which he shall have been so chosen, or if any such Member shall prove, to the Satisfaction of at least Four Members then present of the General Committee, that there are any Circumstances in his Case which render him ineligible to serve on such Select Committee, such Circumstances having regard not to his own Convenience but solely to the impartial Character of the Tribunal, the General Committee shall proceed to

choose a new Committee to try that Petition, in like Manner as if that Member had been objected to by any Party to the Petition; and if within the Space of One Quarter of an Hour after the Time mentioned in the Notice no Member shall so appear, or if any Member so appearing shall not prove his Disqualification or Excuse, to the Satisfaction of at least Four Members then present of the General Committee, the Select Committee shall be taken to be appointed.

Select Committee to be reported to the House.

LXV. And be it enacted, That at the Meeting of the House of Commons for the Despatch of Business next after any such Select Committee shall be appointed, the Members chosen, including the Chairman, shall attend in their Places, and the General Committee of Elections shall report to the House the Names of the Select Committee appointed, and shall annex to such Report all Petitions referred to them by the House which shall relate to the Return or Election of which such Select Committee is appointed to try the Merits, and all Lists of Voters which shall have been delivered to them by either Party; and the Members chosen to be of the said Select Committee shall not depart the House till the Time for the Meeting of such Select Committee shall be fixed.

Members of Select Committee to be sworn.

LXVI. And be it enacted, That the Five Members appointed as herein-before is mentioned shall, before departing the House, be sworn at the Table, by the Clerk, well and truly to try the Matter of the Petitions referred to them, and a true Judgment to give according to the Evidence, and shall be taken to be a Select Committee legally appointed to try and determine the Merits of the Return or Election so referred by the House to them; and the Member so appointed from the Chairmen's Panel shall be the Chairman of such Committee.

Members of said Committee not present within One Hour after the Meeting of the House to be taken into Custody by the Serjeant at Arms.

LXVII. And be it enacted, That if any Member of the said Select Committee shall not attend in his Place within One Hour after the Meeting of the House on the Day appointed for swearing the said Committee, or if after attending any Member shall depart the House before the said Committee shall be sworn, unless the Committee shall be discharged, or the swearing of the said Committee shall be adjourned as herein-after provided, he shall be ordered to be taken into the Custody of the Serjeant at Arms attending the House for such Neglect of his Duty, and shall be otherwise punished or censured, at the Discretion of the House, unless it shall appear to the House by Facts specially stated, and verified upon Oath, that such Member was by a sudden Accident or by Necessity prevented from attending the House.

If any Member is not present within Three Hours after the Meeting of the House the Proceedings to be adjourned.

LXVIII. And be it enacted, That if any such absent Member shall not be brought into the House within Three Hours after the Meeting of the House on the Day first appointed for swearing the said Committee, and if no sufficient Cause shall be shown to the House before its rising whereon the House shall dispense with the Attendance of such absent Member, the swearing of the Committee shall be adjourned to the next Meeting of the House; and all the Members of the said Committee shall be bound to attend in their Places for the Purpose of being sworn at the next Meeting of the House, in like Manner as on the Day first appointed for that Purpose.

All the Members not attending after Adjournment, the Committee to be discharged.

LXIX. And be it enacted, That if on the Day to which the swearing of the said Committee shall be so adjourned all the Members of the Committee shall not attend and be sworn, within One Hour after the Meeting of the House, or if on the Day first appointed for swearing the said Committee sufficient Cause shall be shown to the House before its rising why the Attendance of any Member of the Committee should be dispensed with, the said Committee shall be taken to be discharged, and the General Committee shall meet on the following Day, or if such following Day shall happen during an Adjournment of the House, then on the Day to which the House shall stand adjourned, and shall proceed to choose a new Committee from the Panel on Service for the Time being in the Manner herein-before provided, and Notice of such Meeting shall be published with the Votes.

Petitions, &c. referred to the Committee, and Time and Place of Meeting appointed by the House.

LXX. And be it enacted, That the House shall refer the Petitions and Lists annexed to the Report of the General Committee of Elections to the Select Committee so appointed and sworn, and shall order the said Select Committee to meet at a certain Time, to be fixed by the House, which shall be within Twenty-four Hours of their being sworn at the Table of the House, unless a *Sunday*, *Christmas Day*, or *Good Friday* shall intervene; and the Place of their Meeting shall be some convenient Room or Place adjacent to the House of Commons properly prepared for that Purpose.

Committees not to adjourn for more than Twenty-four Hours, without Leave, &c.

LXXI. And be it enacted, That every such Select Committee shall sit from Day to Day, *Sunday*, *Christmas Day*, and *Good Friday* only excepted, and shall never adjourn for a longer Time than Twenty-four Hours, unless a *Sunday*, *Christmas Day*, or *Good Friday* intervene, and in such Case not for more than Twenty-four Hours, exclusive of such *Sunday*, *Christmas Day*, or *Good Friday*, without Leave first obtained from the House, upon Motion, and special Cause assigned for a longer Adjournment; and in case the House shall be sitting at the Time to which such Select Committee is adjourned, then the Business of the House shall be stayed, and a Motion shall be made for a further Adjournment for any Time to be fixed by the House: Provided always, that if such Select Committee shall have Occasion to apply or report to the House, and the House shall be then adjourned for more than Twenty-four Hours, such Select Committee may also adjourn to the Day appointed for the meeting of the House.

Committee-man not to absent himself.

LXXII. And be it enacted, That no Member appointed as aforesaid to be of any such Select Committee shall absent himself from the same without Leave obtained from the House, or an Excuse allowed by the House at the next Sitting thereof, for the Cause of Sickness, verified upon the Oath of his Medical Attendant, or for other special Cause shown, and verified upon Oath; and in every such Case the Member to whom such Leave shall be granted or Excuse allowed shall be discharged from attending, and shall not be entitled again to sit or vote on the said Committee; and such Select Committee shall never sit until all the Members to whom such Leave has not been granted, nor Excuse allowed, are met;

Committee not to sit until all

and

and in case all such Members shall not meet within One Hour after the Time appointed for the first Meeting of such Select Committee, or within One Hour after the Time to which such Select Committee shall have been adjourned, a further Adjournment shall be made, and reported by their Chairman, with the Cause thereof, to the House.

be met; on Failure of all meeting within One Hour, to adjourn.

LXXIII. And be it enacted, That every Member whose Absence without Leave or Excuse shall be so reported shall be directed to attend the House at its next Sitting, and shall then be ordered to be taken into the Custody of the Serjeant at Arms attending the House for such Neglect of his Duty, and shall be otherwise punished or censured, at the Discretion of the House, unless it shall appear to the House, by Facts specially stated, and verified upon Oath, that such Member was by a sudden Accident or by Necessity prevented from attending the said Select Committee.

Absentees to be directed to attend the House.

LXXIV. And be it enacted, That the Committee shall not be dissolved by reason of the Death or necessary Absence of One Member or Two Members thereof only, but the remaining Members shall thenceforward constitute the Committee; and in case there shall ever be Occasion for electing a new Chairman on the Death or necessary Absence of the Chairman first appointed, the remaining Members of the Committee shall elect one of themselves to be Chairman, and if in that Election there shall be an equal Number of Voices, the Member whose Name stands foremost in the List of the Committee, as reported to the House, shall have a second or casting Vote.

Committee not to be dissolved by the Death or Absence of not more than Two Members.

LXXV. And be it enacted, That in case the Number of Members able to attend any such Select Committee shall be, by Death or otherwise, unavoidably reduced to less than Three, and shall so continue for the Space of Three sitting Days, such Select Committee shall be dissolved (except in the Case hereinafter provided), and another shall be appointed to try such Petition in manner aforesaid; and the General Committee and Members of the Chairmen's Panel shall meet for that Purpose as soon as conveniently may be after the Occasion shall have arisen, at a Day and Hour to be appointed by the General Committee, and Notice of such Meeting shall be published with the Votes; and all the Proceedings of such former Committee shall be void and of no Effect: Provided always, that if all the Parties before the Committee shall consent thereto the Two remaining Members of the Committee, or the sole remaining Member if only One, shall continue to act, and shall thenceforward constitute the Committee.

If any Committee is reduced to less than Three by the Nonattendance of its Members, it shall be dissolved, unless by Consent.

LXXVI. And be it enacted, That every such Committee shall be attended by a Person skilled in the Art of writing Shorthand, who shall be specially appointed by the Clerk of the House of Commons for the Time being, and sworn by the Chairman faithfully and truly to take down the Evidence given before such Committee, and from Day to Day, as Occasion may require, to write or cause the same to be written in Words at Length for the Use of the Committee.

Committees to be attended by a Shorthand Writer.

LXXVII. And be it enacted, That every such Select Committee shall have Power to send for Persons, Papers, and Records, and to examine any Person who may have subscribed the Petition which such Select Committee shall have been appointed to try, unless it shall otherwise appear to such Committee that such Person is an interested Witness, and shall examine all the Witnesses who come before them upon Oath, which Oath the Clerk attending such Select Committee is hereby empowered to administer; and if any Person summoned by such Select Committee, or by the Warrant of the Speaker of the House of Commons (which Warrants the Speaker is hereby authorized to issue from Time to Time as he shall think fit), shall disobey such Summons, or if any Witness before such Select Committee shall give false Evidence, or prevaricate, or shall otherwise misbehave in giving or refusing to give Evidence, the Chairman of such Select Committee, by their Direction, may at any Time during the course of their Proceedings report the same to the House for the Interposition of the Authority or Censure of the House, as the Case may require, and may, by a Warrant under his Hand directed to the Serjeant at Arms attending the House of Commons, or to his Deputy or Deputies, commit such Person (not being a Peer of the Realm or Lord of Parliament) to the Custody of the said Serjeant, without Bail or Mainprize, for any Time not exceeding Twenty-four Hours, if the House shall then be sitting, and if not, then for a Time not exceeding Twenty-four Hours after the Hour to which the House shall then be adjourned.

Committee empowered to send for and examine Persons, Papers, and Records.

Witnesses misbehaving may be reported to the House, and committed to the Custody of the Serjeant at Arms.

LXXVIII. And be it enacted, That where in this Act any thing is required to be verified on Oath to the House of Commons, it shall be lawful for the Clerk of the House of Commons to administer an Oath for that Purpose, or an Affidavit for such Purpose may lawfully be sworn before any Justice of the Peace or Master of the High Court of Chancery.

How Oaths to be administered

LXXIX. And be it enacted, That every Person who shall wilfully give any false Evidence before the House of Commons, or any Committee or Examiner of Recognizances, under the Provisions of this Act, or who shall wilfully swear falsely in any Affidavit authorized by this Act to be taken, shall, on Conviction thereof, be liable to the Penalties of wilful and corrupt Perjury.

Giving false Evidence to be Perjury.

LXXX. And be it enacted, That no Evidence shall be given before the Select Committee, or before any Commission issued by the said Committee, against the Validity of any Vote not included in one of the Lists of Voters delivered to the General Committee as aforesaid, or upon any Head of Objection to any Voter included in any such List other than one of the Heads specified against him in such List.

Evidence to be confined to Objections specified in the Lists.

LXXXI. And be it enacted, That every such Select Committee shall try the Merits of the Return or Election, or both, and shall determine by a Majority of Voices, if for the Time being consisting of more than One Member, whether the Petitioners or the sitting Members, or either of them, be duly returned or elected, or whether the Election be void, or whether a new Writ ought to issue, which Determination shall be final between the Parties to all Intents and Purposes; and the House, on being informed thereof by the Committee, shall order such Report to be entered in their Journals, and shall give the necessary

Committee to decide, and to report their Decision to the House.

Directions for confirming or altering the Return, or for ordering a Return to be made, or for issuing a new Writ for a new Election, or for carrying the said Determination into execution, as the Case may require.

Committees may report their Determination on other Matters to the House.

LXXXII. And be it enacted, That if any such Select Committee shall come to any Resolution other than the Determination above mentioned they shall, if they think proper, report the same to the House for their Opinion at the same Time that they shall inform the House of such Determination, and the House may confirm or disagree with such Resolution, and make such Orders thereon as to them shall seem proper.

When Committee is deliberating the Room to be cleared, &c.

LXXXIII. And be it enacted, That whenever any such Select Committee shall think it necessary to deliberate among themselves upon any Question which shall arise in the Course of the Trial, or upon the Determination thereof, or upon any Resolution concerning the Matter of the Petition referred to them as aforesaid, as soon as they shall have heard the Evidence and Counsel on both Sides relative thereto, the Room or Place in which they shall sit shall be cleared, if they shall think proper, whilst the Members of the Committee consider thereof.

Questions to be decided by a Majority.

LXXXIV. And be it enacted, That all Questions before the Committee, if for the Time being consisting of more than One Member, shall be decided by a Majority of Voices, and whenever the Voices shall be equal the Chairman shall have a second or casting Voice.

Names of Members voting for or against any Resolution to be reported to the House.

LXXXV. And be it enacted, That whenever the Select Committee shall be divided upon any Question the Names of the Members voting in the affirmative and in the negative shall be entered in the Minutes of the said Committee, and shall be reported to the House, with the Questions on which such Divisions arose, at the same Time with the final Report of the Committee; and no Member of the Committee shall be allowed to refrain from voting on any Question on which the Committee shall be divided.

Committees to be appointed for Petitions standing over on a Prorogation of Parliament.

LXXXVI. And be it enacted, That whenever it shall happen that Parliament shall be prorogued after any Petition complaining of an undue Election or Return, or of the Omission to return, shall have been presented, but before the Appointment of a Select Committee to try such Petition, the General Committee of Elections shall, within Two Days after their first Meeting, in case the Sureties shall have been then reported unobjectionable, appoint a Day and Hour for selecting a Committee or Committees to try the Petition or Petitio s so standing over as aforesaid: Provided always, that if the Number of Petitions so standing over as aforesaid shall be so great that the Times for selecting Committee of Elections be conveniently appointed within Two Days after their first Meeting, the said General Committee shall, within Two Days after their first Meeting, appoint the Times for selecting Committees to try such Number of the said Petitions as the said General Committee shall deem convenient, and shall afterwards from Time to Time as soon as conveniently may be appoint the Times for selecting the Committees to try the Remainder of such Petitions.

Committees not dissolved by the Prorogation of Parliament.

LXXXVII. And be it enacted, That if the Parliament shall be prorogued after the Appointment of any Select Committee for the Trial of any such Petition as aforesaid, and before they shall have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be thereby adjourned to Twelve of the Clock on the Day immediately following that on which Parliament shall meet again for the Despatch of Business (*Sunday*, *Good Friday*, and *Christmas Day* always excepted); and all Proceedings of such Committee, and of any Commission to take Evidence issued under the Authority of such Committee, shall remain and continue to be of the same Force and Effect as if Parliament had not been so prorogued; and such Committee shall meet on the Day and Hour to which it shall be so adjourned, and shall thenceforward continue to sit from Day to Day in the Manner herein-before provided, until they shall have reported to the House their Determination on the Merits of such Petition.

Costs when incurred by Petitioners, &c.

LXXXVIII. And be it enacted, That whenever any Committee appointed to try an Election Petition shall report to the House with respect to any such Petition that the same appeared to them frivolous or vexatious, the Party or Parties, if any, who shall have appeared before the Committee in opposition to such Petition shall be entitled to recover from the Person or Persons, or any of them, who shall have signed such Petition, the full Costs and Expences which such Party or Parties shall have incurred in opposing the same, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs when incurred by Parties opposing Petitions.

LXXXIX. And be it enacted, That whenever such Committee shall report to the House, with respect to the Opposition made to such Petition by any Party or Parties who shall have appeared before them, that such Opposition appeared to be frivolous or vexatious, the Person or Persons who shall have signed such Petition shall be entitled to recover from such Party or Parties, or any of them, with respect to whom such Report shall be made, the full Costs and Expences which such Petitioner or Petitioners shall respectively have incurred in prosecuting their Petition, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs when incurred where no Party appears to oppose a Petition.

XC. And be it enacted, That whenever no Party shall have appeared before any such Committee in opposition to such Petition, and such Committee shall report to the House, with respect to the Election or Return, or to the alleged Omission of a Return, or to the alleged Insufficiency of a Return, complained of in any such Petition, that the same appeared to them to be vexatious or corrupt, the Person or Persons who shall have signed such Petition shall be entitled to recover from the sitting Member or sitting Members (if any) whose Election or Return shall be complained of in such Petition (such sitting Member or sitting Members not having given Notice as aforesaid of his or their Intention not to defend the same), or from any other Person or Persons whom the House shall have admitted or directed to be made a Party

Party or Parties to oppose such Petition, the full Costs and Expences which such Petitioner or Petitioners shall have incurred in prosecuting their Petition, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs upon frivolous Objections.

XCI. And be it enacted, That if any Ground of Objection shall be stated against any Voter in any List of Votes intended to be objected to as herein-before provided, and if such Select Committee shall be of opinion that such Objection was frivolous or vexatious, the said Committee shall report the same to the House of Commons, together with their Opinion on the other Matters relating to the said Petition, and the opposite Party shall in such Case be entitled to recover, from the Party or Parties by whom or on whose Behalf any such Objections were made, the full Costs and Expences incurred by reason of such frivolous or vexatious Objections, which Costs and Expences shall be ascertained and recovered in the same Manner and Form as is herein-after provided for the Recovery of Costs and Expences in Cases of frivolous or vexatious Petitions.

Costs upon unfounded Objections.

XCII. And be it enacted, That if either Party shall make before the said Select Committee any specific Allegation with regard to the Conduct of the other Party or his Agents, and shall either bring no Evidence in support thereof, or such Evidence that the Committee shall be of opinion that such Allegation was made without any reasonable or probable Ground, it shall be lawful for the Committee to make such Orders as to them shall seem fit for the Payment, by the Party making such unfounded Allegation to the other Party, of all Costs and Expences which shall have been incurred by reason of such unfounded Allegation, which Costs and Expences shall be ascertained and recovered in the same Manner and Form as is herein-after provided for the Recovery of Costs and Expences in Cases of frivolous and vexatious Petitions.

Costs how to be ascertained.

XCIII. And be it enacted, That the Costs and Expences of prosecuting or opposing or preparing to oppose any Petition presented under the Provisions of this Act, and the Costs and Expences which shall be due and payable to any Witness summoned to attend before the Examiner of Recognizances, or before any Committee, under the Provisions of this Act, shall be ascertained in manner following; (that is to say,) on Application made to the Speaker of the House of Commons by any such Petitioner, Party, or Witness, for ascertaining such Costs and Expences, not later than Three Calendar Months after the Determination of the Merits of such Petition, or after any Order of the House for discharging the Order of Reference of such Petition to the General Committee of Elections, or after the Withdrawal of any Petition, as herein-before provided, the Speaker shall direct the same to be taxed by the Examiner of Recognizances; and the said Examiner shall examine and tax such Costs and Expences, and shall report the Amount thereof, together with the Name of the Party or Parties liable to pay the same, and the Name or Names of the Party or Parties entitled to receive the same, to the Speaker, who shall, upon Application made to him, deliver to the Party or Parties a Certificate, signed by himself, expressing the Amount of the Costs and Expences allowed in such Report, with the Name of the Party liable to pay the same, and the Name of the Party entitled to receive the same; and such Certificate so signed by the Speaker shall be conclusive Evidence, as well of the Amount of such Demands as of the Title of the several Parties to recover the same, in all Cases and for all Purposes whatsoever; and the Party claiming under the same shall, upon Payment thereof, give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

Persons appointed to tax Costs empowered to take Affidavits.

XCIV. And be it enacted, That the Examiner of Recognizances is empowered to examine upon Oath any Party claiming any such Costs or Expences, and any Witnesses tendered to him for Examination, and to receive Affidavits sworn before him, or before any Master of the High Court of Chancery, or any of Her Majesty's Justices of the Peace, who are severally empowered to take the same, relative to such Costs or Expences, or the Taxation or Nonpayment thereof.

Recovery of Costs.

XCV. And be it enacted, That it shall be lawful for the Party or Parties entitled to such taxed Costs and Expences, or for his, her, or their Executors or Administrators, to demand the whole Amount thereof, so certified as above, from any One or more of the Persons herein made liable to the Payment thereof in the several Cases herein-before mentioned, and in case of Nonpayment thereof to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, in which Action it shall be sufficient for the Plaintiff or Plaintiffs to declare that the Defendant or Defendants is or are indebted to him or them in the Sum mentioned in the said Certificate; and the said Plaintiff or Plaintiffs shall, upon filing the said Declaration, together with the said Certificate and Affidavit of such Demand as aforesaid, be at liberty to sign Judgment as for Want of Plea by Nil dicit, and take out Execution for the said Sum so mentioned in the said Certificate, together with the Costs of the said Action, according to due Course of Law: Provided always, that the Validity of such Certificate (the Handwriting of the Speaker thereunto being duly verified) shall not be called in question in any Court upon the Allegation of any Matter or Thing anterior to the Date thereof.

Persons paying Costs may recover a Proportion from other Persons liable thereto.

XCVI. And be it enacted, That in every Case it shall be lawful for any Person or Persons from whom the Amount of such Costs and Expences shall have been so recovered to recover in like Manner from the other Persons, or any of them (if such there shall be), who are liable to the Payment of the same Costs and Expences, a proportionate Share thereof, according to the Number of Persons so liable, and according to the Extent of the Liability of each Person.

Recognizances when to be estreated, &c.

XCVII. And be it enacted, That if any Person or Persons who shall have subscribed an Election Petition shall neglect or refuse, for the Space of Seven Days after Demand, to pay to any Witness who shall have been summoned on his or their Behalf before the Examiner of Recognizances, or any Committee, under the

the Provisions of this Act, the Sums so certified as aforesaid by the Speaker to be due to such Witness or if such Petitioner or Petitioners shall neglect or refuse, for the Space of Six Months after Demand, to pay to any Party who shall appear in opposition to the said Petition the Sum so certified by the Speaker as aforesaid to be due to such Party for their Costs or Expences, and if such Neglect or Refusal shall, within One Year after the granting of such Certificate, be proved to the Speaker's Satisfaction, by Affidavit sworn before any Master of the High Court of Chancery, (and such Master is hereby authorized to administer such Oath, and is authorized and required to certify such Affidavit under his Hand,) in every such Case every Person who shall have entered into a Recognizance relating to such Petition under the Provisions herein-before contained shall be held to have made default in his said Recognizance; and the Speaker of the House of Commons shall thereupon certify such Recognizance into the Court of Exchequer, and shall also certify that such Person or Persons have made default therein, and such Certificate shall be conclusive Evidence of such Default; and the Recognizance, being so certified, shall be delivered by the Clerk or one of the Clerks Assistant of the House of Commons into the Hands of the Lord Chief Baron of the Court of Exchequer, or of one of the Barons of the Exchequer, or of such Officer as shall be appointed by the Court to receive the same, and shall have the same Effect as if the same were estreated from a Court of Law; and the Validity thereof (the Handwriting of the Speaker to such Certificate being duly verified) shall not be called in question upon the Allegation of any Matter anterior to the Date of such Certificate.

Returning Officer may be sued for neglecting to return any Person duly elected.

XCVIII. And be it enacted, That if any Sheriff or other Returning Officer or Officers shall wilfully delay, neglect, or refuse duly to return any Person who ought to be returned to serve in Parliament for any County, City, Borough, District of Burghs, Port, or Place within *Great Britain* or *Ireland*, such Person may, in case it shall have been determined by a Select Committee appointed in the Manner herein-before directed that such Person was entitled to have been returned, sue the Sheriff or other Officer or Officers having so wilfully delayed, neglected, or refused duly to make such Return at his Election, in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall recover double the Damages he shall sustain by reason thereof, together with full Costs of Suit, provided such Action is commenced within One Year after the Commission of the Act on which it is grounded, or within Six Months after the Conclusion of any Proceedings in the House of Commons relating to such Election.

Commencement of Act.

XCIX. And be it enacted, That this Act shall commence and take effect from the End of this present Session of Parliament.

Provision for Election Petitions remaining at the Close of the present Session.

C. And be it enacted, That if at the Close of the present Session of Parliament there shall be any Election Petition or Petitions before the House, the Order for taking which into consideration shall not have been discharged, and for trying which no Committee or Committees shall have been appointed, such Election Petition or Petitions shall, in case the Sureties relating thereto shall have been reported unobjectionable, be tried by a Committee or Committees to be chosen under the Provisions of this Act, and shall be referred to the General Committee of Elections before any Petition presented in the next Session, and the General Committee shall, within Two Days after their first Meeting, appoint a Day and Hour for selecting a Committee to try every such Petition; and the Recognizances entered into in respect of such Petitions shall be taken to remain in force for securing Payment of all Costs and Expences which the Petitioners shall be liable to pay under the Provisions of this Act: Provided always, that if the Parliament shall be prorogued after the Appointment of a Select Committee for the Trial of any such Petition as aforesaid, and before they shall have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be thereby adjourned to Twelve of the Clock on the Day immediately following that on which Parliament shall meet again for the Despatch of Business (*Sunday, Good Friday,* and *Christmas Day* always excepted); and all Proceedings of such Committee, and of any Commission to take Evidence issued under the Authority of such Committee, shall remain and continue to be of the same Force and Effect as if Parliament had not been so prorogued, and as if the Act passed in the Fifth Year of Her Majesty, intituled *An Act to amend the Law for the Trial of controverted Elections*, had continued in force; and such Committee shall meet on the Day and Hour to which it shall be so adjourned, and shall thenceforward continue to sit from Day to Day in the Manner provided in the last-mentioned Act, until they shall have reported to the House their Determination on the Merits of such Petition; and all further Proceedings shall be had, with reference to such Petition, as if the said last-mentioned Act had continued in force.

4 & 5 Vict. c. 58.

Act may be amended, &c.

CI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

Form of Recognizance.

BE it remembered, That on the Day of in the Year of our Lord before me *A. B.* (Examiner of Recognizances for the House of Commons) [*or* One of Her Majesty's Justices of the Peace for the County of], came *C. D.* of, *&c.*, *E. F.* of, *&c.*, *G. H.* of, *&c.*, *I. K.* of, *&c.*, and *L. M.* of, *&c.*, and severally acknowledged themselves to owe to our Sovereign

Sovereign Lady the Queen the following Sums; (that is to say,) the said *C.D.* the Sum of One thousand Pounds, and the said *E.F.* the Sum of Pounds, [the said *G.H.* the Sum of Pounds, the said *I.K.* the Sum of Pounds, and the said *L.M.* the Sum of Pounds,] to be levied on their respective Goods and Chattels, Lands and Tenements, to the Use of our said Sovereign Lady the Queen, Her Heirs and Successors.

The Condition of this Recognizance is, that if the said *C.D.* and *X.Y.*, (*the other Petitioner, if any,*) or either of them, shall well and truly pay all Costs and Expences which any Committee of the House of Commons selected to try the Matter of the Petition signed by the said *C.D.* and *X.Y.* (complaining of an undue Election or Return for the [*here state the Place*]), [*or* (complaining that no Return has been made for the said within the Time limited by Act of Parliament), *or* (complaining that the Return made for the said is not a Return of a Member or Members according to the Requisition of the Writ), *or* (complaining of the special Matters contained in any such Return)] shall adjudge to be payable by the said *C.D.* and *X.Y.* (*the other Petitioner, if any,*) or either of them, and shall also well and truly pay the Costs and Expences due and payable by the said *C.D.* and *X.Y.*, (*the other Petitioner, if any,*) and each of them, to any Witness summoned in his or their Behalf, or to the Party who shall appear in opposition to the said Petition, in case the said *C.D.* and *X.Y.* (*the other Petitioner, if any*), shall be allowed to withdraw his or their said Petition, then this Recognizance to be void, otherwise to be of full Force and Effect.

CAP. CIV.

An Act to apply a Sum out of the Consolidated Fund and certain other Sums to the Service of the Year One thousand eight hundred and forty-four, and to appropriate the Supplies granted in this Session of Parliament. [9th *August* 1844.]

§ I. There shall be applied, for the Service of the Year 1844, £6,969,856 10*s.* 3*d.* out of the Consolidated Fund.

II. The Treasury may cause £6,969,856 10*s.* 3*d.* of Exchequer Bills to be made out in manner prescribed by 48 *G.* 3. *c.* 1., 4 & 5 *W.* 4. *c.* 15., and 5 & 6 *Vict. c.* 66.

III. The Clauses, &c. in recited Acts extended to this Act.

IV. Interest on Exchequer Bills.

V. Bank of England may advance £6,969,856 10*s.* 3*d.* on the Credit of this Act.

VI. Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VII. Monies raised by Exchequer Bills to be applied to Services voted by the Commons.

VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

IX. The Treasury to issue £184,324 9*s.* 9*d.* the Surplus of Ways and Means, and £500,000 now in the Exchequer, to complete the Aids granted for 1842 and 1843.

X. Monies coming into the Exchequer by *cc.* 6. and 28. *ante*,—£18,407,300 by Exchequer Bills under *c.* 14. *ante*,—and also the said £6,969,856 10*s.* 3*d.*, £184,324 9*s.* 9*d.*, and £500,000 shall be applied as hereafter expressed.

XI. There shall be issued and applied,

£ 6,250,120	0	0	For Naval Services, *viz.*	
1,170,476	0	0	For Wages of 36,000 Seamen and Marines, and the Ordinary and Yard Craft	To 31st *March* 1845.
544,960	0	0	For their Victuals	
126,826	0	0	For Salaries of Officers and contingent Expences of the Admiralty	
2,980	0	0	For Salaries of Officers and contingent Expences of the Registry of Merchant Seamen	
38,076	0	0	For ditto of Scientific Departments of the Navy	
127,927	0	0	For ditto of Naval Establishments at home	
22,426	0	0	For ditto abroad	
649,104	0	0	For Wages of Artificers, Labourers, and others in Naval Establishments at home	
42,080	0	0	For ditto in Naval Establishments abroad	
1,053,965	0	0	For Naval Stores, &c.	
298,866	0	0	For new Works, Improvements, and Repairs in Yards	
20,165	0	0	For Medicines and Medical Stores	
61,630	0	0	For Naval Miscellaneous Services	
742,296	0	0	For Naval Half Pay	
495,626	0	0	For Military Pensions and Allowances	
162,959	0	0	For Civil ditto	
160,890	0	0	For Charge of Transport and Freight of Stores and other Charges on account of the Army and Ordnance	
96,327	0	0	For conveying Convicts to *New South Wales*, &c.	
432,541	0	0	For Mail Packet Service	

§ XII.

§ XII.	£ 6,617,249	0	0	For Army Services after mentioned, *viz.*	
	3,431,764	0	0	For Forces at home and abroad (except *India*) -	From 1st *April* 1844 to 31st *March* 1845.
	158,231	0	0	For General Staff and Officers of Hospitals at home and abroad (except *India*), and for the Garrison of the *Tower* - - - -	
	90,308	0	0	For Allowances to principal Officers of Military Departments in *Great Britain*, their Deputies, Clerks, and contingent Expences - - - -	
	13,408	0	0	For Royal Military Asylum and *Hibernian* Military School - - - - - -	
	88,077	0	0	For Volunteer Corps - - - -	
	1,649	0	0	For Services for former Years - - -	
	13,953	0	0	For Rewards for Military Services, and Allowances to Garrison Officers at home and abroad - -	
	77,000	0	0	For Pay of General Officers not being Colonels of Regiments - - - - -	
	62,300	0	0	For Full Pay of Reduced and Retired Officers -	
	450,000	0	0	For Half Pay and Allowances to Reduced and Retired Officers - - - - - -	
	54,932	0	0	For Half Pay and Reduced Allowances to Officers of disbanded Foreign Corps, Pensions to wounded Foreign Officers, and Allowances to Widows and Children of deceased Foreign Officers - -	
	141,610	0	0	For Pensions to Widows of Officers - - -	
	110,000	0	0	For Compassionate List, Allowances as of Her Majesty's Bounty, and Pensions to wounded Officers - -	
	1,252,792	0	0	For *Chelsea* and *Kilmainham* Hospitals, &c. - -	
	38,500	0	0	For Superannuations to Persons formerly belonging to public Military Departments - - -	
	436,284	0	0	For the Commissariat Department, to the 31st *March* 1845.	
	46,618	0	0	For Half Pay, Pensions, and Allowances, to ditto.	
	149,823	0	0	For disembodied Militia, to ditto.	
XIII.	1,859,064	0	0	For Ordnance Services for the Year 1844-45, *viz.*	
	127,043	0	0	For Civil Establishments at the *Tower*, *Pall Mall*, *Woolwich*, and at Out-Stations at home and abroad.	
	111,707	0	0	For Engineers, Sappers, and Miners.	
	343,552	0	0	For the Artillery, *African* Gunners at *Jamaica*, Master Gunners, Field Train, and Medical Department, and Military Academy.	
	39,297	0	0	For Salaries to Barrack Masters at home and abroad.	
	483,721	0	0	For Ordnance Works and Repairs, Clerks of Works, &c.	
	166,796	0	0	For Ordnance Surveys, Military and Civil Contingencies, &c.	
	229,580	0	0	For Ordnance and Military Store Branch.	
	163,680	0	0	For Ordnance Superannuations, Retired Allowances, Pensions, &c.	
	174,688	0	0	For Commissariat Supplies.	
	19,000	0	0	For repairing Damages at the Royal Gunpowder Manufactory, &c.	
XIV.	There shall be issued and applied,				
	18,407,300	0	0	To pay off Exchequer Bills charged on the Aids of 1844.	
	500,000	0	0	To discharge Supplies granted for 1843 or any preceding Year.	
XV.	100,000	0	0	For Civil Contingencies to the 31st *March* 1845.	
	112,190	0	0	For Public Buildings, Works, &c. heretofore charged upon the Civil List, to ditto.	
	5,420	0	0	For temporary Accommodation for the Houses of Parliament, &c., to ditto.	
	60,000	0	0	For new Houses of Parliament, to ditto.	
	7,000	0	0	For Works in *Trafalgar Square*.	
	4,164	0	0	For *Holyhead* Harbour and *Shrewsbury* and *Holyhead* Road to the 31st *March* 1845.	
	50,000	0	0	For the *Caledonian* Canal.	
	26,871	0	0	For Public Works, Inland Navigation, and other Services in *Ireland* to the 31st *March* 1845.	
	8,000	0	0	For Works, &c. at *Kingstown* Harbour to ditto.	
	5,500	0	0	For *Port Patrick* Harbour in 1844.	
XVI.	59,350	0	0	For Salaries, &c. of the Houses of Parliament -	To 31st *March* 1845.
	55,600	0	0	For Salaries and Expences of the Treasury - -	
	18,703	0	0	For ditto of the Home Department - -	
	67,000	0	0	For ditto of the Foreign ditto - - -	
	22,100	0	0	For ditto of the Colonial ditto - - -	
	32,500	0	0	For ditto of the Privy Council - - -	

	£ 2,000	0	0	For the Lord Privy Seal	To 31st *March* 1845.
	31,689	0	0	For the Office of the Paymaster General	
	16,068	0	0	For Salaries, &c. of the Office of the Comptroller General of the Exchequer and Paymaster of Civil Services	
	2,600	0	0	For Expences of the State Paper Office	
	3,200	0	0	For Ecclesiastical Commissioners	
	53,000	0	0	For the Poor Law Commissioners	
	53,236	0	0	For Expences at the Mint	
	13,467	0	0	For Public Records	
	9,700	0	0	For Salaries, &c. of Factory Inspectors	
	6,464	0	0	For Salaries of Household of Lord Lieutenant of *Ireland*	
	20,400	0	0	For ditto in the Chief Secretary's Department	
	4,979	0	0	For Paymaster of Civil Services in *Ireland*	
	6,275	0	0	For Public Works in *Ireland*	
	39,200	0	0	For Foreign and Secret Services	
	212,324	0	0	For Stationery, Printing, &c. for Public Departments and Parliament	
	4,950	0	0	For Printing, &c. in *Ireland*	
§ XVII.	30,000	0	0	For Law Charges	
	13,360	0	0	For prosecuting Offenders against Laws relating to the Coin	
	150,000	0	0	For Charges hitherto paid out of the County Rates for 1844.	
	18,400	0	0	For Expences of Sheriffs and Deficiencies of Fees in the Remembrancer's Office, &c.	To 31st *March* 1845.
	13,000	0	0	For Salaries and Expences of Insolvent Debtors Court	
	18,586	0	0	For Prison at *Parkhurst* for Juvenile Offenders	
	20,364	0	0	For *Pentonville* Prison	
	47,689	0	0	For the Penitentiary at *Milbank*	
	3,972	0	0	For confining and maintaining Criminal Lunatics	
	6,500	0	0	For Salaries, &c. of Inspectors of Prisons	
	63,935	0	0	For Law Expences in *Scotland*	
	62,109	0	0	For ditto in *Ireland*	
	30,000	0	0	For *Dublin* Police	
	6,337	0	0	For Buildings, &c. at the Convict Depôt, *Dublin*, for 1844.	
	87,090	0	0	For Convicts at home, *Bermuda*, and *Gibraltar*, to 31st *March* 1845.	
	300,000	0	0	For Convicts in *New South Wales* and *Van Diemen's Land*, to ditto.	
XVIII.	37,987	0	0	For the *British Museum* to *Lady Day* 1845.	
	4,588	0	0	For the *London* University	To 31st *March* 1845.
	7,380	0	0	For the *Scottish* Universities	
	300	0	0	For the Royal *Irish* Academy	
	300	0	0	For the Royal *Hibernian* Academy	
	5,850	0	0	For the Royal *Dublin* Society	
	2,100	0	0	For *Belfast* Academical Institution	
	46,030	0	0	For new Buildings, &c. at the *British Museum*	
	3,245	0	0	For purchasing Collections for the same.	
	1,500	0	0	For the National Gallery	To 31st *March* 1845.
	2,300	0	0	For the Museum of Economic Geology	
	7,235	0	0	For Observatories at *Toronto*, *Saint Helena*, *Cape of Good Hope*, and *Van Diemen's Land*, and other Works, and Publications	
	1,500	0	0	For Monuments to the Memory of Sir *Sydney Smith*, Lord *Exmouth*, and Lord *De Saumarez*.	
	5,000	0	0	For the Agricultural Museum, *Edinburgh*, for 1844.	
	2,000	0	0	For the Botanic Garden, *Dublin*, for ditto.	
	40,000	0	0	For Public Education in *Great Britain* for ditto.	
	72,000	0	0	For Education in *Ireland*	To 31st *March* 1845.
	8,928	0	0	For the Roman Catholic College, *Ireland*	
	4,411	0	0	For the School of Design and Aid to Provincial Schools	
	2,006	0	0	For Professors at *Oxford* and *Cambridge*	
	2,345	0	0	For Salaries of certain Officers in *Scotland* formerly paid from Hereditary Revenue	
	6,000	0	0	For Repairs to Colleges in *Saint Andrew's* University for 1844.	
	8,000	0	0	For completing Monument to Lord *Nelson* in *Trafalgar Square*.	
	7,524	0	0	For Pictures for the National Gallery for 1844.	
	6,900	0	0	For Books, Coins, &c. for the *British Museum* for ditto.	

§ XIX.	£ 3,410	0	0	For the Civil Establishment of the *Bahama Islands* -	
	4,049	0	0	For ditto of the *Bermudas* - - -	
	3,070	0	0	For ditto of *Prince Edward's Island* - -	
	400	0	0	For Establishment at *Sable Island* for Relief of shipwrecked Persons - - - -	
	13,680	0	0	For Civil Establishments on the Western Coast of *Africa* - - - - -	
	13,500	0	0	For ditto of *Saint Helena*, and for Pensions and Allowances to Civil and Military Officers of the *East India* Company's late Establishment in that Island -	
	7,219	0	0	For Settlement of *Western Australia* - -	To 31st *March* 1845.
	3,775	0	0	For Expences incurred at *South Australia* - -	
	4,224	0	0	For Settlement at *Port Essington* - - -	
	9,812	0	0	For ditto of the *Falkland Islands* - - -	
	7,565	0	0	For *New Zealand* - - - - -	
	1,023	0	0	For Civil Establishment of *Heligoland* - -	
	18,394	0	0	For Salaries of the Governors, &c. in the *West Indies* -	
	11,353	0	0	For Ecclesiastical Establishment in *North America* -	
	18,895	0	0	For the *Indian* Department in *Canada* - -	
	11,282	0	0	For the Colonial Land and Emigration Board -	
	49,700	0	0	For Salaries, &c. to Stipendiary Justices in the Colonies	
	12,000	0	0	For educating emancipated Negroes in 1844.	
	35,000	0	0	For Support of captured Negroes and liberated *Africans*	
	24,000	0	0	For Commissioners for preventing Traffic in Slaves -	
	107,300	0	0	For Salaries to Consuls - - -	
	20,000	0	0	For Ministers at Foreign Courts - -	
	80,000	0	0	For Settlement at *Hong Kong* and Establishments in *China* - - - - -	To 31st *March* 1845.
XX.	85,800	0	0	For Allowances and Compensations to Persons formerly in Public Offices or in the Public Service - -	
	6,200	0	0	For *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers Widows, *Saint Domingo* Sufferers, *American* Loyalists, &c. - - - -	
	1,850	0	0	For the Vaccine Institution, for 1844.	
	3,000	0	0	For the Refuge for the Destitute, for 1844.	
	12,100	0	0	For *Polish* Refugees and distressed *Spaniards*, to 31st *March* 1845.	
	4,979	0	0	For Allowances formerly paid from the Civil List.	
	2,154	0	0	For Charities and other Charges in *Scotland* - -	
	6,767	0	0	For the Foundling Hospital in *Dublin* - -	
	13,429	0	0	For the House of Industry in *Dublin* - -	
	1,000	0	0	For the Female Orphan House in *Dublin* - -	
	2,500	0	0	For the *Westmorland* Lock Hospital - -	
	1,000	0	0	For the Lying-in Hospital - - -	
	1,500	0	0	For Dr. *Stevens'* Hospital - - -	To 31st *March* 1845.
	3,000	0	0	For the Fever Hospital and House of Recovery -	
	500	0	0	For the Hospital for Incurables - -	
	700	0	0	For Charity Commissioners in *Ireland* - -	
	35,630	0	0	For Protestant Dissenting Ministers in *Ireland* -	
	7,340	0	0	For Charitable Allowances in *Ireland* - - -	
XXI.	5,000	0	0	For the Townland Survey of *Ireland* - -	
	2,997	0	0	For Improvement of the *Shannon* - -	
	1,330	0	0	For Works, &c. at the *British* Ambassador's House at *Paris*.	
	10,000	0	0	For ditto at *Constantinople*.	
	50,000	0	0	For Steam Communication to *India*, to 31st *March* 1845.	
	16,600	0	0	For Militia and Volunteers in *Canada*, for 1844.	

XXII. Supplies to be applied only for the Purposes aforesaid.

XXIII. Rules to be observed in the Application of the Sum appropriated to Half Pay. This Act not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, Yeomanry, or Volunteers. Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since *July* 1828. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.

XXIV. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXV. Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay without the Oaths having been taken as required by 6 & 7 *Vict. c.* 99., indemnified.

XXVI. Half Pay allowed to the Officers of the *Manx* Fencibles.

§ XXVII. Half Pay Allowances to Chaplains of Regiments not being in possession of Ecclesiastical Benefices derived from the Crown.
XXVIII. The Surplus of the Sum appropriated to Half Pay by 6 & 7 *Vict. c.* 99. authorized to be disposed of to maimed or meritorious Officers, or their Widows or Children, as Her Majesty shall direct.
XXIX. Widows and Persons claiming Pensions shall make the required Declaration.
XXX. Declaration to be made as specified in 5 & 6 *W.* 4. *c.* 62.

CAP. CV.

An Act to confirm and enfranchise the Estates of the Conventionary Tenants of the ancient Assessionable Manors of the Duchy of *Cornwall*, and to quiet Titles within the County of *Cornwall* as against the Duchy; and for other Purposes. [9th *August* 1844.]

Charter, 11 Edw. 3.

'WHEREAS His late Majesty King *Edward* the Third, by His Charter dated the Seventeenth Day of *March* in the Eleventh Year of His Reign, and confirmed by Parliament, granted unto His eldest Son *Edward* then Duke of *Cornwall*, and His Heirs, (among other things,) certain Lands and Tenements therein mentioned, to hold the same to Him and to the first-begotten Son of Him and of His Heirs Kings of *England* and Dukes of the same Place, so that from the same Duchy they might at no Time be in anywise separated: And whereas His Royal Highness *Albert Edward* Prince of *Wales* now stands seised of the Duchy of *Cornwall* and the Possessions thereof: And whereas the several Manors mentioned in the First and Second Schedules hereto annexed, situate in the County of *Cornwall*, and usually called "Assessionable Manors," are Part of the said Lands and Tenements granted by the said Charter: And whereas certain Tenements lying within the same Manors respectively, and usually called "Conventionary Tenements," have been held under Grants made and renewed at the Courts called Assession Courts, holden under Commissions for that Purpose generally once in every Seven Years for the said Manors respectively, upon Payment of divers Fines and Acknowledgments and Fees, and subject to the Payment and Render of certain Rents, Heriots, and Services; and Surrenders of and Admittances to the Estates created by such Assessional Grants have been usually made, taken, and granted at Courts held for the said Manors respectively before the Stewards or Deputy Stewards of the same: And whereas the Nature and Quantity of the Estates created by such Grants have been disputed, but the said Conventionary Tenements have by the Tenants thereof been usually considered to be held as Customary Tenements of Inheritance, with a perpetual Right of Renewal, and have by the said Tenants been conveyed and assured and dealt with accordingly: And whereas the Mines and metallic Minerals in, upon, and under the said Conventionary Tenements, and the Freehold thereof, have always belonged to the Duke of *Cornwall;* but the Right of the Duke of *Cornwall* to enter upon the said Conventionary Tenements, and work, get, and dispose of the Mines and metallic Minerals in, upon, and under the same, has been disputed: And whereas the Manors comprised in the said Second Schedule hereto annexed were some time since sold and disposed of under the Authority of a certain Act for the Redemption of Land Tax, but with the express Exception and Reservation, in the several Conveyances thereof, of all Mines and Minerals within and under the same, with full and free Liberty of Ingress, Egress, and Regress to dig, search for, take, use, and work the said Mines and Minerals; but it is apprehended that the Expression "Minerals" in such Exceptions and Reservation was intended to mean metallic Minerals only: And whereas various Disputes have lately arisen as to the said Conventionary Tenements of the said Manors comprised in the said First Schedule hereto annexed, and in consequence thereof no Assession Courts have been held for any of the same Manors since the Year One thousand eight hundred and thirty-three: And whereas the Mines, Minerals, Stone, and Substrata in, upon, under, and of divers waste and other Lands within the said Manors comprised in the said First Schedule hereto annexed, and the Mines and metallic Minerals in, upon, and under divers waste and other Lands within the said Manors comprised in the said Second Schedule hereto annexed, respectively belong, or are claimed to belong, to the Duke of *Cornwall:* And whereas the said Conventionary Tenements holden of the said Manors comprised in the said First and Second Schedules hereto annexed are very vaguely and uncertainly described in the Grants thereof, and the Boundaries, Identity, and Situation thereof, and of the waste and other Lands lying within the said Manors respectively, which, or the Mines, Minerals, Stone, and Substrata in, upon, under, and of which, belong or are claimed to belong to the Duke of *Cornwall*, as aforesaid, are in many Cases disputed, and in other Cases not clearly ascertained or distinguished, and several Purprestures and Encroachments are supposed to have been made in and upon the Lands, Mines, Minerals, and Hereditaments of the Duke of *Cornwall* within the said Manors respectively: And whereas the Value as well of the said Conventionary Tenements, as of the other Lands, Mines, Minerals, and Hereditaments within the said Manors comprised in the said First and Second Schedules hereto annexed, has been greatly diminished by reason of the Premises: And whereas the several Statutes for the Limitation of Actions, Suits, and Claims by Her Majesty, Her Heirs or Successors, and by others the Subjects of Her Majesty, are for the most Part inapplicable to the Lands and Possessions of the Duchy of *Cornwall:* And whereas it is expedient, for the Interest as well of the Duke of *Cornwall* as of all other Persons interested therein, or whose Lands adjoin thereto, that the Boundaries, Identity, and Situation of the said Conventionary Tenements of the said Manors respectively comprised in the said First and Second Schedules hereto

Assessionable Manors mentioned in the Schedules.

Conventionary Tenements held of such Manors by Assessional Grants.

Nature of the Estates created by such Grants.

'annexed, and of the waste and other Lands lying within the same Manors respectively, and which, or the 'Mines, Minerals, Stone, or Substrata, in, upon, under, or of which, belong or are claimed to belong to 'the Duke of *Cornwall* as aforesaid, and of all other Lands within the said Manors which belong or are 'claimed to belong to the Duke of *Cornwall*, and the Particulars of the Purprestures and Encroachments 'herein-before referred to, should be ascertained and determined in manner herein-after provided; and 'that the Estates of the Tenants in the said Conventionary Tenements held of the said Manors comprised 'in the said First Schedule hereto annexed should be established, and the Tenure thereof converted into 'Freehold, on the Terms and Conditions herein-after mentioned; and that the Rights and Estates of the 'Duke of *Cornwall* and all other Persons in respect of the Mines, Minerals, Stone, and Substrata in, 'upon, under, and of the Conventionary Tenements held of the said Manors comprised in the said First 'and Second Schedules hereunto annexed, and in, upon, under, and of all waste and other Lands within 'the same Manors respectively, the Mines, Minerals, Stone, or Substrata in, upon, under, or of which 'belong or are claimed to belong to the Duke of *Cornwall*, and the Rights, Powers, and Privileges of the 'Duke of *Cornwall*, as to getting, selling, and disposing of the same, should be declared, established, and 'regulated; and that such Provision should be made as is herein-after contained for the Limitation of 'Actions, Suits, and Claims by and on behalf of the Duke of *Cornwall* within the County of *Cornwall*; 'but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and singular the Tenements which were granted and held in Convention at the last Assession Courts for the said Manors mentioned in the said First Schedule hereunto annexed respectively, and which, if the Grants thereof had been duly renewed at subsequent Assession Courts holden for the said Manors respectively in the ordinary Course, would have been held as such Conventionary Tenements by successive Grants continuously for Sixty Years or more before the First Day of *May* One thousand eight hundred and forty-four, shall from and after the passing of this Act, and until such Award or Awards shall have been made as herein-after mentioned, continue to be held by the Tenants thereof respectively for the same Estates and Interests, and in the same Manner, and may be assured by Surrender and Admittance, and by Will or otherwise, in the same Manner in every respect as the same Tenements respectively would have been held and might have been assured if the Grants thereof had been duly renewed as aforesaid, and this Act had not been made and passed; but subject nevertheless to the Payment and Render of all Fines for Renewal, Heriots, Rents, Payments, Fees, and Services which would have become payable if the Grants thereof had been duly renewed as aforesaid, and this Act had not been made or passed, (and which same Fines, Heriots, Rents, Payments, Fees, and Services the Duke of *Cornwall* is hereby authorized to recover and enforce by the heretofore accustomed Means, or by Distress and Entry, as in case of Rent-charge, upon the same Tenements respectively,) and subject also to all the existing Rights of the Duke of *Cornwall* and his Lessees, and other Persons claiming under him, with respect to Mines, Minerals, Stone, Substrata, and other Profits to him belonging, in, upon, under, and of the same.

Confirmation of the Estates of the Conventionary Tenants of the unsold Manors.

Appointment of Commissioners.

II. And be it enacted, That *John Farquhar Fraser* of *Lincoln's Inn*, Barrister-at-Law, Esquire, *James Vetch* Esquire, Captain in the Corps of Royal Engineers, and *John Maurice Herbert* of *Lincoln's Inn*, Barrister-at-Law, Esquire, and their Successors (to be appointed as after mentioned), shall be and they are hereby appointed Commissioners for the Purposes herein-after mentioned.

For Appointment of new Commissioners on Vacancies.

III. And be it enacted, That in case the said Commissioners, or any of them, or any Person to be hereafter appointed a Commissioner by virtue of this Act, shall die or refuse or neglect to act, or shall resign or be removed or become incapable of acting, then the Court of Chancery shall from Time to Time, on summary Application made to it for that Purpose by Petition, refer it to a Master of the said Court to approve of a fit Person to be appointed a Commissioner in the Stead of such Commissioner or Commissioners so dying or refusing or neglecting to act, or so resigning or being removed or becoming incapable of acting; and on such Approval being confirmed by an Order of the said Court, such Person so approved shall thereupon be deemed to be appointed, and shall be a Commissioner for the Purposes of this Act; and if the said Commissioner who shall so die, refuse or neglect to act, or resign or be removed or become incapable of acting as aforesaid, shall be the said *James Vetch*, or any Commissioner to be appointed in his Stead, then the aforesaid Application and the Proposal of a fit Person to be so appointed shall be made by the Duke of *Cornwall*; and if the Commissioner who shall so die, refuse or neglect to act, or resign or be removed or become incapable of acting, shall be the said *John Farquhar Fraser*, or any Commissioner to be appointed in his Stead, then the said Application and the Proposal of a fit Person to be so appointed shall be made by any Three or more Persons, being Conventionary Tenants of some or one of the said Manors mentioned in the said First and Second Schedules hereunto annexed, or Freehold Tenants of Lands within the Ambit of some or one of the said Manors or immediately contiguous thereto, and interested in the Award or Awards of the said Commissioners; and on the Behalf of the said Conventionary or Freehold Tenants several Persons may be proposed, so as Three or more join in the Proposal; and if the said Commissioner who shall so die, refuse, or neglect to act, or resign or be removed or become incapable of acting, shall be the said *John Maurice Herbert*, or any Commissioner to be appointed in his Stead, then the said Application and the Proposal of a fit Person to be so appointed shall be made by the other Two Commissioners acting under this Act; and if they cannot agree on a Person to be so named, then each of the said Two Commissioners may name a fit Person for the Approbation of the said Court, who shall select and appoint a Commissioner accordingly:

Provided

Provided always, that if the Commissioner who shall so die, or refuse or neglect to act, or resign or be removed or become incapable of acting as aforesaid, shall be the said *John Farquhar Fraser*, or any Commissioner to be appointed in his Stead, and no Person shall be appointed by the said Court to fill such Vacancy within Two Calendar Months from the same happening on an Application on behalf of the Conventionary or Freehold Tenants aforesaid, then and in such Case a Commissioner may be appointed by the said Court on the Proposal of the other Two Commissioners acting under this Act, or either of them, as in the Case of a Vacancy by the Death, Refusal, Neglect, Resignation, Removal, or Incapacity of the said *John Maurice Herbert* or any Commissioner to be appointed in his Stead: Provided always, that all the Expences attending the making any such Application by or on behalf of the Conventionary or Freehold Tenants shall be borne by the Parties making the same, and the Expences of any Application to be made by the said Duke of *Cornwall*, or of the said Two Commissioners acting under this Act, shall be borne by the said Duke of *Cornwall*.

Neglect of Commissioners to attend Three Meetings to be considered a Refusal to act.

IV. Provided always, and be it enacted, That if any Commissioner shall at any Time wilfully absent himself from any Three successive Meetings appointed to be holden by virtue of this Act (such Commissioner not having been prevented by Sickness or other inevitable Cause, to be allowed by the Duke of *Cornwall*, from attending or continuing at such Meetings), then such Nonattendance shall be deemed and taken to be a Refusal to act within the Meaning of this Act.

Commissioners may be removed in case of Misconduct or becoming interested Parties.

V. And be it enacted, That if the said Commissioners hereby appointed, or any of them, shall be guilty of corrupt or improper Conduct in the Execution of the Duties on them imposed by this Act, or shall not use due Diligence in the Execution thereof, or shall become possessed of any Right, Title, Estate, or Interest to or in any Hereditaments or Property in the County of *Cornwall*, or shall hold any Office under the Duchy of *Cornwall*, it shall be lawful for any Three or more Conventionary Tenants, or any Three or more of such Freehold Tenants as aforesaid, or for the Duke of *Cornwall*, to apply to the Court of Chancery, by Petition, for the Removal of such Commissioners or Commissioner, such Petition being accompanied by Two or more Affidavits verifying the material Facts therein alleged; and the said Court of Chancery shall hear and determine the Matter of the said Petition, in such Manner and subject to such Rules and Orders, and upon such Evidence and Inquiry, as it shall think fit; and the Costs incurred in the Prosecution of any Proceeding in the said Court of Chancery under this Act, in respect of the Removal of any Commissioners or Commissioner, shall be paid by such Party or Person, and be taxed in such Manner as the said Court shall direct.

Commissioners to make a Declaration before acting.

VI. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner (save for giving Notice of the first Meeting) until he shall have made and subscribed a Declaration to the Effect following before a Justice of the Peace, which Declaration any Justice of the Peace is hereby empowered to receive; (that is to say,)

Form of Declaration.

'I *A.B.* do solemnly declare, That I will honestly, according to the best of my Skill, execute the Powers 'vested in me as a Commissioner by an Act passed in the Year of the Reign of Her 'Majesty Queen *Victoria*, intituled *An Act [here set forth the Title of this Act]*, according to good 'Conscience, without Favour to any Person; and I make this solemn Declaration under the Provisions of 'an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty 'King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, 'intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various '*Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Sup-'*pression of voluntary and extra-judicial Oaths and Affidavits;' and to make other Provisions for the 'Abolition of unnecessary Oaths.'*

For Appointment of a Secretary to the Commissioners.

VII. And be it enacted, That *John Douglas Cook* Esquire shall be and he is hereby appointed Secretary to the said Commissioners, and that it shall be lawful for the said Commissioners, with the Consent of the Duke of *Cornwall*, from Time to Time to remove the said *John Douglas Cook*, and any Person who shall hereafter be appointed Secretary to the said Commissioners, and also, with such Consent, from Time to Time to appoint another Person to be Secretary to the said Commissioners as Occasion shall require.

Minutes of Proceedings to be kept, and to be Evidence, and open for Inspection.

VIII. And be it enacted, That such Secretary shall keep a Book in which he shall make Minutes of the Proceedings of the said Commissioners, and shall enter the Names of the Commissioners attending as aforesaid; and the Entry of the Proceedings at each Meeting shall be signed by the Commissioners present; and it shall be lawful for any Person interested, at all seasonable Times, to inspect the said Minutes upon Payment of a Fee of One Shilling for each such Inspection; and the Secretary of the said Commissioners shall furnish Copies of or Extracts from such Minutes to any Person interested requiring the same, after the Rate and upon the Payment of Four-pence *per* Folio of every Seventy-two Words; such Fees to be carried to the general Credit of the Funds of the Commission.

Remuneration of the Commissioners and their Secretary.

IX. And be it enacted, That each of the said Commissioners shall be paid, as a Remuneration for his Services, for each Day spent in the Execution of the Duties hereby imposed on him for the first Eighteen Calendar Months from the passing of this Act, the Sum of Four Guineas *per* Day, and after the Expiration of such Eighteen Calendar Months, for the next Twelve Calendar Months, the Sum of Three Guineas *per* Day; and the Secretary of the said Commissioners shall be paid, as a Remuneration for his Services, for each Day spent in the Execution of the Duties hereby reposed in him for the first Eighteen Calendar Months from the passing of this Act, the Sum of Three Guineas *per* Day, and after the Expiration of such Eighteen Calendar Months, for the next Twelve Calendar Months, the Sum of Two Guineas *per* Day; and the said Commissioners and their Secretary respectively shall also be paid all such travelling and

and other Expences as they shall actually and reasonably incur in the Execution of the Duties hereby imposed on them: Provided always, that it shall be lawful for the Duke of *Cornwall*, upon the Recommendation of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, if he shall think fit, to extend the Period for which the higher Rate of Remuneration shall be allowed to the said Commissioners and their Secretary as aforesaid.

Times and Places of Meetings of the Commissioners, and as to the Notices to be given of the same.

X. And be it enacted, That the first Meeting of the said Commissioners shall be held at *Liskeard* or *Launceston* in the County of *Cornwall* within Two Calendar Months after the passing of this Act; and that the said Commissioners shall cause Notice by Advertisement to be inserted in some Newspaper or Newspapers usually circulated in the said County of *Cornwall*, of the Time and Place of their first and every future Meeting (Meetings by Adjournment alone excepted), Ten Days at least before the Time appointed for such Meetings respectively; and in case only one or no one of the said Commissioners shall attend at the Time and Place appointed, or to which any Meeting shall be adjourned, it shall be lawful for the Commissioner so attending, and for the Secretary in case no one of the said Commissioners shall attend, to adjourn the said Meeting to any future Day not exceeding One Calendar Month from the Day of Adjournment; and the said Commissioner or Secretary so making such Adjournment is hereby required to enter a Minute of such Adjournment, and to give timely Notice thereof to the absent Commissioners: Provided always, that all future Meetings of the said Commissioners, and all Adjournments of their first and every future Meeting shall be held at some Place within or near to one of the said Manors mentioned in the said First and Second Schedules hereunto annexed.

As to other Notices to be given.

XI. And be it enacted, That all other public Notices requisite to be given by the said Commissioners shall be given by Advertisement, to be inserted in such of the public Newspapers usually circulated in the said County of *Cornwall* as they shall direct.

Two Commissioners may act.

XII. And be it enacted, That any Two of the said Commissioners may perform the several Acts and Matters hereby authorized to be done by the said Commissioners, other than and except the making and Execution of the Award herein-after directed to be made; but no Act or Matter shall be done by Two Commissioners except during such Time as there shall be Three Commissioners appointed and acting under this Act.

Commissioners to inquire of and ascertain Conventionary Tenements, and the Boundaries, Identity, and Situation thereof, and all Lands, Mines, and Minerals belonging to the Duke of Cornwall within the Assessionable Manors.

XIII. And be it enacted, That the said Commissioners shall have full Power and Authority, and are hereby required and directed, by the Testimony of Witnesses upon Oath (which Oath each and any one of the said Commissioners is hereby empowered to administer and receive), and by the Inspection and Examination of Records, Surveys, Maps, Deeds, Books, Court Rolls, Papers, and Writings, and by all or any other lawful Ways or Means, to inquire of and ascertain what Lands or Tenements within the several Manors mentioned in the said First and Second Schedules hereunto annexed now are or at any Time within One hundred Years before the said First Day of *May* One thousand eight hundred and forty-four have been held as Conventionary Tenements, and the Boundaries, Identity, and Situation of all such Tenements, and to inquire of and ascertain which of the said Conventionary Tenements of the said Manors mentioned in the said First Schedule hereunder written would, on the said First Day of *May* One thousand eight hundred and forty-four, have been held as such by successive Grants continuously for Sixty Years or more before the said First Day of *May* One thousand eight hundred and forty-four, if the Assession Courts for the Renewal of such Grants had been duly held, and such Grants had been duly renewed in ordinary Course as aforesaid; and to inquire of and ascertain the waste and other Lands lying within the same Manors respectively, which, or the Mines, Minerals, Stone, or Substrata in, upon, under, or of which, belong to the Duke of *Cornwall*, and the Boundaries, Identity, and Situation thereof respectively, and the Boundaries and Extent of the said several Manors mentioned in the said First and Second Schedules hereunto annexed, and generally to inquire of and ascertain what Lands, Mines, Minerals, Stone, Substrata, and Hereditaments within the said Manors respectively belong to the Duke of *Cornwall*, and the Boundaries, Identity, and Situation thereof respectively, but so that the said Commissioners shall have regard to the Provisions in this Act contained for the Limitation of Actions and Suits and otherwise, and so that all Proceedings of the said Commissioners shall, with reference to the said Provisions for the Limitation of Actions and Suits, be deemed and taken to have been commenced on the said First Day of *May* One thousand eight hundred and forty-four; and also to inquire of and ascertain the several annual and other Rents, Fines, Acknowledgments, Payments, Fees, Heriots, and Services which now are, or at any Time within Sixty Years before the said First Day of *May* One thousand eight hundred and forty-four have been, reasonably and fairly payable or due in respect of the several Conventionary Tenements held of the said Manors mentioned in the said First Schedule hereunto annexed, either upon the Renewal of the Grants of such Conventionary Tenements, or on the Surrender of or Admittance thereto or otherwise, and the Arrears thereof respectively which have become due since the holding of the last Assession Courts for the said Manors respectively, and to inquire of and ascertain all such other Matters or Things as it shall in the Judgment of the said Commissioners be expedient to inquire of and ascertain in relation to the Premises, and to enable them the better to make the Award herein-after directed to be made.

Commissioners to determine the annual Sums for which casual Payments and Services may be justly commuted.

XIV. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby required and directed to determine the annual Sums for which it will be just to commute all Fines, Heriots, Acknowledgments, Payments, Fees, and Services (other than annual Rents or Payments) which now are, or at any Time within Sixty Years before the said First Day of *May* One thousand eight hundred and forty-four have been, reasonably and fairly payable or due in respect of the several Conventionary Tenements held of the said Manors mentioned in the said First Schedule hereunto annexed, either

either upon the Renewal of the Grants of such Conventionary Tenements, or the Surrender of or Admittance thereto, or otherwise; and in determining the Amount of the said annual Sums the said Commissioners shall assume the Rate of Four Pounds *per Centum* as the Rate of Interest upon which their Calculations are to be made.

All Persons claiming Interest in Conventionary Tenements to send in a Statement of their Claims to the Commissioners.

XV. And be it enacted, That all Persons having or claiming any Conventionary Tenement of any of the Manors mentioned in the said First and Second Schedules hereunto annexed shall, by themselves or their duly authorized Agents, deliver to the said Commissioners at some one of such Meetings as the said Commissioners shall appoint, or within such further Time (if any) as the said Commissioners shall think proper to allow, a Statement in Writing, signed by them or their respective Agents, of such their Claims, and shall therein set forth fully the Name and Description of such Tenement, as specified in the last assessional Grant thereof, and the Boundaries, Particulars, and Situation of the Lands which they shall believe to constitute such Tenement, or which they shall claim by virtue of such assessional Grant as aforesaid, or of any other the Estate or Interest which they shall claim, and of the Particulars thereof; and all such Claims and Statements, or true Copies thereof, shall at all seasonable Times, until after the Execution of the Award or Awards of the said Commissioners, be open to the Inspection of the Duke of *Cornwall*, and all other Parties claiming to be interested therein, and their respective Agents, who may take Copies thereof or Extracts therefrom; and the said Commissioners shall, as soon as conveniently may be after the Receipt of every such Statement in Writing, deliver a Copy thereof to the Duke of *Cornwall*, or to some Person authorized by him to receive the same.

Persons may appear by Agents, but not by Counsel.

XVI. And be it enacted, That it shall be lawful for any Person, interested in the Subject Matters of the said Inquiries or Award herein-after directed to be made, to appear before the Commissioners by himself or his Agent; but no Person shall appear before the said Commissioners by Counsel, except by a special Order in that Behalf to be made by the said Commissioners.

Persons may appoint Agents by Power of Attorney.

XVII. And be it enacted, That it shall be lawful for any Person interested in the Subject Matters of the said Inquiries or Award, by a Power of Attorney given in Writing under his Hand, to appoint an Agent to act for him for all or any of the Purposes of this Act; and all Things which by this Act are directed to be done by or with relation to any such Person may be lawfully done by or with relation to the Agent so duly authorized of such Person; and every such Agent shall have full Power, in the Name and on behalf of his Principal, to sign, concur in, and execute any Application or Act arising out of the Execution of this Act; and every Person shall be bound by the Acts of any such Agent, according to the Authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent shall have acted, or a Copy thereof, authenticated by the Signature of a Witness or Witnesses, shall be deposited with the said Commissioners; and any such Power of Attorney may be in the Form following:

Form of Power.

'I of do hereby appoint of to be my Attorney for all the Purposes of an Act passed in the Years of Her present Majesty, intituled [*here set forth the Title of this Act*], [*or* for the Purposes of (*here specify the Purposes*)].'

Claims of Conventionary Tenants to be established, unless objected to.

XVIII. And be it enacted, That when any Person claiming to be a Conventionary Tenant, or his duly authorized Agent, shall have delivered to the said Commissioners such Statement in Writing, as is herein-before directed to be made by such Conventionary Tenant or his duly authorized Agent, of the Claim of such Conventionary Tenant, and such Statement shall be satisfactory to the said Commissioners, he or his Agent shall not be required to attend before the said Commissioners in support of such Claim; and the said Commissioners shall award in conformity therewith, unless the same shall be objected to by the Duke of *Cornwall* or some other Person; and if the Duke of *Cornwall* or any other Person shall object to such Claim, he shall deliver to the said Commissioners a Statement in Writing of the Nature and Extent of his Objection thereto, and thereupon the said Commissioners shall deliver to the said Conventionary Tenant or his duly authorized Agent a Copy of such Statement, and shall proceed to inquire into the said Claim by the Ways and Means herein-before directed.

Parties in possession to be deemed to have primâ facie Title.

XIX. And be it enacted and declared, That where the Duke of *Cornwall*, or any Person claiming to be entitled, otherwise than as a Conventionary Tenant, to any Lands, Tenements, Mines, Minerals, or Hereditaments within or immediately contiguous to the said Manors mentioned in the said Schedules hereunto annexed, was on the First Day of *May* One thousand eight hundred and forty-four in the actual Possession or Receipt of the Rents, Issues, and Profits of the same Lands, Tenements, Mines, Minerals, or Hereditaments respectively, such Possession or Receipt shall in any Proceeding before the Commissioners be deemed to be presumptive Evidence of the Title to the same Lands, Tenements, Mines, Minerals, and Hereditaments respectively; and the Proof of any Claim adverse to such presumptive Title shall lie on the Duke of *Cornwall*, or other Person making the Claim.

Commissioners may frame and circulate Forms, &c.

XX. And be it enacted, That the said Commissioners may from Time to Time frame and cause to be printed Forms of Notices and Claims, and issue such Orders and Instructions as to Forms of Proceedings, as in their Judgment will further the Purposes of this Act; and shall supply all or any of such Forms or Instructions to the Person or Persons requiring the same, or to whom the Commissioners may think proper to supply the same for the Purposes of this Act.

Commissioners to employ Surveyors and others, and summon Witnesses, and order the Production of Documents.

XXI. And be it enacted, That it shall be lawful for the said Commissioners for any of the Purposes of this Act to employ such Surveyors, Valuers, and other Persons as to them shall seem fit, and also by Writing under their Hands to summon all such Persons as they may think fit to appear as Witnesses before them (including Officers and Lessees of the Duke of *Cornwall* and Conventionary Tenants, and other Persons interested in the Subject Matters of the said Inquiries and Award), and to examine such

Persons

Persons upon Oath, and by the same or any other Writing under their Hands to order to be produced before them all Assession Books, Records, Surveys, Maps, Deeds, Books, Court Rolls, Papers, and Writings relating to any of the Matters or Things touching or concerning which the said Commissioners are hereby directed and empowered to inquire or ascertain, other than and except such Documents or Things as relate exclusively to the Title of any Person to Property not included in the Inquiries hereby authorized and directed.

Commissioners to order Payment of Expences of Witnesses and other Expences.

XXII. And be it enacted, That the said Commissioners, in any Case where they may see fit, may order and direct such Expences of Witnesses, and of the Production of Documents, Deeds, Maps, Plans, Surveys, and other Evidence, and all such other Expences (except the Remuneration and Expences of the said Commissioners or their Secretary) attending the Inquiries and Award and Maps hereby directed to be made as the said Commissioners shall think fit, to be paid by the Persons interested in the Premises, or any of them (including the Duke of *Cornwall*), and by such of the said Persons and in such Proportions as the said Commissioners shall direct.

The general Expences to be borne by the Duke of Cornwall and the other Persons interested, in certain Proportions.

XXIII. And be it enacted, That the Remuneration and Expences of the said Commissioners and their Secretary, and of all Surveyors, Valuers, and other Persons employed by the said Commissioners for the Purposes of this Act, and all other Expences of or incident to the Inquiries, Award, and Maps hereby directed to be made (except any Expences which the said Commissioners may order to be otherwise paid as aforesaid), shall be borne and paid as follows; one Half of such Part as shall be incurred in respect of the said Manors mentioned in the said First Schedule hereunto annexed of the said Remuneration and Expences shall be borne and paid by the Duke of *Cornwall*, and the other Half of the same Part by the Conventionary Tenants of the same Manors, and the other Persons (excepting the Duke of *Cornwall*) interested in the Subject Matters of the said Inquiries and Award in relation to the same Manors, in such Proportions and Manner as the said Commissioners, having regard to the Value of the Estates and Interests of such Tenants and other Persons respectively in the Subject Matters of the said Inquiries and Award, shall direct; and Seven Twelfth Shares of such Part as shall be incurred in respect of the said Manors mentioned in the said Second Schedule hereunto annexed of the said Remuneration and Expences shall be borne and paid by the Duke of *Cornwall*, and the other Five Twelfth Shares of the same Part by the Owners and Conventionary Tenants of the same Manors, and the other Persons (excepting the Duke of *Cornwall*) interested in the Subject Matters of the said Inquiries and Award in relation to the same Manors, in such Proportions and Manner as the said Commissioners, having regard to the Value of the Estates and Interests of such Owners, Tenants, and other Persons respectively in the Subject Matters of the said Inquiries and Award, shall direct; and the said Commissioners are hereby authorized to determine what Parts of the said Remuneration and Expences shall be deemed to have been incurred in respect of the said Manors mentioned in the said First and Second Schedules hereunto annexed respectively, or in respect of any One or more of them; and in case any Part of the said Remuneration and Expences shall appear to have been incurred in respect of all the said Manors generally, then to apportion such Part amongst the same in such Proportions and Manner as the said Commissioners shall think fit: Provided nevertheless, that no Part of the said Remuneration or Expences shall be paid by any Lessee or Licensee of the Duke of *Cornwall*, unless such Lessee or Licensee shall become liable to pay a Share of such Remuneration and Expences by reason of his being a Conventionary Tenant, or of being interested in the Subject Matters of the said Inquiries and Award in some other Capacity than as a mere Lessee or Licensee of the Duke of *Cornwall*.

Mode of Payment.

XXIV. And be it enacted, That the aforesaid Remuneration and Expences shall be paid by the Duke of *Cornwall* and the Owners of Manors, Conventionary Tenants, and other Persons aforesaid, in the Shares, Proportions, and Manner aforesaid, either altogether and at once, or by Instalments at different Times, as the said Commissioners shall think fit and shall direct the same to be paid.

Expences on Neglect or Default of Payment to be recovered by Distress.

XXV. And be it enacted, That if any Person, other than the Duke of *Cornwall*, shall neglect or refuse to pay any Expences, or any Share, or the Instalment of any Share of Remuneration and Expences, which he shall be directed to pay by the said Commissioners as aforesaid, it shall be lawful for the said Commissioners to certify, under their Hands, the Amount to be paid by such Person; and upon the Complaint of the said Commissioners, or of the Duke of *Cornwall*, or any other Person interested in such Payment, and the Production of such Certificate before any Two Justices of the Peace for the County of *Cornwall*, such Justices, upon the Nonpayment thereof, are hereby required, by Warrant under their Hands and Seals, to cause the same and the Costs of the Distress to be levied by Distress and Sale of the Goods of the Person liable to pay the same, and to render the Surplus (if any), after deducting the Charges of the Distress and Sale, to the Person distrained upon.

Power for Persons having limited Estates to charge Expences on the Estate.

XXVI. And be it enacted, That every Conventionary Tenant, and other Person interested in any Hereditaments to which the aforesaid Inquiries or Award relate, for an Estate less than an immediate and absolute Estate of Inheritance, or which shall be settled upon any Uses or Trusts, and who shall be directed to pay any such Expences, or any Share of such Remuneration or Expences as aforesaid, may, with the Consent of the said Commissioners, and in such Manner as they may direct, charge so much of the said Remuneration or Expences as is to be defrayed by him, or any Part thereof, and the Interest thereon after the Rate of Four Pounds for One hundred Pounds for a Year, upon the said Hereditaments; but so nevertheless that the Charge upon such Hereditaments shall be lessened in every Year following the making of such Charge by One Twentieth Part at the least of the whole original Charge thereon.

XXVII. Pro-

XXVII. Provided nevertheless, and be it enacted, That it shall be lawful for the Duke of *Cornwall*, if he shall think fit, from Time to Time or at any Time, to pay or advance out of the Revenues and Monies of the Duchy of *Cornwall* any Monies which may be required in or towards the Payment of the Remuneration or Expences of the said Commissioners or their said Secretary, or of any of the other Expences aforesaid; and if the Monies so paid and advanced by the Duke of *Cornwall* shall exceed the Sum which he shall ultimately become liable to pay as his Share of the aforesaid Remuneration and Expences, then such Excess shall be repaid to the Duke of *Cornwall* by and out of the Monies to be levied and raised towards the Discharge of such Remuneration and Expences from the other Persons herein-before made liable to the Payment of the same.

Power for the Duke to advance Money on account of the Expences of the Act, and Provision for his being repaid.

XXVIII. And be it enacted, That the said Commissioners shall cause true and regular Accounts to be entered in a Book, to be provided for that Purpose, of all Monies received and expended under or by virtue of this Act; and such Accounts shall be from Time to Time audited by the Auditor of the Duchy of *Cornwall* and the Duke of *Cornwall;* and the said Conventionary Tenants, and all other Persons interested in the Subject Matters of the said Award, may, at all seasonable Times, inspect and take Copies of the Accounts, on Payment of such reasonable Fees as the said Commissioners shall appoint, such Fees to be carried to the general Credit of the Funds of the Commission.

Commissioners to keep Accounts.

XXIX. And be it enacted, That every Summons by the said Commissioners, pursuant to this Act, to any Person to appear before them, and also every Order made by them for the Production to them of any Survey, Map, Deed, Book, Court Roll, Paper, or Writing, shall be of the same Force and Effect in every respect, and Persons shall be liable to the same Consequences for disobeying any such Summons or Order, as if such Summons or Order respectively had been issued, granted, or made by a Judge of one of Her Majesty's Courts of Record at *Westminster* in a Matter within the Jurisdiction of such Judge; and shall, upon the Application of the said Commissioners, be made a Rule of any of the said Courts.

Summons and Order of the Commissioners to have the same Effect, and be enforced, as if made by a Judge's Order.

XXX. And be it enacted, That it shall be lawful for the said Commissioners, and all Surveyors and other Persons who may be employed by them for any of the Purposes of this Act, to enter in and upon any of the Lands or Tenements situate or lying, or claimed to be situate or lying, within any of the said Manors mentioned in the said First and Second Schedules hereunto annexed, and to survey and examine the same, and to set up all such Poles, Stones, or other Marks, and do all such other Acts and Things as in the Opinion of the said Commissioners shall be necessary or expedient for making such Survey and Examination as aforesaid, or for the Purpose of permanently marking any Boundaries hereby directed to be determined or distinguished, or for any of the other Purposes of this Act; and if any Person shall obstruct the said Commissioners, or any Persons employed by them as aforesaid, in the Execution of any such Survey or Examination as aforesaid, or shall wilfully or wantonly pull up, break down, remove, or damage any Poles, Stones, or other Marks, whether set up for the Purposes of such Survey or Examination, or for the Purpose of permanently marking any such Boundaries as aforesaid, such Person so offending shall for every such Offence forfeit a Sum not exceeding Ten Pounds, to be recovered by summary Proceeding, upon a Complaint made before any One Justice of the Peace for the County of *Cornwall;* and in default of Payment thereof, and of such Costs as such Justice shall direct to be paid, shall, on the Warrant of such Justice, be committed to Gaol, there to remain without Bail for any Term not exceeding Three Calendar Months, unless such Sum and Costs shall be sooner paid; and every such Sum or Forfeiture to be recovered as aforesaid shall be paid one Half to the Informer and the other Half to the Duke of *Cornwall.*

Power for Commissioners, Surveyors, and all other Persons employed by them, to enter on the Lands, and erect Marks.

Penalty for obstructing them, or removing such Marks.

XXXI. And be it enacted, That when and so soon as the said Commissioners shall have made and done all such Inquiries and other Things in relation to the Premises as they shall think sufficient and expedient, it shall be lawful for the said Commissioners and they are hereby required and directed to make an Award in Writing under their Hands, and to annex to such Award a Map or Maps of the Tenements, Lands, or Manors to which the same shall relate, which Map or Maps shall be taken and deemed for all Purposes to be Part of the said Award, and in and by such Award Map or Maps to distinguish, specify, and determine what Lands or Tenements within the several Manors mentioned in the said First and Second Schedules hereunto annexed now are, or at any Time within One hundred Years before the First Day of *May* One thousand eight hundred and forty-four have been, held of the said several Manors respectively as Conventionary Tenements, and the Boundaries, Identity, and Situation of all such Tenements, and also to distinguish, specify, and determine which of the said Conventionary Tenements held of the said Manors comprised in the said First Schedule hereto annexed would at the passing of this Act have been held as such by successive Grants continuously for Sixty Years or more before the said First Day of *May* One thousand eight hundred and forty-four, if the Assession Courts for the Renewal of the said Grants had been duly held, and such Grants had been duly renewed, in ordinary Course as aforesaid; and also to distinguish, specify, and determine the waste and other Lands lying within the said Manors mentioned in the said First and Second Schedules hereunto annexed respectively, which, or the Mines, Minerals, Stone, or Substrata in, upon, under, or of which belong to the Duke of *Cornwall,* and the Boundaries, Identity, and Situation thereof, and the Boundaries and Extent of the said several Manors mentioned in the said First and Second Schedules hereunto annexed; and generally to distinguish, specify, and determine what Lands, Mines, Minerals, Stone, Substrata, and Hereditaments within the said Manors respectively belong to the Duke of *Cornwall,* and the Boundaries, Identity, and Situation thereof respectively; and in making such Award the said Commissioners shall have regard to and be bound by the Provisions in this Act contained for the Limitation of Actions and

Commissioners to make an Award as to the Matters of which they are herein-before directed to inquire.

Suits, and otherwise; and all Proceedings of the said Commissioners shall, with reference to the said Provisions for the Limitation of Actions and Suits, and for the Purposes of the said Award, be deemed and taken to have been commenced on the said First Day of *May* One thousand eight hundred and forty-four; and also to distinguish, specify, and determine the several annual and other Rents, Fines, Acknowledgments, Heriots, Fees, Payments, and Services, which now are, or at any Time within Sixty Years before the said First Day of *May* One thousand eight hundred and forty-four have been, reasonably and fairly payable or due in respect of the several Conventionary Tenements held of the said Manors mentioned in the said First Schedule hereunto annexed, either upon the Renewal of the Grants of such Conventionary Tenements or otherwise, and the Arrears of all such Rents, Fines, Acknowledgments, Fees, and Payments, and the Value of all Heriots which have become due since the holding of the last Assession Courts for the said Manors respectively, and also to fix and determine the annual Sums for which such of the same Fines, Payments, Fees, Acknowledgments, Heriots, and Services as are not annual may and ought justly in the Opinion of the said Commissioners to be commuted, and the total annual Sums which ought thereafter to be paid out of such Conventionary Tenements in lieu of all such annual and other Rents, Fines, Acknowledgments, Heriots, Payments, Fees, and Services as aforesaid; and also to distinguish, specify, and determine all such special Matters and Things, having relation to the Premises, as the said Commissioners shall think proper to be specified in such Award.

Tin Bounds excepted from the Inquiry and Award.

XXXII. Provided always nevertheless, and be it enacted, That nothing in this Act contained shall give the said Commissioners any Power to inquire or award as to any Claims to Mines or Minerals, under or by virtue of the Custom or supposed Custom commonly called "Bounding," or as to any Claim, Title, or Interest known by the Name of "Tin Bounds;" but every Inquiry and Award by the said Commissioners shall be made without any Regard to the said Custom or supposed Custom of Bounding, or any Estate or Interest acquired thereby, and without Prejudice to any such Custom or supposed Custom, Estate or Interest.

Commissioners may use Maps made for Purposes of Tithe Commutation.

XXXIII. And be it enacted, That the said Commissioners may, if they think fit, use Maps which have been made for the Purposes of the Act for the Commutation of Tithes, and any other Maps which the said Commissioners shall think fit; and it shall be lawful for the said Commissioners to cause such Maps, or sufficient Portions of them, to be reduced and copied by Lithography, or otherwise as they may think necessary.

Commissioners may apportion annual Sum for each Tenement or Manor among different Parts of the Tenement or different Tenements of the Manor.

XXXIV. And be it enacted, That it shall be lawful for the said Commissioners in and by such Award as aforesaid to apportion the total annual Sum which by such Award shall be fixed and determined and be payable out of any Conventionary Tenement or Tenements between different Parts of the same Tenement, or between different Tenements, in such Sums and Manner as the said Commissioners shall think fit; and in every such Case each Part of the same Tenement shall thereafter be subject to the Payment only of such annual Sum as shall be so apportioned in respect of each Part: Provided always, that the said Commissioners may apportion the aggregate Amount which shall be fixed and determined to be payable out of all the Conventionary Tenements in any one Manor rateably amongst the several Conventionary Tenements, in such Manner as they may consider most equitable and generally convenient.

Commissioners may annex Schedules to their Award.

XXXV. And be it enacted, That it shall be lawful for the said Commissioners to make and annex any Schedule or Schedules to their said Award, and every such Schedule shall be taken and deemed for all Purposes to be Part of the said Award.

Deposit of Award, and Meeting for hearing Objections.

XXXVI. And be it enacted, That before making the Award aforesaid the said Commissioners shall make a Draft thereof, and of the Map or Maps to be annexed thereto, and may, if they think fit, cause the same to be printed or lithographed, and shall deposit a Copy of such Draft, at some convenient Place within every Manor to which the said Award shall relate, for the Inspection of all Persons interested therein; and shall forthwith give Notice, in such Manner as to the Commissioners shall seem fit, where the said Copy and Map may be inspected; and shall upon the Application of any Person interested in such Award furnish him with a Copy or Extract from the said Draft thereof, on Payment of a reasonable Price, to be fixed by the Commissioners for the same; and shall in such Notice as aforesaid appoint some convenient Place and Time (the first not earlier than Twenty-one Days from the first giving of such Notice) for holding a Meeting to hear Objections to such Draft Award by the Duke of *Cornwall* or any other Person interested therein, in respect of any Matter appearing therein which shall not have been heard and determined on such Examination of Claims as herein-before directed; and the Commissioners at such Meeting as aforesaid shall hear and determine any such Objections as may be then and there made to the said Draft Award, or adjourn the further Hearing thereof, if they shall think proper, to a future Meeting, and from Time to Time fix further Meetings for the hearing and determining of such Objections, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed with regard to the original Meeting; and when the Commissioners shall have heard and determined all such Objections, they shall, if they shall see Occasion, amend such Draft Award accordingly.

Amendment of Award.

Rehearing.

XXXVII. And be it enacted, That if the Duke of *Cornwall*, or any other Person interested in such Award, shall be desirous that any Claim or Matter which shall have been previously determined by the Commissioners on the Examination of Claims as aforesaid shall be reheard as an Objection to the Draft Award, and of such his Desire shall give Notice in Writing to the Commissioners at or before or within Thirty Days after the Meeting held to hear such Objections to such Draft Award as aforesaid, the Commissioners shall forthwith give Notice, in such Manner as they shall think fit, appointing some convenient Place

Place and Time for holding a Meeting to rehear such Claim, Matter, or Objection; and the Commissioners shall rehear and determine the said Claim, Matter, or Objection, or adjourn the further Hearing thereof, if they or he shall think proper, to a future Meeting, and may, if they or he shall see Occasion, from Time to Time fix other Meetings for such Rehearing; and when the Commissioners shall have reheard and determined such Claim, Matter, or Objection they may, if they shall see Occasion, amend the Draft Award accordingly; and the Decision of the Commissioners upon such Rehearing shall be final and conclusive, and shall not be subject to be re-opened for any Cause whatever: Provided always, that no Person other than the Duke of *Cornwall* shall be entitled to a Rehearing of any Claim, Matter, or Objection, until he shall have procured some sufficient Person on his Behalf to join with him in giving Security, by Bond to the said Commissioners, in a sufficient Penalty, conditioned for the Payment of such Costs as the Commissioners shall think fit to award as the Costs of such Rehearing, to be paid to such Person as the Commissioners shall direct; and the Commissioners may award such Costs accordingly.

Parties requiring Rehearing to give Security for Costs.

XXXVIII. And be it enacted, That when all such Objections (if any) as aforesaid to the said Draft Award shall have been heard and determined by the said Commissioners as aforesaid, and all such Amendments (if any) as the said Commissioners shall think fit shall have been made in the said Draft Award, the said Commissioners shall make and sign the said Award.

Award to be signed after final Rehearing.

XXXIX. And be it enacted, That the Award to be made in pursuance of this Act as aforesaid shall be signed in Triplicate by the said Commissioners, and within One Calendar Month from the Date thereof one Part thereof shall be lodged with the Keeper of the Records of the Duchy of *Cornwall*, another Part with the Clerk of the Peace for the County of *Cornwall*, and a Third Part among the Records of the Court of the Vice Warden of the Stannaries of *Cornwall;* and that the said Keeper of the Records, Clerks of the Peace, and the Registrar of the Court of the said Vice Warden shall furnish Copies or Extracts thereof at the Rate of Four-pence *per* Folio of Seventy-two Words, and a reasonable Remuneration for any Copy of or Extract from a Map, and shall for a Fee of Five Shillings permit the same to be examined and compared with the Originals at all seasonable Times; and the said Keeper of the Records, Clerk of the Peace, and the said Registrar shall also at all seasonable Times permit any Person interested therein to inspect the said Award, upon Payment of a Fee of Five Shillings for each such Inspection.

Award to be in Triplicate, and to be deposited in certain Offices, and Copies and Extracts thereof to be furnished.

XL. And be it enacted, That after such Award shall have been made and executed by the said Commissioners the same shall for all Purposes be binding and conclusive as to the Subject Matters thereof on the Duke of *Cornwall* and all other Persons whomsoever; and if at any Time afterwards any Question or Dispute shall arise between the Duke of *Cornwall* and any other Person as to whether any Lands or Tenements within the said Manors mentioned in the said First and Second Schedules hereunto annexed were, on the said First Day of *May* One thousand eight hundred and forty-four, or at any Time within One hundred Years before, held of the same Manors respectively as Conventionary Tenements, or for what previous Time within such Period the same were so held, or as to the Boundaries, Identity, or Situation thereof, or as to what waste or other Lands, Mines, Minerals, Stone, Substrata, or Hereditaments lying within the same Manors respectively belong to the Duke of *Cornwall*, or the Boundaries, Identity, or Situation thereof, or as to the Boundaries or Extent of any of the said Manors, or as to what Lands, Mines, Minerals, Stone, Substrata, and Hereditaments within the said Manors respectively belong to the Duke of *Cornwall*, and the Boundaries, Identity, and Situation thereof respectively, or as to any annual Sum by the said Award directed to be payable, or the Lands, Tenements, or Hereditaments out of which the same shall be payable, or as to any other Matter or Thing which shall, in pursuance of the Directions of this Act be distinguished, specified, or determined in or by such Award, or any Map thereto, then every such Question and Dispute shall (so far as possible) be decided exclusively and absolutely by such Award or Map; and a Copy thereof or of so much thereof as relates to the Subject in dispute, certified to be a true Copy under the Hand of any Officer in whose Custody any Part of such Award or Map shall be in pursuance of this Act as aforesaid, shall be admitted and received in all Actions, Suits, and Proceedings in any Court of Law or Equity, or before any Justice of the Peace or other Jurisdiction, as primary Evidence of so much of the said Award as the said Copy purports to certify.

Award to be conclusive in all future Questions as to the Subject Matters thereof.

XLI. And be it enacted, That when and so soon as the said Award shall have been made and executed by the said Commissioners all and singular the Tenements therein determined to be Conventionary Tenements of any of the Manors mentioned in the said First Schedule hereunto annexed, and of which in and by such Award it shall be determined that they would upon the said First Day of *May* One thousand eight hundred and forty-four have been held as such by successive Grants continuously for Sixty Years or more before the said First Day of *May* One thousand eight hundred and forty-four, if the Grants thereof have been duly renewed in ordinary Course as aforesaid, and the Boundaries, Identity, and Situation of which shall have been distinguished and determined by such Award, or by any Map or Maps thereto annexed, shall (but subject and without Prejudice to the Provisions herein-after contained with respect to the Mines and metallic Minerals under and of the same) become and be to all Intents and Purposes of Freehold Tenure, and be for ever thenceforth held of the Duke of *Cornwall* in Free and Common Socage as of the Manor of which the same Tenements respectively have been heretofore held as aforesaid, and the same several Tenements or the different Parts thereof shall be charged and chargeable with the Payment to the Duke of *Cornwall*, as Lord of the same Manors respectively, of all such Arrears of the said annual and other Rents, Fines, Acknowledgments, Heriots, Fees, Payments, or Services, and of such annual Sum or apportioned annual Sums as in the said Award shall be determined or directed to be payable thereout respectively; and the Duke of *Cornwall* shall have and exercise all such Powers,

After the Execution of the Award all Conventionary Tenements held of the unsold Manors to become Freehold of the Manors of which they have been held, subject to the Payment of the annual Sums fixed by the Award.

Authorities, Rights, and Remedies for the Recovery and obtaining Payment of all such Sums for Arrears, and of every such annual Sum or apportioned annual Sum as aforesaid, as he might have and exercise if such annual Sum or apportioned annual Sum were a Rent reserved on a Demise or Lease made by the Duke of *Cornwall* of the Tenement or Part of a Tenement out of which the same annual Sum or apportioned annual Sum shall by the said Award be determined or directed to be payable.

The Act not to confirm Conventionary Tenements first granted within Sixty Years.

XLII. Provided always nevertheless, and be it declared and enacted, That nothing in this Act contained shall give or confirm to any Person whomsoever, other than the Duke of *Cornwall*, any Estate, Right, Title, or Interest whatsoever in any Conventionary Tenement which was first granted at an Assession Court of any of the said Manors mentioned in the said First Schedule hereunto annexed held within Sixty Years before the said First Day of *May* One thousand eight hundred and forty-four, but that from and after the passing of this Act all such Tenements shall become and be to all Intents and Purposes Part and Parcel of the Demesne Lands of the Manor within which the same are situate.

Special Grants may be made by the Duke of Cornwall in Compensation for Lands first granted within Sixty Years.

XLIII. Provided always, and be it enacted, That if it shall appear to the Duke of *Cornwall* that the Circumstances under which any Estate, Right, Title, or Interest in any Conventionary Tenement which may have been first granted at an Assession Court held within Sixty Years from the said First Day of *May* One thousand eight hundred and forty-four are such as would reasonably and fairly entitle the Person in possession by virtue of such Grant to Compensation for the Loss of his beneficial Interest in respect thereof, then and in every such Case it shall be lawful for the said Duke of *Cornwall* to grant or demise such Conventionary Tenement to such Person for such Term, Estate, or Interest, and subject to such Rent, Reservations, Conditions, and Agreements, as to the said Duke of *Cornwall* shall seem to be just and reasonable, in reference to such Circumstances as aforesaid; but so nevertheless that all Tenements so granted or demised shall continue to be Part and Parcel of the Demesne Lands of the Manor within which the same are situate, and shall be held of the same Manor accordingly.

The Act not to confirm Profits à prendre let in Convention.

XLIV. Provided also, and be it enacted, That nothing in this Act contained shall give or confirm to any Person whomsoever other than the Duke of *Cornwall* any Estate, Right, Title, or Interest whatsoever in any Herbage or Pasture or Common of any Description, or in any Right of Herbage or Pasture or Common of any Description, or in any other Profit or Benefit to be taken and enjoyed from or upon any of the Lands or Possessions of the Duchy of *Cornwall*, and which Herbage, Pasture, or Common Right, Profit or Benefit, has at any Time heretofore been let in Convention or granted by Assession, to be held in gross, and not as appendant or appurtenant to any specific Tenement or Tenements; and that from and after the passing of this Act all Lands in or upon which any such Herbage, Pasture, or Common, or Right of Herbage, Pasture, or Common, or any such other Profit or Benefit as aforesaid, shall have been let or enjoyed, shall be absolutely and altogether freed and discharged therefrom.

Power for the Commissioners to award Lands in Compensation of Common of Pasture or Turbary.

XLV. Provided always nevertheless, and be it enacted, That it shall be lawful for the said Commissioners, if they shall see fit so to do, to award to such of the same Conventionary Tenants as shall satisfactorily prove that they have held and enjoyed, or been entitled to hold and enjoy, any Common of Pasture or Common of Turbary heretofore let in Convention or granted by Assession as aforesaid, such Portion or Portions of the Common Lands in or upon which the same shall have been let or enjoyed as the said Commissioners shall think fit; and the Lands so awarded shall thenceforth be held, go, and devolve as if they had been theretofore Conventionary Tenements, subject to the Estates and Interest to which such Common of Pasture was subject, and shall be free and discharged from all Rights of Common of all Persons whomsoever over or upon the same, but shall be subject to all the Provisions of this Act in respect of Conventionary Tenements, and the Mines and metallic Minerals in, upon, and under the same, in the same Manner, and as fully and effectually, to all Intents and Purposes, as if the said Lands to be so awarded had been Conventionary Tenements respectively at the passing of this Act.

The Freehold Tenements to be subject to the same Estates as the Conventionary Tenements.

XLVI. And be it enacted, That from and immediately after the said Award shall have been made and executed by the said Commissioners as aforesaid every Conventionary Tenement which shall thereupon become holden in Free and Common Socage as aforesaid shall (except nevertheless and charged as hereinbefore is mentioned) stand limited and settled to such Uses, upon such Trusts, and with, under, and subject to such Powers, Provisoes, and Agreements, as shall and may most nearly correspond with the Estates and Interests, Uses, Trusts, Powers, Provisoes, and Agreements which, before the making and Execution of such Award, were, according to the Custom of the Manor and ordinary Course of Dealing, subsisting, or capable of taking effect in such Conventionary Tenement; but so nevertheless that (subject and without Prejudice to such Estates, Interests, Uses, Powers, Provisoes, and Agreements as shall be then subsisting, or capable of taking effect as aforesaid,) every such Tenement, and every Estate and Interest therein, shall, at all Times after the making and Execution of the said Award, descend, devolve, be conveyed and assured according to, and be in every respect subject to, the Laws according and to which other Tenements holden in Free and Common Socage descend, devolve, are conveyed and assured, and subject; and every such Freehold Tenement, and every Estate and Interest therein, shall be subject and liable to all Claims and Demands (if any) to which the Conventionary Tenement out of which the same was converted was subject or liable immediately before such Conversion, other than Claims and Demands by the Duke of *Cornwall* as Lord of the Manor of which the same is held.

After the Award, Purprestures and

XLVII. And be it enacted, That at any Time or Times after the said Award shall have been made and executed by the said Commissioners it shall be lawful for the Duke of *Cornwall*, and his Lessees, and all other Persons claiming under him, to enter upon all Lands, Mines, Minerals, Stone, Substrata, Tene-

ments,

ments, and Hereditaments which shall in and by such Award be determined to belong to the Duke of *Cornwall*, and to abate every Purpresture and Encroachment which shall have been made or shall be made thereon, and to hold the Lands, Mines, Minerals, Stone, Substrata, and Hereditaments upon which such Purpresture or Encroachment shall have been made, freed from the Claims of all Persons whomsoever; and every Person in possession of any such Land, Mines, Minerals, Stone, Substrata, Tenements, or Hereditaments may be evicted therefrom by such and the same Process as if the Duke of *Cornwall* had recovered the same by a Judgment upon an Information of Intrusion brought in due Course of Law in Her Majesty's Court of Exchequer. Encroachments may be abated.

XLVIII. And be it enacted, That if within Twelve Calendar Months from the making and Execution of the said Award by the said Commissioners any Person shall think himself aggrieved by such Award, it shall be lawful for him to prefer any Petition of Appeal to Her Majesty in Council against any such Award, or any Part thereof, as to any Matters of Law, or Matters apparent on the Face of the Award; and it shall be lawful for Her Majesty in Council, or for any Committee of Privy Council as Her Majesty shall direct, to hear such Appeal; and Notice thereof shall be served by the Party making such Appeal upon the Duke of *Cornwall*, by leaving the same at the Office of the Duchy of *Cornwall* One Calendar Month before the hearing of such Appeal; and the Duke of *Cornwall* shall thereupon, if he think fit, undertake the Defence of such Award; and upon hearing any such Appeal it shall be lawful for Her Majesty in Council to confirm, alter, or vary the Whole or any Part of such Award in such Manner as to Her Majesty may seem meet; and the Costs attending any such Appeal shall be ascertained in such Manner, and shall be paid by all or any of the Parties to or in such Appeal, as shall be directed by any Order in Council. Award may be appealed against by any Person to Her Majesty in Council;

XLIX. And be it enacted, That it shall be lawful for the Duke of *Cornwall*, if it shall seem to him fit so to do, within the Time herein-before limited, in like Manner to present a similar Petition of Appeal against such Award or any Part thereof; and thereupon it shall be lawful for Her Majesty in Council to confirm, alter, or vary all or any Part of such Award in such Manner as to Her Majesty may seem meet; and on any such Petition being presented as last aforesaid Notice thereof for at least One Calendar Month before the same shall be heard shall be published in One or more of the public Journals circulated in the said County of *Cornwall*; and it shall be lawful for any Person interested in the Premises to appear and defend the said Award; and the Costs attending such Appeal shall be ascertained in such Manner, and shall be paid by all or any of the Parties to or in such Appeal, as shall be directed by any Order in Council. and may be appealed against by the Duke of Cornwall.

L. And be it enacted, That upon or after the Hearing of any such Appeal, or such Rehearing as aforesaid, the Three Parts of the said Award may be altered in such Manner as may be signified by an Order to be made by Her Majesty in Council for that Purpose; and such Award so altered shall have the same Force as if the same had been made and signed by the said Commissioners in pursuance of this Act, and had not been appealed against. After Appeal, the Award may be altered.

LI. And be it enacted, That it shall be lawful for the said Commissioners, according as they shall see fit, to make their said Award, either as one entire Award, and in respect of all the Matters aforesaid, or from Time to Time or at any Time to make separate Awards, either as to separate Matters, or as to the Tenements and Matters lying within and connected with different Manors; and every such separate Award (if any) shall take effect from the Time of its being made and executed; and all the Provisions of this Act shall apply, so far as the same respectively shall be applicable, to every such separate Award and the Subject Matters thereof, as fully and in every respect as the same are hereby made to apply to one general Award herein-before mentioned and referred to, and the Subject Matters thereof. Commissioners may make several Awards.

LII. And be it enacted, That when the said Award shall have been made and executed as aforesaid, and the said Commissioners shall have ascertained the Amount of all Expences to be incurred by virtue of this Act, they shall make a final and general Apportionment of such Expences amongst all the Parties liable to pay the same, in the Manner herein-before mentioned; and the Draft of such final Apportionment shall be deposited in the same Places and Manner, and be subject to the same Provisions respecting Objections thereto, and a Rehearing of Parties in respect thereof, as is herein-before provided as to the said Award. Final Apportionment of Expences to be made and deposited in the same Manner as the Award.

LIII. And be it declared and enacted, That all Mines and metallic Minerals in and under all and singular the Tenements now or at any Time within One hundred Years before the said First Day of *May* One thousand eight hundred and forty-four held as Conventionary Tenements of the said Manors mentioned in the said First Schedule hereunto annexed respectively, and all Mines, Minerals, Stone, Substrata, and all other Profits whatsoever in, upon, under, and of all Waste and other Demesne Lands of the same Manors respectively, and all Mines, Minerals, Stone, and Substrata in, upon, under, and of all other Lands lying within or Parcel of the same Manors respectively, and which said last-mentioned Mines, Minerals, Stones, or Substrata shall by such Award be determined to belong to the Duke of *Cornwall*, do and shall belong absolutely to the Duke of *Cornwall* as Possessions by the herein-before recited Charter granted, and thereby annexed to the Duchy of *Cornwall* as aforesaid, but without Prejudice to the Estates or Rights (if any) of any of the present Lessees of the Duke of *Cornwall* therein. All Mines and metallic Minerals under Conventionary Lands, and all Mines, &c. under and of other Lands in the unsold Manors, to belong to the Duke of Cornwall.

LIV. And be it declared and enacted, That all Mines and metallic Minerals in, upon, under, and of all and singular the Tenements now, or at any Time within One hundred Years before the said First Day of *May* One thousand eight hundred and forty-four, held as Conventionary Tenements of any of the said Manors mentioned in the said Second Schedule hereunto annexed respectively, and all Mines and metallic Minerals Similar Provision as to the Mines and metallic Minerals within the sold Manors.

Minerals whatsoever in, upon, under, and of all Lands lying within the same Manors respectively, and which at the Times of the aforesaid Sales of such Manors respectively were Waste or Demesne Lands thereof respectively, and all Mines and metallic Minerals in, upon, and under all other Lands lying within or Parcel of the same Manors respectively, and which said last-mentioned Mines and metallic Minerals shall by such Award be determined to belong to the Duke of *Cornwall*, do and shall belong absolutely to the Duke of *Cornwall* as Possessions by the herein-before recited Charter granted, and thereby annexed to the Duchy of *Cornwall* as aforesaid, but without Prejudice to the Estates or Rights (if any) of any of the present Lessees of the Duke of *Cornwall* therein.

Right of the Duke of Cornwall and his Lessees to enter and work Mines, Minerals, Stone, and Substrata, making Compensation for Damage to the Surface, and for Use of Stone and Water.

LV. And be it declared and enacted, That it shall be lawful for the Duke of *Cornwall*, his Agents and Workmen, and his Lessees and their Agents and Workmen, and all Persons whom the Duke of *Cornwall* shall in that Behalf authorize, and their Agents and Workmen, to enter into and upon all Lands or Tenements of any Tenure situate or being within or held of any of the said Manors mentioned in the said First and Second Schedules hereunto annexed, all or any the Mines, Minerals, Stone, or Substrata in, upon, under, or of which do or shall belong to the Duke of *Cornwall* as herein-before is declared and provided, and to search, dig for, open, and work the same Mines, and get, carry away, and dispose of the same Minerals, Stone, or Substrata, and to erect all such Buildings, Steam and other Engines, and Machinery and Things, and sink and make all such Pits, Shafts, Levels, Adits, Air-holes, Tram and other Roads, and other Works, and to take from the said Lands and Tenements sufficient Stone, Lime, and Slate for such Buildings and other Works, and take and use and divert all such Water, and take and use all such Room for Ore and Rubbish and other Things, and do all such other Acts and Things upon, under, in, and about the aforesaid Lands and Tenements, as shall be necessary or convenient for working the same Mines, and getting, washing, dressing, rendering merchantable, carrying away, and disposing of the same Minerals, Stone, or Substrata, he the said Duke of *Cornwall*, or his Lessees, or the Persons authorized by him as aforesaid (as the Case may be), making to the Persons entitled to the Surface of such Lands or Tenements, or to such Water, adequate Compensation for the Damage which shall have been done or occasioned by the Exercise of the Rights, Privileges, and Easements aforesaid, and making to the Persons entitled to the same adequate Compensation for the Materials so taken as aforesaid: Provided nevertheless, that no Person shall be entitled to claim any Compensation for Damage to be done by the Exercise of any of the Rights, Privileges, or Easements aforesaid, unless such Claim be made in Writing before the Expiration of Six Calendar Months after such Damage shall have been done, or where the Entry or other Act by which such Damage shall be done shall be of a continuing Nature, then before the Expiration of Six Calendar Months from the Time when such Entry or other Act shall determine or cease: Provided also, that a Notice in Writing, claiming Compensation as aforesaid, given by or on behalf of the Person entitled to receive the same, to the Duke of *Cornwall*, or other Person by whom such Damage shall be done, or to any Agent or Workman who shall be employed by the Duke of *Cornwall*, or such other Person, in the Entry or other Act by which such Damage shall be done, shall be a sufficient Claim for the Purposes of this Act.

Compensation in case of Dispute to be settled by Two Justices or by the Vice Warden, at the Option of the Party liable.

Justices or Vice Warden to take the Assistance of Surveyor, &c.

LVI. And be it enacted, That if any Dispute shall arise between the Duke of *Cornwall* or his Lessees, or any Persons authorized by him to enter upon any Lands or Tenements as aforesaid, and any Person claiming Compensation for Damage done to such Lands or Tenements, or to such Water as aforesaid, by the Exercise of any of the Rights, Privileges, or Easements aforesaid, or claiming Compensation for Materials so taken as aforesaid, either touching the Matters in respect of which Compensation ought to be made in pursuance of this Act, or the Amount of such Compensation, such Dispute shall be decided either by Two Justices of the Peace for the County of *Cornwall*, or (at the Option of the Person from whom such Compensation is claimed) by the Vice Warden of the Stannaries of *Cornwall*, upon the Petition of any or either of the Parties so disputing or otherwise; and it shall be lawful for the said Justices or Vice Warden, at the Expence of the Parties disputing, or any or either one of them, in their or his Discretion, to require the Aid, and take the Opinion or Advice of any Surveyor, Mining Agent, or other Person, and to adopt such other Measures, and give such Directions, as shall appear to the said Justices or Vice Warden expedient for enabling them or him to determine concerning the Matters in dispute as aforesaid: Provided always nevertheless, that no Application, except by Consent, shall be made to the said Justices or to the said Vice Warden to award Compensation for Damage done upon any Entry, under the Authority of this Act, for the Purpose of searching for or working Mines and Minerals, until the End of Twelve Calendar Months next after such Entry, unless such Search or Working shall have been sooner abandoned or discontinued, or unless the Persons entitled to such Compensation shall prove, to the Satisfaction of the said Justices or of the said Vice Warden, that the Amount of Compensation for Damage theretofore done is larger than the Sum or Sums of Money theretofore deposited or secured as a Security for such Compensation as herein-after provided.

No Compensation to become payable for 12 Calendar Months after Entry, except under certain Circumstances.

Compensation to be paid to the Person in possession or receipt of the Rents and Profits;

LVII. And be it enacted, That for the Purposes of this Act the Person entitled to claim and receive and agree upon the Amount of all Compensation for Damage done to such Lands or Tenements or Water as aforesaid shall be the Person for the Time being in possession or in the receipt of the Rents and Profits of the Lands or Tenements or Water in or to which such Damage shall be done; and all such Compensation shall be received and held by such Person for the Benefit of himself and of the other Person (if any) having any Estates or Interests in the said Lands or Tenements or Water, according to their respective Estates and Interests therein; and the Receipt of such Person shall be a sufficient Discharge for the Compensation aforesaid, and shall exonerate the Person paying the same from being bound

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to see to the Title of the Person receiving the same, or to the Application thereof: Provided always nevertheless, that where the Lands or Tenements or Water to which Damage shall be done as aforesaid shall be in the Possession of any Lessee or Occupier at Rack Rent, or of any Lessee or Occupier not having a greater Estate or Interest therein than a Term of Twenty-one Years, such Lessee or Occupier shall not be deemed to be the Person in possession of such Lands or Tenements or Water, for the Purpose of receiving all Compensation as aforesaid, but shall be entitled to claim and receive Compensation for the Damage done to his Interest in such Lands or Tenements or Water, separately from the Compensation to be paid as herein-before is provided to the Person for the Time being in the Receipt of the Rents and Profits of the same Lands and Tenements or Water; and the Person who shall be in receipt of such Rack Rent or the other Rent payable by such Lessee or Occupier, or (if there be no Rent, then) the Person entitled to such Lands and Tenements in reversion or remainder immediately expectant on the Determination of the Term or Interest of such Lessee or Occupier, shall be deemed the Person for the Time being in possession or in receipt of the Rents and Profits for the Purposes of this Act.

for the Benefit of himself and others (if any) interested.

LVIII. Provided always nevertheless, and be it enacted, That every Person receiving any such Compensation as aforesaid, who may not be entitled to an absolute and unqualified Estate of Inheritance in Fee Simple or Fee Tail, or be enabled to appoint or dispose of an absolute or unqualified Estate of Inheritance in Fee Simple in the Lands or Tenements or Water in respect of which such Compensation may have become payable shall, as between himself and the other Persons having Estates or Interests in the same Lands or Tenements or Water, have and be entitled only to such Estate or Interest in the same Compensation as will correspond with his Estate or Interest in the same Lands or Tenements or Water; and the Rights, Estates, and Interests of all or any of the Persons interested in such Compensation shall and may be established at the Suit of all or any of such Persons in the Court of the Vice Warden of the Stannaries of *Cornwall*, or in any other Court of Equity: Provided always nevertheless, that if in any Case the Amount of such Compensation shall not exceed in the whole the Sum of Twenty Pounds, the same shall be retained wholly for his own Benefit by the Person entitled to receive the same aforesaid, although he may have only a limited or qualified Estate or Interest in the Lands or Tenements or Water in respect of which such Compensation may have become payable; but no Person having such limited or qualified Interest shall, under any Circumstances, be entitled so to retain any Compensation, if the Sums paid for such Compensation shall exceed in the whole the Sum of Twenty Pounds.

Where Person in possession, &c. is under Disability or unknown, Compensation to be paid into the Court of the Vice Warden of the Stannaries.

LIX. Provided always nevertheless, and be it enacted, That when the Person for the Time being in possession or in the receipt of the Rents and Profits of the Lands and Tenements or Water to which Damage shall be done as aforesaid shall be a married Woman, or an Infant, or a Lunatic or Idiot, or shall be under any other Disability, or shall be unknown or uncertain, or where Notice shall be given in Writing by or on behalf of any Person claiming any Estate or Interest in such Lands or Tenements or Water to the Person liable to pay any Money for Compensation for Damages done to such Lands or Tenements or Water, requiring that such Money be not paid to the Person in possession or in the receipt of the Rents and Profits of the same Lands or Tenements or Water, then and in any of such Cases, or in any other Case in which the same shall seem expedient, it shall be lawful for the Person liable to pay such Compensation to pay the same into the Hands of the Registrar of the Court of the Vice Warden of the Stannaries, for the Benefit of the Persons interested therein, according to their several Estates and Interests, as the said Vice Warden shall direct; and the Receipt of the said Registrar shall be a sufficient Discharge for the Compensation aforesaid, and shall exonerate the Person paying the same from being bound to see to the Application thereof; and the Rights, Estates, and Interests of all or any the Persons interested in such Compensation shall be determined by the said Vice Warden upon the Application of such Persons, or any of them, by Petition or otherwise.

Notice to be given before Entry to search or work Mines except in Waste Lands;

LX. And be it enacted, That before the Duke of *Cornwall*, or any Lessee of the Duke of *Cornwall*, or any other Person, shall, under the Authority of this Act, enter upon any Lands or Tenements (other than Waste Lands), to search, dig for, open, work, or get any Mines or Minerals, he shall give One Calendar Month's previous Notice in Writing of such intended Entry to the Occupier of the Surface of such Lands or Tenements, or (if such Occupier, or the Place of Abode of such Occupier, be unknown or uncertain) affix such Notice in or upon some conspicuous Part of such Lands or Tenements; and such Notice shall specify and describe the Lands and Tenements upon which such Entry is intended to be made, and shall state the Name and Place of Abode of the Lessee or other Person by whom or on whose Behalf such Entry is intended to be made.

and Security for Damage.

LXI. And be it enacted, That every Lessee or other Person (other than the Duke of *Cornwall*) who shall intend, under the Authority of this Act, to enter upon any Lands or Tenements (other than Waste Lands), to search, dig for, open, work, or get any Mines or Minerals, shall before making such Entry, if required so to do by any Person interested in the Surface of such Lands or Tenements, deposit the Sum of Twenty Pounds, or any larger Sum which the Lessee or Person so entering shall think fit, with the Registrar of the Court of the Vice Warden of the Stannaries of *Cornwall*, or give to such Registrar a joint and several Bond, under the Hands and Seals of such Lessee or other Person, and of One or Two sufficient Sureties, (such Surety or Sureties, in case of Dispute, to be approved of by the said Registrar, or by any Two Justices of the Peace for the County of *Cornwall*,) conditioned for securing the Payment to such Registrar, or to the Registrar for the Time being of the said County, on Demand by him, of the Sum of Twenty Pounds, or any larger Sum which the said Lessee or other Person making such Entry shall think fit; and the Sum so to be deposited or secured by such Bond, as the Case may be, shall be held

held by the said Registrar as a Security for the Payment of the Compensation to become payable for the Damage to be caused by such Entry as aforesaid, and of the Costs to be incurred in any Proceeding for determining the Amount of such Compensation, or otherwise in relation thereto; and such Deposit, or the Money to be recovered upon such Bond, shall be paid and applied by such Registrar accordingly, either upon satisfactory Proof being made to him of the same having become payable, and of the Person entitled under the Provisions of this Act to receive the same, or any Part thereof, or according to the Direction of the said Vice Warden; and if in the Prosecution of such Search the Amount of Damage (to be decided as herein-before is provided), and of such Costs, if any, shall be equal to or exceed the Sum so deposited or secured as aforesaid, then and in such Case, and so often as the same shall happen, it shall be lawful for the said Vice Warden and he is hereby required, upon the Application of any Person interested in such Lands or Tenements, to issue his Injunction to stop the further Prosecution of such Search until the Amount of such previous Damage, and such Costs (if any), shall have been paid by the Person liable to pay the same, or until a further Deposit of not less than Twenty Pounds, or a further Bond for not less than Twenty Pounds, and with One or Two Sureties to be approved of as aforesaid, shall have been made with or given to the said Registrar as a Security for the Payment of the Compensation to become payable for the further Damage to be caused by such Search as aforesaid, and to be paid and applied by such Registrar as herein-before is provided.

After Determination of Entry, and in other Events, Security to be given up.

LXII. And be it enacted, That upon the Determination of the Possession upon such Entry as aforesaid, and after Compensation shall have been made for all Damage done, or during the Continuance of such Possession, if Compensation shall have been made for all Damage theretofore done, and the Mines shall either be in due and regular Course of working, or shall have ceased to be worked, any Monies which may remain in the Hands of the said Registrar out of the Deposit or Deposits which may have been made with him as aforesaid, or out of any Monies which may be recovered upon any such Bond as aforesaid, shall be repaid by him to the Person by whom the same shall have been deposited or paid, or his lawful Representatives; and any Bond which may have been given to the said Registrar as a Security as aforesaid, and which shall remain in force, shall be given up by him to the Obligors, or any of the Obligors thereof, to be cancelled; and if any Difference shall arise between the Parties whether the Possession upon any such Entry as aforesaid has determined, or whether Compensation has been made for all Damage done, or whether any Mines shall be in due and regular Course of working or shall have ceased to be worked, the same shall be determined by the Vice Warden of the Stannaries of *Cornwall*, upon the Application of any of the Parties by Petition or otherwise.

Provision in case of the Change of the Registrar of the Court of the Vice Warden.

LXIII. And be it enacted, That when any Registrar shall resign or be removed from his Office, or die, he, his Executors or Administrators, shall pay over all Monies, if any, which shall for the Time being be in their or his Hands on account of such Deposits or Bonds as aforesaid to the succeeding Registrar; and all Bonds which shall be given to any Registrar in obedience to the Provision herein-before contained may be sued upon by the Registrar for the Time being in his own Name, as if the same had been given to him; and the Registrar for the Time being shall hold all such Monies and Bonds for the Intents and Purposes herein-before mentioned.

Vice Warden to make Orders as to Monies for the Time being in the Hands of the Registrar.

LXIV. And be it enacted, That the Vice Warden of the Stannaries of *Cornwall*, with the Approbation of the Lord Chancellor or Keeper of the Great Seal of *England* for the Time being, shall from Time to Time make and give such Orders and Directions for the Custody, Investment, Payment, and Application of the Monies which shall come to the Hands of the Registrar of the said Court, under any of the Provisions of this Act or otherwise, or which now are in the Hands of the said Registrar, as to the said Vice Warden, with such Approbation as aforesaid, shall seem meet; and that the Costs of all Applications, Suits, or Proceedings under or by virtue of this Act shall be in the Discretion of the said Vice Warden, and shall, if he shall so think fit, be taxed by the Registrar of his said Court, and shall be paid by such Person or out of such Fund, and to such Person and in such Manner, as the said Vice Warden shall direct.

Remedies for the Recovery of Compensation by Action and otherwise.

LXV. And be it enacted, That every Person who shall become entitled, either by Agreement or voluntary Arbitration, or by the Decision of the said Justices or Vice Warden, as is herein-before provided, to any Compensation for Damage done to the Surface of any Lands or Tenements or Water, under the Authority of this Act, or to any Costs as aforesaid, and who shall not receive the same from the Registrar aforesaid, out of the Monies herein-before directed to be deposited or secured for that Purpose, or otherwise, may recover such Compensation or Costs from the Person liable to pay the same by Action in any of Her Majesty's Courts at *Westminster*, or in the Court of the Vice Warden of the Stannaries of *Cornwall;* and every Person who shall so become entitled to any Compensation or Costs as aforesaid shall also, in respect thereof, be deemed to be a Mining Creditor, in respect of the Mines in the searching for or working whereof such Damage shall have been done, and shall have the same Rights of Lien or Hypothecation upon the Buildings, Machinery, Plant, and Materials belonging to such Mines, and the same Remedies, upon Petition or otherwise, by Injunction, Sale, and otherwise, in the Court of the Vice Warden of the Stannaries of *Cornwall*, upon and in respect of the Buildings, Machinery, Plant, and Materials belonging to such Mines, and the Ores gotten therefrom, as any other Mining Creditor has or may have: Provided nevertheless, that no Person shall be entitled to bring any Action or Suit, or take any Proceeding for the Recovery of or obtaining any Compensation for Damage to be done under the Authority of this Act, or for any Costs other than such Compensation or Costs as shall be agreed upon between the Parties or shall be ordered by the said Vice Warden.

LXVI. And

Compensation may be made by a periodical Sum, and for continuing Damage.

LXVI. And be it enacted, That any Compensation to become payable under this Act, whether by Agreement or otherwise, may, by the Agreement of the Parties, or at the Discretion of the said Justices or Vice Warden respectively, be made by the Payment of an annual or other periodical Sum, to continue payable during the Continuance of the Possession under such Entry as aforesaid, or for any less Period, and to be determinable either upon the Restoration of the Land entered upon to a State fit for Cultivation, or at any earlier Period, and may be made to cover and include as well past as continuing Damage.

The Duke not liable for Damage done by his Lessees, &c.

LXVII. And be it enacted and declared, That the Duke of *Cornwall* shall not be liable to the Payment of Compensation for Damage to be done by any Lessee or other Person in or about any such searching or working for Mines or Minerals under the Authority of this Act as aforesaid.

No Compensation to be made for Damage to Waste or Demesne Land.

LXVIII. Provided always nevertheless, and be it enacted, That the Provisions herein-before contained with respect to the Duke of *Cornwall* and his Lessees, and other Persons authorized by him, making Compensation for the Damage done to the Surface of Lands and Tenements, shall not apply to any Lands or Tenements which by the said Award shall be determined to be Waste or Demesne Lands of the Manors mentioned in the said First Schedule hereunto annexed respectively, or to any Lands or Tenements which at the respective Dates of the Conveyances of the Manors mentioned in the said Second Schedule hereunto annexed were Waste or Demesne Lands of the same Manors respectively.

Right of the Duke of Cornwall and his Lessees to remove Buildings and Works, or to allow the same to remain.

LXIX. And be it enacted, That (subject and without Prejudice to the Liens, Rights, and Remedies herein-before given to the Persons who may become entitled to Compensation for Damage as aforesaid) it shall be lawful for the Duke of *Cornwall* and his Lessees, and other the Persons authorized by him as aforesaid, and his and their Agents and Workmen, either to pull down, remove, and take away or fill up all Buildings, Steam and other Engines, Machinery, and Things, Pits, Mines, Dams, Sluices, and Works which may be erected or fixed or opened or worked upon any Lands and Tenements in pursuance of the Provisions herein-before contained, and which shall be no longer used for the Purposes aforesaid, or to allow the same to remain for any Time which the Duke of *Cornwall* or his Lessees, or other the Persons authorized by him, shall think fit, after the same shall have ceased to be used for the Purposes aforesaid; and no Buildings, Mines, Pits, Works, or other Things shall, by Non-user or otherwise, be deemed to be abandoned, so as to vest any Right or Title therein in the Owner of the Land, or to give any fresh Right of Compensation, on the same being resumed or again entered upon and used.

No Damage to be done to any House, Building, Park, Garden, or Pleasure Ground.

LXX. Provided also, and be it enacted, That nothing in this Act contained shall authorize or empower the Duke of *Cornwall*, or any Lessee or other Person claiming under him, to erect any Building, or Steam or other Engine, Machinery, or Thing, or sink or make any Pit, Shaft, Air-hole, Tram or other Road, or lay any Ore, Rubbish, or other Thing, or to enter into or upon the Surface of any Land which the said Commissioners by their Award shall certify to have been on the First Day of *May* One thousand eight hundred and forty-four appropriated as a Garden, Park, or Pleasure Ground, or as a Dwelling House, or a Yard or Curtilage to any Dwelling House (and which they are hereby authorized and required in and by such Award to certify accordingly), and which shall afterwards continue to be so appropriated, or in or upon any Land which may at any Time hereafter at the Time of Entry be actually and *bonâ fide* appropriated and used as a Dwelling House, or as a Yard, Curtilage, or Garden attached to a Dwelling House, so long as the same shall continue to be so appropriated and used, and so as no such Yard, Curtilage, or Garden shall extend more than Fifty Feet from such Dwelling House.

The Claims of the Duke of Cornwall generally to be barred by the Lapse of Sixty Years.

LXXI. And be it enacted, That the Duke of *Cornwall* shall not at any Time hereafter sue, impeach, question, or implead any Person for or in anywise concerning any Lands, Manors, Tenements, Rents, Tithes, or Hereditaments whatsoever situate, issuing, or arising in the County of *Cornwall* (other than Liberties or Franchises, and other than Mines, Minerals, Stone, or Substrata), or for or in anywise concerning the Revenues, Issues, and Profits thereof, or make any Title, Claim, Challenge, or Demand of, on, or to the same or any of them (except as aforesaid), by reason of any Right or Title which hath not first accrued or grown, or which shall not have first accrued or grown, within the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, unless the Duke of *Cornwall*, or some other Person under whom the Duke of *Cornwall* any thing hath or lawfully claimeth, or shall hereafter have or lawfully claim, in the said Manors, Lands, Tenements, Rents, Tithes, or Hereditaments, by force of any Right or Title, hath or shall have been answered by force and virtue of any such Right or Title to the same, the Rents, Revenues, Issues, or Profits thereof, within the said Space of Sixty Years, or that the same have or shall have been duly in charge to the Duke of *Cornwall*, or have or shall have stood insuper of Record within the said Space of Sixty Years; and that all Persons, for and according to their and every of their several Estates and Interests which they have or claim to have, or shall or may have or claim to have in the same respectively, shall at all Times hereafter quietly and freely have, hold, and enjoy, against the Duke of *Cornwall* claiming any Title which hath not first accrued or grown within the said Space of Sixty Years, all and singular Manors, Lands, Tenements, Rents, Tithes, and Hereditaments whatsoever situate, issuing, or arising in the County of *Cornwall* (except as aforesaid), which they, or their or any of their Ancestors or Predecessors, or those from whom, by or under whom, they do or shall claim, have or shall have held or enjoyed or taken the Rents, Revenues, Issues, or Profits thereof, by the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, unless the Duke of *Cornwall*, or some other Person under whom

whom the Duke of *Cornwall* any thing hath or lawfully claimeth, or shall have or lawfully claim, in the said Manors, Lands, Tenements, Rents, Tithes, or Hereditaments, by force of any Right or Title, hath been or shall have been answered by virtue of any such Right or Title, the Rents, Revenues, Issues, or Profits thereof, within the said Space of Sixty Years, or that the same have or shall have been duly in charge, or stood insuper of Record as aforesaid, within the said Space of Sixty Years.

The Claims of the Duke not to be kept alive by putting a Manor in charge, of which the Land shall be Part.

LXXII. Provided always, and be it enacted, That the Duke of *Cornwall*, or any Person under whom the Duke of *Cornwall* hath or lawfully claimeth, or shall hereafter have or lawfully claim as aforesaid, shall not be deemed, for the Purposes of this Act, to have been answered by force or virtue of any such Right or Title, the Rents, Revenues, Issues, or Profits of any Lands, Manors, Tenements, Rents, Tithes, or Hereditaments which shall have been held or enjoyed, or of which the Rents, Revenues, Issues, or Profits shall have been taken, by any other Person by the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Suit, Bill, Plaint, Information, Commission, or other Suit or Proceeding for recovering the same, or in respect thereof, by reason of the same having been Part or Parcel of any Honour or Manor or other Hereditament of which the Rents, Revenues, Issues, or Profits shall have been answered to the Duke of *Cornwall*, or any other Person under whom the Duke of *Cornwall* hath or lawfully claimeth, or shall hereafter have or lawfully claim as aforesaid, or which Honour or Manor or other Hereditament shall have been duly in charge to the Duke of *Cornwall*, or to or with any Officer of the Duchy of *Cornwall*, or stood insuper of Record as aforesaid.

Claims of the Duke of Cornwall to Mines to be barred by the Possession of the Land and exclusively working the Mines for Sixty Years.

LXXIII. And be it enacted, That the Duke of *Cornwall* shall not sue, impeach, question, or implead any Person for or in anywise concerning any Mines, Minerals, Stone, or Substrata in, upon, under, or of any Lands, Manors, Tenements, or Hereditaments whatsoever situate in the County of *Cornwall*, where such Lands, Manors, Tenements, or Hereditaments shall have been held or enjoyed by such Person, or any Person by, through, or under whom he claims, or any Person whomsoever other than the Duke of *Cornwall*, or any Person claiming under him, for a Period of Sixty Years or more before the filing, issuing, or commencing any Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding in respect of such Mines, Minerals, Stone, or Substrata, without Interruption or Disturbance by the Duke of *Cornwall*, or any Person claiming under him, and where such Mines, Minerals, Stone, or Substrata have been substantially worked and gotten at any Time during the said Period by the Person who has so held and enjoyed the said Lands, Manors, Tenements, or Hereditaments, and such Mines, Minerals, Stone, or Substrata have not been at any Time during the said Period of Sixty Years worked and gotten, or the Tolls, Dues, Royalties, and other Profits thereof received or enjoyed, by the Duke of *Cornwall* or some Person claiming under Him.

Or by the Possession of the Land for One hundred Years.

LXXIV. And be it enacted, That the Duke of *Cornwall* shall not sue, impeach, question, or implead any Person for or in anywise concerning any Mines, Minerals, Stone, or Substrata in, upon, under, or of any Lands, Manors, Tenements, or Hereditaments whatsoever situate in the County of *Cornwall*, where such Lands, Manors, Tenements, or Hereditaments shall have been held or enjoyed by such Person, or any Person by, through, or under whom he claims, or any Person whomsoever other than the Duke of *Cornwall*, or any Person claiming under him, for a Period of One hundred Years before the filing, issuing, or commencing any Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding in respect of such Mines, Minerals, Stones, or Substrata, without Interruption or Disturbance by the Duke of *Cornwall*, or any Person claiming under him, and where such Mines, Minerals, Stones, or Substrata shall not have been at any Time during the said Period of One hundred Years worked and gotten, or the Tolls, Dues, Royalties, or other Profits thereof received or enjoyed, by the Duke of *Cornwall* or some Person claiming under Him.

Rents, &c. in charge with the proper Officer to be deemed in charge.

LXXV. Provided always, and be it enacted, That where the Rents, Revenues, Issues, or Profits of any Manors, Lands, Tenements, Tithes, or Hereditaments are or shall be duly in charge by, to, or with any proper Officer of the Duchy of *Cornwall*, such Rents, Revenues, Issues, and Profits shall be held, deemed, and taken to be duly in charge within the Meaning and Intent of this Act, any Usage or Custom to the contrary notwithstanding.

Time as to Reversions not to begin to run till they fall into possession;

LXXVI. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend to bar, impeach, or hinder the Duke of *Cornwall* of, for, or from any Manors, Tenements, Rents, Tithes, or Hereditaments whereof any Reversion or Remainder now is in His Royal Highness *Albert Edward* now Duke of *Cornwall*, for or concerning the said Reversion or Remainder, nor of, for, or from any Reversion or Remainder, or Possibility of Reversion or Remainder, in any of His said Royal Highness's Progenitors, Predecessors, or Ancestors for the Time being entitled to the Revenues of the said Duchy, which by the Expiration, End, or other Determination of any limited Estate has or ought to have fallen or become in possession, or which shall or may or ought hereafter first to fall or come in possession, within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, nor of, for, or from any Right or Title first accrued or grown to the Duke of *Cornwall*, or which shall first accrue or grow to the Duke of *Cornwall*, of, in, or to any Manors, Lands, Tenements, Rents, Tithes, or Hereditaments at any Time or Times within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, and not before.

LXXVII. Pro-

LXXVII. Provided also, and be it enacted, That this Act, or any thing herein contained, shall not extend to any Manors, Lands, Tenements, Rents, Tithes, or Hereditaments mentioned to be granted or conveyed by the Duke of *Cornwall*, or by any other under whom the Duke of *Cornwall* claimeth, to any Person or Persons for any limited Estate in Fee Simple or any Estate in Tail or other particular Estate, which several Estates (if the same had been good and effectual in Law) have or ought to have first fallen or become in possession, or will or ought first to fall or come in possession, within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same or in respect thereof as aforesaid, nor to any Manors, Lands, Tenements, Rents, Tithes, or Hereditaments mentioned to be granted or conveyed by any of the Predecessors, Progenitors, or Ancestors of His said Royal Highness *Albert Edward* Duke of *Cornwall* for the Time being entitled to the Revenues of the said Duchy of *Cornwall*, or by any other under whom His said Royal Highness claimeth, to any Person or Persons in Fee Tail or other particular Estate, whereof the Reversion or Inheritance (if such Estate Tail or other particular Estate had been good and effectual in Law) should have been and continued in His said Royal Highness, or should or ought hereafter to be and continue in the Duke of *Cornwall*, at any Time within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same or in respect thereof as aforesaid.

nor to Hereditaments which have been granted for limited Estates till such Estates fail.

LXXVIII. Provided also, and be it enacted, That all and singular the Manors, Lands, Tenements, and Hereditaments herein-before referred to, shall at all Times hereafter (except in Cases which are otherwise expressly provided for by this Act) be holden of the Duke of *Cornwall*, and all other Persons respectively, by the same Tenures, Services, Fee Farms, Chief Rents, Heriots, and other Duties, to all Intents and Purposes as the same should or ought of Right to be holden if the Estates, Rights, and Interests established and made sure by this present Act had been before the making of this Act firm, good, and effectual in Law.

Estates to remain subject to all Rents and Duties.

LXXIX. Provided also, and be it enacted, That where any Fee-farm Rent or other Rent (not otherwise expressly provided for by this Act) hath been or shall be answered and actually paid to the Duke of *Cornwall* within the Space of Sixty Years next before any Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, out of any Manors, Lands, Tenements, or Hereditaments situate in the County of *Cornwall*, of which Manors, Lands, Tenements, or Hereditaments, the Estates, Rights, or Interests being defective, are established and made good by this present Act, the Duke of *Cornwall* shall from henceforth for ever (except in Cases otherwise expressly provided for by this Act) have, hold, and enjoy the said Rents and the Arrearages thereof, in such Manner and Form, and as fully and amply, as the same are or were enjoyed at any Time within the said Space of Sixty Years.

Proviso as to Rents.

LXXX. Provided always nevertheless, and be it enacted, That this Act, or any thing herein contained, shall not extend to bar, impeach, or hinder the Duke of *Cornwall* of or from any Lands, Mines, Minerals, Stones, Substrata, Tenements, or Hereditaments which shall in or by such Award as aforesaid be determined to belong to the Duke of *Cornwall*.

Act not to bar the Duke as to Property comprised in the Award;

LXXXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be prejudicial to the Right, Title, or Claim of any Person in or to any Manors, Lands, Tenements, Tithes, Mines, Minerals, Stones, Substrata, or Hereditaments by virtue of or under any Grant, Letters Patent, or Lease from the Duke of *Cornwall*, made or passed before the First Day of *May* One thousand eight hundred and forty-four, so as such Right, Title, or Claim be prosecuted with Effect in a Court of competent Jurisdiction by some Action, Suit, or Proceeding commenced or instituted before or within the Space of One Year after the passing of this Act.

nor to prejudice the Rights of existing Lessees or Grantees, if Claims be prosecuted within One Year.

LXXXII. Provided always nevertheless, That in case any Person interested under any such Grant, Letters Patent, or Lease as aforesaid shall make any Entry, or prosecute any Right, Title, or Claim, within the Period of One Year after the passing of this Act, which Entry, Right, Title, or Claim shall be in anywise inconsistent with the Provisions in this Act contained for the Limitations of Actions and Suits, or which could not have been rightfully made or sustained in case such Person had been bound by such Provisions, then and in every such Case no Recital, Declaration, or Enactment in this Act shall be held or construed to prejudice the Right, Title, or Claim of any Person whomsoever against whom any such Action or Suit may be commenced or prosecuted.

In case of Claims being prosecuted by such Lessees, Act not to prejudice Rights of Parties against whom Claims are made.

LXXXIII. Provided also, and be it enacted, That if any such Entry, Action, or Suit shall be made or prosecuted as last aforesaid, and any such Possession, Right, Title, or Claim shall be established by such Entry, or in Action or Suit, which shall be inconsistent with the said Provisions for the Limitation of Actions and Suits as aforesaid, or which could not have been established if such Person or Persons as aforesaid had been bound by such Provisions, then and in such Case such Possession, Right, Title, or Claim shall be absolutely determined and of none Effect from and immediately after the Determination, by Lapse of Time, Surrender, Forfeiture, or otherwise, of the Grant, Letters Patent, or Lease by virtue whereof the Person making such Entry, or commencing such Action or Suit, shall have claimed or been entitled.

Rights established by Lessees to determine with the Grant or Lease.

LXXXIV. Provided always, and be it enacted, That nothing in this Act contained shall authorize the aforesaid Commissioners to inquire into or determine concerning, or shall in anywise prejudice, affect, or extend

Act not to affect the Privileges of the Tinners;

extend to any lawful Right, Profit, Privilege, or Easement to which the Tinners of the County of *Cornwall* are or claim to be entitled, as such Tinners, under or by force of any Statute, Custom, Prescription, or Royal Charter; but the same shall be and remain in full Force and Vigour as if this Act had never passed.

nor extend to Royalties, Liberties, Offices, &c. let in Convention;

LXXXV. Provided always, and be it enacted, That nothing in this Act contained shall authorize the aforesaid Commissioners to inquire into or determine concerning, or shall in anywise affect or extend to any Royalty, Liberty, Office, or Franchise which has at any Time heretofore been let in Convention, or granted by Assession, or any Estate, Right, Title, or Interest therein.

nor to navigable Rivers, Estuaries, Branches of the Sea, or Sea Shore.

LXXXVI. Provided also, and be it enacted, That nothing in this Act contained shall authorize the aforesaid Commissioners to inquire into or determine the Property or Right of or to any navigable River, Estuary, Port, or Branch of the Sea, or the Fundus or Soil of any navigable River, Estuary, Port, or Branch of the Sea, or the Shores between High and Low Water Mark thereof respectively, or any Franchise, Royalty, or Jurisdiction in or over such navigable River, Estuary, Port, or Branch of the Sea or Shores respectively, or any Boundary Question, Claim, or Right whatsoever, in anywise relating to the Matters aforesaid, or any of them; and that nothing in this Act contained shall in anywise conclude, prejudice, affect, or extend to any Property, Right, Claim, or Question whatsoever of, to, or concerning the Matters aforesaid, or any of them.

Act not to affect the Act of 2&3W.4.c.100.

LXXXVII. Provided always, and be it enacted, That this Act, or any thing herein contained, shall in nowise alter or affect the Operation, Extent, or Construction of an Act made and passed in the Session holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for shortening the Time required in Claims of Modus decimandi, or Exemption from or Discharge of Tithes*, or any thing therein contained.

Provisions for Limitation of Actions, &c. to apply only to Lands, &c. in Cornwall.

LXXXVIII. Provided always, and be it enacted and declared, That the Provisions herein-before contained for the Limitation of Actions and Suits, and the several other Provisions, Matters, and Things herein contained, shall apply only to Lands, Manors, Tenements, Rents, Tithes, Mines, Minerals, Stone, Substrata, Hereditaments, and other Things situate, issuing, arising, or being in the County of *Cornwall*.

Actions under Act to be commenced within Three Months.

LXXXIX. And be it enacted, That if any Action, Suit, or Proceeding shall be brought or commenced against the Commissioners hereby appointed, or their Secretary, or any Person acting under their Authority, for any thing by them or him purported to be done in pursuance of this Act, such Action, Suit, or Proceeding shall be commenced within Three Calendar Months next after the Thing done.

Orders, &c. not to be void for Want of Form.

XC. And be it enacted, That no Order, Adjudication, Award, Apportionment, or other Proceeding made or had by or before the said Commissioners under the Authority of this Act, or any Proceeding to be had touching any Offender against this Act, shall be quashed, or void or voidable, for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

Power of Attorney, &c. free of Stamp Duty.

XCI. And be it enacted, That no Power of Attorney, Award, or Bond, to be given or made in pursuance of the Provisions of this Act, shall be chargeable with any Stamp Duty.

Interpretation of Act.

XCII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, over and above their several ordinary Meanings, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Person" shall include a Body Politic or Corporate:

The Word "Oath" shall include Affirmation, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of Quakers or other Persons exempted by Law from the Necessity of taking an Oath:

The Expression "the Duke of *Cornwall*" shall include as well His Royal Highness *Albert Edward* now Duke of *Cornwall* as His Predecessors and Successors Dukes of *Cornwall*, and also the Queen's most Excellent Majesty, and Her Predecessors and Successors Kings and Queens of *England*, for the Time being, entitled to the Manors, Lands, and Possessions of the Duchy of *Cornwall*, or the Revenues thereof, during a Vacancy of the Duchy of *Cornwall*:

The Expression "Conventionary Tenement" shall mean and include all Lands, Tenements, and Hereditaments now, or at any Time within One hundred Years before the said First Day of *May* One thousand eight hundred and forty-four, held as Conventionary Tenements of the Manors mentioned in the First and Second Schedules hereunto annexed, whether the Tenure thereof has been changed before or shall be changed after the passing of this Act or not, and shall include undivided Parts and Shares, and divided Parts and Shares, of and in such Conventionary Tenements:

The Expression "Conventionary Tenant" shall include every Person having any Right, Title, Estate, or Interest in any Conventionary Tenement, or any undivided or divided Part or Share thereof, whether the Tenure of such Tenement has been or shall be changed as aforesaid or not:

The Expressions "Waste" and "Waste Lands" shall include all Commons, Downs, Moors, and uninclosed Lands.

Provision during the Minority of Duke of Cornwall.

XCIII. And be it enacted, That during the Minority of His said Royal Highness *Albert Edward* now Duke of *Cornwall* all Rights, Powers, Privileges, and Authorities, Acts, Matters, and Things, to be exercised,

exercised, made, or done by the Duke of *Cornwall* in pursuance or under the Authority of this Act, shall and may be exercised, made, and done by the Queen's most Excellent Majesty, or by the Council of His said Royal Highness for the Time being, or by other the Guardian or Guardians for the Time being of His said Royal Highness, as fully and effectually to all Intents and Purposes as if His said Royal Highness were of full Age, and such Rights, Powers, Privileges, and Authorities, Acts, Matters, and Things, were exercised, made, or done by His said Royal Highness. rity of His Royal Highness Albert Edward now Duke of Cornwall.

XCIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE referred to by the above Act.

HELSTON-IN-TRIGG.	TALSKEDY.
PENMAYNE.	LISKEARD.
TINTAGEL.	RILLATON.
RESTORMEL.	STOKE CLIMSLAND.
PENLYNE.	TREMATON.
PENKNETH.	

SECOND SCHEDULE referred to by the above Act.

TEWINGTON.	TYWARNHAILE.
TYBESTA.	HELSTON-IN-KERRIER.
MORESK.	CALSTOCK.

CAP. CVI.

An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of *Dublin*. [9th *August* 1844.]

'WHEREAS an Act was passed in the Sixth and Seventh Years of King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries* in Ireland, whereby Provision was made for the above Purpose in all Parts of *Ireland*, except in the County and City of *Dublin;* and it is expedient to assimilate the Law in the County of *Dublin*, as far as may be practicable, to that in other Parts of *Ireland:*' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and forty-five the following Acts and Parts of Acts shall be and are hereby repealed, save and except so far as they or any of them repeal any other Act, and also save and except as to Matters and Things heretofore done under the said Acts or any of them; (that is to say,) an Act passed in the Parliament of *Ireland* in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making, widening, and repairing public Roads in the County of* Dublin, *and for repealing Parts of several Acts formerly made for that Purpose* (except such Parts thereof as authorize the Grand Jury to accept from and the late Sir *Nicholas Lawless* to make a Conveyance of so much of *Gallows Hill* as might be deemed sufficient for erecting a County Gaol, and provide that the Person or Persons to whom such Conveyance should be made should in nowise be reputed to derive or claim as a Freeholder or Freeholders, and as empower the Grand Jury to levy and pay to the said Sir *Nicholas Lawless*, his Heirs and Assigns, the annual Rent therein mentioned); also an Act passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to alter and amend the aforesaid Act made in the Twenty-sixth Year of His said Majesty's Reign;* also an Act passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend so much of an Act made in the Parliament of* Ireland *in the Twenty-sixth Year of King* George *the Third, for making and repairing public Roads in the County of* Dublin, *as relates to the Roads within the Barony of* Rathdown; and also an Act passed in the Fifty-first Year of the Reign of King *George* the Third, intituled *An Act to amend an Act made in the Parliament of* Ireland *in the Twenty-sixth Year of King* George *the Third, for making and repairing public Roads in the County of* Dublin, with respect to those Roads within those Parts of the Baronies of *Uppercross* and *Newcastle* which are situate on the South-east Side of the great Turnpike Road leading from *Dublin* to *Cork* by *Rathcoole* and *Naas*. 6&7W.4.c.116. Acts and Parts of Acts repealed; 26 G. 3. (I.) in part. 43 G. 3. c. xxv. 50 G. 3. c. lx. 51 G. 3. c. xxxvi. in part.

II. And be it enacted, That it shall not be lawful for any Grand Jury of the County of *Dublin* to present, or for the Judges or Justices of any Court to allow any Presentments for the raising or levying any Money off the County of *Dublin* at large, or off any Barony within the said County, except at *Easter* Term in every Year; and such *Easter* Term shall be designated the Presenting Term for the County of *Dublin;* and on the First Day of every such Term the Clerk of the Crown in open Court shall administer to each of the Grand Jurors to be impannelled the Oath following; (that is to say,) No Presentment for raising Money except at Easter Term.

'YOU shall diligently inquire, on behalf of the County of *Dublin*, and true Presentment make, of all such Matters and Things as shall be lawfully given to you in charge, or as shall come before you in anywise relating to the raising of any Money upon the said County of *Dublin*, or upon any Barony, Grand Jurors Oath.

'Half

'Half Barony, District, or Parish therein, or relating to the Expenditure of any such Money: You shall 'not present, nor allow, nor disallow, any Matter or Thing, through Hatred, Malice, or Ill-will, nor 'through Fear, Favour, Affection, nor Reward. So help you GOD.'

Grand Jury shall transact Business in open Court, in such Place as Judges of Queen's Bench shall appoint; and shall be called over each Morning.

III. And be it enacted, That the Grand Jury of the said County of *Dublin*, so impannelled at the Presenting Term in each Year, shall be and be deemed to be the Grand Jury of the said County for all the Purposes of this Act, and shall transact the fiscal Business of the said County in open Court, and in such Place or Room, and within such Times, during Term, as the Judges of the Court of Queen's Bench from Time to Time shall appoint, not exceeding Twelve Days from the First Day of each Presenting Term; and that the Secretary of the Grand Jury shall cause to be laid before the Court of Queen's Bench, Two Days at least before the last Day that shall be appointed by the Judges as aforesaid for the finishing of the fiscal Business, all Accounts of Presentments to be fiated by the Court; and that each Grand Jury shall for the whole Period during which they shall sit be called over each Morning at sitting by the Foreman or Person acting as such, and at all other Times when the Number of Grand Jurors present shall be less than by Law required for the Performance of the Functions of a Grand Jury; and any Grand Juror who shall make default in his Attendance at any of such Times shall for every such Default incur a Penalty of Forty Shillings; and such Default shall be reported by the Foreman to the Court of Queen's Bench, and unless the same shall be excused on the Ground of Illness, or other good and substantial Reason, to the Satisfaction of the Court, such Fine and Penalty shall be by the said Court confirmed and declared absolute, and recovered and applied in the same Manner as Fines and Penalties imposed on Jurors for any Defaults or Misbehaviour may now by Law be recovered and applied; and if the Foreman shall fail to call over the Jury at the Times herein-before appointed, or to report the Absence of any Juror upon such Call, he shall incur a Penalty of Forty Shillings for each such Default, to be in like Manner recovered and applied: Provided always, that nothing herein contained shall limit or affect the Authority of the said Court to enforce the Attendance of any Grand Juror as said Court may now enforce such Attendance.

Appointment of County Officers.

Grand Jury shall appoint Secretary.

IV. And be it enacted, That upon the Death, Resignation, or Removal of the present Secretary of the Grand Jury it shall be lawful for the Grand Jury at any such Presenting Term to appoint a proper Person to act as their Secretary; and the present Secretary of the Grand Jury, or any Secretary who shall be appointed hereafter under the Provisions of this Act, shall continue to act as such until he shall be removed by the Grand Jury, or until another Person, duly qualified, shall be in like Manner appointed; and if any Person appointed Secretary shall happen to die, the Clerk of the Peace or his known Deputy is hereby required to act as such until the last Day of the ensuing Presenting Term; and for the performing all and singular the Duties of such Secretary such Clerk of the Peace or his said Deputy shall be entitled to receive a rateable Proportion of the Salary of such Secretary for the Time during which he shall have performed such Duties; but in case of the Illness of the Secretary it shall and may be lawful for such Secretary to appoint a Deputy, for whom he shall be responsible, and who shall perform the Duties of said Secretary during his Illness: Provided always, that it shall not be lawful to appoint or continue joint Secretaries or more than One Person as Secretary in the said County.

Secretary shall not be also the Clerk of the Peace, &c.

V. And be it enacted, That it shall not be lawful for the same Person to be appointed, after the First Day of *January* One thousand eight hundred and forty-five, Secretary of the Grand Jury and Clerk of the Peace, or Clerk of the Crown, or Treasurer of any County, or Collector of Grand Jury Cess, or Inspector of Gaols; and in case the Secretary of the Grand Jury shall at any Time refuse or neglect to perform any of the Duties imposed upon him by the Provisions of this Act, such Secretary being convicted thereof before the Judge of the Court of Queen's Bench, shall for such Refusal or Neglect forfeit any Sum not exceeding Fifty Pounds, at the Discretion of such Judge; and no Presentment shall be made of any Salary to him.

Lord Lieutenant shall appoint Number of Districts for Surveyors, and Salaries.

Grand Jury shall fix Boundaries.

No Barony to be divided.

VI. And be it enacted, That it shall be lawful for the Lord Lieutenant, by Order in Council, at any Time and from Time to Time hereafter, to require and direct the Grand Jury of the said County, at the *Easter* or *Michaelmas* Term next following the making of such Order, to divide the said County into as many Road Districts as in and by such Order shall be directed, or to alter any Districts, and fix and declare the Salary of the Surveyors to be appointed for each District, and the Scale by which such Salary shall be at any Time augmented; and the said Grand Jury shall thereupon declare and define by Presentment the Boundary of each such District, and set forth the Townlands or Denominations to be contained therein; provided, however, that no Barony shall be divided, but the whole of each Barony shall be placed in One District; and the Presentment for such Division or Alteration of Division of the County shall be laid before the Court, and fiated with the other Presentments; and from and after the fiating of such Presentment the several Districts to be formed shall be and constitute the Road Districts respectively of the said County for the Purposes of this Act.

A Board of Engineers shall examine and give Certificates to Persons qualified and desirous of being appointed Surveyors.

VII. And be it enacted, That it shall be lawful for the Lord Lieutenant of *Ireland* at any Time to appoint a Board of Three Civil or Military Engineers, to act without Salary or Emolument, in *Dublin*, who shall from Time to Time examine into and certify the Qualifications of Persons desirous to act as District Surveyors for the said County under this Act; and such Board of Engineers, after due Examination, shall give Certificate of Qualification to any Person who, in their Opinion, shall be duly and properly qualified to undertake the Duties of such Office; and it shall be lawful for the Grand Jury of the said County, at the next *Michaelmas* Term after the passing of this Act, or at any succeeding Presenting Term, to appoint from amongst the Persons who shall have obtained such Certificate One Surveyor for each

each Road District, at such Salary and subject to such Augmentation as shall have been so fixed and determined by the Lord Lieutenant in Council.

Duties of District Surveyors.

VIII. And be it enacted, That each Surveyor to be appointed as aforesaid shall attend at each Presentment Sessions herein-after directed to be held in and for his District for the Reception of Applications for Presentments, and also at the Presentment Sessions for the County at large, and shall afford such professional Advice and Assistance in the Consideration thereof as may be required of him under the Direction of the Grand Jury, the Finance Committee herein-after directed to be appointed, or Presentment Sessions, and shall prepare Forms of Tenders and Proposals, Estimates, Specifications, Maps, Plans, Sections, or Elevations of any Work approved thereat, and shall himself make such Application, when necessary, as herein-after directed, and shall also attend upon the Grand Jury, and as far as possible make to them a full and particular Report on all Applications for Presentments lodged with the Secretary as aforesaid, and the Necessity or Utility of the same, and on the Correctness of the Maps, Plans, Specifications, and Estimates prepared as aforesaid, and how far it may be expedient to alter, vary, or modify the Objects stated in such Applications; and the said Surveyor or Surveyors shall also report generally on the State of Public Works in their respective Districts, and on all Applications on the Part of Contractors, and on the Progress and Execution of all public Works formerly presented, and on the Performance of all Contracts, and on the State, Repairs, Progress, and Condition of all Buildings, Roads, Bridges, Gullets, Walls, or other Work; and the said Surveyor or Surveyors, or One of them, as the Grand Jury or Finance Committee shall direct, shall audit all Accounts of such Works, and ascertain and certify the Correctness thereof, and whether each Contractor is entitled to Payment, and how far and whether such Contractor has conformed to the Provisions of this Act and the Laws in force in *Ireland*, and shall also report the Name and Description of all Persons by him prosecuted for any Nuisance or Injury to any Road, or any other Offence of like Nature, and the Result of such Prosecution, and the Proceedings therein, and generally on all Matters and Things relating to the Office of Surveyor, or which may be given to him in charge by the Grand Jury or Finance Committee.

Surveyors may be dismissed by Lord Lieutenant or Grand Jury.

IX. And be it enacted, That any Surveyor appointed under this Act may be at any Time suspended or dismissed or his Salary withheld for Neglect or Misconduct, at the Pleasure of the Lord Lieutenant of *Ireland*, or by the Grand Jury at any Presenting Term; and in such Case, and on every other Vacancy, however occasioned, the Grand Jury at the next Presenting Term shall appoint a Successor from and out of the Persons who shall be from Time to Time certified to be qualified as aforesaid: Provided always, that in case of Indisposition or other unavoidable Cause, proved on Oath to the Satisfaction of the Grand Jury or of any Three Justices of the Peace for the said County, such Surveyor may depute another Person, duly certified as herein-before mentioned, to act for him; and such Deputy shall be removable in like Manner as his Principal.

On Death, Resignation, or Dismissal of present Collectors, Grand Jury shall appoint Collectors of County Cess.

X. And be it enacted, That upon the Death, Removal, or Resignation of any of the present Collectors the Grand Jury of the said County shall at any Presenting Term appoint a proper Person, not being a Magistrate, or Attorney, to be Collector for each Barony in such County, to collect all Money which shall be presented to be raised on such Barony or any Parish or Townland therein, and also the Proportion which such Barony may be liable to pay towards the Money presented to be raised on the County at large; and every such Collector shall have all Power and Authority and shall exercise and perform all Duties now or hereafter to be by Law required of any High Constable or Collector: Provided always, that if any such Collector shall happen to die before he shall have collected the whole of the Money presented to be raised as aforesaid on such Barony for which he shall be Collector, or if any Case of Vacancy should occur, or if any Collector shall become incapable of performing his Duty by Illness or otherwise, it shall be lawful for the Finance Committee for the said County to appoint another fit and proper Person to be Collector *pro tempore* until a Collector shall be appointed by the Grand Jury as aforesaid.

Collectors shall enter into Security.

XI. Provided always, and be it enacted, That no Person shall act as Collector unless he shall have given Security before the acting Foreman of the Grand Jury at some Presenting Term, or before some Justice of the Peace, being a Member of the Finance Committee (if such Collector shall have been appointed by the Finance Committee), by Two sufficient Sureties to be approved of by the Grand Jury or Finance Committee, joining with him in executing a Bond and Warrant of Attorney, without Stamp, to confess Judgment to the Secretary of the Grand Jury, conditioned for his duly collecting and paying into the Bank of *Ireland*, to the Credit of the Finance Committee from Time to Time, so long as he shall continue Collector, or till the Grand Jury shall otherwise determine, all such public Money as he is or shall be required to collect, and that he shall at no Time retain in his Possession a larger Sum than One hundred Pounds; and it shall be lawful for the Grand Jury to fix a Sum not exceeding One Shilling in the Pound on the Amount of the Collection to be paid to each of the present Collectors for his Trouble therein, and a Sum not exceeding Nine-pence in the Pound on the Amount of the Collection to be paid to every Collector hereafter to be appointed for his Trouble therein: Provided always, that no Presentment for the Payment of such Poundage, or any Balance thereof, shall be made by any Grand Jury, or fiated by the Court, unless the Warrant under which such Collector has levied such public Money shall be annexed to such Presentment, nor unless such Collector and his Deputy respectively shall make Affidavit before the acting Foreman of the said Grand Jury that such Public Money has been fairly and impartially levied, and that no more than the Sum authorized by the Warrant has been collected, to the best of his and their Knowledge and Belief; and every Collector as aforesaid may, by Writing under his Hand and Seal, appoint

Grand Jury to fix Poundage to be allowed.

Proviso.

appoint a Deputy Collector or Deputy Collectors, for whom he shall be answerable, to assist him in collecting the public Money; and every such Bond, and any Judgment entered thereon, shall vest in and may be sued for by the Secretary of the Grand Jury for the Time being, who shall be entitled to continue the Proceedings of any former Secretary on filing a Suggestion stating his Appointment to such Office, or on his making it otherwise appear to the Court in which such Proceeding may be pending that he is the acting Secretary.

Duty of Collectors.

XII. And be it enacted, That every Collector shall commence his Collection with as little Delay as possible after Receipt of his Warrant, and shall lodge the Amount collected from Time to Time in the Bank of *Ireland* to the Credit of the Finance Committee of the County, and shall not at any Time retain in his Hands more than One hundred Pounds, but shall lodge the same with all convenient Expedition in the said Bank of *Ireland*, and shall attend the Finance Committee from Time to Time, and make up the Accounts of his Collection when and as such Finance Committee shall direct, and furnish them with a Copy or Vouchers of all Receipts and Lodgments; and in case of any Inattention, Neglect, or Misconduct on the Part of any such Collector it shall be lawful for the said Finance Committee to suspend or dismiss such Collector, and to appoint another Person to act in his Place in completing such Collection, whereupon the said Collector shall hand over his Warrant, with a List of the Persons whose Grand Jury Cess may have been paid or may remain unpaid; and if such Collector shall refuse or neglect for One Week to deliver over such Warrant and List as aforesaid, after being required so to do, he shall forfeit the Sum of Twenty Pounds, to be recovered by Civil Bill, or before any Justice of the Peace, at the Suit of the Finance Committee; and the Person so appointed to act in the Place of the Collector so suspended or dismissed shall, after having entered into Security as aforesaid, have and possess all the Rights, Powers, and Privileges of a Collector duly appointed by the Grand Jury under this Act until the First Day of the then next Presenting Term, but no longer.

Collectors may be suspended or dismissed for Negligence by Finance Committee.

Presentments on County at large.

Grand Jury may present on County at large for building, repairing, &c. of Court Houses.

XIII. And be it enacted, That it shall and may be lawful for the Grand Jury of the said County at any Presenting Term, Application being previously made at Presentment Sessions as herein-after directed, to present such Sum or Sums of Money, to be raised off the County at large, as shall be necessary for building, rebuilding, enlarging, repairing, altering, hiring, furnishing, or fitting up any Court House or Sessions House therein, whether for any other Purpose required by Law, or for the Purposes of Presentment Sessions under this Act; and whenever any Presentment shall be made for any of such Purposes, or any other public Works, and the Sum necessary to be raised for the same shall be greater than it may be proper to levy off the County at one Time, then and in every such Case it shall be lawful for such Grand Jury to present, in the first instance, the whole Sum required for such Purpose, and to direct in and by such Presentment that the same shall be raised off the County by such half-yearly Sums or Instalments, and in such Proportions, as to such Grand Jury may seem expedient, and the same shall be so raised accordingly: Provided always, that it shall be lawful for any subsequent Grand Jury to present that any of the said Instalments shall be increased to any Sum that shall be found necessary or proper.

Providing for insufficient or incommodious Sessions Houses.

XIV. And be it enacted, That if, in any Town or Place at which the Lord Lieutenant hath directed or may hereafter direct that a Quarter Sessions of the Peace, or any Adjournment thereof, shall be holden for the Despatch of Civil or Criminal Business, there be not a sufficiently commodious or convenient Sessions House, it shall be lawful to and for the said Lord Lieutenant to direct any Architect or Engineer as he shall deem advisable to prepare such Specifications, Maps, Plans, Sections, and Elevations as may be necessary for the Erection of a Sessions House, therein expressing the Nature and probable Expence of the Works, and the Materials proper to be employed, and the same shall be delivered to the Secretary of the Grand Jury, who shall lay the same, together with the Copy of the Warrant of the Lord Lieutenant, before the Grand Jury, at the Presenting Term next after the Time at which he shall receive the same; and the Grand Jury shall examine such Specifications, Maps, Plans, Sections, and Elevations, and such others as may be laid before them, and either adopt the same, or make such Alterations therein as they may think proper, or reject the same, and shall present that a proper and sufficient Sessions House shall be provided or built in such Town or Place within the Period of One Year from the last Day of such Presenting Term, and that a Sum not exceeding One thousand Pounds shall be levied off the County for that Purpose at One Time, or by Instalments to be completed within the Period of Five Years; and the Architect or Engineer shall thereupon prepare a proper Form of Tender for the Execution of such Work, and shall deliver the same to the Secretary of the Grand Jury, who shall forthwith advertise for Tenders for the Execution thereof, and shall lay the same, together with the Presentment, and the Specifications, Maps, Plans, Sections, and Elevations, as approved of by the Grand Jury, and the Tenders for Execution thereof, before the next adjourned Presentment Sessions holden for the County at large; and the Tenders that shall be made for the Execution of such Works shall be opened at such Sessions, and dealt with in all respects in like Manner as any other Tender for a Work approved of and presented is: Provided always, that if such Presentment shall not be made, and a valid Contract for executing such Work shall not be entered into, within the Period of Two Calendar Months from the last Day of the Presenting Term in which such Warrant shall have been laid before the Grand Jury, it shall be lawful for the Lord Lieutenant to direct the Commissioners of Public Works in *Ireland* to build or provide such Sessions House; and on the Production to the Grand Jury at any Presenting Term of the Certificate of the Secretary of such Commissioners that a Sum not exceeding the Sum of One thousand Pounds has been expended in building such Sessions House and purchasing a Site for the same, or for either of such Purposes, the Grand Jury shall and they are hereby required to present the

Sum

Sum so certified to be levied off such County in One Payment, and to be paid to the Secretary of the said Commissioners, in satisfaction of the Sum so expended: Provided also, that in case the said Commissioners of Public Works shall find it convenient to take a Lease of any Premises for the Purpose of building such Sessions House thereon, they shall be at liberty to do so, and to engage to pay an annual or other Rent for the same, not exceeding the Sum of Fifty Pounds *per Annum*, and the Grand Jury shall and they are hereby required from Time to Time to present a Sum equal to the Amount of such Rent, to be levied off the County, and paid in discharge of the same.

Secretary of Grand Jury may advertise for Plans, &c.

XV. And be it enacted, That it shall be lawful for the Secretary of the Grand Jury, under Direction of any Presentment Sessions for the County at large, to advertise in the public Newspapers for Surveys, Specifications, Maps, Plans, Sections, and Elevations, from professional Engineers and Architects, for the Erection, Alteration, and Repair of such Buildings as may be required for the public Use of the County, or for the Construction of any Bridge or other public Work, the probable Cost of which shall exceed One thousand Pounds, and to offer a Sum not exceeding Fifty Pounds as Remuneration to the Engineer or Architect whose Plans shall be approved of; and it shall be lawful for the Grand Jury to make Presentment of such Remuneration, and to employ such Engineer or Architect, should they judge it necessary, in superintending the Work to be executed pursuant to his Plan, on such Terms as may be determined by the Grand Jury.

Sites of Court and Sessions Houses.

XVI. And be it enacted, That whenever any Presentment shall be or has been made for the Purpose of building a new or enlarging any Court House or Sessions House in and for the said County, it shall be lawful for the Grand Jury of the said County to authorize such Commissioners as such Grand Jury shall appoint to contract and agree with any Person or Persons, or Body or Bodies Corporate or Politic, for the Purchase or renting of any Houses, Buildings, Lands, Tenements, or Hereditaments convenient for the Site of any new Court House or Sessions House, or adjoining to any old Court or Sessions House, and convenient for the Purpose of enlarging the same or the Courts or Outlets thereunto belonging; and the Lands, Tenements, or Hereditaments so contracted or agreed for shall be demised or conveyed to such Commissioners, and to their Heirs, Executors, Administrators, and Assigns, in trust for the Uses and Purposes aforesaid; and such Commissioners shall be appointed and such Demise or Conveyance made in such Manner and under such and the like Rules and Regulations as are prescribed in an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons in* Ireland, with respect to the Appointment of Commissioners, and the demising and conveying of any Lands, Tenements, or Hereditaments to such Commissioners, under that Act: Provided always, that in case such Commissioners shall be unable to agree with the Owners of any Lands, Tenements, or Hereditaments proper or necessary to be purchased for the Purposes of any such Presentment, and if the Grand Jury by which such Presentment shall have been made, or any subsequent Grand Jury, shall direct that the same be purchased or rented by and under the Valuation of a Jury, it shall be lawful for the Commissioners appointed as aforesaid, or any Three or more of them, to issue their Warrant to the Sheriff, in the Manner directed by the said Act of the Seventh Year of His late Majesty King *George* the Fourth's Reign, and thereupon such and the like Proceedings shall and may be had and taken for summoning, impannelling, and swearing Juries, and valuing the Premises so directed to be purchased or rented, and each and every Part thereof respectively, and for obtaining the full Possession and Seisin thereof, and a good Title thereto, in the said Commissioners, and with and subject to all the same Rules, Regulations, Conditions, and Jurisdictions as in the said Act provided concerning any Premises to be purchased by such Valuation under the aforesaid Act of the Seventh Year of His late Majesty's Reign; and the said Commissioners shall in that Behalf have, possess, and exercise all and every the like Powers and Authorities as by the said Act are granted to and vested in the Commissioners therein mentioned; and it shall be lawful for any such or any subsequent Grand Jury to present the Sum so agreed upon or fixed as the Purchase Money of such Premises, and the Costs attending such Purchase, to be levied off such County, either at One Time or by half-yearly Instalments, in such Manner as they may think proper; and such Presentment may be made without any previous Application to any Presentment Sessions.

7 G. 4. c. 74.

Rents of Court and Sessions Houses.

XVII. And be it enacted, That it shall be lawful for the Grand Jury of the said County and they are hereby required to present at each Presenting Term, without previous Application at Presentment Sessions, to be raised upon such County, all such Sum or Sums of Money as shall be necessary for paying such Rent or Rents of any Court House or Sessions House, or their Appurtenances respectively, as now are or shall at any Time hereafter be payable for the same.

Commissioners of Public Works may sell old Court Houses.

XVIII. And be it enacted, That it shall be lawful for the Commissioners appointed as aforesaid by any Grand Jury of the said County to sell and dispose or to authorize the Sale and Disposal of any old Court House or Sessions House belonging to the said County in which the Sessions have been discontinued or have ceased to be held, together with the Ground or Site on which the same is built, according to the Title or Interest which the County may have in the same, and also to sell and dispose of or to authorize the Sale and Disposal of all or any Part of the Materials of which such old Court House or Sessions House may be composed; and the Money arising therefrom shall be paid to the Credit of the Finance Committee of such County, and applied to defray the Purchase Money of any Premises required for the Erection of any new Court House, or to the Erection of such new Court House, or such other Purposes connected with the County at large as any other public Money raised off such County, and coming to the Credit of such Finance Committee, may be applied.

For providing Fuel, &c. for Court Houses.

XIX. And be it enacted, That it shall be lawful for the Grand Jury of the said County, at any Presenting Term, without any previous Application to Presentment Sessions, to present, to be levied off such County at large, such reasonable Sum or Sums as they shall think proper, for providing Fuel or Light for each and every or any Court House or Sessions House in or belonging to such County; provided that no Sum so presented shall be paid by the Finance Committee of such County until the Person to whom any such Sum so to be presented for Fuel shall be payable under such Presentment shall prove, to the Satisfaction of the said Finance Committee, by an Affidavit sworn by him before some Justice of the Peace, or by other Evidence, that the Sum required to be paid hath been duly expended in the Purchase of Fuel for the Use of such Court House or Sessions House, pursuant to such Presentment, and that the whole of such Fuel hath been consumed in the said Court House or Sessions House, and for the Use and Benefit thereof, or, if any Part of such Fuel shall not have been consumed, stating how much thereof has been consumed, and that the Residue then remains in safe Keeping, to be applied to the Use of the said Court House or Sessions House in like Manner.

Rent of Petty Sessions Houses.

XX. And be it enacted, That it shall be lawful for the Grand Jury of the said County to present, to be levied off the County at large, for each of the Places wherein Petty Sessions shall be appointed to be held, an annual Sum not exceeding Ten Pounds for the Rent of a Room or Rooms for the holding of Petty or Presentment Sessions thereat, and of a Lock-up Room or House: Provided always, that such Room or Rooms shall not be in a House where spirituous or fermented Liquors are sold, nor in any Police Barrack, nor in any other Building maintained either wholly or in part at the public Expence: Provided also, that whenever a public Court House shall have been built and provided at any Place so appointed, no such Presentment shall be made, but the Petty and Special Sessions shall be holden in such public Court House, and not elsewhere: Provided also, that it shall be proved, to the Satisfaction of the County Presentment Sessions where Application shall be made for such Rent, that Six Meetings of Justices, during the Six Months immediately preceding such Application, have been held in such Room or Rooms.

Salaries of Sessions House Keepers, &c.

XXI. And be it enacted, That it shall be lawful for the Grand Jury of the said County to present, without any previous Application at Sessions, to be levied off such County at large, any Sum not exceeding Twenty Pounds for the Court Keeper of *Kilmainham*, and not exceeding Eight Pounds, at each Presenting Term, as a Salary or Payment for the Keeper of any other Sessions House belonging to such County where the General Quarter Sessions of the Peace are held, and any Sum not exceeding Ten Pounds, at each Presenting Term, for an Interpreter, if such Payment shall be recommended by the Court.

Erecting Milestones, &c.

XXII. And be it enacted, That it shall be lawful for the Grand Jury as aforesaid (Application being previously made at Presentment Sessions) to present, to be raised off the County at large, any Sum or Sums of Money for making or repairing a Gallows, or for Bolts and Shackles, not exceeding in the whole in any One Year the Sum of Twenty Pounds, and also for erecting or repairing Direction Posts, Milestones, Mile Posts, or Depôts for Materials, not exceeding One Pound for each Direction Post, Milestone, Mile Post, or Depôt, also the necessary Expences incurred in printing the several Notices and other Documents, Accounts, and Abstracts herein directed or authorized by the Grand Jury at any Presenting Term, and sanctioned by the Court, to be printed.

Support of Fever Hospitals and Dispensaries.

XXIII. And be it enacted, That where any Fever Hospital or Dispensary for the Purpose of furnishing Medicine and affording Medical and Surgical Aid to the Poor of any Town or Place in the said County is now or shall be hereafter established in such County by private Subscriptions or Donations, and a Certificate of the Sum or Sums of Money actually received by the Treasurer of such Fever Hospital or Dispensary from private Subscription or Donation since the last Application to Presentment Sessions, or since the Establishment of such Fever Hospital or Dispensary, and a Statement of the Number of Persons admitted or relieved, together with an Account of the Receipt and Disbursement of all Monies raised by virtue of any Presentment for such Fever Hospital or Dispensary, as well as of all Monies actually received from private Subscription or Donation for the Use of such Fever Hospital or Dispensary, since the Date of such last Application or Establishment, shall have been laid before the Presentment Sessions ensuing the Disbursement thereof, and such Certificate and Account, verified upon the Oath of such Treasurer, shall, together with the Application for a Presentment for such Fever Hospital or Dispensary, have been allowed and approved of at such Sessions, it shall be lawful for the Grand Jury of the said County at any Presenting Term to present, to be raised off the said County, or any Barony or Baronies thereof, as to such Grand Jury shall seem fit, in case of a Fever Hospital a Sum not exceeding Double the Amount, and in the Case of a Dispensary a Sum not exceeding the Amount, of such private Subscriptions or Donations so received, to be paid to the Treasurer of such Fever Hospital or Dispensary, and applied (under the Direction of the Subscribers of any annual Sum of not less than One Guinea, or such Committee of them, not fewer in Number than Five, as they shall appoint for that Purpose at any General Meeting of such Subscribers), together with the Monies received by private Subscription and Donation, in fitting up and supporting such Fever Hospital or Dispensary, and in providing Medicine and Medical and Surgical Aid for the Poor of such Place and its Neighbourhood: Provided always, that when any Fever Hospital shall be attached to any Dispensary the Treasurer of the same shall separate the Accounts of the Receipts and Expenditure of each such Fever Hospital and Dispensary, and the Application for Presentments for each shall be separate and distinct; provided also, that no such Presentment shall be made unless it shall appear by the Certificate of such Treasurer, verified as aforesaid, that the Medical Attendant, if appointed after the First Day of *January* One thousand eight hundred and forty-five, resided

resided since the Creation of such Dispensary or Hospital, or since the last Presenting Term, (as the Case may be,) at or within One Statute Mile of such Dispensary or Hospital.

Erection of Fever Hospitals.

XXIV. And be it enacted, That whenever it shall be made appear by Statement on Oath to the Grand Jury of the said County that there has been actually received from private Subscriptions or Donations any Sum or Sums of Money for the Purpose of erecting any House to be applied to the Reception of Fever Patients, and either connected with any local Dispensary or not, as the Case may happen, and upon a Certificate by One or more Physicians that there is a Necessity for providing Accommodation for such Patients, it shall and may be lawful for such Grand Jury to present, to be raised off such County at large, any Sum not exceeding Double the Amount of the Sum or Sums so raised by Donation or Subscription, and actually received by the Treasurer, to be applied, together with the Monies so received by private Donation or Subscription, in erecting such House for Fever Patients, in such Manner as the Subscribers of any Sum not less than One Guinea, or such Committee of them, not fewer than Five, as they shall appoint for that Purpose at any General Meeting of such Subscribers, shall in their Discretion deem most advisable: Provided always, that the Affidavit and Certificate herein mentioned shall, together with the Application for such Presentment, have also been laid before the Presentment Sessions, and approved thereat; provided also, that an Account of the Receipt and Expenditure of such Fever Hospital from the Time of its Establishment to the Time of the first Presentment required, and afterwards from the Time of each Presentment required till the Time when any further Presentment is required, shall, together with an Application for the Sum so proposed to be presented, be laid before the Presentment Sessions to be holden under this Act for the Purpose of considering Applications for Presentments, and that such Account and Application shall be approved at such Sessions.

Idiot Wards in connexion with Lunatic Asylums.

XXV. And be it enacted, That where any Ward or Wards for the Reception and Support of Idiots and incurable Insane Persons is or may be established in conjunction with or under the Direction of any Lunatic Asylum connected with the said County, it shall and may be lawful for the Grand Jury at each Presenting Term, without previous Application at Sessions, to present such Sum or Sums, not exceeding the Sum of One hundred Pounds, as shall appear to be necessary for the Support of such Ward connected with such Lunatic Asylum; and such Sum shall be raised off the County at large, or off any Barony or Baronies thereof, as the Grand Jury shall direct.

Expences of Boards of Health.

XXVI. And be it enacted, That whenever the Lord Lieutenant of *Ireland* shall at any Time have ordered any Sum or Sums of Money to be advanced out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, for the Payment of the Expences incurred by any Commissioners appointed by such Lord Lieutenant or other Chief Governor or Governors, to form a Board of Health in any Town or District within the said County, it shall be lawful for the Grand Jury and they are hereby required to present, without previous Application to Presentment Sessions, all Sums so advanced to be raised off such County, or any Barony or Baronies thereof: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, if they shall think fit, to direct that such Sum shall be repaid by such Instalments as they may think proper.

Lunatic Asylums, Erection of, where necessary. 1 & 2 G. 4. c. 33.

XXVII. And be it enacted, That at any Time after any Order in Council shall be made by the Lord Lieutenant of *Ireland*, by and with the Advice of Her Majesty's Privy Council in *Ireland*, under and by virtue of the Provisions of an Act passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor, and for the Custody of Insane Persons charged with Offences in* Ireland, or any Act or Acts amending the same, and after such Order shall have been published in the *Dublin Gazette*, it shall and may be lawful for the Grand Jury of the said County at any Presenting Term to present, without previous Application to Presentment Sessions, such Sum or Sums of Money, to be raised off such County at large, or any Barony or Baronies thereof, as shall be requisite for defraying the Expences of erecting and establishing an Asylum for the Lunatic Poor, or for erecting any Ward for the Reception of Idiots or incurable Lunatics for such District or any Proportion thereof, ascertained by any Order made by the said Lord Lieutenant and Privy Council.

Maintenance of Lunatic Asylums.

XXVIII. And be it enacted, That it shall be lawful for the Grand Jury of the said County, without previous Application at Presentment Sessions, to present, at each Presenting Term, to be levied off such County at large, or Barony or Baronies thereof, such Sum or Sums of Money as shall be necessary for the Expences of supporting, supplying, and maintaining any such Asylum, or the Officers thereof, or the Patients therein, or any Proportion of such Expences, ascertained by Order of the said Lord Lieutenant and Privy Council, under the Provisions of the said last-recited Act.

Repayment of Advances for Lunatic Asylums.

XXIX. And be it enacted, That whenever the Lord Lieutenant of *Ireland*, by and with the Advice of Her Majesty's Privy Council in *Ireland*, shall, under the Provisions of the said last-recited Act, or any Act amending the same, have ordered and directed any Sum or Sums of Money to be advanced, issued, and paid out of the growing Produce of the said Consolidated Fund arising in *Ireland*, for the Purpose of erecting and establishing, opening, carrying on, enlarging, maintaining, or supporting, any such Asylum, the Grand Jury of the said County shall and they are hereby required (after any such Asylum shall be fit for the Reception of such Lunatic Poor) to present at each Presenting Term, without any previous Application at Presentment Sessions, such Sum or Sums of Money, to be levied off such County at large, as shall be necessary for the Repayment of any such Sum or Sums so advanced, or any Part thereof, at such Times and in such Proportions as shall be directed and ascertained by any Order or Orders to be made by such Lord Lieutenant in Council as aforesaid.

XXX. And

Rents for same.

XXX. And be it enacted, That in each and every Case when the Commissioners appointed for general Control and Correspondence, and for the superintending and directing the Erection, Establishment, and Regulation of District Lunatic Asylums, shall have rented or purchased any Houses, Buildings, Lands, Tenements, or Hereditaments on the Site or Sites of which it shall be proposed to erect or maintain any such Asylum for the said County, it shall be lawful for the Grand Jury of the said County, and such Grand Jury are hereby required, at the Presenting Term next ensuing the Day or Time when such Purchase shall be made or such Rent shall become due, or as soon after as shall be requisite, and so from Time to Time whenever the Case shall happen, to present, without previous Application to Presentment Sessions, to be levied off such County at large, such Sum or Sums of Money as they shall be directed to present by the Lord Lieutenant of *Ireland* in Council as aforesaid, for the Purpose of completing such Purchase or paying such Rent or Rents.

Fees to Coroners.

XXXI. And be it enacted, That it shall be lawful for the Grand Jury of the said County, at each Presenting Term, to present any Sum not exceeding in the whole the Sum of One hundred Pounds for each and every Coroner in such County, to be levied off such County at large, or any Barony therein, as such Grand Jury shall think advisable; and such Grand Jury shall apportion the whole of such Sum so presented among the several Coroners of such County according to the Number of Inquests which may appear to have been respectively held upon the Body of any Person by each of such Coroners since the Date of the last Application for a Presentment; and such Sums shall be paid to the Coroners respectively who shall have held such Inquests, and for whom such Sums shall have been presented: Provided always, that no Coroner shall receive more than at the Rate of One Pound Ten Shillings for each Inquest so held by him.

Certificates of Inquests held by Coroner.

XXXII. Provided always, and be it enacted, That it shall not be lawful for any Grand Jury to make any Presentment for any such Remuneration to any such Coroner, unless, together with the Application for the same at the County Presentment Sessions, there be laid before such Sessions a Certificate of each Inquest respectively taken by such Coroner, made and signed by such Coroner, in the Form following:

'I *A.B.*, a Coroner in the County of *Dublin*, do hereby certify, That on the Day of
'I held an Inquest on the Body of *C.D.* at in this County, and that the Names of the
'Jurors impannelled on such Inquest were as follows; and that the Names of
'the Witnesses examined before such Jurors were as follows; and that the Verdict
'of such Jury was All which I certify. Dated this Day of
'*A.B.* Coroner of this County.'

And it shall be lawful for such Sessions or the Grand Jury, in case they shall so think fit, to examine any such Coroner upon Oath as to Matters relating to said Inquest, or as to the Truth of any such Certificate.

Coroner to summon nearest qualified Practitioner.

XXXIII. And be it enacted, That whenever any Coroner shall deem it necessary to hold any Inquest, and shall summon any Medical Witness to attend the same, he shall summon such legally qualified Medical Practitioner as shall reside nearest to the Place where such Inquest is to be taken, unless there be some sufficient Reason to the contrary.

Payment of Medical Witnesses.

XXXIV. And be it enacted, That for Payment and Remuneration of every Medical Witness who, having been summoned by any Coroner as aforesaid to attend at any Inquest, shall attend same, and, pursuant to the Directions which he shall receive from such Coroner, shall examine any dead Body, and give Evidence upon the Inquest taken thereon, it shall be lawful for the said Coroner and he is hereby empowered to sign and issue to such Medical Witness, upon obtaining his Receipt for same, an Order upon the Finance Committee of the County of *Dublin* for the Sum of One Guinea, and no more, for such Attendance, Examination, and Evidence as aforesaid; and if it should appear necessary to such Coroner that a Post-mortem Examination should be made by any such Medical Witness, it shall be lawful for such Coroner to order and direct that such Post-mortem Examination shall take place; and such Coroner shall and may in like Manner sign and issue to such Medical Witness, for every such Post-mortem Examination and Evidence, an Order upon the Finance Committee as aforesaid for the further Sum of One Guinea, upon obtaining a like Receipt; but in no Case shall any Coroner sign or issue to or for any Medical Witness, for or on account of any One Inquest, any Order for a greater Sum than the Sum of Two Guineas; and the Amount of all such Payments shall be presented by the Grand Jury, to be raised off the County at large, or any Barony thereof, in like Manner as the same presented for the Inquest whereat such Parties may attend: Provided always, that the Coroner shall certify to the Presentment Session of the Barony in which the Inquest was held the Amount and Particulars of all Sums so by him ordered to be paid.

Ordinary Examination One Guinea.

Post-mortem Examination Two Guineas.

Grand Jury may present for Fees to Medical Witnesses.

No Presentment if Coroner has not attended.

XXXV. Provided always, and be it enacted, That it shall not be lawful for any Grand Jury to present any Money to be paid to any Coroner who shall appear to them to have been guilty of Neglect of Duty in not attending to take any Inquest, or otherwise, nor in any Case to present any Money for the Remuneration of any Coroner for or in respect of any Inquest other than such as shall have been held since the Date of the Application for the last Presentment.

Maintenance of Constabulary.

XXXVI. And be it enacted, That it shall be lawful for the Grand Jury of the said County at each Presenting Term, and they are hereby required, to present, to be levied off the County at large, or off any Barony or Half Barony or any Portion of a Barony (as the Case may be), all and every such Sum or Sums of Money as may be chargeable upon and directed to be presented and levied off such County, Barony, Half Barony, or Portion of a Barony, by and under the Provisions of any Act or Acts for the Appointment,

Appointment, Maintenance, and Regulation of the Constabulary Force in *Ireland;* and every such Presentment shall be made without any previous Application to Presentment Sessions, and in all respects pursuant to the Regulations of the said Acts, or such of them as may be applicable to the Case; and the Money levied under every such Presentment shall be paid over in such Manner and to such Bank or Person as the said Commissioners of Her Majesty's Treasury, or any Three or more of them, shall direct, save and except in the Case of the Superannuations herein-after and by the said Acts, or any One of them, directed to be paid to the Parties entitled to the same: Provided always, that nothing herein contained shall extend or be construed to extend to authorize any Grand Jury to present any Sums of Money for the Maintenance or Support of the Constabulary to be raised off such Parts of the said County as are assessed for the Support of the Metropolitan Police, and exempted from Assessment for the Constabulary under an Act passed in the First Year of Her Majesty's Reign, Chapter the Twenty-fifth, for the Regulation of the Metropolitan Police of *Dublin.*

Remuneration to Constables, &c. for bodily Injuries. 5 G. 4. c. 28.

XXXVII. And be it enacted, That whenever the Lord Lieutenant of *Ireland* shall, under and by virtue of the Provisions of an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act of the Third Year of His present Majesty's Reign, for the Appointment of Constables in* Ireland, or under the Provisions of any other Act, have ordered any Sum or Sums of Money to be paid and advanced, out of the Produce of the Consolidated Fund of *Great Britain* and *Ireland* arising in *Ireland,* as an annual Remuneration or Superannuation to any Chief Constable, Constable, or Sub-Constable disabled by any Maim, Wound, or Hurt, or other grievous Injury received by him in the Execution or Performance of the Duty of his Office, and to be defrayed by the said County of *Dublin,* or any Barony thereof, it shall and may be lawful for the Grand Jury of the said County, and such Grand Jury is hereby required, upon the Production of the Certificate of the Chief Secretary of the Lord Lieutenant for the Time being, or of the Under Secretary, of the Amount of the Sum or Sums so paid and advanced out of the Consolidated Fund for the Superannuation of such Constables, to present (without previous Application to Presentment Sessions) One Moiety of such Sum or Sums so paid, advanced, and certified as aforesaid, to be levied off such County or Barony; and the same when levied shall be paid over in such Manner and to such Bank or Person as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall direct.

Superannuation to Magistrates, &c.

XXXVIII. And be it enacted, That it shall be lawful for the Grand Jury of the said County and they are hereby required to present (without previous Application to Presentment Sessions), to be raised off the County at large, such yearly Allowance, Superannuation, Compensation, Gratuity, or Remuneration as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall order, or at any Time have ordered, to be paid by such County, or such Proportion thereof as he or they shall direct or have directed to be paid to any Magistrate, Inspector, Deputy Inspector, County Inspector, Sub-Inspector, Chief Constable, Constable, or Sub-Constable, who has been or shall hereafter be superannuated by virtue of the Provisions of any Act or Acts now in force authorizing such Lord Lieutenant or other Chief Governor or Governors to grant such Superannuation; and such Allowance, Superannuation, Compensation, Gratuity, or Remuneration shall be presented during the Life of each Person so entitled thereto, on Proof to the Grand Jury from Time to Time that such Person is living.

Special Constables. 2&3 W. 4. c. 108.

XXXIX. And be it enacted, That when in the said County any Special Constable shall have been appointed by virtue of an Act of the Second and Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending the Laws in* Ireland *relative to the Appointment of Special Constables, and for the better Preservation of the Peace,* and the Justices of the Peace of such County, acting at a Special Sessions held for that Purpose, or the major Part of them, shall, in pursuance of the Powers given to them by the said Act, have made any Order or Orders upon the Finance Committee for the Payment to such Special Constables of a reasonable Allowance for their Trouble and Loss of Time, or to defray Expences incurred in providing Staves or other necessary Articles for such Special Constables, it shall and may be lawful for the Grand Jury of such County, and such Grand Jury is hereby required, to present (without previous Application to Presentment Sessions), to be raised off such County at large, or any Barony thereof, within which such Special Constables may have served, the Amount of all Sums paid by the Finance Committee pursuant to such Order or Orders.

Prosecutors and Witnesses.

XL. And be it enacted, That where any Person shall have been tried for any Felony or Misdemeanor whatsoever committed or alleged to have been committed in the said County of *Dublin,* it shall be lawful for the Court before whom such Person shall have been tried, in case it shall appear that there was a reasonable Ground of Prosecution, and Cause for the same being defrayed by the County of *Dublin,* to order the Finance Committee of the said County to pay to the Prosecutor, upon his Application, such Sum of Money as to such Court shall seem reasonable, not exceeding the Expences which it shall appear to the Court that such Prosecutor may have *bonâ fide* incurred in carrying on such Prosecution; and in case such Prosecutor shall appear to the Court to be in poor Circumstances, such Court may make a further reasonable Allowance to such Prosecutor for Trouble and Loss of Time, which Order the Clerk of the Crown or Clerk of the Peace respectively is hereby directed and required forthwith to make out and deliver to such Prosecutor, without Fee or Reward; and when any Person shall appear on Recognizance or Subpœna to give Evidence as to any Felony or Misdemeanor whatsoever committed or alleged to have been committed in the said County of *Dublin,* whether the Prosecution of such Felony be commenced or carried on by or under the Direction of any Law Officer of the Crown, or any other Person, it shall be lawful for the Court before which such Person shall appear, whether any Bill of Indictment be preferred

preferred or not to any Grand Jury, in case such Person shall have *bonâ fide* attended in obedience to such Recognizance or Subpœna, to order the Finance Committee of the said County to pay unto such Person such Sum of Money as shall seem reasonable, not exceeding the Expences which it shall appear that such Person has *bonâ fide* incurred by reason of the said Recognizances or Subpœna; and in case such Person shall appear to be in poor Circumstances, such Court may make a further reasonable Allowance to such Person for Trouble and Loss of Time, which Order the Clerk of the Crown or the Clerk of the Peace respectively is hereby directed and required forthwith to make out and deliver to such Person; and such Finance Committee is hereby authorized and required to pay to any such Prosecutor or Witness respectively, or to any Person by him or her authorized, any such Sum of Money so ordered; and the Grand Jury of the said County shall, at each Presenting Term, present all Sums so paid to such Prosecutors and Witnesses respectively, to be raised either off the County at large, or upon any Barony thereof, as to such Grand Jury shall seem fit; and such Presentment may be made without any previous Application to Presentment Sessions.

Rewards for Information.

XLI. And be it enacted, That if it shall appear that any Person, having given Information or Evidence against any Person or Persons charged with any Offence against the public Peace, shall have been murdered or maimed within the said County of *Dublin*, previous to the Trial of the Person or Persons accused by such Information or Evidence, or of any of them, or on account of any such Evidence given, or that any Magistrate or other Peace Officer shall be murdered or maimed on account of his Exertions as such Magistrate or Peace Officer to bring Disturbers of the public Peace to Justice, it shall and may be lawful to and for the Grand Jury of the County to present, upon the Recommendation of the Lord Lieutenant, and without previous Application at Presentment Sessions, such Sum or Sums of Money as they shall think just and reasonable to be paid to the personal Representative of such Witness, Magistrate, or Peace Officer so murdered, or to such Witness, Magistrate, or Peace Officer so maimed, having regard to the Rank, Degree, Situation, and Circumstances of such Witness, Magistrate, or Peace Officer; such Money to be raised off the County at large, or the Barony in which such Murder or Maiming shall respectively have been perpetrated, at the Discretion of such Grand Jury.

Rewards for Apprehension of Offenders.

XLII. And be it enacted, That it shall be lawful for the Grand Jury of the said County, at any Presenting Term, if they shall think fit, to present, without any previous Application at Sessions, any Sum of Money not exceeding the Sum of Twenty Pounds for each and every Person who shall apprehend and prosecute to Conviction any Person guilty of any Murder, and any Sum not exceeding Ten Pounds for each and every Person who shall apprehend and prosecute to Conviction any Person guilty of any other Capital Felony, or of any Misdemeanor, for which any Person on Conviction may be liable to be transported; such Sum or Sums to be raised off such County, or any Barony thereof, as such Grand Jury shall think proper, and to be paid to any Prosecutor or Prosecutors of such Offenders as aforesaid; and such Presentment may be made during the Time appointed for transacting the Criminal Business of such County.

Removal of Offenders.

XLIII. And be it enacted, That upon the Removal of any Prisoner apprehended according to Law in any other Part of the United Kingdom, and charged with any Offence committed within the said County of *Dublin*, it shall be lawful for the Finance Committee of the said County, upon being satisfied that such Expences are reasonable in amount, and fairly chargeable upon the said County of *Dublin*, to repay, out of any Funds to their Credit, the Expences attending the Removal of such Prisoner; and the Grand Jury of the said County shall, at the next Presenting Term, present the Amount so paid to be raised off the County at large; and such Presentment shall be made without any previous Application to Presentment Sessions.

Maintenance of deserted Children.

XLIV. And be it enacted, That where, either previous to or after the First Day of *January* One thousand eight hundred and forty-five, any Child under the Age of Two Years shall have been or shall be left exposed and deserted in any Parish in the said County, and an Application shall have been made by any Two Cess-payers, with the Approval of Two or more Justices at Petty Sessions assembled, and such Application shall likewise have been approved at the Presentment Sessions for the Barony in which such Parish shall be situate, it shall be lawful for the Grand Jury of such County to present, to be levied off such Parish or any Portion thereof, any Sum not exceeding Five Pounds in the Year for the Maintenance of such Child; and such Sum so levied shall be paid to the Cess-payers making such Application, or such other Person or Persons as the Grand Jury shall direct, to be by them applied for the Purposes aforesaid: Provided always, that if the Baronial Presentment Sessions shall not approve of any such Application, or the Grand Jury of such County shall refuse or neglect to make such Presentment, it shall be lawful for any Judge of the Queen's Bench, upon the Complaint of such Cess-payers, to order such Sum as he shall think fit, not exceeding Five Pounds, to be raised upon such Parish or Portion thereof (in the same Manner as any Money presented by Grand Juries), for the Support of such Child, and to be paid in like Manner as herein-before provided for: Provided also, that in no Case shall any Sum be presented for the Support of any such Child after it shall have attained the Age of Twelve Years.

Salaries of County Officers, as per Schedule.

XLV. And be it enacted, That all County and other Officers and Persons mentioned and specified in the Schedule No. 15. to this Act annexed shall, from and after the First Day of *January* One thousand eight hundred and forty-five, be paid and remunerated for their respective Duties, Services, and Expences by annual Salaries, payable half-yearly by the Finance Committee, by equal Moieties, and not exceeding the Amount mentioned in the said Schedule; and the Grand Jury at any Presenting Term shall

shall and may present (without previous Application to Presentment Sessions) for each such Officer, to be raised off the County at large, the Amount of such annual Salary as shall be agreed upon by said Grand Jury: Provided always, that in case of any negligent or insufficient Discharge of Duty by any such Officer or Officers, it shall and may be lawful to and for any Grand Jury, with the express Sanction of the Court, but not otherwise, to present any Sum or Sums less in the whole than the annual Salary by this Act specified to be paid to any such Officer or Officers, or to withhold and refuse to make any Presentment whatever for any such Officer or Officers: Provided always, that on any Vacancy occurring in the said Offices, as set forth in Schedule No. 15. of this Act, either by Death or otherwise, the Person or Persons appointed to fill said Offices shall be paid according to Schedule (S.) in the Act of the Sixth and Seventh Years of King *William* the Fourth, Chapter One hundred and sixteen.

Clerk of Crown to make Return of Fees.

XLVI. And be it enacted, That before any Clerk of the Crown or Clerk of the Peace and other Officer in the said Schedule set forth shall be entitled to receive such Salary as is hereby provided, he shall at each Presenting Term lay before the Grand Jury an Account, verified on Oath, and sworn and read in open Court, setting forth the total Amount of his Fees and other Emoluments, and distinguishing the several Sums paid and received under each separate Head of Service, and the Rates of Fees or Remunerations received on each; and it shall not be lawful for any Grand Jury to present any Salary to be paid to any Clerk of the Peace unless it shall appear to them that he has given Security by Recognizance, in the Sum of One thousand Pounds, for the due and faithful Execution of his Office of Clerk of the Peace, and that such Recognizance has been duly deposited or recorded.

Further Presentment in Cases of Special Commissions.

XLVII. And be it enacted, That in case at any Time a Special Commission shall be held within the said County for the Trial of Offenders, the Grand Jury, at the Presenting Term next immediately ensuing, shall and may, without previous Application to Presentment Sessions, make a further Presentment for the Clerks of the Crown, Sheriffs and Judges Crier, not exceeding One Fourth of their annual Salary, subject nevertheless to the like Direction as herein-before given to any Grand Jury in case of Neglect or insufficient Discharge of Duty by any Officer.

Presentment for Secretary shall include Stationery.

XLVIII. And be it enacted, That the Presentments to be made under this Act for the Secretaries of the several Grand Juries shall be in full Acquittance of all Demands to be made by such Secretaries for Stationery, which such Secretaries shall be bound to furnish to the several Grand Juries without further Charge, not however including the Expence of printing herein specially provided for; such Stationery however shall not be understood to include any Books, Notices, or Abstracts which may be herein required, or which may be necessary for keeping the several Accounts of the County; and it shall be lawful for the Grand Jury to present such Sum or Sums as may be necessary for defraying the Expence of same.

Registry Books and Lists.

XLIX. And be it enacted, That it shall be lawful for the Grand Jury of the said County at each Presenting Term, without previous Application to any Presentment Sessions, and they are hereby required to present all such Sum or Sums of Money as may be necessary to defray the Expence of providing and printing all such Registry Books and Lists of registered Voters as are or shall be required to be provided and printed by the several Acts now in force for regulating the Election of Members to serve in Parliament in *Ireland*, to be paid to the Person or Persons who shall have contracted for supplying and printing such Books or Lists, such Sums to be raised off the County at large.

Weights and Measures.

L. And be it enacted, That it shall be lawful for the Grand Jury of the said County to present, to be raised off such County at large, the Expence of providing and transmitting such Copies of the Imperial Standard Weights and Measures, and the Stamps to be used by the Inspectors of Weights and Measures, as they are respectively directed to provide and transmit under and by virtue of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the Fourth and Fifth Years of His present Majesty relating to Weights and Measures, and to make other Provisions instead thereof.* 5 & 6 W. 4. c. 63.

Suing Officers, &c.

LI. And be it enacted, That it shall be lawful for the Grand Jury of the said County to present, to be levied off such County at large without previous Application at Presentment Sessions, such Sum or Sums of Money as may be necessary, or shall have been expended under the Direction of the Judges of the Court of Queen's Bench, or any Grand Jury or any Finance Committee, for or in suing any Treasurer, High Constable, or Collector of any public Money, or any of their Sureties, Executors, or Administrators, for any Misconduct, Breach of Duty, or Nonpayment, or for recovering any public Money from any Treasurer, High Constable, or Collector, or their Sureties, Executors, or Administrators, or for suing any Contractor under this Act, or under any Act in force in *Ireland* at the Time of the passing of this Act, his Sureties, Executors, or Administrators, for any Breach of Contract, or any other necessary Costs attending Grand Jury Business: Provided always, that no such Presentment shall be made unless there shall have been laid before such Grand Jury a Bill, duly taxed and certified by the proper Taxing Officer, of the Costs incurred for any of the Purposes aforesaid, for which such Presentment shall be required, nor unless it shall be proved that such Costs could not be received from the Person sued, or any other Person liable to pay the same, and that the Proceeding was instituted by the Direction of the Judges of the Court of Queen's Bench, or a Grand Jury at some previous Presenting Term, or the Finance Committee.

Valuation Commissioners. 7 G. 4. c. 62.

LII. And be it enacted, That whenever the Lord Lieutenant of *Ireland* by virtue of the Powers and Authorities given to him by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make Provision for the uniform Valuation of Lands and Tenements in the*

the several Baronies, Parishes, and other Divisions of Counties in Ireland, *for the Purpose of the more equally levying of the Rates and Charges upon such Baronies, Parishes, and Divisions respectively*, and any Act amending the same, shall have ordered and directed any Sum or Sums of Money to be advanced out of the Produce of the Consolidated Fund of the United Kingdom arising in *Ireland*, for the defraying of the Salary or the travelling or other Expences of any Commissioner of Valuation, or for defraying the Allowances of any Valuators appointed under the Provisions of the said recited Acts, or any of them, for Purposes appertaining to the Valuation of the said County, it shall and may be lawful for the Grand Jury of the said County, and they are hereby authorized and required, on the Production of the Certificate of the Chief Secretary of such Lord Lieutenant, or of the Under Secretary, of the Amount of Money advanced and paid as aforesaid, to present (without previous Application to Presentment Sessions), to be levied off the County, or any Barony or Baronies therein, the Amount of the Sum or Sums stated in such Certificate, in such Manner and in such Proportions as the said Lord Lieutenant shall direct; and when and so soon as the Sum or Sums so to be presented as aforesaid shall be raised and received, it shall be paid over by the Finance Committee in such Manner, and to such Bank or Person, as the said Commissioners of Her Majesty's Treasury shall direct.

Lowering Hills, building and repairing Bridges, Gullets, &c. either on County or Barony.

LIII. And be it enacted, That it shall be lawful for the Grand Jury of the said County, Application having been previously made at Presentment Sessions as herein-after directed, to present such Sum or Sums of Money as may be necessary for lowering any Hill, or filling up any Hollow, or both, on any public Road, and for making the Road thereon, with Stones and Gravel, or for building, rebuilding, repairing, altering, or enlarging any Bridge, Pipe, Arch, or Gullet, built of Stones or Bricks or Wood, under or on any such Road, or filling or gravelling over any such Bridge, Arch, Pipe, or Gullet, or for building or repairing any Wall or Part of a Wall necessary to the Support of, or to prevent any steep Banks of Earth from falling upon, any such Road, or for erecting any Fence, Railing, or Wall for the Protection of Travellers from dangerous Precipices or Holes on the Side of any public Road, to be raised either off the County at large, or off the Barony or Baronies in which the same may be locally situate.

Where Road or Stream is a Boundary.

LIV. And be it enacted, That where a River or Stream or where any Road is the Boundary between the County of *Dublin* and any other County, so as that one Side of such Road shall be in the said County and the other Side in another County, it shall not be lawful for the Grand Jury of either County to present, to be raised on either County, or upon any Barony of either County, more than One Half of the Sum required for building, rebuilding, repairing, enlarging, or altering any Bridge, Pipe, Arch, or Gullet over such Stream or River, or for repairing, making, or widening any such Road; and no Application for Payment on account of any such Presentment shall be allowed, unless an equal Sum shall have been presented to be raised for the said Work on the adjoining County, or some Barony thereof.

Presentments on Baronies for—

Widening and repairing Road, and filling up Ditches.

Barony Pounds.

LV. And be it enacted, That it shall be lawful for the Grand Jury to present any Part of any public Road to be widened to any Breadth not more than Fifty Feet in the clear, or to narrow such Roads as the Surveyor may report to be unnecessarily wide, and to present all such Sum or Sums of Money as shall be necessary for widening and fencing the same, or for gravelling, macadamizing, paving, fencing, repairing, or otherwise improving any Part of any public Road, or for filling up any Grips or Trenches on the Sides of any public Road, and making sufficient Fences instead thereof, or for filling Dikes or Holes on the Sides of any public Road, or turning the Backs of Ditches to any Road, or for making, widening, or deepening Drains on the Side of any such Road, and carrying off the Water therefrom, or for making any Barony Pounds, to be levied off the Barony or Baronies where the same shall be situate, and, on a Requisition signed by any Twenty Rate-payers in any Parish, to present any Sum not exceeding Twenty Pounds for erecting a Parish Pound within any such Parish, and such Pound when so made shall be to all Intents and Purposes a good, sufficient, and lawful Pound, and the Sum so presented shall be applotted and levied upon such Parish.

Footpaths, making and repairing.

LVI. And be it enacted, That it shall be lawful for the Grand Jury of the said County at any Presenting Term to present any Footpath to be made or repaired along the Side of any Road for which they may have Authority to make Presentment, and to present such Sum or Sums of Money as may be necessary for making or repairing the same, to be levied off the Barony or Baronies in which such Footpath shall be locally situate.

Repairs of Roads and Footpaths by Contract not exceeding Five Years.

LVII. And be it enacted, That it shall be lawful for the Grand Jury of the said County to present any public Road within such County, or any Part of such public Road, or any Footpath upon the Side of such Road, to be gravelled or repaired with broken Stone, or the Battlements of any Bridge upon such Road to be kept in sufficient Order and Repair, by Contract, for any Space of Time not exceeding Five Years, and also from Time to Time to present such Sum or Sums of Money as shall be necessary for the Execution of any of the above-mentioned Works, and the Payment of the Person or Persons with whom such Contract for the Execution of the same shall have been made, to be levied or raised off any Barony or Baronies in which such Road may be locally situate, and when it passes through more than One Barony then proportionally on each Barony: Provided always, that in case it shall appear to any District Surveyor, at any Time during the Continuance of any Contract for keeping any Road in repair, that such Road is not in proper Repair, he shall require the Contractor to put the same in repair; and if such Contractor shall neglect to do so within Ten Days after he shall have been so required, such Surveyor shall cause the same to be repaired, and the Expence thereof shall be deducted and repaid out of the Sum which would be payable to such Contractor if the Road had been kept in proper Repair.

LVIII. And

LVIII. And be it enacted, That it shall be lawful for the said Grand Jury at any Presenting Term to present any new Road to be laid out and made of any Width not less than Sixteen Feet nor more than Fifty Feet in the clear, and to present all such Sum and Sums of Money as shall be necessary for laying out, or for forming, levelling, and draining, or for gravelling, paving, and making the same, and also for making Fences thereto, to be levied on the Barony in which the same shall be situate, and when it passes through more than one Barony then proportionally on each Barony: Provided always, that no Presentment shall be made for laying out any such new Road, unless, together with the Application therefor, a Map of such intended new Road has been lodged with the Secretary of the Grand Jury Ten Days at least before the Day for holding the first Presentment Sessions previous to each Presenting Term in such County, and that a Notice, setting forth that an Application is intended to be made for a Presentment to lay out such new Road, (distinguishing the several Townlands and Baronies through which it is intended to be carried, with the Number of Perches in Length through each Townland,) has been personally served upon or left at the House of each Occupier of the Land through which such new Road is intended to be made Fifteen Days at least before the Day of holding such Sessions, nor unless it shall appear that no Part of such new Road is to be made through any Park enclosed with a Wall built of Lime and Stone or Bricks Five Feet high or more, without the Consent of the Owner thereof, and that no Part thereof is to be made through any House entirely built with Lime and Stone or Bricks, or through any Office belonging to any Person inhabiting a House so built, without the Consent of such Person.

New Roads, Application being previously lodged with Secretary, and Notice served on Occupier.

LIX. And be it enacted, That it shall be lawful for any Person or Persons to survey and measure any Line intended for a new Road for which a Presentment is to be applied for, and for that Purpose to enter in and upon any Lands or Premises through which such intended Line may pass; provided, that such Person or Persons shall be thereunto authorized by a Certificate in Writing under the Hand of One of the District Surveyors, stating that such Survey and Entry to make the same is proper, and that such Certificate shall be allowed by Two Justices of the Peace for the said County, such Allowance being signified under their Hands by Endorsement upon such Certificate.

Surveys for new Roads may be authorized on Certificate of Justices.

LX. And be it enacted, That it shall be lawful for any Two Justices of the Peace of the said County, upon the Application of any of the District Surveyors, to forbid any Person or Persons from riding or driving any Kind of Beast or Carriage on any new Road for such Space of Time as shall to them appear necessary, not exceeding Six Months after such new Road shall have been made; and any Person who shall wilfully disobey such Order, the same being duly notified by a Notice affixed to a Board or Boards erected upon such Road, shall be liable to be fined any Sum not exceeding Twenty Shillings for each Offence, to be imposed by any Justice of the Peace of the said County on his own View, or on the Evidence of any One competent Witness, and levied off the Goods and Chattels of such Offender by Warrant under the Hand and Seal of such Justice.

New Road not to be used for certain Time; Penalty, Twenty Shillings.

LXI. And be it enacted, That it shall be lawful for the Grand Jury of the said County, after Application made and approved of at the preceding Presentment Sessions, to present any old Road in the said County which may appear to them to be useless to be stopped up, to every which Presentment it shall be lawful for any Person to enter a Traverse at the then or the next Presenting Term; and if such Traverse shall not be tried within a Year after such Presentment shall be made, and a Verdict had in favour of such Traverse, the Presentment shall stand good and valid to all Intents and Purposes.

Stopping up old Road.

LXII. 'And whereas it is expedient that Provision should be made for the more speedy and effectual 'Repair of Roads upon which Her Majesty's Mails are carried;' be it therefore enacted, That it shall be lawful for the Commissioners acting under and in execution of an Act passed in the First and Second Years of the Reign of His said late Majesty, intituled *An Act for the Extension and Promotion of public Works in* Ireland, or any other Act for amending the same, upon the Application of Her Majesty's Postmaster General for the Time being, setting forth and describing the Line of any such Road, or the Portion of any such Road, in the said County of *Dublin*, which may stand in need of Repair, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to cause such Road, or such Portion thereof as shall be described in such Application, and any or every Bridge, Arch, or Pipe, Gullet, or Wall thereon, to be forthwith put into good and sufficient Repair accordingly, under the Superintendence of One of the County Surveyors; and that upon the Application of the said Commissioners, setting forth what Sum will be requisite and necessary from Time to Time for the Purposes aforesaid, it shall and may be lawful for the Lord Lieutenant of *Ireland* to direct, by his Warrant, that the Sum or Sums of Money so required by the said Commissioners shall be advanced and paid to the said Commissioners out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be applied under the Directions of the said Commissioners in manner aforesaid.

Board of Works, on Requisition from Post Office, may repair Post Roads. 1 & 2 W. 4. c. 33.

LXIII. And be it enacted, That in all Cases in which, under the Powers vested in them by Law in that Behalf, the Commissioners of Public Works in *Ireland* shall agree with the Grand Jury of the County of *Dublin* to grant One Moiety of the Expence of any Road or other public Work, on such Grand Jury bearing the Payment of the other Moiety thereof by Presentment, it shall and may be lawful to and for the said Commissioners either to execute the said Work by Persons employed by them, or to permit such Grand Jury to cause the same to be executed in the Manner required by the said recited Act or this Act in other public Works of the like Nature: Provided always, that it shall not be lawful for such Grand Jury in any Case to make a Presentment for Payment of such Moiety, except after and upon an Application for such Work duly made to and approved at a Presentment Sessions in the Manner required by the said Act.

The Board may employ Persons to execute the Works in certain Cases.

LXIV. And be it enacted, That whenever the said Commissioners of Public Works in *Ireland* shall, under the Provisions of this Act, or of the said Act of the First and Second of *William* the Fourth, intituled

Power of the Board over Works executed by them.

1 & 2 W. 4. c. 33.

tuled *An Act for the Extension and Promotion of public Works in* Ireland, have undertaken the Repair and Maintenance of any public Road, it shall and may be lawful for the said Commissioners at all Times thereafter to exercise all and every the same Powers and Authorities which are herein vested in any Surveyor or Contractor of the said County Roads, or otherwise howsoever, or as the said Commissioners, by the Act of the Sixth of *George* the Fourth, Chapter One hundred and one, intituled *An Act to provide for the repairing, maintaining, and keeping in repair certain Roads and Bridges in* Ireland, are invested with, as far as the said Commissioners may consider the same or any of them necessary for the Preservation and good Order of such Roads, and the Removal of all Nuisances thereon, as also for the Purpose of obtaining Materials for such Repairs or Maintenance which they shall have to undertake.

Grand Jury shall present Sums to be expended for such Roads, &c.

LXV. And be it enacted, That whenever any such Road or Bridge, or any Portion thereof, not being a Turnpike Road or Bridge, shall be so put in good and sufficient Repair, under the Direction of the said Commissioners, the Secretary to the said Commissioners shall deliver or cause to be delivered to the Secretary of the Grand Jury of the said County a Certificate of the Amount of Money which shall have been so expended upon the Repair of any such Road or Bridge, or any Portion thereof, and the other Expences aforesaid, together with an Account of the Items of such Expenditure, certified by the said County Surveyor or other Person employed; and every such Certificate and Account shall at the next or some succeeding Presenting Term be laid before the Grand Jury of any such County, and thereupon the Grand Jury shall make Presentment of the Amount of such Expences, as stated in such Certificate, to be raised off the Barony or Baronies in which such Road shall be situate; and when and so soon as the Sum so to be presented as aforesaid shall be raised and received it shall be paid over by the Finance Committee to such Bank or Person as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall direct, or to such Person or Persons and in such Manner as may be directed by the Paymaster of Civil Services in *Ireland*.

Expence of Bridges to be partly in Dublin and partly in adjoining County.

LXVI. Provided always, and be it enacted, That wherever any Bridge which shall be repaired by the said Commissioners as aforesaid shall be situate partly in the said County of *Dublin* and partly in another the Expence of repairing such Bridge shall be borne and defrayed equally by such Counties and the Certificates and Presentments by this Act required shall be made and framed accordingly.

Mode of making Presentments.

Magistrates and associated Cess-payers shall hold Presentment Sessions.

LXVII. And be it enacted, That it shall be lawful to and for every Justice of the Peace in and for the said County of *Dublin*, not being a Stipendiary Magistrate, to attend, and all such Justices are hereby required to assemble from Time to Time, and with the Cess-payers associated with them as herein-after appointed to hold a Special or Presentment Sessions for the Purposes of this Act, in such Place and Places, and at such Time and Times, within such County, as the Grand Jury shall have appointed pursuant to the Provisions herein-after following; and at every Meeting of such Presentment Sessions, whether for One District or for the County at large, the Majority of the Justices then present shall choose One of their Number to preside thereat, and that when only Two Justices shall be present the senior of them shall preside, and that when only One Justice shall be present such Justice shall preside; and such Chairman shall have in addition to his Vote a casting Voice, in case of an Equality of Voices.

Magistrates shall appoint Chairman.

Grand Jury, each Presenting Term, shall fix Districts, Places, and Times for Presentment Sessions.

LXVIII. And be it enacted, That it shall be lawful for the Grand Jury of the said County and they are hereby required, at the *Michaelmas* Term next after the passing of this Act, and at every succeeding Presenting Term, to appoint by Presentment certain Districts, consisting of One or more Barony or Baronies, for holding Presentment Sessions, and also certain Places within the County, *videlicet*, one in each District, where, and certain Times when, Presentment Sessions shall be successively holden, previous to the then next Presenting Term, for the Purposes of this Act, as herein-after set forth, and such Presentment shall appoint the Hours of the Day between which such Sessions shall be respectively holden, and such Presentment shall appoint the last Meeting of such Sessions to be holden at the County Court House of *Kilmainham* for the County at large; and it also shall be lawful for the Grand Jury at every such Presenting Term to direct by Presentment what Number of Copies of the Schedules of Applications to be made at each such Sessions shall be printed and distributed by the Secretary of the Grand Jury.

Collectors shall make Returns of One hundred highest Cess-payers in each District to Grand Jury.

LXIX. And for the Purpose of enabling the Grand Jury to prepare such List of Cess-payers as herein-after mentioned, be it enacted, That every High Constable or other Collector of Money levied by Grand Jury Presentment shall, on the Day when the Grand Jury shall be first impannelled at *Michaelmas* Term next after the passing of this Act, and at each succeeding Presenting Term, deliver to the Secretary of the Grand Jury a Return of the Names and Places of Residence of the One hundred Persons, being Males of full Age, if so many there be, and if not, then of the whole Number of Persons resident or in actual Occupation of Lands, Houses, or Tenements in each District in said County, who not being in Holy Orders, nor any Minister of Religion, and not being Justices of the Peace, shall have been charged with and shall have paid for Land or Houses actually occupied by them the highest Sum or Sums for Grand Jury Rates or Cess for and in respect of any Lands or Houses in such District under the last previous Applotment, and that in such List he shall set forth the Sum so paid by each such Cess-payer respectively, and shall classify them according to the Amount paid by each, and that the Secretary shall immediately lay such Return before the Grand Jury.

Grand Jury shall fix Number of Cess-payers to be appointed with Magistrates, not

LXX. And be it enacted, That every such Grand Jury as aforesaid shall fix and determine the Number of Persons, not being more than Twelve nor less than Five, proper, with reference to the Extent and Circumstances of each District, to be associated with the Justices at the Presentment Sessions to be holden therein for the Purposes of this Act, and shall from the Return aforesaid make out a List of Treble the Number so determined upon of Persons, with their Additions and Abode, who, being Males of full Age,

Age, resident on and in actual Possession of Lands, Houses, or Tenements within such District respectively, shall, according to the Return aforesaid, have paid the highest Sum or Sums for Grand Jury Rates under the last previous Applotment in each such District respectively: Provided always, that at every Presenting Term after the First Day of *January* One thousand eight hundred and forty-five, except the first, the Grand Jury shall before they shall make out such List strike out of the Return aforesaid the Names of One Half of the Persons whose Names appeared on the List made at the then Presenting Term, selecting in the first instance the Names of the Cess-payers who were associated and acted with the Justices at the Presenting Sessions.

less than Five nor more than Twelve, for each District; and shall reduce List furnished by Collectors to Treble that Number.

LXXI. And be it enacted, That the Grand Jury shall then cause the Name of every Person in such List for each District to be written upon separate Pieces of Parchment or Card, as nearly as may be of equal Size, with his respective Additions and Abode, which shall be put into a Box for that Purpose provided by the Secretary of the Grand Jury; and the acting Foreman shall in open Court draw out one after another such Number of the said Cards or Pieces of Parchment as the said Grand Jury may have fixed and determined to be the proper Number of Cess-payers to be associated with the said Justice or Justices at each such Sessions respectively; and such Number of the said Cess-payers so first drawn shall be associated with the said Justice or Justices, and shall with such Justices constitute the Presentment Sessions for such District, and have and exercise, jointly with such Justice or Justices, all Power and Authority in the Business of such Sessions.

Manner of determining the Persons who shall be associated with the Justices to constitute Presentment Sessions Districts.

LXXII. And be it enacted, That the Secretary of the Grand Jury shall forthwith signify by Letter to each such Cess-payer that he has been thus chosen as a Member of the Presentment Sessions for his respective District, and shall notify to him the Day on which such Sessions are to be held; and every Justice shall, previously to acting at any Presentment Sessions, whether for any District, or for the County at large, make and subscribe in open Court the Declaration contained in the Schedule marked No. 1. to this Act annexed; and that every Cess-payer associated with such Justice or Justices in manner aforesaid shall, previously to acting at any such Sessions, make and subscribe in open Court the Declaration contained in the Schedule marked No. 2. to this Act annexed, which said Declaration any One of such Justices, or the Secretary of the Grand Jury, is hereby authorized and required to administer; and the Chairman at each such Sessions shall and he is hereby required to make out and deliver to the Secretary of the Grand Jury a List of the Names of all Justices and Cess-payers who shall have made and subscribed such Declarations respectively at the Sessions where he had presided; and every such Secretary shall from Time to Time, without unreasonable Delay, deliver the said List, and all the Declarations so made and subscribed, to the acting Clerk of the Peace, to be by him preserved among the Records of the same County: Provided always, that if none of the Cess-payers so chosen shall attend any Presentment Sessions to be held under this Act it shall be lawful for such Justice or Justices alone to do all Matters and Things authorized by this Act to be done thereat by the Justices and Cess-payers associated in the Business thereof.

Secretary of Grand Jury shall notify Appointment to such Cess-payers.

Justices and Cess-payers to subscribe Declaration.

LXXIII. And be it enacted, That the Justices and Cess-payers at each District Presentment Sessions shall select Two of the Cess-payers for such District to be associated with the Justices of the County as a Member of the Presentment Sessions for the County at large; and the Secretary of the Grand Jury shall make out a List of the Persons so chosen at each District Sessions, and shall read out the same previous to the Appointment of the Chairman for the Presentment Sessions for the County at large; and the Person so chosen shall together with the Justices as aforesaid form the Presentment Sessions for the County at large.

Two Cess-payers selected at Baronial Sessions, shall, with Justices, constitute Presentment Sessions for County at large.

LXXIV. And be it enacted, That all Applications for Works the Expence whereof it may be by such Application proposed to levy off the County at large shall be made at the Presentment Sessions to be holden for the County at large, and all Applications for Works the Expence whereof may be proposed as aforesaid to levy off any Barony shall be made at such Presentment Sessions as shall be holden for such Barony: Provided always, that all Applications for the Works herein-after mentioned shall be made at the Presentment Sessions holden for the Barony in which the Works included in such Applications may be locally situate; (that is to say,) all Applications for lowering any Hill or filling up any Hollow, or both, on any public Road, and for making the Road thereon with Stones and Gravel, or for building, rebuilding, repairing, altering, or enlarging any Bridge, Pipe, Arch, or Gullet built of Stones or Bricks or Wood, under or on any such Road, or filling or gravelling over any such Bridge, Arch, Pipe, or Gullet, or for building or repairing any Wall or Part of a Wall necessary for the Support of or to prevent any steep Banks of Earth from falling upon any such Road, or in erecting any Fence, Railing, or Wall for the Protection of Travellers from dangerous Precipices or Holes lying on the Side of any public Road, or for maintaining any Dispensary.

Applications for Presentments.

LXXV. And be it enacted, That the Applications for any new Works which it is proposed to charge upon Two or more Baronies in different Presentment Sessions Districts of the said County, but not upon the County at large, shall and may be made at the Presentment Sessions holden for the Barony off which it is proposed that the larger Portion of the Expence of such Work is to be raised, without making the same at the Presentment Sessions for each of such Baronies.

Presentments to be made in Barony in which larger Part of the Work is situate.

LXXVI. And be it enacted, That every Application to be made at Presentment Sessions shall be lodged with the Secretary of the Grand Jury Twenty-one Days at least before the Day appointed for the holding of the first Presentment Sessions in such County next before each Presenting Term; and such Secretary shall keep an Office open for the Purpose of receiving such Applications during Ten Days immediately preceding the last Day upon which such Applications are required to be lodged with the Secretary;

Applications shall be lodged with Secretary Twenty-one Days before Presentment Sessions.

Secretary; and the said Applications shall be open to public Inspection without Fee or Reward; and such Secretary shall, on the Receipt of each Application, endorse or cause to be endorsed thereupon the Time when the same is lodged, and number and arrange all such Applications, as the Works therein comprised may be proposed to be defrayed by the County at large or by any Barony thereof, and shall make an Abstract thereof and an Index thereto, referring to the Numbers which he shall mark on each Application, and cause the same to be printed and distributed, and a Copy thereof posted in each District; and such Secretary shall produce and deliver all the Applications which shall have been lodged with him or delivered at his Office as aforesaid at the Sessions Proper, as herein-before provided, for the Consideration of the same, together with the Abstract thereof and the Index thereto.

Secretary shall have an Abstract and Index printed, and posted in District.

District Surveyor may make Application at Sessions for necessary Works not otherwise applied for.

LXXVII. And be it enacted, That the District Surveyor shall examine all the Applications so lodged with the Secretary of the Grand Jury as aforesaid; and in case no Application shall have been made for the necessary Surface Repairs of any public Road or Footpath, or for keeping up any public Road or Footpath during the ensuing Year, or the keeping open of any Drain adjoining any public Road, or any other public Work which to the said Surveyor shall appear necessary, or likely to become necessary during the ensuing Year, it shall be lawful and he is hereby required to make Application for the same in the Manner herein-after appointed at the next Presentment Sessions to be holden for the County at large or Barony by which the Expence of such Work ought to be defrayed; and it shall not be necessary for the said Surveyor to lodge any Application made by him with the Secretary of the Grand Jury, but such Application, being delivered to the Chairman at such Sessions, shall be dealt with thereat in all respects in the same Manner as the other Applications which shall have been lodged with the Secretary of the Grand Jury.

Manner and Form of Application.

LXXVIII. And be it enacted, That every Application to Presentment Sessions for any Presentment other than a public Work shall be made by or on behalf of the Person or Persons requiring such Presentment; and every Application to any such Sessions for any public Work shall be made by Two Persons paying Grand Jury Cess who can read and write, or by the District Surveyor; and every Application to Presentment Sessions, whether for a public Work or any other Purpose whatsoever, shall set out the Title to the Act authorizing such Presentment, with the Year of the King's and Queen's Reign, Chapter and Section, as printed by Her Majesty's Printer, and shall specify the probable Expence of the proposed Work, and whether the Money proposed to be raised thereunder is to be levied off the County at large, or some or what Barony or other Denomination of Land thereof, and shall be made in some one of the Forms contained in the Schedule annexed to this Act, and marked Schedule No. 3., No. 4., No. 5., No. 6., and so forth, when any of such Forms shall be found fitting and suitable; and every such Application shall be signed by the Person or Persons by whom the same shall respectively be made, with his or their own proper Hands; and it shall not be lawful, save as herein-after provided, for the Secretary of the Grand Jury to receive any Application which shall not have been made in manner and form herein appointed.

Applications shall be considered and decided on at Sessions.

LXXIX. And be it enacted, That at each Presentment Sessions to be holden as herein-before provided the Justices and Cess-payers associated in the Business of such Sessions shall take into consideration all such Applications as may be laid before them in manner aforesaid, and examine into the posting or serving of the Notices of all such Applications, when a Notice shall be necessary, and into the Merits of such Applications, and the Conformity thereof with the Provisions of this Act; and the said Justices and Cess-payers shall after such Examination decide by Majority of Voices upon every such Application, and whether the same ought to be adopted or rejected, and whether wholly or in part, or conditionally in the event of the Expence thereof not exceeding a certain specified Sum, and what Modification thereof, if any, may be proper; and if such Justices and Cess-payers shall approve of any proposed Work, either wholly or in part, or conditionally, or of any Modification thereof, they shall, where necessary, save in the Case of Applications herein-after otherwise provided for, direct the Surveyor to prepare a proper Form of Tender for the Execution of the same, together with such Specifications, Maps, Plans, Sections, or Elevations as may be necessary, expressing the Nature and Extent of such Works, and, if the Sessions shall so direct, the Quantity *per* Perch, and the Description of the Materials proper to be employed in performing and executing the same, and the Term within which such Work ought to be completed, and the probable Cost of maintaining the same for at least One Year, and such other Particulars as said Justices and Cess-payers shall think fit; and such Chairman shall endorse all Applications accordingly, which shall be adopted and approved, and sign his Name thereto, and deliver all such Applications so endorsed to the Secretary of the Grand Jury; and such Surveyor shall deliver such Form of Tender, Specifications, Maps, Plans, Sections, or Elevations in respect of the Work to which each Application shall relate, as soon thereafter as the same can be conveniently prepared, to the Secretary of the Grand Jury; and the said Justices and Cess-payers shall adjourn such Sessions until some Day not sooner than Twenty-one Days after the Fiating Day of the then ensuing Presenting Term.

Adjournment of Sessions.

Mode of proceeding if Sessions refuse to approve of necessary Work.

LXXX. And be it enacted, That in case the Justices and Cess-payers (at any Presenting Sessions) shall refuse to approve of any Applications made for any public Work it shall be lawful for any of the Persons who made Application at such Sessions for such Work to present a Memorial to the Judges of the Court of Queen's Bench at the Presenting Term for the County, stating such Application, and the Disapproval thereof at the Presenting Sessions, and praying that the Judges may direct the Grand Jury to make a Presentment for such Work; and such Memorial shall be lodged with the Secretary of the Grand Jury at least Six Days before the first Day of such Presenting Term, and the Person presenting such Memorial shall also cause to be inserted in some Newspaper published or circulated in the County

Notice

Notice of his Intention to apply at the next Presenting Term for such Order, and such Notice shall be published at least Three Times before the first Day of such Presenting Term; and upon Proof that such Memorial and Notices were lodged and published as hereby required it shall be lawful for the Judges of the Court of Queen's Bench, or any of them, to cause a Jury to be impannelled to try and inquire whether such Work is a proper one to be executed, and, if so, to ascertain and state the Expence thereof; and if the Jury shall find that such Work is a proper Work to be executed it shall be lawful for the Judge, if he shall think fit, to direct the Grand Jury to present that such Work shall be done either for the Sum stated by the Jury to be sufficient for the Execution thereof, or such lesser Sum as they shall think proper, or to refuse to make such Presentment: Provided always, that no such Memorial shall be proceeded upon unless the Memorialist shall, at the Time of lodging such Memorial with the Secretary, deposit with him the Sum of Twenty Pounds as a Security for such Costs and Expences as the Judge shall direct to be paid thereout to any Person or Persons who may appear to oppose such Application, or any Witness summoned to attend on the hearing of the Application.

Sessions may approve of Contract for Five Years.

LXXXI. And in order to lessen the Expence of keeping public Roads in repair, and to obviate the Necessity of making frequent Applications to Presentment Sessions, be it enacted, That whenever any Application shall be made in the Manner herein-before provided for gravelling or repairing with small Stones any public Road, or for keeping open the Drains on the Side of any public Road, or for gravelling or repairing any Footpath on the Sides of any such Road, or for repairing the Battlements of any Bridge upon any such Road, the Justices and Cess-payers associated in the Business of such Sessions shall consider whether it may not be proper to contract for keeping such Road or Footpath in repair; and if they shall be of that Opinion, they shall fix and determine the Period, being not more than Five Years, for which it is expedient that a Contract should be made for that Purpose; and the Surveyor shall insert such Period in his Specification and Form of Tender for such Works.

In Cases of Absence or Death of Party making Application, Sessions shall decide.

LXXXII. And be it enacted, That in case any Person who shall have signed any Application in pursuance of this Act shall die, or be prevented by Sickness or any unavoidable Necessity from appearing at such Sessions, it shall be lawful for the Justice or Justices and Cess-payers thereat, or for the Grand Jury, to examine any other Person or Persons who shall have Knowledge of the Matter, and to decide upon such Application, any thing herein contained to the contrary notwithstanding.

Secretary shall have Schedules of approved Applications printed, and shall lay same before Grand Jury.

LXXXIII. And be it enacted, That so soon as may be possible after the Presentment Sessions shall have been holden at all the Places and Times appointed therefor in such County the Secretary of the Grand Jury shall prepare and make Schedules of the Contents of all Applications, save and except the Applications to be certified as herein-after provided, approved of wholly or in part, and which may have been delivered to him for such Purpose by the Chairman at each Sessions, including in One Schedule all such Applications for Works proposed to be charged and raised on the County at large, and in other separate Schedules (*videlicet*, One for each Barony,) all such Applications for Works proposed to be levied upon each Barony, arranging all such Applications in alphabetical Order, and noting on the Face of each Schedule the Particulars of the Decision of the Presentment Sessions on each Application; and such Secretary shall forthwith cause Copies of such Schedules to be printed and distributed in such Manner as shall have been authorized and directed by Grand Jury Presentment at the Presenting Term immediately preceding; and the said Secretary shall deliver a Copy of such Schedules to the High Sheriff of the County for the Time being, and to each Surveyor, and shall, on the Day when the Grand Jury shall be next impannelled as herein-after directed, deliver One Copy of the said printed Schedules, together with the several printed Applications, with any Specifications, Maps, Plans, Sections, or Elevations of the Works to which such Application shall relate, which shall have been prepared by the Surveyor, annexed thereto, to the Foreman of such Grand Jury, and shall also deliver another Copy of the said Schedules to the Judges of the Court of Queen's Bench; and the said Secretary shall keep another Copy of the said Schedules in his Office, for the Inspection of the Public, during Three complete Days at least immediately before the Day when such Grand Jury shall be first impannelled, as herein-after provided.

Grand Jury to consider and decide on all Applications, fixing Amount and Time for Execution of Works.

LXXXIV. And be it enacted, That the Grand Jury shall, upon being impannelled and sworn as aforesaid, forthwith proceed to transact in open Court all such Business relating to Presentments for raising Money, public Works, Contracts, or the fiscal Concerns of the County, as may be appointed for them, and to consider and decide upon all Applications which shall be made for Presentments, as herein-before provided, in the Order in which the same shall be entered in the Schedules to be prepared as aforesaid, beginning with the Applications for Works to be defrayed by the County at large, altering, where they may deem it necessary, the Amount or Time for executing each Work, and examining all Maps, Plans, Estimates, and Specifications relating to each Application; and the said Grand Jury shall be attended by their Secretary and by the District Surveyors, and shall hear and receive, and direct to be read aloud in open Court, the several Reports and Certificates of any such Surveyor, and shall have Power and Authority, at their Discretion, to receive and obtain all legal and pertinent Evidence which shall be tendered to them for or against the making any Presentment, or in anywise relating thereto, or concerning any public Work, or the Execution of the same, if made wholly or in part at the Expence of the County or any Portion of the County, or any Contract of or in respect of any of the Matters aforesaid, and shall make Presentments for all Matters and Things hereby directed to be presented for, specifying, in all Presentments for County Works, the maximum Amount which shall be raised for the Execution of such Work, and whether such Amount is to be raised off the County at large, or off any Barony or Parish or other Denomination thereof, as the Case may be; and the said Grand Jury shall sit

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de die in diem until all the Business which may come before them of the Nature hereby described be despatched; and if the whole of such Business shall be concluded before the Day appointed for fiating the Presentments, then the said Grand Jury may adjourn to such Day; and every Grand Juror who shall not attend pursuant to such Adjournment may be fined by the Judge for such Non-attendance in any Sum not exceeding Ten Pounds, at the Discretion of the said Judge.

Grand Jury shall not make Presentments, unless on Application approved of at Sessions, except in Cases of sudden Damages, and in Cases otherwise provided for.

LXXXV. And be it enacted, That it shall not be lawful for any Grand Jury of the said County, any Law, Usage, or Custom to the contrary notwithstanding, to make a Presentment for any Public Work whatsoever, or for raising any Money, for which an Application shall not have been made and approved at Sessions, either wholly or in part, as herein-before provided, save and except such Presentments as may be herein specially excepted, and also save and except such Presentments as may be necessary for the immediate Repairs of sudden Breaches or Damages in Roads, Bridges, Gullets, Walls, or Buildings, which have happened so recently as not to admit of the proper Applications having been made in manner before provided; which Fact together with the Necessity for the immediate Execution of such Repairs, shall be proved before the Grand Jury upon Oath; and in such Case, although such Application as aforesaid shall not have been lodged or approved as aforesaid, such Grand Jury shall nevertheless have Power and Authority to present for such Repairs any Sum of Money in such Case necessary, and to authorize and empower any of the District Surveyors to advertise for Contracts for the Execution of such Work, such Contracts to be laid before the next District Sessions, or to execute such Works and account for the Execution to the Finance Committee, as to such Grand Jury shall seem fit; and the Finance Committee of the County shall, out of any Monies to their Credit available to the general Purposes of the County, advance to such Surveyor from Time to Time the Monies, not exceeding the Sum presented for such Repairs, which may be required therefor; and such Monies so advanced shall be replaced by the Monies raised and levied under the Presentment which the Grand Jury have been herein-before authorized to make for such Purpose.

Secretary shall have Abstracts of fiated Presentments printed, and Tenders for Contracts advertised for.

LXXXVI. And be it enacted, That the Secretary of the Grand Jury shall, immediately after the fiating Day of each Presenting Term, upon being furnished by each Surveyor with the Specification or Form of Tender for the Execution of any such Work as aforesaid, and the Maps, Plans, Sections, and Elevations belonging thereto, notify by public Advertisement or otherwise in such Manner as the Grand Jury shall have directed, his Readiness to receive sealed Tenders and Proposals for the Execution of such Work during such Period as shall have been appointed by the same Authority for the Reception of the same, and the Time to which such Sessions has adjourned for the opening of such Tenders and Proposals, and that Forms thereof may be obtained at his Office or elsewhere; and such Secretary shall accordingly cause to be printed and prepared a sufficient Number of Forms of such Tenders and Proposals, and furnish to any Person who shall demand the same a Copy thereof, receiving therefor the reasonable Cost of preparing the same, not exceeding the Sum of Three-pence, and also take such other Means as the Grand Jury shall direct for placing such Forms within reach of Persons who may have Occasion to use them; and each of such Tenders and Proposals shall be returned to him sealed or in an Envelope, and shall contain a Statement of the lowest Sum for which the Party making such Proposal is willing to contract for the Performance of the Work or Works specified and described in such Notification, and shall be subscribed with the Name, Description, and Residence of the Party so desirous to enter into such Contract, and also the Names, Descriptions, and Residences of not less than Two sufficient Persons willing to be bound jointly and severally with him for the due and faithful Performance of the said Contract within the Time and in the Manner thereby prescribed, in a penal Sum, Double the Amount of the said Sum mentioned in such Tenders and Proposals, if the said Sum shall not exceed One thousand Pounds, but if such shall exceed One thousand Pounds then in a penal Sum exceeding the Sum mentioned in such Tenders and Proposals by One thousand Pounds in addition thereto; and all Maps, Plans, Sections, and Specifications relating to any such Work prepared by the Surveyor shall be open to public Inspection in the Office of such Secretary, without Fee or Reward.

Tenders shall be delivered in sealed Envelopes.

At adjourned Sessions Tenders shall be opened and dealt with.

LXXXVII. And be it enacted, That at the Meeting of each such adjourned Presentment Sessions as aforesaid the Secretary of the Grand Jury shall in open Court produce, duly numbered and arranged, and with the Seals unbroken, all the Tenders and Proposals which may have been delivered to him, and shall open consecutively all those relating to the same public Work; and so soon as the lowest Proposal made for the Performance of each such Work shall be ascertained, the Party making such Proposal, and his Surety shall be called; and if the said Party and his Sureties shall appear, and shall satisfy the Justices and Cess-payers at such Sessions, upon Oath or otherwise, of the Sufficiency and Ability of each and every of them to answer and make good the Penalty herein-before specified for the Nonperformance of such Contract, and that such Proposal has not been made for any unfair or fraudulent Purpose, and shall thereupon enter into Security for the due Performance of such Contract, conditioned in such Penalty as aforesaid, in the Form set forth for that Purpose in the Schedule No. 13., such Proposal shall be accepted, and the Party making the same shall be declared entitled to execute the Work to which such Proposal may refer, unless there shall appear some Reason for rejecting it; but if the Party making such Proposal, and his Sureties, shall not appear when called, or shall fail to satisfy the Justices and Cess-payers at such Sessions in any of the Particulars aforesaid, or shall decline to enter into such Security as aforesaid, or if the Presentment Sessions shall see Cause to reject it, then and in such Case the Proposal of the Party making default as aforesaid shall be deemed null and void to all Intents and Purposes whatsoever, and the next lowest Proposal shall be ascertained and dealt with in the same Manner, and so on till the said Security shall be entered into and the Contract duly completed: Provided always, that

that if no Proposal shall be made in respect of any Work within the Time limited for receiving such Proposals, or if no Proposal or Tender shall be approved of by the Presentment Sessions, it shall and may be lawful for the said Presentment Sessions, if they think proper, to give such Work in charge to the District Surveyor, with Power to expend a Sum not exceeding the Maximum fixed as aforesaid; and such Surveyor shall cause such Work to be executed, and shall account for the Execution thereof to the Finance Committee in manner herein-after directed.

If no Tender or Proposal approved of by Sessions, Work may be given in charge to District Surveyor.

LXXXVIII. And be it enacted, That such Security so to be entered into by Contractors under this Act, and their Sureties, shall be a Recognizance to Her Majesty, Her Heirs and Successors, and of like Force, Validity, and Effect as other Recognizances made to the Queen's Majesty; and at such adjourned Presentment Sessions any Justices present, or the Chairman, are and is hereby authorized to take such Recognizance; and the Secretary of the Grand Jury shall prepare the same, and come provided therewith, so as to prevent Delay; and the Expence of preparing the same, not exceeding Sixpence, shall be defrayed by the Party or Parties entering thereinto; and such Recognizance shall be preserved in Custody of such Secretary until the Condition of such Recognizance shall have been fulfilled, and shall then be delivered up to the Contractor or Contractors therein named, or to any Person by him or them duly authorized, to be cancelled.

Form of Security.

LXXXIX. And be it enacted, That the Secretary of the Grand Jury shall have Charge of all such Contracts as aforesaid, and shall provide and keep a Book in which he shall insert an Abstract of all such Contracts, setting out the Names of the several Contractors, and the Particulars of each Contract; and, in the Case of Roads for the keeping in repair of which Contracts may be or shall have been made, setting out the Places whence and to which each Road contracted for leads, and at what Milestone, Mearing, or noted Place each Road or Part of a Road under the Charge of such Contractor commences and ends, or the Names of the Occupiers of the Lands where his Contract commences and ends, and the Number of Perches of Road included in each Contract, and the Rate *per* Perch at which each Contract has been entered into, and the whole annual Sum which each Contractor is to be paid, and the Period for which each Contract is made; and all Contracts so entered in such Book shall be numbered, and every such Book shall have an alphabetical Index referring to the Number of each Contract.

Secretary shall keep Book with Particulars of Contract.

XC. And be it enacted, That it shall be lawful for the Grand Jury at each Presenting Term and they are hereby required to appoint a Finance Committee, consisting of not more than Twelve nor fewer than Seven Persons, Residents within the County or City of *Dublin*, and being Occupiers or Owners of Lands or Houses within the County of the Value of Fifty Pounds at the least; and such Persons shall constitute the Finance Committee of the County, and shall have full Power and Authority to do, execute, and perform all such Matters and Things as the Finance Committee are by this Act authorized to do; and in default of the Grand Jury at any Presenting Term so appointing a Finance Committee it shall and may be lawful to and for the Judges of the Court of Queen's Bench and they are hereby required to make such Appointment.

Mode of Payment.

Grand Jury shall appoint Finance Committee.

XCI. And be it enacted, That the Finance Committee of the said County shall hold their first Meeting at such Time and Place as shall be appointed by the Grand Jury, whereof public Notice shall be given in such Manner as shall be directed by the said Grand Jury, and shall meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall require; and at all Meetings Three Members shall constitute a Quorum; and one of the Members present shall be appointed Chairman, and shall be entitled to vote on all Questions, and in case of an equal Division of Votes upon any Subject such Chairman shall have an additional or casting Vote; and the Secretary of the Grand Jury shall attend the Meetings of the Finance Committee, and shall act as their Secretary, and make Minutes of their Proceedings, and render them such Assistance from Time to Time as they may direct.

Meetings of Finance Committee.

Three a Quorum.

XCII. And be it enacted, That the Justices and associated Ratepayers at each adjourned District Presentment Sessions shall appoint Two fit and proper Persons to act as Road Wardens for such District until the next adjourned District Presentment Sessions, or until others shall be appointed for such District; and it shall be the Business and Duty of such Road Wardens, within their respective Districts, to examine into and report upon the State of the Roads and other County Works, whether in progress of Repair or otherwise, to the Presentment Sessions, to the Grand Jury, and the Finance Committee, and to abate Nuisances, and prosecute Persons guilty of any Offence against this Act.

District Sessions shall appoint Road Wardens.

XCIII. And be it enacted, That immediately before the closing of each adjourned Presentment Sessions, whether for any District or for the County at large, the Secretary of the Grand Jury shall prepare a List of the Sums payable to each Contractor, with a Statement of the Nature of the Contracts entered into at such Sessions, and setting forth likewise the Amount which any District Surveyor may be authorized at such Sessions to expend upon any Road or Work, and the Chairman shall certify the Accuracy of the same by his Signature; and such Lists so certified shall be laid before the Finance Committee at their first Meeting, and a Copy thereof shall be entered on the Minutes, together with a Copy of all other Presentments made by the Grand Jury, and fiated by the Court, under the Authority of this or any other Act, and of the Names of the Persons in whose Favour such Presentments may have been made; and it shall be lawful for the Finance Committee from Time to Time, and as the Funds of the County admit, to make Orders for the Payment of all Persons entitled to Payment under Presentments of the Grand Jury made by the Authority of this or any other Act; and every Order shall be signed by the Chairman for the Time being of the Finance Committee, and Two other Members thereof, and countersigned by the Secretary of the Grand Jury, and by him delivered to the Person entitled to the same.

Chairman of each adjourned Presentment Sessions shall certify Amount payable to each Contractor or other Person.

XCIV. And

Contractors desirous of Payment shall give Notice to District Surveyor and Road Warden.

XCIV. And be it enacted, That any Person who may contract for the Execution of any Work under this Act shall on the Completion of such Work, or whensoever by the Terms of such Contract he may be entitled to Payment, give Notice, in Form Schedule No. 11. or 12., as the Case may be, to the District Surveyor, and also to one of the Road Wardens, Fifteen Days at the least before the Day appointed for the next Meeting of the Finance Committee, of his Intention to make Application for Payment, and to require such District Surveyor or Road Warden to examine and report upon the Execution of such Work or Performance of such Contract; and such Contractor shall also lodge with the Secretary of the Grand Jury, Fifteen Days at least before the next Meeting of the Finance Committee, a similar Notice of his Intention to apply for Payment; and the Secretary of the Grand Jury shall arrange all such Notices, and annex to each the Number by which the Contract in respect whereof such Notice or Certificate may be given is distinguished in the Book of Abstracts which such Secretary is hereby directed to keep, and endorse on such Notice the Date of the Lodgment of the same; and such Secretary shall lay all such Notices before the Finance Committee, who shall examine into all such Applications for Payment, and inspect the Notices and Certificates, and examine the District Surveyor or Road Warden, and all other Persons whom they may think it necessary to examine, for the Purpose of ascertaining the due Execution of the Work or Matter contracted for, which Examination may be upon Oath in Cases in which the Finance Committee deem it necessary or advisable; and the Chairman of the Finance Committee is hereby authorized to administer the Oath; and the said Finance Committee, upon being satisfied that the Party so applying is justly entitled to Payment, may give an Order for the Payment of the whole or such Portion of the Sum in consideration whereof the Contract may have been made as they shall deem just and right.

Finance Committee, on being satisfied as to Execution of Work may give Order for Payment.

If Finance Committee refuse Payment, Contractor may appeal.

XCV. And be it enacted, That if at any Time the Finance Committee shall refuse to order Payment to the Contractor according to the Terms of his Contract, or to any other Person engaged in the Execution of any County Work under the Authority of this Act, and who on the due Execution thereof would be entitled to such Payment, they shall set forth the Grounds of such Refusal; and if such Contractor or other Person shall feel himself aggrieved thereby it shall be lawful for such Person to present a Memorial to the Judges of the Court of Queen's Bench at the next *Easter* or *Michaelmas* Term, stating the Terms of his Contract or the Circumstances of his Case, and the Refusal by such Finance Committee to order Payment, and praying that the Judges may direct the Grand Jury to cause Inquiry to be made into the Facts stated in such Memorial; and such Memorial shall be lodged with the Secretary of the Grand Jury at least One Month before the First Day of such Term; and such Secretary shall make known the same to the Finance Committee; and upon Proof that such Memorial was so lodged it shall be lawful for the Judges of the Court of Queen's Bench, if they shall see Reason so to do, to cause a Jury to be impannelled to try and inquire whether or not such Sum was rightly due to such Contractor according to the Terms of his Contract; and if the Jury shall find in the Affirmative it shall be lawful for the Judges of the Court of Queen's Bench to order the Payment of such Sum, not exceeding the Amount of the Contract, as to them shall seem just and proper; and it shall be lawful for the Finance Committee, at their next Meeting, and they are hereby required, on a Copy of the Order for such Payment being produced, to sign an Order for the Amount specified in such Presentment: Provided always, that no Memorial shall be proceeded upon, unless the Memorialists shall, at the Time of lodging such Memorial with the Secretary, deposit with him the Sum of Ten Pounds as a Security for such Costs and Expences as the Judges may direct to be paid thereout to any Person who may appear to oppose such Application, or any Witness summoned to attend on the hearing of the Application.

Finance Committee, Twenty-one Days before each Presenting Term, shall make up half-yearly County Accounts, and each Barony Account shall be kept separate.

XCVI. And be it enacted, That at least Twenty-one Days previous to the Commencement of the Presenting Term in each Year a Special Meeting of the Finance Committee shall be called by the Secretary, for the Purpose of making up the County Accounts for the preceding Year; and a separate Account shall be kept and made out and Balance struck for each Barony, and a Statement shall be made of the Sums not paid on account of Presentments, and of the Amount not received on account of the Assessment upon each Barony; and the Finance Committee shall classify the Amounts paid by them during the Year, according to the Purposes for which the Payments were made; and the Accounts when made up shall be signed by the Chairman of the Finance Committee, and shall be laid before the Grand Jury on the first Day of the then ensuing Presenting Term; and such Accounts shall recite the Authority under which each Payment shall have been made, and a Copy or Abstract thereof shall be printed with the Abstract of Presentments; and it shall be lawful for the Grand Jury to present any Balance which after Examination of the Accounts may appear to be due by the County at large or any Barony, such Balance to be raised off the County at large or such Barony respectively: Provided always, that the Accounts of the Finance Committee shall be transmitted by the Secretary to the proper Office, and shall be examined and audited in the same Manner and subject to the same Regulations as the Accounts of County Treasurers, under and by virtue of an Act passed in the First Year of Her present Majesty's Reign, intituled *An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in* Ireland *account for public Monies, and to secure the same.*

7 W. 4. & 1 Vict. c. 54.

Mode of raising County Rate.

Clerk of Crown, within Fourteen Days after Fiat, shall make

XCVII. And be it enacted, That the Clerk of the Crown for the said County of *Dublin* shall, within Fourteen Days after the fiating Day of each Presenting Term, deliver to the Secretary of the Grand Jury, without Fee or Reward, a Copy, attested upon Oath, and signed by himself, of all Presentments which have been made and fiated at such Presenting Term, and likewise Copies of all Queries discharged and remaining undischarged, distinguishing the same; and the Secretary of the Grand Jury shall from such Copy forthwith make out an Estimate of the Amount to be raised in each Barony or Portion

of

of a Barony or Parish in the County during the ensuing Year under the Authority of the baronial or local Presentments made during such Presenting Term, and to meet the probable baronial Expenditure during the ensuing Year, and also of the Amount to be raised upon each such Barony respectively to defray its Proportion of the general County Charges under the Authority of the Presentments upon the County at large made during such Term, and to meet the probable Expenditure on the County at large during the ensuing Year, and shall lay the same before the Finance Committee at their first Meeting; and the Finance Committee shall consider and revise such Estimate, and shall then declare and strike the Amount to be levied off each Barony and Parish or Denomination during the ensuing Year, as well on account of the Baronial Charges as upon account of Charges upon the County at large.

out List of Presentments.

Finance Committee to ascertain Proportion to be raised off each Barony.

XCVIII. 'And whereas a Valuation of the County of *Dublin* is now in progress under the Provisions 'of an Act passed in the Sixth and Seventh Year of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in* Ireland; but it is necessary to make Provision for the Apportionment of the County 'Charges upon each Barony, and of the baronial Charges upon each Parish in the said County, until the 'Period when such Valuation shall be completed;' be it enacted, That for the Purpose of enabling the Finance Committee to make such Apportionment the Secretary of the Grand Jury shall obtain from the Clerks of the several Poor Law Unions, the whole or any Portion of which may be situate within the County of *Dublin*, a Return of the Amount of the last Valuation made by the Guardians of each Union respectively of every Parish and Townland within such Union which is situate in the said County of *Dublin*, which Return the Clerk of every such Union is hereby required to make, and to certify under his Hand to be correct; and the Amount set forth in such Certificate as the Value of every Parish or Townland shall be taken to be the Value of such Parish or Townland for the Applotment or Apportionment of the County Charges under this Act: Provided always, that nothing herein contained shall authorize or empower the Finance Committee to make or apportion the County Charges according to such Valuation for any longer Period than until the Survey and Valuation under the said Act, or any Act to amend the same, shall be completed, and a Copy thereof inserted in the *Dublin Gazette* as directed in said Acts; and that from and after the first Day of the Presenting Term next following such Publication all County Cess Charges whatsoever, and all Grand Jury Charges or Rates imposed or to be imposed on the said County of *Dublin* by Presentments of the Grand Jury, or to be raised off such County, or any Barony, Parish, or Townland thereof, and all Parish Rates imposed or to be imposed, or levied or to be levied, under the Authority of any Act or Acts, shall be assessed and levied off such County, and off every Barony, Parish, or Townland therein, according to the Proportions specified in such Act; any Law, Usage, or Custom, or any former Assessment or Valuation, to the contrary in anywise notwithstanding.

Until Valuation under 6 & 7 W.4. shall be completed, Apportionment of baronial Charges shall be according to Poor Law Valuation.

XCIX. And be it enacted, That the Finance Committee, having duly ascertained the Proportion of the County Charges to be raised upon each Barony, Parish, or Denomination according to such Valuation, shall issue their Warrant, under the Hand and Seal of the Chairman of the Committee, and countersigned by the Secretary of the Grand Jury, to the several Collectors, for levying and collecting the Sums to be raised off each Parish, which Warrant shall set forth the Amount to be raised off such Barony, Parish, or Denomination by virtue of the Presentments by the Grand Jury, with any uncollected Arrears of the last Warrant, and shall remain in force and effect for the Term of Two Years next after the Date thereof, notwithstanding the Death, Resignation, or Removal of the Person to whom it was addressed; and shall authorize any Collector for the Time being to execute the same, unless the Sums required by such Warrant to be levied shall have been received, or unless the Grand Jury shall have re-presented the same; and the Person to whom such Warrant is directed shall, within Ten Days after he has received the same, deliver or send to the Churchwardens of each Parish or Denomination of Land contained in such Warrant, or in case there be no Churchwarden of the same, then to any principal residing Inhabitant, a Transcript of the said Warrant, setting forth the Sum he is required to levy upon the said Parish or Denomination, and to desire that the Sum may be applotted thereon; and every Person who shall receive such Account is hereby required, under the Penalty of Ten Pounds, to be recovered by Civil Bill by any Person who shall sue for the same, to post up within Six Days after the Receipt thereof, on the Door of the Church or the usual Place for posting Notices in said Parish or Denomination, a Notice signed by himself, setting forth that the Landholders and Householders of (here insert the Name of Parish, &c.) are hereby required to meet at (Place of Meeting), on the (here insert a Day, not less than Ten Days or more than Twenty from the Date of such Notice), to choose Two or more Persons to applot the Sum of (here insert the Sum) required to be levied upon such Parish or Denomination by the Warrant of the Finance Committee of the County; and at such Meeting the Landholders and Householders then present shall choose Two or more Persons to be Applotters; and the Persons so chosen shall, within Fourteen Days from the Time they shall be so chosen, applot the Sum so to be levied upon such Parish, Townland, or Denomination, fairly and justly according to the relative annual Value of the several Lands, Tenements, and Houses therein contained, stating as accurately as they can the Name of the Occupier of each House or Tenement, and shall make Oath before any Justice of the Peace for such County that they have made the said Applotment justly, according to the best of their Skill, without Favour, Affection, or Malice, the Jurat of which Oath shall be endorsed on the Applotment; and such Applotters shall deliver such Applotment, so verified upon Oath, to the Person empowered to collect such Grand Jury Cess, under the Penalty of forfeiting for every Day they shall omit to deliver the same, after the said Fourteen Days, the Sum of Twenty Shillings, to be recovered by Civil Bill by any

Finance Committee shall issue Warrant to Collector for levying the Sums to be raised.

A Transcript to be sent to the Churchwardens.

A Meeting to be convened for appointing Applotters.

any Person who shall sue for the same; and the Collector, on receiving such full and sufficient Applotment, is hereby required and authorized to levy the said Money according thereto; and in case no full and sufficient Applotment shall be returned within Twenty Days after the Time fixed for the Appointment of the Applotters, then in such Case it shall be lawful for such Collector himself to applot the Sum required by the Warrant to be levied off such Parish or Denomination on the several Lands, Premises, and Houses therein, according to the best of his Judgment: Provided always, that no House shall be included in any such Applotment, or shall be liable to County Cess, the yearly Value of which shall not be at the least Five Pounds.

If no Applotment made within 20 Days, Collector shall himself applot.

C. And be it enacted, That it shall be lawful for the Finance Committee to pay to any Person or Persons who may so applot the Amount directed to be levied upon any Parish or Denomination a Sum not exceeding Twenty Shillings for each Parish or Denomination, on being satisfied that such Applotment was duly and accurately made, and also to pay to the Clerk of each Union such Sum, not exceeding Forty Shillings, as to such Finance Committee shall seem reasonable, for his Trouble in preparing the Valuation herein-before directed to be given to such Finance Committee.

Payment to Applotters and Clerk of Union.

CI. And be it enacted, That every Person duly authorized to levy any Grand Jury Cess off any Barony, as soon as he shall have received or shall have made the Applotment of such Cess, shall forthwith proceed to collect and levy one Moiety thereof according to such Applotment, and the other Moiety thereof after Six Calendar Months from the Date of such Warrant; and each of such Moieties may be levied by Distress and Sale of any Goods and Chattels of every Person refusing to pay the Proportion therein applotted for him or her to pay, which may be found on the Premises chargeable, rendering to the Owner the Overplus, if any, after deducting the Expences of distraining, not exceeding Twelve-pence in the Pound on the Sum for which such Distress may have been made; or in case the Collector shall not think it expedient to proceed by Distress, then and in such Case such Collector shall leave or cause to be left at the Dwelling House or usual Place of Residence of the Party chargeable for or in respect of such Premises a Notice bearing Date the Day and Year of serving the same, subscribed with the Name and Abode of such Collector, requiring Payment of the Sum or Moiety of the Sum applotted within Six Days from the Date of such Notice, and expressing that within Six Days the Money demanded may be paid to the Collector at his House or Office; and if such Money be not so paid within such Time then it shall be lawful for such Collector to prefer a Complaint to any Justice of the Peace for the County in which the Party may reside, and such Justice shall summon the Party so complained against to appear before him and answer the said Complaint, and shall, at the Time specified in such Summons, examine into the Matter of such Complaint on Oath (which Oath the Justice is hereby empowered to administer), and shall direct the Payment to such Collector of such Money as he shall find due and payable under such Applotment by the Party complained against, together with a Sum certain as and for such reasonable Costs and Charges as to such Justice shall seem meet; and in default of the Appearance of such Party, or upon his or her Refusal or Neglect forthwith to pay the Sum or Sums so by such Justice directed to be paid, it shall and may be lawful for such Justice, or for any Justice of the Peace for the County, to issue his Warrant authorizing and empowering the said Collector to levy the Money thereby ordered to be paid by Distress and Sale of the Goods or Chattels of the Party so complained against which may be found within any Part of such County, rendering the Overplus, if any, to him or her, the necessary Charges and Expences of distraining being thereout first deducted as directed by such Justice; and if sufficient Distress cannot be found within the same County, then, on Oath thereof made before any Justice of the Peace of any other County in which any of the Goods and Chattels of such Party shall be found (which Oath such Justice shall administer, and certify by endorsing in his Handwriting his Name on the Warrant granted to make such Distress), the Goods or Chattels of such Party so refusing or neglecting to pay as aforesaid shall be subject and liable to such Distress and Sale in such other County where the same may be found, and may by virtue of such Warrant and Certificate be distrained and sold in the same Manner as if the same had been found within such first-mentioned County.

Grand Jury Cess may be levied by Distress, or Collector may summon before Justices.

CII. And be it enacted, That the Sum or Proportion of Grand Jury Cess to be raised off each Barony under the Warrant of the Finance Committee, and duly applotted for any Person to pay, shall be a Charge upon the Lands and Premises, Houses and Tenements, mentioned in such Warrant and Applotment, and shall be paid and payable by the Person or Persons occupying the Premises respectively at the Time such Cess is levied thereout, although such Person or Persons did not occupy the same at the Time such Cess was imposed, and, when the Sum payable by any Person or Persons does not exceed Fifty Pounds, may be sued for by Civil Bill, in the Name of the Collector before the Chairman of the Sessions of the County of *Dublin*, or Assistant Barrister having Jurisdiction to hear and determine Causes by Civil Bill, in the County, Place, or District in which the Person liable to pay the same resides.

Cess shall be paid by Person in occupation when Levy made.

CIII. And be it enacted, That every Person duly authorized to collect and levy the Grand Jury Cess aforesaid shall on or before the first Day of each Month, or so often as he shall have received One hundred Pounds, pay into the Bank of *Ireland*, to the Credit of the Finance Committee, the Sums he may have received up to such Period, and shall furnish to the Secretary of the Grand Jury an Account of the Sums so received, setting forth particularly any Sums received on Account of Arrears of Cess, and shall, at all Times when required so to do, exhibit to the Finance Committee any Books, Applotments, Accounts, or Vouchers which they may require; and any Collector receiving any Sums of Money, under colour of his Warrant, otherwise than according to the Applotment, or neglecting or refusing to furnish to the Finance Committee such Information, Accounts, and Vouchers as they may at any Time require, or not using due Diligence in the Collection of the County Rate, may be suspended or dismissed from his Office by

Collectors shall pay into Bank the Sums received each Month, &c.

Collectors improperly collecting, or not using due Diligence, may be dismissed.

by such Finance Committee; and immediately upon his Suspension or Dismissal he shall deliver up to the Secretary of the Grand Jury his Warrant, Applotment, and all other Papers, Accounts, or Documents of or belonging to his Office as Collector; and if any such Person shall refuse or neglect to deliver up such Warrant, Applotment, Papers, Accounts, and Documents, when required to deliver them by an Order of the Finance Committee, it shall be lawful for the Finance Committee to direct the Secretary of the Grand Jury to summon such Person before any Justice of the Peace for the said County, who may commit such Person to the County Gaol, there to be detained till such Documents be delivered up: Provided always, that no Collector shall be dismissed as aforesaid without a special Summons of the said Finance Committee by the Secretary of the Grand Jury, and that at such special Meeting not less than Five Members do constitute a Quorum.

Collector's Fees shall be added to Applotment.

CIV. And be it enacted, That it shall be lawful for the Finance Committee to add to the Amount of the Warrant issued by them in respect of each Barony the Amount of the Collector's Fees upon the Sums to be collected for such Barony, and the same shall be collected and paid into Bank by each Collector, together with the Sums presented by the Grand Jury; and when One Moiety of the Sum to be collected shall have been paid in it shall be lawful for the Finance Committee to give an Order for One Half the Amount of his Fees to the Collector having so paid in the Moiety of his Collection; and on the Finance Committee being duly satisfied of the Diligence and Assiduity of the Collector in completing his Collection as far as possible it shall be lawful for such Finance Committee to give an Order for the Fees due on the Balance of the Sum collected.

Notices, how to be promulgated.

CV. And be it enacted, That a Notice in Writing of every Application for any Work intended to be made at any Presentment Sessions holden under the Provisions of this Act, or for any Payment, shall be affixed, by or on behalf of the Person or Persons intending to make such Application, on or immediately adjacent to the Doors of every Police Station or Barrack within such Parish or Parishes wherein the Work to which such Applications shall relate is proposed to be executed, and at the Places (if any) appointed by the Grand Jury for posting Notices herein; and such Notices shall be so affixed at the Time by this Act directed; and a Copy of every such Notice shall be delivered to the Clerk of the Petty Sessions of the District where the Work for which such Application is intended to be made or the greater Portion thereof is to be performed; and the Notice of every such Application shall be delivered to the District Surveyor Ten Days before the Day appointed for holding Presentment Sessions previous to each Presenting Term: Provided always, that the Delivery of any such Notice to the baronial High Constable Fifteen Days before the Day appointed for holding such Sessions shall be deemed to be due Notice to the said Surveyor; and any baronial High Constable to whom any such Notice may be delivered shall transmit the same to the said Surveyor within Five Days after he shall have received the same; and it shall not be necessary to deliver any such Notice, other than the Application itself, to the Secretary of the Grand Jury.

Secretary shall cause Abstracts of Presentments and Contracts to be printed, with Abstract of Accounts of Finance Committee, &c.

CVI. And be it enacted, That the Secretary of the Grand Jury shall cause to be printed, immediately after the adjourned Presentment Sessions for the County at large, an Abstract Book of all Presentments made during the preceding Presenting Term, and also of all Contracts entered into at the adjourned Presentment Sessions, arranging such Presentment Sessions and Contracts under their respective Heads, distinguishing the Presentments upon each Barony, or in such Form as the Grand Jury shall direct, classifying imperative Presentments separately, and shall cause to be appended to said Book an Abstract of the Accounts of the Finance Committee, as laid before the Grand Jury at the preceding Presenting Term, and an Abstract also of the Applotment made by the Finance Committee for the ensuing Levy.

Contractor shall pay his Labourers in Money.

Penalty for paying or attempting to pay in Goods.

CVII. And be it enacted, That every Contractor for the Execution of any County Work under the Authority of this Act shall pay his Labourers or Artificers in Money, and at Intervals of not more than Twenty-one Days; and if any Contractor shall directly or indirectly pay any Labourer in Goods, or in any Manner otherwise than in Money, or shall directly or indirectly attempt to persuade or induce any Labourer in the Employment of such Contractor to take Goods in lieu of such Wages, or to expend his Wages in any particular Shop or for any particular Purpose, he shall be liable to be summoned before the Justices assembled at any Petty Sessions, on Complaint of the Party aggrieved, or any other Person, and such Justices are hereby authorized to hear such Complaint, and adjudicate thereon; and if such Contractor shall be convicted thereof he shall forfeit and pay such Sum not exceeding Five Pounds as to such Justices shall seem fit; and if any Contractor shall neglect to pay any Labourer in his Employment at Intervals of not more than Twenty-one Days all Wages that may be due to him, save and except the Earnings of One whole Week, he shall be liable to be summoned before the Justices assembled at any Petty Sessions, on Complaint of the Party aggrieved, for Recovery of any Wages or Money payable to any Person employed by them in the Execution of such Works, so as the Sum demanded do not exceed Six Pounds, and such Justices assembled as aforesaid are hereby authorized and required to hear such Complaint, and adjudicate thereon; and it shall be no Defence to such Complaint that such Contractor has not himself received any Payment upon Foot of his Contract; and the Decision of such Justices shall be final, and the Sum adjudged to be due shall be levied, by Warrant of Distress under Hand and Seal of any Two such Justices, off the Goods and Chattels of such Contractor.

May be summoned for Wages.

Contractor neglecting Contract may, with his Sureties, be summoned before Petty Sessions.

CVIII. And be it enacted, That if in the Opinion of the District Surveyor or any Road Warden the Contractor for any County Work shall be guilty of Neglect or Inattention in the Performance of his Contract, it shall be lawful for such Surveyor or Road Warden to summon the said Contractor and his Sureties before the Justices at Petty Sessions of the District in which such Work may be situate; and if such Charge of Neglect or Inattention be established before such Justices it shall be lawful for them to make

make an Order directing the said Contractor and his Sureties to complete his Contract within a Period to be stated in such Order; and if at the Expiration of such Period the District Surveyor or Road Warden shall still see Reason for being dissatisfied with the Manner in which such Work has been executed, it shall be lawful for them again to summon the Contractor and his Sureties before the Justices at Petty Sessions, and the Justices shall thereupon proceed to inquire into and finally adjudicate upon the Complaint; and if it shall appear that such Work has been insufficiently executed, and contrary to the Terms of the Contract, it shall be lawful for such Justices having ascertained the Amount which it may require for the Completion of such Work according to the Contract, to authorize such Surveyor or Road Warden to complete the same, and to levy such Amount by Warrant of Distress upon the Goods of such Contractor or his Sureties.

Any Two Justices at Petty Sessions may order Sums not exceeding Twenty Pounds for Repair of sudden Damage to Bridge, or Ten Pounds to Road, &c.

CIX. And be it enacted, That any Two Justices of the Peace at Petty Sessions in the said County may, under their Hands and Seals, order any Sum not exceeding Twenty Pounds to be expended in repairing any Bridge, or any Sum not exceeding Ten Pounds to be expended in repairing any public Road, or any Pier or Quay on the Bank of any navigable Lake or River, now or hereafter to be built by Grand Jury Presentment, which may be suddenly damaged, provided it shall appear, upon the View of both of them, that the Repairs of such Bridge or Road or such Pier or Quay cannot be delayed until the next Presenting Term, without Prejudice to the Public; and it shall be lawful for such Justices to appoint a proper Person or Persons to repair the same; and the Grand Jury of the said County is hereby empowered to present, without previous Application at Presentment Sessions, at the next Presenting Term, the Sum so expended in repairing any such Bridge or Road which is liable to be repaired by the County at large, to be levied on such County at large, and any Sum so expended in repairing any Road or Work herein directed to be repaired by any Barony to be levied on the Barony wherein the same is situate, and any Sum so expended in repairing any such Pier or Quay to be levied on the County at large; and the Sum so presented in the said several Cases shall be paid to the Person or Persons so appointed by such Justices to make such Repairs, upon his or their producing such Order under the Hands and Seals of the said Justices, and also a Certificate under the Hand of the District Surveyor, that the Sum specified in such Order appears to have been faithfully and honestly expended pursuant thereto: Provided always, that the same Justices of the Peace shall not make or sign more than One Order for the Expenditure of any Sum as aforesaid for the Reparation of the like sudden Damage between the Termination of one Presenting Term and the Commencement of another.

Penalty for giving Money for any Appointment.

CX. And be it enacted, That if any Person shall, at any Time after the First Day of *January* One thousand eight hundred and forty-five, by himself, his Friends or Agents directly or indirectly give or promise to give any Money, or any Security for Money, or other Consideration, to any Person or Persons, in order to procure the Appointment to the Office of Clerk of the Peace, Secretary of the Grand Jury, Surveyor, or any other Office or Employment in this Act mentioned, or in order to procure the Resignation of any Person or Persons holding such Office, or in order to influence the Votes of the Persons who may have the Appointment to such Office, he shall be incapable of holding any such Office or Employment, and shall forfeit for every such Offence a Sum of One hundred Pounds to any Person who will sue for the same; and such Sum may be recovered by Civil Bill before the Chairman of *Kilmainham*, or by Action in any of the Superior Courts; and every Person appointed to any such Offices at any Time after the First Day of *January* One thousand eight hundred and forty-five shall, at the Presenting Term next after his Appointment, subscribe in open Court before the Foreman of the Grand Jury, and deliver to him, a Declaration in the Form in Schedule No. 16. to this Act annexed, and the same shall be preserved by the Clerk of the Crown among the Records of the County; and no Presentment shall be made for any Salary to any such Officer until he shall have so subscribed and delivered such Declaration.

Power reserved to make Presentment under Act. 7 G. 4. c. 74. Proviso.

CXI. And be it enacted, That nothing in this Act contained shall be construed to limit or affect the Powers, Duties, or Authorities of Grand Juries to make any Presentments which they are authorized or required to make under and by virtue of an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating the Laws relating to Prisons in* Ireland: Provided always, that it shall not be lawful for any Grand Jury to make any Presentment under the Provisions of the said recited Act for any Salary or Compensation to any Keeper, Turnkey, or Matron of any Gaol, Penitentiary, Bridewell, or House of Correction, or for building, rebuilding, altering, enlarging, or repairing any Gaol, Bridewell, House of Correction, or other Prison, (except in the Case of Repairs made under the Provisions of the said recited Act, in consequence of any Fire or other sudden Accident which may happen to any such Gaol, Bridewell, House of Correction, or other Prison,) unless Application for such Presentment shall have been made and approved at Presentment Sessions in the Manner herein-before directed and provided: Provided also, that all Contracts which any Grand Jury is authorized to make or enter into under the Provisions of the said recited Act shall be made by sealed Tenders and Proposals, to be delivered, opened, and dealt with, and Security to be taken, in like Manner as herein-before provided with respect to other Contracts for public Works, any thing in the said recited Act to the contrary notwithstanding: Provided also, that no such Contract shall be entered into, nor any Presentment made thereupon, save upon and after an Application made and approved at Presentment Sessions, as herein-before directed.

Power to re-present Arrears as originally presented.

CXII. And be it enacted, That it shall be lawful for any Grand Jury at any Presenting Term to re-present any such Sums of Money as now are or at any Time hereafter shall be unpaid or in arrear out of any Denomination or Barony to be raised and levied on such Denominations or Barony upon which the same was originally required by the Warrant of the Finance Committee to be levied, and to present all such Sums of Money which have hitherto been or which shall at any Time hereafter remain unpaid

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on account of the absconding or Insolvency of any Collector or other Person empowered to receive or collect public Money who is or shall be insolvent, without Prejudice to the Liability of such Collector or of his Sureties, to be raised and levied either upon the County or upon the Barony in which the same was before levied, as they shall think fit, which Sums shall be levied in the same Manner, and subject to the same Rules, Regulations, Provisions, and Powers, as any Money to be levied by virtue of this Act is to be subject; and in case any Money so in arrear or so detained by any Collector or other Person empowered to collect or receive public Money shall be thereafter recovered, it shall be paid to the Credit of the Finance Committee; and such Money so paid, and any Balance, Arrears of or Surplus on the Salary of any County Officer, and all other such like Surplus and Balances of Money raised by Authority of this Act, or which may any how arise to the Credit of the Finance Committee, shall be applicable to defray the Expences of any public Work, or any County Charge whatsoever which the Grand Jury are authorized to present under the Provisions of this Act, and shall be presented by the Grand Jury for such of the said Purposes as to them shall seem expedient: Provided always, that such Sum shall be applied to the Credit of the Barony off which it was originally levied: Provided also, that before it shall be lawful for any Grand Jury to re-present any Sum of Money as unpaid or in arrear out of any Barony or Denomination it shall be made to appear by Affidavit of the Collector to such Grand Jury that such Sum is actually in arrear and unpaid by such Barony or Denomination respectively, and that it could not have been levied from the Persons or out of the Lands or Houses charged with or liable to pay the same.

Certain Arrears now due and Balances to be re-presented by Instalments.

CXIII. 'And whereas in the County of *Dublin* an Accumulation of insolvent Arrears of Grand Jury 'Cess has taken place, by reason of the Grand Jury thereof in certain Cases not having possessed any 'Power by Law to re-present for such Arrears, and in consequence thereof the County at large, and 'several of the Baronies therein have become largely indebted to the Public, and it is expedient that 'the Grand Jury should become empowered to discharge such Debts respectively by Instalments;' be it enacted, That within One Calendar Month after the First Day of *January* One thousand eight hundred and forty-five the Treasurer of the County shall transmit to the Chief or Under Secretary for *Ireland* a detailed Account of the Debt which shall be then due by the said County at large, together with the Causes of such Debts respectively having accrued, and shall certify the same to be true and correct in every Particular; and the Lord Lieutenant in Council shall thereupon cause an Inquiry and Examination to be made into the Items and Facts stated in such Account, and shall transmit to the Grand Jury, through the Chief or Under Secretary for *Ireland*, his or their Warrant, which shall state the Amount of the Debt (if any) which upon Inquiry shall appear to be due by such County at large, or Barony, and the Number of Instalments by which the same shall be paid; and it shall be lawful for such Grand Jury, and they are hereby required, at the Presenting Term at or next after which they shall have received such Warrant as aforesaid, to present, without previous Application at Presentment Session, for the first of such Instalments respectively, and so from Time to Time shall continue to present, according to the Exigency of the said Warrant, until the whole of such Debt (stated therein) shall have been liquidated and paid off; and such Presentment shall be levied and accounted for in like Manner as any other Presentment under this Act.

County Buildings may be insured.

CXIV. And be it enacted, That it shall be lawful for the Secretary of the said County for the Time being to effect a Policy or Policies of Insurance against Fire on any public Building or other public Property which he shall be directed by the Grand Jury to insure, and for such Sum as he shall be so directed; and such Policy shall vest in the Secretary for the Time being, and the Sum thereby secured shall be payable to him as Part of the public Fund of such County, and shall be lodged by him to the Credit of the Finance Committee, and shall be applied to public Purposes, from Time to Time, as the Grand Jury shall direct, by any Presentment, sanctioned and approved of by the Judges of the Court of Queen's Bench, at the Presenting Term at which such Presentment may be made; and the Grand Jury shall have the Power, without any previous Application at the Sessions, and are hereby required to present, to be levied off the County at large, the Premium and other Charges payable on such Policy, and for continuing the same; and the Finance Committee shall from Time to Time pay such Premium.

Grand Juries may exchange short Lines with Trustees of Turnpike Trusts.

CXV. 'And whereas for the Purpose of diminishing the Expence to which many Counties in *Ireland* 'are at present subjected in keeping in repair short Lines of Roads which from Time to Time have been 'made by such Counties as Improvements upon old Lines of Turnpike Roads, it is expedient that the 'Trustees and Directors of Turnpike Roads and the Grand Juries of Counties in *Ireland* should in certain 'Cases and by mutual Agreement have a Power of exchanging such Roads or Portion of Roads;' be it enacted, That from and after the First Day of *January* One thousand eight hundred and forty-five it shall be lawful for the Trustees and Directors of any Line of Turnpike Road, or any Five or more of them, in any Case wherein they may deem it expedient, to adopt as Part of such Line of Turnpike Road the Whole or any Part of any Road made and hitherto kept in repair by County Presentment, first having the Consent in Writing of the Grand Jury of the County through which such Road may pass at any Presenting Term, signifying that it will be for the Advantage of the Public that such Road or Portion of Road shall become a Part of such Line of Turnpike Road, in place of the old Turnpike Road or Portion of old Turnpike Road, as an Improvement upon which such new Line of Road may have been made by such County as aforesaid; and from and after the last Day of the Presenting Term or Assizes in which such Consent shall have been signed such Road or Portion of Road so theretofore made and repaired by Presentment shall to all Intents and Purposes be deemed to form and shall form a Part of such Turnpike Road; and the Trustees and Directors of such Line of Turnpike Road shall have the same Powers with respect to such Road or Portion of Road so adopted by them as they had by Law

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over the Portion of old Turnpike Road so given up by them to the Grand Jury aforesaid: Provided always, that Notice of such Exchange of Road, signed by the Trustees and Directors of the Turnpike Road on the one Part, and the Foreman of such Grand Jury on the other Part, shall be published in the *Dublin Gazette*, and One or more of the *Dublin* Newspapers, as soon as may be after the signing of such Exchange as aforesaid.

No Toll on Turnpike Roads for travelling less than 100 Yards.

CXVI. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road, or the Collectors of any Turnpike Toll Gate, to enforce Payment of any Toll for any Horse or other Animal passing through the said Gate, unless the same shall have travelled more than One hundred Yards on the said Road on the same Day.

Expences of repairing Road from Dublin to Blackrock to be raised, One Third on City, One Third on Barony of Rathdown, and One Third on Barony of Dublin. 5 & 6 Vict. c. 96.

CXVII. 'And whereas that Part of the Road from the City of *Dublin* to *Kingstown* and *Bray*, commencing at the Bridge usually called *Macartney's Bridge*, in the City of *Dublin*, and ending at the Cross of the *Blackrock*, was situate within the City of *Dublin*, and was repaired by Presentment of the Grand Jury of the said City, until the passing of an Act of the Fifth and Sixth Years of Her Majesty's Reign, intituled *An Act to alter the Number and define the Boundaries of the several Baronies of the County of* Dublin, whereby the District through which the said Road passed was made and constituted a separate Barony in the County of *Dublin*, by the Name of the Barony of *Dublin*: And whereas from the great Traffic on the said Road it requires frequent and expensive Repairs, the Cost of which, the Barony of *Dublin* being of small Extent and Value, would prove burdensome upon the Inhabitants thereof: And whereas a great Portion of the said Road is bounded on one Side by the Barony of *Rathdown*, and it is just and reasonable that the Inhabitants of the City of *Dublin* and the Inhabitants of the Barony of *Rathdown*, as well as those of the Barony of *Dublin*, should contribute towards the Repairs of the said Road;' be it enacted, That it shall and may be lawful to and for the Grand Jury of the City of *Dublin* at any *Easter* Term, conjointly with the Grand Jury of the County of *Dublin*, to enter into a Contract with the Board of Public Works in *Ireland*, or any other Parties, for the Maintenance and Repair of the said Road for any Period not exceeding Five Years, and for such Term annually as shall be agreed upon between the said Grand Juries and the said Board of Works or Parties aforesaid; and that the Amount of such Contract shall be divided annually into Three Parts; and the Grand Jury of the said City of *Dublin* is hereby required to present at each *Easter* Term the One Third of such Amount to be raised annually during the Continuance of such Contract upon the City of *Dublin*, and the Grand Jury of the said County is hereby required to present at each Presenting Term for the County One Third of such Amount to be raised upon the Barony of *Rathdown*, and the remaining Third upon the Barony of *Dublin*, any thing herein or in any other Act contained to the contrary notwithstanding.

If Grand Jury neglect, Commissioners of Works to repair Road, and Grand Jury to present Expence thereof.

CXVIII. And if it should happen that at any *Easter* Term the Two Grand Juries should not agree as to the Estimate or Contract laid before them at such *Easter* Term, or that they should omit or neglect to present as aforesaid, be it further enacted, That it shall and may be lawful for the Lord Lieutenant in Council, upon a Requisition signed by the Foreman on behalf of either Grand Juries, to make such Order to the Commissioners of Public Works for the Repair of all that Portion of said Road hereinbefore recited, and which shall be deemed necessary to be repaired by said Lord Lieutenant in Council; and that the Grand Jury of the County of *Dublin*, together with the Grand Jury of the City, are hereby required to present at each *Easter* Term any Sum or Sums so expended by said Commissioners of Public Works, according to the Proportions herein-before directed.

Parties contracting for Repairs of said Road to furnish Statement and Account, and to attend Grand Juries.

CXIX. And be it enacted, That during the Continuance of the said Contract or Contracts as aforesaid a Statement and Account of the actual Condition of the said Road, and of the Expenditure of all Monies received by Parties so contracting, shall be laid by the Commissioners of Public Works, (or by some Person acting on their Behalf, and authorized by them,) or by such other Parties contracting as aforesaid, before the united Grand Juries of the County of *Dublin* and County of the City of *Dublin*, upon some Day to be by them appointed in each *Easter* Term for that Purpose; and said Commissioners of Public Works, or some Person acting on their Behalf, or other Parties so contracting, shall attend before the said Grand Juries at each *Easter* Term, and give whatever Information they or either of them (the said Grand Jury) may deem necessary relative to such Statement and Account.

Repayment of Money advanced out of Consolidated Fund.

CXX. And be it enacted, That in all Cases where by this or any Act or Acts now in force in *Ireland* Repayment is to be made by Grand Jury Presentment of any Money advanced out of the Consolidated Fund, or from any other public Fund, the same shall from and after the passing of this Act be paid and payable unto such Bank or Person, and in such Manner, as the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them, shall from Time to Time think fit to direct and appoint.

Court shall make Order if Grand Jury refuse.

CXXI. And be it enacted, That in case the Grand Jury at any Presenting Term shall neglect or refuse duly to present any Money which, under the Provisions of this Act, or of any Act now in force in *Ireland*, or of any Act passed or to be passed in this present Session of Parliament, such Grand Jury may be required to present at such Presenting Term upon the Certificate of the Chief or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or otherwise, for the Purpose of reimbursing or replacing any Monies issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, the Court shall have Power to make an Order directing the Sum or Sums which ought to have been so presented to be raised and levied as if the same had been so presented; and such Order shall have the Force and Effect of a Presentment, and the Treasurer of the County or Finance Committee shall insert the Sum mentioned in such Order in the Warrant, and the

same

same shall be applotted, raised, and levied, and applied in like Manner to all Intents and Purposes, as if the same had been duly presented by such Grand Jury.

Compensation for malicious Injury.

CXXII. And be it enacted, That from and after the Commencement of this Act, in all Cases of maliciously or wantonly setting fire to, burning, or destroying any House, Outhouse, or other Building, or any Haggard, Corn, Hay, Straw, or Turf, or of maliciously setting fire to, burning, or sinking any Boat or Barge laden or unladen, or of maliciously killing, maiming, houghing, or injuring any Horse, Mule, Ass, or Swine, or any horned Cattle or Sheep, or of maliciously damaging, injuring, or destroying any Bank, Gate, Lock, Weir, Sluice, Bridge, Dam, or other Work belonging to any Person, public Canal or Navigation, any Person or Persons injured by any such Offence, and intending to apply for Compensation for any Loss or Damage sustained thereby, shall serve Notice in Writing of such Injury and of such his or their Intention upon the High Constable of the Barony, and the Churchwardens of the Parish, and at the nearest Police Station, or if there be no Churchwarden or High Constable, then upon Two of the principal Inhabitants of the Parish wherein such Offence shall have been committed, within Six Days at least after the Commission of the same; and shall lodge with the High Constable or Secretary of the Grand Jury, in like Manner and Time as Applications for Presentments for public Works are herein-before directed to be lodged, an Application setting forth the Loss or Damage occasioned by such Offence, and stating the Time and Place when and where such Injury was done, the particular Property consumed, injured, or destroyed, and the Amount of Damage thereby sustained, and by what Number of Persons, and whom, by Name and Description, such Injury was done, if such Offender or Offenders shall be known, and if not, stating such Particulars respecting such Offender and Offenders as may be known; and like Notices shall be posted of such Application as herein-before prescribed in Cases of other Applications to Presentment Sessions; and such Application shall be scheduled by the Secretary of the Grand Jury, and by him dealt with in all respects as other Applications under this Act; and the Presentment Sessions shall examine into the serving and posting the Notices of such Application, and into the Merits of the same, and the Chairman shall endorse their Opinion thereupon, and such Secretary shall deliver such Application so endorsed to the Grand Jury at the next Presenting Term; and the said Grand Jury shall examine into the Matter of such Application, upon the Oath of the Party injured, or such other Evidence as can be produced touching the said Offence; and the said Grand Jury shall, on the Consideration of the said Matter, either disallow such Application altogether, or present such Sum or Sums of Money as the Person or Persons so injured ought to receive for such Injury or Damage, to be levied off the County at large, or such Barony, Parish, District, Townland, or Sub-denomination thereof as the Grand Jury shall direct.

Notice to be given within Six Days to Churchwardens.

Application to be made to Sessions, and disposed of by Grand Jury.

Applications when to be made.

CXXIII. And be it enacted, That every Application under this Act for Compensation for Loss or Damage occasioned by any malicious Injury as aforesaid shall be made at the Presentment Sessions which shall be holden next before the Presenting Term after the Commission of such Offence for the Barony where the same shall have been committed, unless any such malicious Injury shall have been done after the Day appointed for holding the first Presentment Sessions before the next Presenting Term, or so near the Day of holding the same that such Application for Compensation cannot be duly lodged as herein-before directed; in either of which Cases the Person or Persons so injured shall make such Application at the Presentment Sessions which shall be holden for the Barony where such Offence shall have been committed before the Presenting Term which shall take place next after that following the Commission of such Offence, and the Notices of such Applications shall be posted accordingly; and it shall not be lawful for any Grand Jury to make any Presentment for Compensation for malicious Injury under the Provisions of this Act, except at the Presenting Term next ensuing to the Presentment Sessions where Application shall have been made therefor.

Persons injured to give in Examinations within Three Days, and declare whether they know the Party committing the Damage.

CXXIV. Provided always, and be it enacted, That every Person or Persons who shall under the Provisions of this Act apply for Compensation for any Loss or Damage occasioned by malicious Injury as aforesaid shall, within Three Days after the Commission of the said Injury, unless prevented by Illness or other sufficient Cause, give in his, her, or their Examination, or that Examination upon Oath shall be given by his, her, or their Servant or Servants who had the Care of his, her, or their Property so injured, before some Justice of the Peace of the County, thereby specifying whether he, she, or they do know the Person or Persons who committed the said Injury, or any of them; and in such Case such Examinant or Examinants shall be bound by Recognizance to prosecute such Offender or Offenders by Indictment or otherwise, according to the Laws of this Kingdom.

When Presentment is opposed or Application disallowed Jury may be sworn to try the Matter.

CXXV. And be it enacted, That all such Applications whatsoever for Compensation for Loss or Damage sustained by malicious Injury shall be laid by the acting Clerk of the Crown before the Judges of the Court of Queen's Bench on the first Day of the next Presenting Term; and in case any Person paying Grand Jury Cess for the said County or any Barony chargeable with the Sum presented by the Grand Jury, upon any such Application, shall be desirous of opposing any such Presentment, or in case any Person whose Application for Compensation shall have been disallowed by the Grand Jury shall wish to have his or their Application re-considered, such Cess-payer or Person or Persons applying for Compensation shall be heard; and in either of such Cases the Judges, if they shall so think fit, shall direct a Jury to be forthwith impannelled to try the Matter of such Presentment or Application respectively at Nisi Prius, and according as the Issue shall be found for or against such Cess-payer the Judges shall discharge, alter, or fiat such Presentment; and in case of Application disallowed, if the Issue shall be found for the Person or Persons applying for Compensation, the Judges of the said Court shall direct the Grand Jury for the Time being to make Presentment thereupon accordingly, otherwise such Application shall be discharged;

discharged; and all Verdicts of Juries impannelled as aforesaid to try any such Issues shall be final and conclusive to all Persons whatsoever; and it shall be lawful for the said Judges to award by Rule for that Purpose Costs to the Parties for whom the Issue shall be found against the other Party or Parties respectively in any Sum not exceeding Ten Pounds Sterling; and the said Judges are hereby empowered to direct and issue forthwith an Order or Orders in the Nature of an Execution against such last-mentioned Party or Parties respectively, which said Order or Orders the Sheriff of such County is hereby required to execute in the same Manner as in Cases of Execution against the Chattels and Effects of Defendants.

No Presentment for Compensation to be removed by Certiorari, nor Traverse allowed, nor Action in Cases provided for.

CXXVI. And be it enacted, That no Presentment for Compensation for Loss or Damage as aforesaid shall at any Time be removed by Certiorari, nor shall any such Presentment be at any Time quashed for any Informality, Imperfection, or Defect in Form whatsoever; and no Traverse, save as herein-before directed, shall be allowed or received to any Presentment, nor shall any Action or Suit for the Recovery of any Satisfaction or Damages sustained by reason of any Injury for which the Person or Persons injured thereby may be entitled to apply for Compensation under the Provisions of this Act, be brought or prosecuted against any chief or other Magistrate, or any Inhabitant or Inhabitants of any Parish, or other Person or Persons whatsoever, any Act or Acts now or heretofore in force in *Ireland* to the contrary notwithstanding.

Mode of obtaining Compensation for Injury committed near Boundary of the County.

CXXVII. Provided also, and be it enacted, That in case such burning or other malicious Injury as aforesaid shall be committed on the Verge or within the Distance of One Mile of the Boundary between the said County of *Dublin* and any One or more Counties, the Person or Persons who shall sustain such Injury may apply for Compensation in the Manner herein-before directed in either or any one of such Counties; and such Application, if made in the County of *Dublin*, shall be made in the Manner herein-before directed, but if in any other County in the Manner authorized and directed by any Act or Acts in reference to such County; and all Proceedings shall be taken thereupon as herein-before provided with respect to other Applications for Damages for malicious Injury; and in case any Sum or Sums of Money shall be presented by the Grand Jury of the County where such Application shall be made, or shall be finally awarded by the Verdict of any Jury as and for Compensation to the Person or Persons applying as aforesaid, the Judge at the Assizes of such County, or at the Presenting Term for the County of *Dublin*, shall have Power and Authority to apportion the Amount of such Compensation amongst such Counties or any Baronies thereof, and shall direct the Proportion of the same which shall be paid by them respectively, and shall certify the same accordingly; and such Presentment shall thereupon be diminished, or Presentment made according to the Proportion which the said Judge shall direct to be paid by such County; and the Grand Jury or Grand Juries of the said other County or Counties respectively shall and they are hereby required, on the Production of the Certificate of such Judge declaring the Proportion to be paid by such County or Counties, to present such Proportion, when the same shall exceed One hundred Pounds, to be raised off the County at large, and if such Proportion shall be under One hundred Pounds, to be raised off the Barony or Baronies in or near to which such Injury shall be alleged to be committed, and paid to the Person or Persons so applying, as the Case may require.

No Fees to be taken for such Presentments.

CXXVIII. And be it enacted, That no Fee shall be demanded from or paid by any such Cess-payer or Person applying to the Clerk of the Crown, Judges, Crier, or Jury, for any Matter or Thing relating to any such Application, Presentment, or Trial.

Justices at Quarter Sessions shall divide County into Two Coroners Districts.

CXXIX. And be it enacted, That it shall be lawful to and for the Justices of the Peace for the said County of *Dublin*, at the Quarter Sessions next after the First Day of *January* One thousand eight hundred and forty-five, and they are hereby required, to divide the said County into Two Coroners Districts, appropriating a certain Number of the Baronies to the one District and the Remainder to the other, and to allocate one of these Districts to each of the Coroners of the said County; and that hereafter

In Cases of sudden Death, Sub-Inspector of Constabulary, &c. shall give Notice thereof to Coroner.

whenever any Death attended with suspicious Circumstances shall occur, or any dead Body be found in any District, it shall be the Duty of the Sub-Inspector of the Constabulary, or Superintendent of Metropolitan Police, acting for the District in which such Death may take place, or in his Absence for the Head Constable or other Constable having charge of such District, to give immediate Notice thereof to the Coroner of the District in which such Death may have taken place, or said dead Body have been found, and if his Attendance cannot be obtained, then to the Coroner of the other District, in order that an Inquest may be held: Provided always, that no Inquest shall be held by any Coroner in any District other than his own, except during the Absence or Illness of the Coroner of such other District, or during the Vacancy of such Officer.

Head Constable shall be Inspector of Weights and Measures.

CXXX. And be it enacted, That the Head Constable of each District shall henceforth be *ex officio* an Inspector of Weights and Measures within such District, and shall possess and exercise all the Powers, Authorities, and Provisions which any Inspector of Weights and Measures may possess under and by virtue of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-three, and shall perform such Duties, under the Direction of the Magistrates at Petty Sessions, without Fee or Reward, and notwithstanding any manorial Jurisdiction or Claim of Jurisdiction within such District.

Committee may be appointed to superintend Court Houses.

CXXXI. And be it enacted, That it shall be lawful for the Grand Jury of the County at each Presenting Term to appoint a Committee to superintend and have charge of each Court House belonging to the County, or rented for the Use thereof, and to authorize such Committee to expend a Sum not exceeding

Forty

Forty Shillings in petty incidental Repairs which may become necessary in such Court House; and the Finance Committee, upon being satisfied as to its just Application, shall pay the same.

Offices of Inspector of Accounts, &c. abolished.

CXXXII. And be it enacted, That from and after the First Day of *March* One thousand eight hundred and forty-five the Office of Treasurer of the County of *Dublin*, and also the Office of Inspector of Accounts and Grand Jury Presentments in the said County of *Dublin*, shall cease and be abolished.

Compensation to Officers.

CXXXIII. 'And whereas the said Office of Treasurer was created and has existed since the passing 'of an Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, 'for the Regulation of Presentments in the County of *Dublin*: And whereas it is just and reasonable 'that the present Officer, who has filled the said Office for a Period exceeding Twenty Years, should 'have Compensation granted to him;' be it enacted, That it shall and may be lawful for the said Officer to apply by Memorial to the Lords Commissioners of Her Majesty's Treasury for Compensation for the Loss of his Office, which Memorial shall contain a Statement of the Number of Years during which he shall have acted as such Treasurer, and of the yearly Sum or Salary received by him for the last Ten Years respectively; and the said Lords Commissioners shall thereupon make such Order as to them shall seem just; and such Order, signed by Three or more of such Lords Commissioners, shall be binding on all Parties; and the said Lords Commissioners shall and may in such Order direct that the said Compensation shall be paid to such Officer, in such yearly Sum for and during the Term of his natural Life, or in one gross Sum in lieu of all Demands upon the County, as to them shall seem just and reasonable, and that it shall and may be lawful for the Grand Jury of the said County, and they are hereby required, at each Presenting Term, without previous Application at Presentment Sessions, to present such Sum to the said Treasurer to be raised off the County at large: Provided always, that such yearly Payment may be at any Time commuted for a Principal Sum payable immediately or by Instalments, at such Rates as may be agreed upon between the said Officer and the Grand Jury of said County at any Presenting Term, and such Grand Jury may present such Sum accordingly.

Presentment may be traversed.

CXXXIV. And be it enacted, That it shall be lawful for any Person paying Grand Jury Cess for the County to traverse any Presentment made under this Act by the Grand Jury of such County, and also to object to the Application of any Contractor under this Act for Payment, on the Ground of such Contractor not having complied with the Terms of his Agreement, or with the Provisions of this Act; and the Court at each Presenting Term is hereby authorized and required to try the Truth of the Fact by a Jury, in the same Manner as any Traverse within the Jurisdiction ought to be tried; and it shall not be lawful for the Clerk of the Crown or Clerk of the Peace to take any Fee in respect of such Traverse, and Costs shall be paid by the Party against whom such Traverse shall be found: Provided always, that although there shall be Verdict against such Traverse, yet if the Court shall be of opinion that there was reasonable and probable Grounds for traversing such Presentments, or the Application of such Contractor, the Costs shall be paid by the Finance Committee from and out of the County Monies to their Credit; and the Grand Jury shall present the same without previous Application to Presentment Sessions: Provided also, that every Person intending to traverse any Presentment or Payment for which it is by this Act required that Application shall be made at the Presentment Sessions, shall give Notice in Writing of such Intention to the Secretary of the Grand Jury, within Two Days after the first Day of such Sessions, and the same or any other Presentment shall be traversed only at the Presenting Term at which the Presentment shall be made.

Presentments for new Roads, &c. may be traversed for Damages.

CXXXV. And be it enacted, That it shall be lawful for any Occupier or Owner of the Ground through which any new Road is to be made, or into which any old Road is to be widened, to traverse the Presentment for the same for Damages at such Presenting Term aforesaid, having given like Notice to the Chairman of the Presenting Sessions, and to the Secretary of the Grand Jury, previous to the Commencement of such Presenting Term, of the Amount of Damage intended to be claimed, which Traverse or Traverses shall be tried then or at the ensuing Presenting Term, upon the Entry in the Crown Book of the Presentment and Traverse, without making up any Record; and the Jury which shall try such Traverse shall be sworn true Verdict to give, whether any and what Damages will occur thereby to the Traverser, taking into consideration any collateral Advantages which may result or accrue to such Traverser by reason thereof, and making Abatement accordingly; and it shall be lawful for the Grand Jury to present, without previous Application at Presentment Sessions, such Sum or Sums of Money so found for Damages to be raised off the County or off the Barony respectively in which the Traverser shall have made it appear that he or she sustained the Damages, and to such latter Presentment no Traverse shall be allowed or received; and upon the Damages so found being presented for the Use of such Traverser, or deposited for his or their Use with the Secretary of the County, it shall be lawful for the Contractor to proceed in the Execution of the Presentment without the Interruption of any Person.

Contractor and Surveyors may take Materials for Roads, &c.

CXXXVI. And be it enacted, That every District Surveyor, and every Contractor for any Work to be executed by Grand Jury Presentment, shall have Power and Authority to dig for, raise, and carry away in or out of any Lands, not being a Deer Park, Bleach Green, Orchard, walled Garden, Haggard, or Yard, or planted Walk, Lawn, or Avenue to a Mansion House, any Gravel, Stones, Sand, or other Materials, whether the same be found in the same or any adjoining County, which may be wanted for the building, rebuilding, enlarging, or repairing any Bridge, Arch, Gullet, Pipe, or Wall, or for the making, repairing, or preserving any Road or Footpath; and such Surveyor or Contractor is hereby further empowered to make Drains, in order to carry off Water which might injure any Bridge, Gullet, Arch, Pipe, Wall, or Road, in or through any Lands not being a Deer Park, Bleach Green, Orchard, walled Garden, Haggard, or Yard, or planted Walk, Lawn, or Avenue to a Mansion House, and shall make such Satisfaction for the Damage done thereby, or by taking any such Materials as aforesaid, as shall be agreed upon

Damage to be assessed by Three Appraisers.

upon between the Parties, or assessed by Three Appraisers, which Appraisers shall view the Ground immediately previous and immediately after such Damages shall be committed, one of such Appraisers to be named by the Owner or Occupier of the Land, and another by the Surveyor or Contractor, and the third by any neighbouring Justice of the Peace; and in case any Surveyor or Contractor shall refuse, or, after Four Days Notice in Writing from such Landholder, neglect to name an Appraiser on his Part, then one shall be named for him by such Justice; and such Three Appraisers shall be sworn by such Justice of the Peace (previous to the Damage being committed) to be Appraisers of such Damages as may occur, and to make a true Estimate thereof, in which Estimate the Value of any Stones, Gravel, or other Materials shall not be included, but only the Waste committed by breaking the Surface, and making a Passage through the Land, unless where such Stones, Gravel, or Materials shall be taken from any Quarries or Gravel Pits *bonâ fide* demised, with Liberty to work the same; and the Amount of the Damage to be awarded shall be paid to the Owner or Occupier of the Ground as awarded, and One Shilling each to the Appraisers, within One Week after the Award, and in default of Payment may be recovered in Summons before any Justices at Petty Sessions: Provided always, that it shall not be lawful for any such Contractor or Surveyor to enter any Lands for any such Purpose against the Will of the Occupiers thereof without the previous Order of Two Justices of the Peace at Petty Sessions, which Order such Justices are hereby authorized and required to grant, on its being proved to their Satisfaction that the Gravel, Stones, or other Materials sought cannot be conveniently procured elsewhere, nor such Drain otherwise sufficiently made or cleansed.

Materials not to be taken to Injury of Road or Building.

CXXXVII. And be it enacted, That it shall not be lawful for any such Surveyor or Contractor to dig, raise, and carry away any Gravel, Stones, Sand, or other Materials from the Side of any public Road, or from any Beach or Sea Shore, whereby a public Road, or Bulwark or Defence to any Building or any Land adjoining any Road, may be injured, and that any Person who shall be convicted thereof on the Oath of One or more credible Witnesses before any Justice of the Peace shall for every such Offence forfeit and pay a Sum not exceeding Five Shillings for every Cart-load of such Gravel, Stones, Sand, or other Materials so dug, raised, or carried away, to be levied, by Warrant of Distress under the Hand and Seal of such Justice, off the Goods and Chattels of such Offender.

Nuisances and Penalties.

Regulation of Drivers.

CXXXVIII. And be it enacted, That the Drivers of every Kind and Species of Vehicle, and all Persons riding or driving any Animal or Animals, laden or unladen, on any Road or in any Street in the said County, shall keep their Left-hand Side of the Road or Street in going or coming thereon, leaving the other Side free to all other Passengers, and when they may have Occasion to pass any other Persons going in the same Direction with themselves shall, in all Cases where it is practicable, take and go on the Right-hand Side of such Persons; and on every Cart, Car, or other Carriage without Springs on any Road upon which Her Majesty's Mails are conveyed in Coaches, or any other Road being a County Road, the Name and Surname and Residence of the Owner of such Vehicle shall be painted in White Roman Letters One Inch long at the least; and every Car or Cart drawn by One Horse, Mule, or Ass shall have a double Rein extending back to such Car or Cart; and if any Person shall wilfully refuse or neglect to drive or pass in manner aforesaid, or if any Person shall drive any Vehicle on any such Road, whereon the Name of the Owner is not painted, or without a double Rein as aforesaid, it shall and may be lawful for any Magistrate, Constable, or Turnpike Keeper to stop and detain such Offender, and the Vehicle and Animal or Animals on which or with which such Offender shall be, and forthwith to carry or convey such Offender before any Justice of the Peace for the County where such Offence shall be committed, or for any Person whatsoever to lodge Information against such Offender before any such Justice; and upon being convicted thereof upon the Oath of One credible Witness every such Person so offending shall forfeit and pay any Sum not exceeding Five Shillings, to be levied by Distress and Sale of the Goods and Chattels of such Offender, or by Distress and Sale of the Carriage and Horse or Horses or other Beasts, and the Goods therein or thereon, wherewith such Offender shall have been travelling at the Time of such Offence, such Distress to be made under the Hand and Seal of such Justice, rendering the Overplus (if any), after deducting the said Fine and Expences of such Distress and Sale, to the Owner or Owners, on Demand, one Half of the Amount of the Penalties so levied to be paid to the Informer, and the remaining Half to the Dispensary of the District, or such other charitable Purpose as the Justices shall direct; and if Distress sufficient for such Penalty or Penalties shall not have been seized or found it shall and may be lawful for such Justice and he is hereby empowered and required to commit such Offender so convicted to the Common Gaol for any Time not exceeding One Calendar Month, unless such Offender shall sooner pay and satisfy the Damages which shall happen in consequence of any such Neglect or Default as aforesaid.

No House to be built within Twenty Feet of Centre of Road.

CXXXIX. And be it enacted, That no House or Part of a House shall be built within Twenty Feet of the Centre of any Road, or within Ten Feet of the Side thereof (except in the Streets of Corporation or Market Towns, or except where a House now stands), and that if any Person shall offend herein every such Person shall, upon Conviction before any Justice of the Peace, forfeit and pay a Sum not exceeding Ten Pounds, and a further Sum not exceeding Ten Shillings for every Week after such Conviction, until the same shall be pulled down or removed; and no Windmill shall be built within Two hundred Feet, and no Limekiln within One hundred Feet, of the Centre of any public Road; and it shall be lawful for any Justices, at a General Sessions of the Peace, to direct any House, Limekiln, or Windmill built or building contrary to this Act to be pulled down, and to issue their Orders to any Constable or Constables for that Purpose, which Order every Sub-Inspector or Head or other Constable shall aid and assist in executing;

What deemed to be the Centre of the Road.

and the Centre of the Road, for the Purposes of this Act, shall be deemed to be the Centre of the Part thereof made with Gravel or small Stones.

CXL. And

CXL. And be it enacted, That if any Person shall scour, deepen, widen, or fill up any Ditch or Drain on the Side of any Road, without the Consent or Direction of the District Surveyor or a Road Warden, or if any Owner or Occupier shall omit to scour any Ditch or Drain leading from any public Road, so as to give full Liberty to the Water to pass away, within Ten Days after Notice shall be given to him or her so to do by such Surveyor or a Road Warden or any Justice of the Peace, or shall permit or suffer the free Passage of the Water to be obstructed by making or having any Way or Passage from any Road into the Lands adjoining, or to his or her House, without a sufficient Pipe, Sewer, or Gullet underneath; or shall ride or drive any Horse, Beast, or other Cattle, or any Cart or Carriage, willingly or unnecessarily, on or against any Footpath; or shall wilfully cross, so as to prevent any other Person passing him, or shall drive furiously, so as to endanger Passengers on any public Road; or shall steep or dry any Flax, or burn any Bricks or Lime, or any Weeds or Vegetables for Ashes, or permit the same so to be steeped, dried, or burned, on his or her Land, within One hundred Feet of the Centre of any public Road; or shall light any Fire, or shall cut any Turf, or make any Turf Stacks on any public Road, or within Forty Feet of the Centre of the same; or shall build any Wall, or make any Ditch, or dig any Pit or Hollow, on any public Road, within Thirty Feet of the Centre thereof, or within Fifteen Feet of the Side thereof, unless by Authority of any Presentment; or shall lay or cause to be laid any Dirt, Dung, Turf, Straw, Rubbish, or Scouring of any Ditches or Drains, or any Stones, Bricks, Timber, Sand, Clay, or Lime, on any public Road, or within Thirty Feet from the Centre of such Road, or shall suffer same to be laid in any County Road opposite to his Land; or shall leave on any public Road, or permit to be left on the same, opposite to or near his or her House or Offices, any Plough or Harrow, or any Cart or Car, Dray or other Carriage, without the Horse or Horses or other Beast or Beasts being harnessed thereto, unless such Carriage shall have been accidentally broken down there; or shall spread any Linen, Blanket, or Cloth for winnowing Corn within One hundred Feet of the Centre of any public Road; or shall spread any Clothes for drying on the Side of any Road; or shall slaughter any Beast, or leave any dead Beast, on any Road; or skin or permit to be skinned the Carcase of any Beast on any public Road, or within One hundred Feet of the Centre thereof, unless in a House or Yard enclosed with Walls; or shall hoop, cleanse, fire, or scald any Cask, or bind any Cart or Car Wheels, or shall beat any Flax, or winnow any Corn, or erect any May-pole, May-bush, or Sign-post, on any Road; or shall make or assist in making any Fire or Fires commonly called Bonfires, or shall wantonly set off and throw any Squib, Rocket, or other Fire-work, within Eighty Feet of the Centre of any Road; or shall bait any Bull, or play at Foot-ball, Hurling, or any other Game or Games, upon any Road or the Sides thereof, or fly any Paper Kite to the Annoyance of Passengers; or shall keep any Cur, Mongrel, Mastiff, or Bull-dog, or other dangerous Dog, without having such Dog muzzled, or a Block of Wood, of sufficient Weight to prevent such Dog being dangerous, fastened to the Neck of every such Dog, at any House within Fifty Yards of any public Road; or shall leave or suffer any Horse or Goat, Swine or other Animal, his Property, to feed or wander on any Road; or shall, without the Consent of the District Surveyor or a Road Warden, scrape any public Road, or cut any Sods of Turf on the Side of any such Road, or take away any Earth, Clay, Scrapings, Stones, or Gravel therefrom; or make any Drain, Gutter, Sink, or Watercourse across, or otherwise break up or upon the Surface of any Road or Footpath; or shall load or drive any Car or Carriage with Timber, Boards, or Iron laid across, so as that either End may project more than Thirty Inches beyond the Wheels and Sides of the Carriage; or shall draw any Timber or Millstone along any Part of a public Road without being supported by Wheels from touching the same; or shall neglect to cut or clip the Hedges at the Side of any public Road at a Height not exceeding Five Feet, Timber Trees therein excepted, within Ten Days after being noticed so to do by any Justice of the Peace for the said County, District Surveyor, or Road Warden, provided that no such Notice shall be given from the First Day of *April* to the First Day of *September;* or, being a Blacksmith, and having a Shop or Forge with a Window fronting any Road, shall neglect, after it becomes Twilight, to bar and prevent Light from such Shop shining into such Road; every Person so offending shall, upon Conviction by the Oath of One credible Witness before any Justice of the Peace within his Jurisdiction, or upon the View of any such Justice, forfeit a Sum not exceeding Ten Shillings for every such Offence; and it shall be lawful for such Justice, by Warrant under his Hand and Seal, to empower such District Surveyor or Road Warden to fill up any Ditch or Drain which shall be scoured, deepened, or widened, or to scour any Drains which have been filled on the Side of any Road without such Direction or Consent as aforesaid; and to scour or deepen any Drain or Ditch, or remove any Way or Passage leading from any Road into any adjoining Land, or to any House which may obstruct the free Passage of the Water, and to re-make the same by building a Gutter, Sewer, or Arch therein; and to remove any Brick or Lime Kilns, Weeds or Vegetables for making Ashes, which shall be burning, or any Flax which shall be steeped or drying, within One hundred Feet of the Centre of any public Road; and to pull down any Sign-post, May-pole, or May-bush; and to pull down or fill up and level any Wall, Drain, or Ditch which shall be built or made or begun to be built or made contrary to this Act; and to have removed the Carcase of any dead Beast which shall remain in or near any public Road contrary to this Act; and to have every such Hedge effectually clipped and cut, Timber Trees alone excepted; and to levy the Expence of so doing by Distress and Sale of the Goods of the Offender, or of the Occupier of the Lands wherein such Way, Passage, or Drain shall be, rendering the Overplus (if any) to the Owner, after deducting the Sum of One Shilling in the Pound for the Expence and Trouble of taking such Distress.

Persons who scour or fill up Ditches on Sides of Roads without Consent of Surveyor or Road Warden, or Occupiers omitting to scour their Ditches, &c. for Water to pass through after Notice, or Persons committing Nuisances herein described, liable to Penalty.

CXLI. And be it enacted, That all Dirt, Dung, Turf, Straw, Rubbish, and Scouring, and all Clay, Stones, Bricks, Sand, or Lime, which shall be laid on any public Road, or within Thirty Feet of the Centre

Dung, &c. on public Road may be taken

away by any one having Permission of the Surveyor.

Centre thereof, without such Consent or Direction as aforesaid, shall be and is hereby declared to be forfeited; and it shall be lawful for any Person whatsoever, having obtained Permission from the Surveyor or a Road Warden, or One Justice of the Peace for the County, to take, carry away, and convert the same to his or her own Use, as also all Corn which shall be laid on any public Road for the Purpose of being winnowed, or shall be winnowing thereon, or remain there after having been winnowed thereon, together with the Sacks or winnowing Cloths whereon the same may happen to be, and all Flax which shall be beating on any public Road, or to be laid there for the Purpose of being beaten, and any May-bush or May-pole which shall be erected on any public Road, without the Let, Suit, Trouble, or Hindrance of any Person whatsoever.

Forfeiture for laying Rubbish on Roads.

CXLII. And be it enacted, That for every Cart-load of Dung, Rubbish, or Scouring which shall have been laid on any public Road, or within Thirty Feet of the Centre thereof, contrary to the Provisions of this Act, and which shall be drawn away by the Directions of any Magistrate, District Surveyor, or Road Warden after having remained there for Twenty-four Hours, the Person by whom or by whose Order the same was laid there, or who shall be liable to Penalty for the same being laid there, upon Conviction before any Justice of the Peace within his Jurisdiction, by the Oath of One credible Witness, shall forfeit not exceeding Two Shillings and Sixpence for every Day the same shall have remained there; and it

Justices may issue Warrant for killing dangerous Dogs.

shall be lawful for any Justice of the Peace within his Jurisdiction to issue his Warrant to order any dangerous Dog which shall be kept near any public Road contrary to the Provisions of this Act to be killed, and the District Surveyor or Road Wardens and Constables within their respective Jurisdictions may seize or kill any such Dog.

Cattle found straying on Road may be impounded where Owner is unknown;

CXLIII. And be it enacted, That it shall be lawful for any Constable or other Person to seize and impound, or cause to be seized and impounded, any Horse, Mule, Ass, Bull, Cow, Sheep, Goat, Swine, or Beast which shall be found wandering or feeding upon any public Road, the Owner whereof is unknown, except in such Parts of any Road as lead or pass through or over any Commons or waste or uninclosed Ground, or about the Streets or Passages of any Town, and to make Complaint to any Justice of the Peace; and in case the Owner thereof shall not be discovered within Seven Days it shall be lawful for such Justices to cause such Swine or Beast to be sold, and out of the Money arising from the Sale thereof to pay a Penalty not exceeding Two Shillings, and Expences of impounding, keeping, and selling the same, rendering the Overplus, if any, to the Owner, Notice of such Sale, in which shall be inserted the Name of the Parish and Townland where such Swine or Beast was seized, being first posted up in some conspicuous Place in the Parish where seized, and at the Place where impounded, Three Days at the least

and Nuisances may be abated.

before the Time of Sale; and that it shall be lawful for any Justice, Peace Officer, Constable, Surveyor, or Road Warden within their respective Jurisdictions to cause Notice in Writing to be served upon or left at the Dwelling House or usual Place of Abode of any Person, or upon the Occupier of any House or Land, in any of the Streets or Passages of any City, Town Corporate, or Market Town, who shall lay in any such Street or Passage any Dirt, Dung, Turf, Rubbish, Stones, Bricks, Timber, Sand, Clay, Lime, or other Nuisance, or shall leave any dead Beast or Skin, or permit to be left or skinned the Carcase of any Beast, or shall erect or suffer to be erected any May-pole, May-bush, or Sign-post, or shall dig or leave open any Pit or Hole, or suffer any such to be dug or left open, or shall keep any Dog without being muzzled, or having a Block of Wood of sufficient Weight fastened to the Neck of such Dog, to remove or abate such Nuisance; and if such Person shall neglect to remove or abate any such Nuisance for Forty-eight Hours after such Notice shall have been served or left as aforesaid it shall be lawful for such Justice, Officer, Constable, or Surveyor or Road Warden as aforesaid to remove such Nuisance, and apply the same to his own Use, and to fill up such Pit or Hole; and every Person who shall be convicted of such Neglect, on the Oath of One credible Witness, before any Justice of the Peace of the County at Petty Sessions, or Chief Magistrate of the Town where the Offence shall be committed, shall for every such Offence forfeit and pay a Sum not exceeding Ten Shillings, to be applied in aid of the Dispensary of the District, or such other charitable Purpose as the Justice shall direct.

Contractor, &c. not liable to Penalty, except as herein.

CXLIV. Provided always, and be it enacted, That nothing herein-before contained shall render any District Surveyor, or any Contractor for any public Work under this Act, liable to any Penalty for any Act done or performed by the said Surveyor, or in the Discharge of the Duties of his Office, or by any such Contractor in the due and necessary Execution or Performance of his Contract; but if any such Surveyor or Contractor shall lay or cause to be laid any Heap of Stones, Gravel, Rubbish, or other Matter whatever upon any public Road, and allow the same to remain there at Night, to the Danger or personal Damage of any Person passing thereon, all due and reasonable Precaution not having been taken by the said Surveyor or Contractor to prevent any such Danger or Damage, such Surveyor or Contractor shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

Surveyor may require Occupiers to prune Trees; in default, may summon before Justices.

CXLV. And be it enacted, That if any District Surveyor or Contractor for the repairing of any public Road in the said County shall think that any Obstruction is caused in any public Road by any Trees, so as to occasion Danger to the Public, it shall be lawful for such Surveyor or Contractor, and they are hereby, each or either of them, authorized, to require the Owner of the Land on which such Trees are growing to cause such Trees to be pruned or lopped, so as that such Road may not be prejudiced or obstructed by the same; and if such Owner shall not comply with such Request within Ten Days it shall and may be lawful for such Surveyor or Contractor, and they are hereby respectively authorized and required, to summon such Owner before the Justices assembled at any Petty Sessions for such County, to show Cause why he has not complied with such Request; and if such Justices shall order and direct that such Trees shall be pruned or lopped, and if the said Owner shall not obey such Order within Ten Days after

after the making of the same, it shall and may be lawful for such Surveyor or Contractor to prune or lop such Trees, and to remove such Obstruction as aforesaid, to the best of their Skill and Judgment; and the said Surveyor or Contractor shall be reimbursed by the said Owner what Charges and Expences he shall be at in pruning or lopping such Trees; and it shall be lawful for such Justices at Petty Sessions as aforesaid to direct such Charges and Expences to be levied by Distress and Sale of the Goods and Chattels of such Owner, in such Manner as other Distresses and Sales for Forfeitures are authorized and directed to be levied by virtue of this Act: Provided always, that no Person shall be compelled, nor any such Surveyor or Contractor permitted, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*.

Penalty on Persons obstructing Surveyors or Contractors, or injuring County Works.

CXLVI. And be it enacted, That if any Person shall wilfully prevent, assault, or threaten to assault any Surveyor, Contractor, Collector, or other County Officer in the Execution of his Duty, or any Person or Persons employed by proper Authority in surveying or measuring or laying out any Line intended for a new Road, or if any Person shall wilfully destroy, pull up, deface, or injure any Surveyor's Instruments or Implements used in public Works, or any Milestone, Mile Post, or Direction Post, or any Bridge, Battlement, Wall, Railing, Mound, or Fence erected or repaired by Presentment, or shall wilfully break, deface, pull down, or take away Stones out of any such Battlement, Wall, Mound, or Fence, or out of any Court House, Gaol, House of Correction, Pier, or other Buildings, or out of any Bridge, Pipe, Arch, or Gullet, built or repaired by Presentment, every Person so offending shall forfeit and pay for every such Offence, upon Conviction, by the Oath of One credible Witness, before any Two Justices of the Peace at Petty Sessions, such Sum not exceeding Ten Pounds as the said Justices shall think fit; and in case the same shall not be paid such Justices are hereby empowered and required to commit such Offender to any Gaol, Bridewell, or House of Correction for any Time not exceeding Three Months, or until the said Forfeiture shall be paid; and it shall be lawful for the Secretary of the County, if directed by the Grand Jury so to do, to commence and prosecute an Action on the Case against any Person or Persons by whom such Injury may have been committed, and for recovering of Damages to the Amount thereof from such Person or Persons for the Use of the County, and when the Damages sought to be recovered do not exceed Thirty Pounds to sue for the same by Civil Bill before the Chairman of *Kilmainham*; and in every such Proceeding the Property so injured or destroyed shall for the Purpose of such Proceeding be deemed to be the Property of such Secretary.

Constables, &c. shall report Nuisances.

CXLVII. And be it enacted, That every Sub-Inspector, Head Constable, and other Constable shall and he is hereby required to report all such Nuisances as shall occur within his District to the Magistrate or Magistrates at Petty Session next to be holden in and for the said District, who shall hear and decide, and punish by Fine or otherwise as herein-before directed.

No Stamp Duty upon Contracts, &c. under Act.

Proceedings for Breach of Contract.

CXLVIII. And be it enacted, That no Contract for any public Work under the Provisions of this Act, or any Recognizance to be entered into for the Execution of the same by virtue of this Act, or any Receipt given by any Collector under this Act, shall be liable or subject to any Stamp Duty imposed by any Act or Acts passed or to be passed, unless specially mentioned therein; and whenever the Amount of any such Contract, or the Sum for which any such Recognizance shall be conditioned, or the Sum sought to be recovered by virtue of such Recognizance or Contract, shall not exceed the Sum of One hundred Pounds, it shall be lawful to proceed against any such Contractor or his Securities for such Sum, or for Damages for the Breach of any such Contract, by Civil Bill before the Chairman of *Kilmainham*; and the said Chairman shall have full Power to hold Plea thereof, and the same shall and may be proceeded on in like Manner in all respects, and the like Decree or Judgment and Execution shall and may be had thereon, and also the like Benefit of Appeal, and of Proceedings, Judgment, and Execution thereon, as in case of any other Sum or Demand which may now by Law be had or used before such Chairman.

Forfeitures to be levied by Distress and Sale. Application thereof.

CXLIX. And be it enacted, That all Fines and Forfeitures inflicted by virtue of this Act, if not immediately paid, shall be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of a Justice of the Peace, together with all Expences attending the levying the same; and all such Fines, unless otherwise specially directed by this Act, shall, when levied and paid, be given, one Half to the Informer, when the Justice convicting shall so direct, and the other Half, or the whole if not awarded to the Informer, to such Dispensary, Hospital, or Infirmary as the Justice shall direct; and in case any Fine be not immediately paid upon Conviction, or within such Time as the Justice shall appoint, it shall be lawful for the Justice of the Peace before whom such Conviction shall have been made to commit the Offender to Gaol for any Time not exceeding Two Months, or until the Fine be paid.

The Party distraining not to be a Trespasser in consequence of any Irregularity.

CL. And be it enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity on the Part of the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damages in any Action on the Case.

General Issue may be pleaded.

CLI. And be it enacted, That if any Person shall be sued, molested, or troubled for putting into execution any of the Powers contained in this Act, or for doing any Act, Matter, or Thing pursuant thereto, such Person shall and may plead the General Issue, and give the special Matter in Evidence, and may avow the taking of any Distress on the acting Finance Committee and Justice's Warrant merely, without

without going into other Title or Authority; and if the Plaintiff or Plaintiffs shall be nonsuited, and Judgment given against him, her, or them, upon Demurrer or otherwise, or a Verdict pass for the Defendant or Defendants, or a Dismiss upon a Civil Bill, such Defendant or Defendants shall have his, her, or their Treble Costs, to be recovered by such Method and Manner whereby Law Costs are given to Defendants; and no Inhabitant, Magistrate, or Cess-payer of the County shall be deemed to be an incompetent Witness in any Court of Law or Equity by reason of his being liable to be rated or being rated or assessed towards the Payment of any Money presented or to be presented by a Grand Jury.

Justices not to take Money for Affidavits.

CLII. And be it enacted, That it shall not be lawful for any Justice of the Peace or any other Person to demand or take any Sum of Money or any Reward for swearing any Affidavit to be made by virtue of this Act; and if any Person shall wilfully swear or affirm or declare falsely in any Oath or Affirmation or Declaration made or taken by Authority or under any of the Provisions of this Act, every such Person, being thereof convicted, shall be adjudged guilty of wilful and corrupt Perjury, and incur the Pains and Penalties in such Case by Law provided; and it shall and may be lawful for any Grand Jury, without any previous Application to Presentment Sessions, to make such Presentments for defraying the Prosecution of such Delinquent as to them may seem fitting and expedient.

Money to be in present Currency.

Schedules Part of Act.

Notices not to be impeached on technical Grounds.

CLIII. And be it enacted, That the several Sums of Money in this Act mentioned shall be deemed to be the present lawful Money of *Great Britain* and *Ireland*; and the Schedules annexed to this Act shall be deemed and taken to be Part thereof, and the Forms therein contained shall be made use of in all Cases to which such Forms shall be applicable: Provided always, that it shall and may be lawful to erase or alter any Words in such Forms, so as to make them applicable to any particular Case, without materially altering the Substance, but no further; and that no Notice, Recognizance, Warrant, Traverse, Presentment, or other Proceeding or Matter whatsoever, served, made, taken, or had under this Act, shall be impeached on any technical or formal Grounds, or for any Informality, provided it shall be in Substance conformable to the Provisions of this Act.

Form of Conviction.

CLIV. And for the more easy and speedy Conviction of Offenders against this Act, be it enacted, That any Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or in any Form of Words to the same Effect, as the Case shall happen:

'BE it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted by and before of Her Majesty's Justices of the Peace for the County of *Dublin*, for that the said [*here insert the Offence, and the Time and Place when and where the same was committed,*] contrary to the Statute made in the Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act* [*here set forth the Title of the Act*]; and I the said Justice [*or* we the said Justices] do hereby adjudge and determine that the said shall for his said Offence forfeit and pay the Sum of lawful Money of *Ireland*, and do order that the same shall be forthwith paid by him [*here direct the Payment according to the Act*]. Given under my Hand and Seal [*or* our Hands and Seals], this Day and Year first above mentioned.'

Limitation of Actions.

CLV. And be it enacted, That no Action shall be commenced against any Person or Persons for any thing done in pursuance of this Act after Six Calendar Months next after the Fact committed, nor unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and every such Action shall be laid and tried in the County of *Dublin*, and not elsewhere; and if any such Action shall be brought before Twenty-one Days Notice shall have been given thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have applied, or if upon Demurrer Judgment shall be given for the Plaintiff, then and in that Case the Defendant shall recover Double Costs, and shall have the like Remedy for the Recovery thereof as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Interpretation of Act.

5 & 6 Vict. c. 96.

CLVI. And be it enacted, That in the Construction of this Act the Words "Lord Lieutenant of *Ireland*" shall extend to and include any Lords Justices or other Chief Governor or Governors of *Ireland* for the Time being; and the Words "County of *Dublin*, and any Barony thereof," shall be construed with reference to and as the Boundaries thereof are defined in an Act passed in the Fifth and Sixth Year of Her Majesty's Reign, intituled *An Act to alter the Number and define the Boundaries of the several Baronies in the County of* Dublin; and every Half Barony shall be considered and deemed a Barony; and the Word "Park" or "House" to include and be construed to mean a Court-yard, Garden, or Orchard; and the Words "Stipendiary Magistrate" shall include a Justice or Magistrate of Police; and the Word "Petty Sessions" shall be deemed or taken to include a Police Divisional Office; and every Word importing the Singular Number shall extend and be applied to several Persons, Animals, or Things, as well as to One Person, Animal, or Thing; and every Word importing the Masculine Gender shall extend and be applied to a Female as well as to a Male; unless the contrary thereof shall be expressed, or that any such Construction as aforesaid shall be inconsistent with or repugnant to the Context.

CLVII. And

CLVII. And be it enacted, That this Act shall commence and take effect from and after the First Day of *January* One thousand eight hundred and forty-five, except where any other Commencement or any other Act or Thing is specially directed or authorized: Provided always, that all Presentments and Contracts made, or Money to be levied, accounted for, or paid, under or in consequence of any Act or Acts in force in *Ireland* before the Commencement of this Act, shall be levied, accounted for, and paid in manner provided by the said former Act or Acts, and subject to the Rules, Regulations, and Provisions therein contained, any thing herein to the contrary notwithstanding: Provided also, that nothing herein contained shall be construed to affect, alter, or abridge the Powers, Duties, and Liabilities of any Overseer, Contractor, or other Person vested in or exercised by him or them under the Provisions of the said former Act or Acts, as far as respects the Completion of any Work or Works so presented and begun and entered upon at any Time before the Commencement of this Act. Commencement of Act.

CLVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended.

SCHEDULES to which the foregoing Act refers.

SCHEDULE No. 1.

Declaration of Justices.

I *A.B.* of [*here insert the Name and Place of Abode of the Justice taking this Declaration*] do declare, That I am a Justice of the Peace of the County of Dublin, and that I will truly, faithfully, and impartially do and perform all such Acts, Matters, and Things as I am authorized to do and perform by and under the Provisions of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set out the Title of this Act*]; and that I will, without Favour, Affection, Hatred, or Malice or Ill-will, diligently inquire into, and impartially and honestly judge and determine, according to the Evidence, and to the best of my Judgment and Ability, upon the several Applications and other Matters which may be brought before me under the Authority of the said Act. Witness my Hand.

SCHEDULE No. 2.

Declaration of associated Cess-payers.

I *A.B.* of [*here insert the Name and Place of Abode of the Cess-payer taking this Declaration*] do declare, That I will truly, faithfully, and impartially do and perform all such Acts, Matters, and Things as I am authorized to do and perform by and under the Provisions of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set out the Title of this Act*]; and that I will, without Favour, Affection, Hatred, or Malice or Ill-will, diligently inquire into, and impartially and honestly judge and determine, according to the Evidence, and to the best of my Judgment and Ability, upon the several Applications and other Matters which may be brought before me under the Authority of the said Act. Witness my Hand.

SCHEDULE No. 3.

Form of Application for making a new Line of Road.

County of } We of and of do certify, That in our Opinion it would be useful to make a new Line of Road from to between and and that such new Line of Road is Perches in Length, and that said Perches are in the Townland [*or* Townlands] of in the Barony [*or* Baronies] of in this County; and we propose that Presentment for such Purpose be made under and by virtue of Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*]; and that the Expence of the same shall not exceed Pounds, and shall be defrayed by the County at large [*or* Barony *or* Half Barony *or* Baronies of].

(Signed) *A.B.*
C.D.

SCHEDULE No. 4.

Form of Application for the Repairs of Roads.

County of } We of and of do certify, That we have lately viewed and measured Perches of the Road from to between and and that the said Perches are in the Townland [*or* Townlands] of between the Houses and Lands of *A.* and *B.*, all in the Barony of in this County; and that the same are in need of Repair, and will require Repair during the ensuing Year; and that we propose that the Expence of the aforesaid Repairs shall not exceed Pounds for the ensuing Year, and shall be defrayed by the County at large [*or* Barony *or* Half Barony of]; and that Presentment for such Purpose may be made under and by virtue of the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*].

(Signed) *A.B.*
C.D.

SCHEDULE No. 5.

Form of Application for widening Roads, and making Fences instead of those to be taken away.

County of } We of and of do certify, That we have lately viewed and measured Perches of the Road from to between and in the Townland [*or* Townlands] of all in the Barony [*or* Half Baronies] of in this County; and that every of the same is Feet wide, and no more, in the Clear within the Fences; and we are of opinion that it would be useful to the Public using such a Road to widen the same, so as to make that Part of the Road Feet wide in the Clear, and safe and level throughout the whole of the said Width, and to make new Fences instead of those which shall be taken down or destroyed in order to widen the same; and we propose that the Expence of widening and repairing the same shall not exceed Pounds, and shall be defrayed by the County at large [*or* Barony *or* Half Barony of], and that Presentment for such Purpose may be made under and by virtue of the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*].

(Signed) *A. B.*
C. D.

SCHEDULE No. 6.

Form of Application for making or repairing Footpaths.

County of } We of and of do certify, That in our Opinion it is necessary to make [*or* repair] Perches of Footpath on the Road from to between and all in the Barony of in this County; and we propose that the Expence of the aforesaid Work shall not exceed Pounds, and shall be defrayed by the County at large [*or* Barony *or* Half Barony of], and that Presentment for such Purpose may be made under and by virtue of the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*].

(Signed) *A. B.*
C. D.

SCHEDULE No. 7.

Form of Application for Presentments to fill Grips or Trenches on the Sides of the Road, and making sufficient Fences instead thereof.

County of } We of and of do certify, That we have measured Perches of the Road from to between and all in the Barony of in this County, where there are Perches of immediately adjoining the said Road, of the average Breadth of and Depth of which are open and dangerous for Passengers and Travellers, and that it is necessary for the Safety and Security of the Public frequenting such Road to fill up the same, and to make a sufficient Fence instead thereof; and we propose that the Expence of the aforesaid Work shall not exceed Pounds, and shall be defrayed by the County at large [*or* Barony or Half Barony of], and that Presentment for such Purpose may be made under and by virtue of the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*].

(Signed) *A. B.*
C. D.

SCHEDULE No. 8.

Form of Application for filling Dikes or Holes on the Sides of Roads.

County of } We of and of do hereby certify, That it is necessary for the Security of Travellers to fill up the Dikes [*or* Holes] immediately adjoining Perches of the Road from to between and all in the Barony of in this County; and we propose that the Expence of the said Work shall not exceed Pounds, and shall be defrayed by the County at large [*or* the Barony *or* Half Barony of], and that Presentment for such Purpose may be made under and by virtue of the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*].

(Signed) *A. B.*
C. D.

SCHEDULE No. 9.

Form of Application for lowering a Hill or filling a Hollow, or both, &c.

County of } We of and of do hereby certify, That we have lately viewed Perches of a Road in the Townland of Barony of in this County, and we are of opinion that it would be useful [*here insert the Work proposed*]; and we propose that the Expence of the aforesaid Work shall not exceed Pounds, and shall be defrayed by the County at large [*or* Barony *or* Half Barony of], and that Presentment for such Purpose may be made under and by virtue of the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*].

(Signed) *A.B.*
C.D.

SCHEDULE No. 10.

Form of Application for erecting, enlarging, or repairing any Building whatsoever.

County of } We of and of do certify, That we have lately viewed and examined and that it will be useful to [*here set out the Work*] at in this County; and we propose that the Expence of the aforesaid Work shall not exceed Pounds, and shall be defrayed by the County at large [*or* Barony *or* Half Barony of], and that Presentment for such Purpose may be made under and by virtue of the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*].

(Signed) *A.B.*
C.D.

SCHEDULE No. 11.

Form of Application for Payment by a Contractor for a public Work.

County of } Whereas the Sum of was, by virtue of the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*], presented at Term in the Year for [*here set out the Work contracted for*], in the Barony of in this County: And whereas I contracted for the Work aforesaid: Now this is to certify, That I have faithfully and honestly executed the said Work [*or set forth the Portion of the Work*], in conformity to the Presentment for the same, and to the Terms of the Specification, and that every Part of the said Work [*or the Proportion of said Work*] was finished on the Day of ; and I hereby apply for the Payment of the said Sum of .

(Signed) *A.B.*, Contractor.

SCHEDULE No. 12.

Form of Application for Payment by a Contractor for Works of Maintenance.

County of } Whereas at the Term in the Year by virtue of the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*], Perches of the Road from to between and in the Barony of in this County, were presented to be kept in repair for Years, by Contract, at the yearly Sum of : And whereas I contracted for the same: Now this is to certify, That the said Perches and every Part thereof have been kept in good and sufficient Repair and Condition since the Commencement of my Contract, in conformity with the Presentment and Specification; and that the said Perches, and every Part thereof, are now in good and complete Repair and Condition, and that the said Perches are free from Nuisances; and I hereby apply for Payment of the Sum of for keeping the said Perches in repair for Months.

(Signed) *A.B.*
C.D.

SCHEDULE No. 13.

Form of Recognizance for Execution of Contract.

Be it remembered, That on the Day of in the Year *A.B.* of in the County of *C.D.* of in the County of and *E.F.* of in the County of came before me [One of the Justices *or* Chairman, *as the Case may be,*] at a Presenting Sessions held at in the County of and acknowledged themselves to be held and firmly bound to our Sovereign Lady the Queen, Her Heirs and Successors, in the Sum of Pounds, to which Payment they bind themselves, their Heirs, Executors, and Administrators, and their Estates, jointly and severally:

Whereas the above-bounden *A.B.* has become Contractor for the Execution of a certain public Work, that is to say [*mention it*], and the said *C.D.* and *E.F.* have become his Sureties for the due Execution of such Work: Now the Condition of the foregoing Recognizance is, that if the said *A.B.* shall within the Time mentioned in such Contract well and truly execute such Work in the Manner required and agreed on by such Contract, then the foregoing Recognizance to be void, otherwise to remain in full Force and Effect.

SCHEDULE No. 14.

General Form of Presentment for County Works.

County of Dublin, to wit. } We present, to be raised off the County at large [*or* off the Barony of *or* the Baronies of and *as the Case may be*], a Sum not exceeding Pounds, to be expended in [*here insert the Object of the Presentment, and the Nature of the Work, as particularly as shall seem necessary*], according to the Plan, Specification, and Estimate laid before us and the Court, and approved of.

SCHEDULE No. 15.

Salaries to be paid to the County Officers in the County of Dublin.

County of Dublin.	£	s.	d.
Clerk of the Peace	450	0	0
Clerk of the Crown	150	0	0
Secretary, not exceeding	450	0	0
Sheriffs	150	0	0
Gaoler of Kilmainham	250	0	0
Crier at Kilmainham	50	0	0
Crier at the Queen's Bench	8	8	0
Crier in the Commission Court	8	8	0
Court Keeper in Queen's Bench	8	8	0
Court Keeper in Green Street	8	8	0
District Surveyor		—	

SCHEDULE No. 16.

I DO declare, That I have not, directly or indirectly, given, paid, or secured, or promised to pay, give, or secure, nor has any Person on my Behalf, to my Knowledge or Belief, given or promised to give, any Sum of Money or other Consideration whatsoever, in order to procure myself to be appointed to the Office of Secretary of the Grand Jury *or* [*as the Case may be*] of the County of Dublin, and that I will not hereafter pay, secure, or give to any Person or Persons any Money, or any Security for Money, in consideration of or in consequence of my having been appointed to such Office; and I do declare, that my Appointment to such Office is totally unconnected with any Arrangement between me and my Predecessor in such Office, nor has any such Arrangement been made by any Person or Persons on my Behalf, to my Knowledge or Belief.

CAP. CVII.

An Act to regulate and reduce the Expences of the Offices attached to the Superior Courts of Law in *Ireland* payable out of the Consolidated Fund. [5th *September* 1844.]

1 & 2 G. 4. c. 53. 5 G. 4. c. 4. 1 & 2 G. 4. c. 112.

'WHEREAS by an Act passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to regulate the Proceedings in the Civil Side of the Court of King's Bench, and also in the Court of Common Pleas, and in the Pleas or Common Law Side of the Court of Exchequer, in* Ireland, and further by an Act passed in the Fifth Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to amend an Act made in the First and Second Years of the Reign of His present Majesty, for regulating the Proceedings in the Civil Side of the Court of King's Bench, and also in the Court of Common Pleas, and in the Pleas or Common Law Side of the Court of Exchequer, in* Ireland, Establishments of Officers, Assistants, and Clerks were formed for the Offices of the said several Courts, and for the Taxation of Bills of Costs in Common Law Business, and Regulations were made for providing the necessary Number of fitting and competent Persons to do the Business of writing, copying, and engrossing in every such Office respectively, the Salaries and Expences of which Establishments and Business were by the said Acts charged upon the Consolidated Fund: And whereas by an Act passed in the First and Second Years of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to grant for the Term of Five Years additional Stamp Duties on certain Proceedings in the Courts of Law, and to repeal certain other Stamp Duties, in* Ireland, which Term has been since extended from Time to Time by subsequent Acts, certain Stamp Duties therein specified, to be denoted "Law Fund," were granted to meet the Charge upon the Consolidated Fund, created by the Salaries and Expences so made payable thereout by the said herein-before recited Acts,

'Acts, for and in respect of the Offices of the said Courts of Law, and also to meet certain other Charges 'for Salaries, Allowances, and Compensations to the Judges and Officers of the said Courts, in lieu of 'certain Fees which were then abolished: And whereas the Income produced by the said Law Fund Stamp 'Duties has never been sufficient to meet the said Charges for which it was intended to form a Provision, 'and by making a new Arrangement as to the Business to be transacted in the said Offices a very con-'siderable Saving in the Expences, chargeable in respect thereof, upon the Consolidated Fund, may be 'effected:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Eleventh Day of *October* One thousand eight hundred and forty-four the several Offices created by the said first-recited Act of the First and Second Years of the Reign of King *George* the Fourth, and all Appointments made under or by virtue of the said Act, or by virtue of the said recited Act of the Fifth Year of the Reign of King *George* the Fourth, shall be and the same are hereby abolished, save and except the Offices of Taxing Officers and their Clerk, and of Crier, Tipstaff, and Serjeant-at-Arms in the several Courts, which shall remain as heretofore.

Offices, &c. abolished.

Exception.

II. Provided always, and be it enacted, That each and every Officer (not included in the new Establishments herein-after mentioned) whose Office is hereby abolished, and who has a Freehold Interest therein, shall be entitled to receive as Compensation for and during his Life the full Amount of the Salary and Emoluments at present enjoyed by him in respect of said Office, such Compensation to be charged and chargeable, and paid and payable, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in the same Manner as the Salaries and Compensations are herein directed to be paid; and that all other Persons whose Offices or Employments are hereby abolished, and who shall not be included or employed in the new Establishments to be formed, or whose Salary or Emoluments under such new Establishments shall fall short in amount of the Value of the Salary or Emoluments received by them in or under the Establishments so abolished, shall be entitled to receive such Compensation in respect thereof as the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall ascertain and determine to be just and proper, regard being had to Length of Service, not exceeding in the whole in any Case the Salary, Emoluments, or official Income enjoyed or received by any such Person or Persons on an Average of the Three Years next preceding the Day appointed for the Commencement of this Act, and not being less in any Case than Three Fourths of the Income so ascertained, or of the Proportion thereof by which the Salary, Emoluments, or official Income of such Person or Persons shall fall short as aforesaid, the Amount of such Compensation to be ascertained in such Manner and by such Means as the said Commissioners of Her Majesty's Treasury shall think proper to direct; and that when such Compensation shall have been so ascertained and determined the Amount thereof shall be charged and chargeable and paid and payable to the several Persons entitled thereto, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in the same Manner as the Salaries herein-after provided are appointed to be paid: Provided also, that until the Amount of such Compensation shall have been so ascertained all such Persons shall be entitled respectively to receive a Sum equal to the full Amount of the Salary, Emoluments, or official Income enjoyed by him or them respectively on the Average herein-before directed, such Sum or Sums to be charged and chargeable and paid and payable in the same Manner as the Salaries and Compensation herein directed: Provided also, that an Account of all Compensations granted under the Provisions of this Act shall, within Fourteen Days after the same shall have been granted as aforesaid, be laid before the Commons House of Parliament, if Parliament shall be then assembled, or otherwise within Fourteen Days after the meeting of Parliament then next following.

Compensation for Offices abolished.

III. And be it enacted, That from and after the said Eleventh Day of *October* One thousand eight hundred and forty-four there shall be in each of the said Superior Courts of Common Law in *Ireland* to conduct the Civil Business thereof One principal Officer, to be called the Master of such Court, and the following other Officers; (that is to say,) One Clerk of the Rules and One Clerk of the Writs, Appearances, and Seal; the said principal and other Officers to discharge the several Duties prescribed for them respectively in this Act, and in the Schedules severally marked (A.), (B.), and (C.) to this Act annexed; and the said Officers to have to aid them in the Discharge of the said Duties the several Assistants and Clerks in the said Schedules respectively set forth, and that the said principal and other Officers, and the said Assistants and Clerks, shall hold their Offices or Employments during good Behaviour, and shall be responsible for the due and efficient Performance of the Duties prescribed for them by this Act and the Schedules hereto annexed, and that the said principal and other Officers, and Assistants and Clerks, shall be entitled to receive the several and respective Salaries in that Behalf set forth in the said Schedules to this Act annexed.

New Officers, Assistants, and Clerks.

IV. 'And whereas it is expedient that the new Establishment of Officers, Assistants, and Clerks 'hereby created shall, in the first instance, consist of Persons employed in the Establishments hereby 'abolished;' be it therefore enacted, That the Persons named in the Schedules (A.), (B.), and (C.) to this Act annexed as Officers, Assistants, and Clerks shall be and the same are hereby appointed and declared to be such Officers, Assistants, and Clerks as therein set forth respectively.

New Establishments to be formed from the old.

V. Provided always, and be it enacted, That *Arthur Bushe* Esquire, the Prothonotary of the said Court of Queen's Bench, and the Honourable *David Plunket*, the Prothonotary of the said Court of Common Pleas, in *Ireland*, who are in and by this Act and the Schedules hereto appointed Masters of the said Courts respectively, shall be entitled to receive yearly and every Year during their respectively continuing in Office as such Master the respective Sums of Three hundred and eighty-four Pounds Twelve

Proviso as to Salaries of A. Bushe, Esq., and Hon. D. Plunket.

Shillings and Three-pence each, over and above and in addition to the Salaries provided for such Masters in the said several Schedules, to make up the full Amount of Salary received by them as Prothonotaries respectively, the said Sums to be paid and payable respectively in the same Manner, and out of the same Fund, and at the same Time and Times, as the Salaries and Compensations herein directed: Provided also, that if either of them the said *Arthur Bushe* or *David Plunket* shall, at any Time after the passing of this Act, resign his Office, with the Sanction and under the Authority of the Lord Chief Justice of the Court to which he shall belong, in consequence of being unable to discharge the Duties thereof from Infirmity of Mind or Body, which Resignation shall also be approved by the Commissioners of Her Majesty's Treasury, he shall be entitled to receive yearly during his Life, by way of Superannuation Allowance, the full Amount of the Salary now enjoyed by him in respect of his said Office of Prothonotary, the same to be paid and payable in the same Manner, and out of the same Fund, and at the same Time and Times, as the Salaries and Compensations herein directed.

Officers to hold no other Office, and to have no other Emolument than Salary.

VI. And be it enacted, That it shall not be lawful for any Person appointed by this Act, or who at any Time after the passing of this Act shall be appointed to any Office in any of the several said Courts, or as Clerk or Assistant to any of said Officers, to hold or exercise the Duties of any other Office or Place whatsoever, or to derive any Emolument or Profit for or in respect of or in connexion with the Business of the said Offices, either by Fee or Gratuity, or by the Sale of Stamps or Parchments or Paper, or otherwise howsoever, other than the Salaries or Allowances provided by this Act for such Officer, Assistant, or Clerk respectively, or authorized in and by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to protect Purchasers for valuable Consideration in* Ireland *against Judgments not revived or re-docketted within a limited Time*, or in and by an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions in certain Cases; for extending the Remedy of Creditors against Debtors; and for the further Amendment of the Law, and the better Advancement of Justice, in* Ireland.

9 G. 4. c. 35.

3 & 4 Vict. c. 105.

How Appointments shall be made.

VII. And be it enacted, That when and so often as any Vacancy shall occur in any of the Offices of Master or other Officers in either of the said Superior Courts of Common Law, by Death, Resignation, or otherwise, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the Time being, to nominate and appoint some fit and proper Person to fill such vacant Office; provided that no Person shall be eligible to be appointed to fill such vacant Office unless he shall be a Barrister in actual Practice of not less than Five Years standing at the Bar, or an Attorney of all or any of the said Courts in actual Practice of not less than Five Years standing on the Roll, or unless he shall have served as Officer, Assistant, or Clerk in any of the said Offices for not less than Five Years in the whole; and that when and so often as any Vacancy shall occur, by Death, Resignation, or otherwise, of any of the Assistants or Clerks hereby created, such Vacancy shall be filled by the Assistant or Clerk next in seniority in the Department, to whom no sufficient Objection, to the Satisfaction of the Lord Chief Justice or Lord Chief Baron, shall be made; and that on all future Vacancies in the Office of Junior Clerk in each Department the Master of the Court in which such Vacancy shall occur shall appoint some proper Person to be such Junior Clerk: Provided always, that all Appointments of Officers, Assistants, or Clerks to be made by virtue of this Act shall be so made without any pecuniary or other Consideration directly or indirectly to be paid or received for the same.

Commissioners of Treasury empowered to increase or diminish Establishment.

VIII. And be it enacted, That if at any Time after the Commencement of this Act it shall be found that the Establishments hereby authorized to be appointed for the several Courts are, in point of Number of Assistants or Clerks, either excessive or insufficient, or that it is expedient either to increase or diminish the Salaries of the Masters, Officers, Assistants, or Clerks, the Judges of the Court in which such Case may occur shall notify the same to the Commissioners of Her Majesty's Treasury by Certificate under the Hands of any Two or more of them, stating the Circumstances which may have caused any such Changes to be necessary; and thereupon it shall and may be lawful to and for the said Commissioners; and they are hereby authorized, by their Warrant, to increase or reduce such Establishment or Salaries, as the Case may require, provided that no Salary hereby appointed to be paid shall be so diminished unless when the Office or Employment for which it is payable shall be vacant; and if Excess or Deficiency shall have arisen from the Fluctuation of Business from one Court to another, it shall be lawful for the said Commissioners of the Treasury to remove the requisite Number of Persons from the Offices in which the Business shall have decreased to those in which it shall have increased; and every such Arrangement or Removal or Appointment, Increase or Reduction, to be made by the said Commissioners shall be as good and valid as if the same had been made by, under, or by virtue of this Act, any thing herein contained to the contrary notwithstanding.

Receipt of Law Fund Duties by Officers discontinued.

IX. And be it enacted, That from and after the Commencement of this Act the Officers, Assistants, and Clerks appointed or to be appointed hereunder shall not in any Case be required to receive Payment in Money for Law Fund Duties, but that it shall be lawful for such Officer, Assistant, or Clerk, and he is hereby required, in every Case in which such Duty has been heretofore payable by Entry, to ask, demand, and receive from the Party requiring such Proceeding to be taken a Docket or Requisition, specifying the Nature of such Proceeding, duly stamped, marked, or impressed, according to Law, with the Stamp or Mark provided or to be provided by the Commissioners of Stamps for expressing or denoting the Duty payable in respect of such Proceeding; and also that it shall and may be lawful to and for each and every Officer, Assistant, and Clerk in any of the Offices of any of the several Courts aforesaid to demand and receive of and from any Person who shall apply to such Officer, Assistant, or Clerk to obtain any Copy whatsoever,

whatsoever, which according to Law ought to be on a Stamp or Stamps, the Paper requisite for the same, duly impressed with the Stamp Duty payable thereon; and no such Officer, Assistant, or Clerk shall be bound to commence such Business, or to take any Step towards the Execution thereof, until such stamped Paper shall have been deposited with him.

Writs, &c. to be prepared by Attornies.

X. 'And whereas it is just and expedient that, except as herein-after mentioned, all such Writs and 'other Writings as have been hitherto prepared, engrossed, and written in the Offices of the general 'Clerks and other Assistants to the principal Officer in each Court at the Charge of the Consolidated 'Fund shall in future be prepared, engrossed, or written by the Attornies requiring them, at the Charge 'of the Party or Parties for whose Benefit, Advantage, or Purpose they are so required;' be it therefore enacted, That from and after the Commencement of this Act no Writs or other Writings shall be prepared, engrossed, or written in any of the Offices of the said Courts at the Charge of the Consolidated Fund, save and except the making up, Entry, and Enrolment of Judgments, and such Office Copies or Extracts as may be required of any Pleadings, Affidavits, Writs, or other Documents, Matters or Things, which, having been previously filed, deposited, enrolled, or recorded in the Office, shall be in the Custody of the Officer of the Court; but that when any such Writs and other Writings shall be brought to the Office properly prepared the proper Officer shall and he is hereby required, without unnecessary Delay, to examine, enter, sign, seal, attest, or record the same, as the Case may require.

Writing Clerks to be employed for preparing Enrolments and Office Copies.

XI. And be it enacted, That for the Purpose of preparing Enrolments of Judgments, and such Office Copies or Extracts as may be required of such Pleadings, Affidavits, Writs, Records, or Documents, Matters or Things, as shall be in the Custody of the Officer, it shall and may be lawful for the Master of each Court and he is hereby required to employ Writing Clerks, who shall be paid, according to the Quantity of their Writing, at the Rate of Three Half-pence *per* Office Sheet of Seventy-two Words, such Payment to be charged in the incidental Expences of the Court in the Manner herein-after provided.

Searching Clerks.

XII. And be it enacted, That for the Purpose of making Searches for Judgments, or Fines or Recoveries, it shall and may be lawful for the Master of each Court and he is hereby required to employ competent Clerks, to be removable at his Pleasure, who shall be paid in respect to each distinct Search, according to the Quantity of their Work, at the Rate of One Shilling for every Period of Twenty Years, or fractional Portion thereof, over which each Search made by them respectively shall extend: Provided always, that not more than Two Clerks shall be so paid in respect of each negative Search, and not more than One in respect of each common Search, such Payment to be charged in the incidental Expences in manner herein-after provided.

Salaries to Searching Clerks.

XIII. And in order to secure the Services of competent Persons to perform the said Business of searching, be it enacted, That each of Three Persons to be employed therein by the Master of each Court as aforesaid shall be entitled to receive, for and during the Time he shall be so employed, a Salary at the Rate of One hundred Pounds *per Annum* over and above the said Allowance of One Shilling *per* Search, the said Salary to be charged in the incidental Expences in the Manner herein-after provided with respect to other Salaries: Provided always, that the Persons so to be appointed as such Searching Clerks (unless employed in such Business previously to and at the Time of the passing of this Act) shall not be entitled to any Compensation for the Loss of such Appointment in the event of any Alteration being made, by the Authority of Parliament or otherwise, whereby such Business of searching shall be transferred from the Offices of the said Courts to any other Office or Offices: Provided also, that when any such Alteration shall take place the Power and Authority hereby given to the Masters to retain and employ such Searching Clerks shall cease, and that then and in such Case the Master of each Court shall and he is hereby authorized to appoint One Clerk for general Purposes, in addition to the Establishment provided in and by the Schedules hereto annexed, each of such Clerks to receive a Salary of One hundred Pounds yearly, to be payable in the same Manner as the other Salaries hereby directed.

Limiting Compensation for Loss of Appointment.

Future Appointments.

Suitors Money to be paid into the Bank of Ireland.

XIV. And be it enacted, That the Prothonotary of the Court of Queen's Bench, the Prothonotary of the Court of Common Pleas, and the Clerk of the Pleas of the Court of Exchequer, whose Offices are abolished by this Act, shall and they are hereby required, on or before the Eleventh Day of *October* One thousand eight hundred and forty-four, to render to their respective Courts an Account in Writing of all and every Sum and Sums of Money which shall at any Time theretofore have been paid into the said respective Courts by or on behalf of Suitors to abide the Event of any Suit, or for any Purpose whatsoever, and which shall then remain unclaimed and undisposed of in the Hands and Possession of the said Prothonotaries and Clerk of the Pleas respectively, showing the precise Amount paid into Court in each Action, the Names of the Plaintiff and Defendant, and of their Attornies, and the Time when, and by whom, and the Purpose, so far as the same can be ascertained, for which the said Amount was so paid in, which Account the said Officers shall cause to be entered in Books to be kept in their Offices respectively for that Purpose; and the said Officers respectively shall and they are hereby required, immediately upon rendering such Accounts, to pay into the Bank of *Ireland*, to an Account to be opened by the Master of each of the said Courts respectively in the Books of the Governor and Company of that Bank, to the Credit of the proper Cause or Matter, all and every such Sum and Sums of Money so appearing to be in their Custody as aforesaid, which Accounts respectively the Governor and Company of the Bank of *Ireland* are hereby authorized and required to open in their Books accordingly.

All Monies deposited in Court by Suitors to be paid into the Bank of Ireland.

XV. And be it enacted, That after the said Eleventh Day of *October* One thousand eight hundred and forty-four the Master of each of the said Courts respectively shall cause all and every Sum or Sums of Money paid into the said Courts by or on behalf of the Suitors in either of those Courts to abide the Event of the Suit, or for any other Purpose whatsoever, and all Payments thereout, to be entered in proper

proper Books to be kept for that Purpose, and shall, as soon as conveniently may be, pay all and every such Sum or Sums of Money into the Bank of *Ireland* to the Credit of the proper Cause or Matter; and when and so often as it shall and may be necessary to pay out or disburse any of the Monies so lodged in Bank, the Court shall by its Order direct such Payment or Disbursement, and the Master of each of the said Courts respectively shall and he is hereby authorized and required to draw on the said Governor and Company of the Bank of *Ireland* for any Sum or Sums of Money so ordered to be paid out or disbursed; and the said Governor and Company of the Bank of *Ireland* are hereby authorized and required to pay all such Sums of Money as may so be drawn for, in pursuance of such Order, by the Masters of the said Courts respectively.

Seal Fees abolished.

XVI. 'And whereas the Receipt of Fees in the Seal Office (at the Law Side) of the Court of Exche-'quer would interfere with the Arrangements hereby made for the Regulation of the Business in the 'Offices at that Side of the said Court, and it is expedient that such Fees should be abolished;' be it therefore enacted, That from and after the Commencement of this Act the said Fees shall be and the same are hereby abolished, and that no Fees whatsoever shall be paid or payable for or in respect of the sealing of any Writs, Records, or other Documents issuing out of the Law Side of the said Court, and that the same shall be sealed by the Person whose Duty it shall be under this Act without any Charge whatsoever to the Suitor.

Separate Seals to be provided for Law and Equity Sides of the Court.

XVII. And be it enacted, That it shall be lawful for the Chief Baron and other Barons of the said Court of Exchequer, and they are hereby required, at any Time before the Commencement of this Act, to provide separate Seals for the Law and Equity Sides of the said Court, and that the Custody and affixing thereof shall be committed to the Secondary of the Equity Side, so far as regards the Equity Side of the said Court, who shall receive to his own Use the Fees now payable in respect thereof, and, as regards the Law Side thereof, to the Clerk of the Writs, Appearances, and Seal on the Law Side of the said Court, the Expence of providing such Seals to be charged amongst the incidental Expences hereinafter provided for.

Schedules deemed Part of this Act.

XVIII. And be it enacted, That the several Schedules to this Act annexed, and all Directions, Matters, and Things in the said Schedules respectively contained, shall be deemed and taken to be Part of this Act.

Salaries to be paid Quarterly out of Consolidated Fund.

Incidental Expences.

XIX. And be it enacted, That the said several Salaries in the said Schedules respectively set forth as aforesaid shall be payable from Time to Time out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and that the said Salaries respectively shall be payable quarterly on the Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and Tenth Day of *October* in every Year; and that for Provision for the necessary incidental Expences in each Court the said Commissioners of the Treasury shall pay or cause to be paid, at such Time or Times and in such Manner as they shall think proper, to the Master of each Court, such Sum as shall in each and every Quarter be certified in Writing under the Hands of One or more of the Judges of the Court respectively to which such Master shall belong to have been necessarily incurred as and for the Costs of the Clerks employed in Writing and searching in the Offices of the said Courts respectively as aforesaid, and as and for the Expences of Coals, Candles, and all other Expences of the said several Offices in the said Courts, and in the several Chambers of the said Courts respectively, including therein the Remuneration of the Courtkeeper, Housekeeper, and Office Messenger as heretofore; and every such Certificate shall be given on an Examination on Oath of the principal Officer of each Department in or for which any such Payment shall be required, and of such other Person or Persons, if any, as such Judge or Judges respectively shall think proper, or as shall be produced before them for that Purpose.

Certificate to be produced on Application for Payment of Salary.

XX. And be it enacted, That whenever any Officer, Deputy, Assistant, or Clerk in any of the said several Courts, except the Master in each such Court respectively, shall apply for Payment of the Salary due to him, or any Part thereof, he shall produce a Certificate from the Master of the Court for the Time being, stating that he is the Person then holding such Office or Employment respectively, and that he is entitled to receive the Salary annexed by Law thereto, and then due to him as such Officer, Deputy, Assistant, or Clerk.

Masters shall superintend and direct subordinate Officers in the several Courts.

XXI. And be it enacted, That the Master in each of the said several Courts shall at all Times respectively superintend the Conduct and Proceedings of the several other Officers, Assistants, and Clerks of his respective Court, and shall inspect their respective Offices, and all Records, Books, Papers, and Documents therein respectively, and shall make such Orders for the Regulation of the said Offices, and the Performance of the Business thereof, and the Hours of Attendance of the Officers, Assistants, and Clerks, as they shall think proper, so as to ensure Uniformity and Equality of Business in each of the Departments of the said Three Masters.

Courts may remove or fine Officers for Misconduct.

XXII. And be it enacted, That it shall and may be lawful to and for the said Courts of Queen's Bench, Common Pleas, and Exchequer respectively, on Complaint duly made, or on any Offence or Misconduct of which they may otherwise acquire judicial Knowledge, and after full Inquiry into the alleged Grounds thereof, by Affidavit or otherwise, as they shall think fit, respectively to remove any Officer, Assistant, or Clerk of the said Courts respectively, as well the Master as others, from his Office, for any Offence or Misconduct in such Office which such Court shall deem deserving of such Punishment, and thereupon such Officer, Assistant, or Clerk shall cease to hold or be entitled to such Office; and it shall be lawful for the said Courts, on Complaint and Inquiry as aforesaid, to inflict upon any Officer, Assistant, or Clerk for any minor Offence such Punishment by way of Fine as to such Court shall seem expedient.

XXIII. Pro-

Act not to bar Remedies for Misconduct in Officers.

XXIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to limit, abridge, bar, prejudice, or defeat any Action or Indictment, or any Remedy or Proceeding whatsoever, which at any Time heretofore may or might have been brought, found, had, or taken against any Officer, Deputy, or Clerk in or under any of the said Courts herein-before mentioned for or in respect of any Misconduct in Office which may have occurred or taken place, or which may take place at any Time before the Commencement of this Act, but that all such Actions, Indictments, Remedies, and Proceedings for any such Misconduct may be brought, found, had, or taken as if this Act had never been made.

All Offices in the Courts shall be executed in Person, except in Cases of Illness or Leave of Absence, and then by Deputy appointed with the Consent of the Judge.

XXIV. And be it enacted, That from and after the Commencement of this Act every Officer or Assistant of any of the said several Courts whose Duty it is to sign or attest any Writ, Pleading, or Document shall respectively execute the Duty of his Office in Person, except only in case of Sickness or occasional Absence, or under the Sanction herein-after provided; (that is to say,) that it shall and may be lawful for the Chief Justice or Chief Baron of the Court to which such Officer or Assistant shall belong, or in his Absence the next senior Judge or Baron of the said Court then in *Dublin*, on the Application of the Master, to grant to any such Officer or Assistant Leave of Absence for any Period which the said Judge or Baron shall consider reasonable; and that in any such Case it shall and may be lawful to and for such Officer or Assistant, by Deputation in Writing under his Hand and Seal, by and with the Consent in Writing of the Chief Justice or Chief Baron of the Court to which such Officer or Assistant shall belong, or in the Absence of such Chief Justice or Chief Baron, then of the next senior Judge of the said Court then in *Dublin*, to appoint a Deputy to execute the Duties of such Officer or Assistant during such Period as shall be specified in such Deputation; and the Name of such Deputy, and the Approbation of such Chief Justice, Chief Baron, or Judge, and the Time for which such Appointment is to continue, shall be specified and set forth in such Deputation, and such Deputation shall be signed or endorsed by such Chief Justice, Chief Baron, or Judge; and the Period mentioned in such Deputation may, on the Application of the Master, be afterwards prolonged, if necessary, by such Officer or Assistant, with the Approbation of such Chief Justice, Chief Baron, or Judge, by Endorsement of the said Officer or Assistant, and of the said Chief Justice, Chief Baron, or Judge, upon such Deputation: Provided always, that such Deputation shall not be liable to or chargeable with any Stamp Duty whatsoever.

Provision in case of temporary Absence.

XXV. 'And whereas Inconvenience may arise from the temporary Absence of any of the Officers or 'Assistants whose Duty it is, under the Direction in the Schedule to this Act annexed, to sign any Writ, 'Pleading, or Instrument, unless Provision be made for such Contingency;' be it therefore enacted, That at all Times the Signature of the Master shall be good and valid in lieu of the Signature of any of the Officers or Assistants, and that in the temporary Absence of the Master the Acts and Signature of his principal Assistant shall be good and valid to any Pleading, Proceeding, or Instrument requiring the Signature or Superintendence of said Master.

Authority to employ Clerks who may have Leisure in other Departments of the Master's Office.

XXVI. 'And whereas it may so happen that occasionally or at certain Periods of the Year the Assis- 'tants or Clerks in some of the said Offices may not have sufficient Occupation in the Business strictly 'belonging to their Offices respectively, whilst at the same Time there may be an undue or unusual 'Pressure of Business upon the Assistants and Clerks in some other of the said Offices, or some Business 'of an occasional Nature which the Master may be required or find necessary to have performed in the 'Discharge of his Duty as principal Officer, and it is expedient to provide against the Necessity of 'employing extra or additional Clerks in such Cases;' be it therefore enacted, That it shall and may be lawful for the Master of each Court respectively and he is hereby required, in the Exercise of his Superintendence in every such Case as is hereby contemplated, to order, direct, and cause any of the said Assistants and Clerks attached to the Court of which he is Master, who may not have sufficient Occupation at any Time or Times as herein-before mentioned in the Business of their own Offices, to perform such Portions as he may think proper of the Business of any other of the said Offices of the said Court in which there may be such Pressure as aforesaid, or of any occasional or extra Business which he the said Master may be required or find necessary to have performed in the Discharge of his Duty as Master; and it is hereby declared to be the Intent and Meaning hereof that the said Masters respectively shall in every such Case have full discretionary Power as to the Distribution of the Business to be performed in the said Offices, notwithstanding the specific Division of Duties for general Purposes set forth in the Schedules to this Act annexed.

In case of Incapacity of Principal to appoint, and on Vacancies, Chief Justice may appoint a Person to execute Offices till Vacancy is supplied.

XXVII. And be it enacted, That in case it shall happen that any Officer or Assistant having Power under this Act to appoint a Deputy of the said several Courts, by reason of Accident or Infirmity, shall be unable to appoint a Deputy, or whenever any Office in any of the said Courts shall become vacant, then and in every such Case it shall and may be lawful to and for the Chief Justice or Chief Baron of the said Courts respectively, or in his Absence the next senior Judge of the said Court, if applied to for that Purpose, to appoint a fit and proper Person to perform the Duty of such Officer or Assistant until there shall be an Officer or Assistant capable of discharging his own Duty; and that every such Person so appointed shall be to all Intents and Purposes a complete Officer or Assistant, according to the Terms of such Appointment, save that such Person so appointed as aforesaid shall not be entitled to any greater Proportion of the Salary of such Office than shall be specified in such Order.

Officers authorized to take Affidavits in the several Courts.

XXVIII. And be it enacted, That it shall and may be lawful to and for the Officers and Assistants herein-after named of and in the several Courts aforesaid, and the said Officers and Assistants are hereby fully authorized, empowered, and directed, whenever they shall be thereunto required, (except on *Sundays, Good Friday*, and *Christmas Day*,) to take Affidavits or Affirmations in all Matters relating to the Business

Business of the said Courts respectively, and to administer the necessary Oaths or Affirmations for that Purpose; (that is to say,) the Master, the principal Assistant, the Clerk of the Rules, his Assistant, the Clerk of Writs, Appearances, and Seal, the Pleadings Assistant and the Record Assistant, and also in and for each of the said Courts the Marshal of the Marshalsea of the Four Courts at *Dublin* as to Persons in his Custody; and all such Oaths, Affidavits, and Affirmations shall be of the same Force, Validity and Effect, and shall and may be filed and used and acted upon respectively, as fully and effectually to all Intents and Purposes whatsoever, as if the same had been sworn or affirmed before the said Courts, or all or any of the Judges thereof respectively; and any Person who shall wilfully or corruptly swear or affirm any thing false in any such Affidavits or Affirmations shall be subject to all Pains, Penalties, Punishments, and Disabilities for wilful and corrupt Perjury in like Manner in all respects as if such Affidavits had been made in any of the said several Courts, or before all or any of the Judges thereof respectively.

Administration of Affidavits, &c. to Persons confined by Illness or in Custody.

XXIX. And be it enacted, That to provide for Cases in which it may be necessary to administer Affidavits or Affirmations to Persons confined by Illness, or detained in Prison in the City of *Dublin*, or within Ten Miles thereof, it shall be the Duty of the Officers and Assistants hereby authorized to take Affidavits or Affirmations, under such Regulations as to Rotation as the Master of their Court shall make, to proceed, when required, within reasonable Hours on Business Days, to the Place in which the Person to be sworn or affirmed shall be so confined, and there to administer such Affidavit or Affirmation: Provided always, that no Officer or Assistant shall be required to administer any Affidavit or Affirmation at any other Place or Time than at his Office, and during Office Hours, except in the Cases of Illness or Custody hereby contemplated, and then only upon the Production of a proper Certificate of such Custody, or in the Case of Illness the Certificate of a duly qualified Medical Man, stating the Inability of the Person requiring to be sworn or affirmed to attend at the Office without Danger to the Life or Health of such Person, and that the Illness of such Person is not of an infectious or contagious Nature: Provided also, that any Expence of Carriage Hire to be incurred by such Officer or Assistant in attending as aforesaid shall be previously defrayed by the Persons requiring such Attendance.

The Judge opening the Court on the first Day of Term shall examine the State of the Records there.

XXX. And be it enacted, That in each and every of the said several Courts, on the First Day of each and every Term, the Judge who shall open the Court on that Day shall immediately after the opening the same satisfy himself, so far as he can by personal Inspection, that the Records of each and every of the said Courts respectively are duly and regularly kept and preserved, so as to be safe, dry, sound, and legible, and in such Order and Arrangement, and with such Means of Reference to the same, that all Persons having Occasion to inspect the same respectively shall and may have easy Access thereto, and the said Judge shall report to the other Judges of the Court the Result of such Examination; and if there shall be any Default or Error therein, the same shall be (as soon as may be) examined into by the Court, and shall be rectified as soon as possible.

Officers of the Courts hereafter to be appointed disabled from practising as Barristers or Attornies.

XXXI. And be it enacted, That every Person hereby appointed, or who shall at any Time after the passing of this Act be appointed to be an Officer, Assistant, or Clerk of or in any of the Offices in the said several Courts in this Act, and the Schedules thereto annexed, mentioned and specified, shall be and is hereby declared to be incapable of practising as a Barrister or as an Attorney or Solicitor, or as Agent or Clerk of any Attorney or Solicitor in any Court of Law or Equity in *Ireland*, either separately or in Partnership with any other, or in the Name of any other Person or Persons, during such Time as such Person shall hold the Situation, Office, or Employment of an Officer, Assistant, or Clerk in any of the said Offices; and if any Officer, Assistant, or Clerk shall so practise as such Barrister, Attorney, Solicitor, Agent, or Clerk, while he shall hold the Situation, Office, or Employment to which he shall have been appointed, contrary to the true Intent and Meaning of this Act, the Chief Justice or Chief Baron of the Court in which such Person shall be employed shall, on sufficient Proof of the same, dismiss the Person so offending from his Office or Employment; and the Person so dismissed shall be rendered incapable of ever after holding any Office or Employment in any of the said Courts.

Master may appoint a Retailer of Stamps and Forms as heretofore.

XXXII. 'And whereas for the Convenience of Suitors and their Attornies an Officer in each of the 'said Courts has been hitherto privileged and permitted to act as Retailer of Stamps and Law Forms, 'and to vend the same in his Office: And whereas by this Act all Officers, Assistants, and Clerks in the 'said Offices are prohibited from so acting as Retailer of Stamps and Law Forms, but it is nevertheless 'expedient that the Convenience attending such Practice should still be afforded to the Public;' be it therefore enacted, That the Master of each Court shall be and he is hereby authorized to nominate and appoint such Person as he shall think fit to act as such Retailer of Stamps and Forms in and for his respective Offices, from whom the Suitors and their Attornies shall have the Option of procuring such Stamps and Forms as they may require for their Convenience, and the expeditious Despatch of their Business; and the Commissioners of Stamps shall and may grant to the Person so nominated a Licence to retail Stamps upon obtaining the Sureties required by them in such Cases, and with the Privileges, and subject to the Conditions and Regulations, now or hereafter to be made applicable to Retailers of Stamps in general.

No Officer shall participate in Profits of Retailer of Stamps, &c.

XXXIII. Provided always, and be it enacted, That no Master, Officer, Assistant, or Clerk in any of the said Courts shall in any way directly or indirectly receive or participate in the Profits or Emoluments arising from the said Business of Retailer of Stamps and Forms, and that any Violation of the Spirit and Meaning of this Proviso shall be deemed and taken to be Misconduct within the Meaning of the Section of this Act which authorizes the Courts respectively to fine or remove any Officer, Assistant, or Clerk for Misconduct.

XXXIV. 'And

Superannuation Allowances granted to Officers upon Retirement. 4 & 5 W. 4. c. 24.

XXXIV. 'And whereas by an Act passed in the Fourth and Fifth Years of the Reign of His late 'Majesty King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for 'regulating the Pensions, Compensations, and Allowances to be made to Persons in respect to their having 'held Civil Offices in His Majesty's Service*, Provision is made to secure Superannuation Allowances to 'the Offices and Departments set forth in the Schedules to said Act annexed, and Power is given to 'the Commissioners of the Treasury to add to the List of Offices and Departments enumerated in the said 'Schedule any other Office or Department which then existed or might be created or be established, and 'to place the same, and the Officers and Persons to be employed, under the Provisions of the said Act, 'but such Addition not to extend to Officers in any of His Majesty's Courts at *Westminster* or *Dublin:* 'And whereas by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act* 7 W. 4. & 1 Vict. c. 30. 'to abolish certain Offices in the Superior Courts of Common Law, and to make Provision for a more 'effective and uniform Establishment of Officers in these Courts*, the Provisions of the said recited Act 'of the Fourth and Fifth Years of the Reign of King *William* the Fourth, so far as a Right to Super-'annuation Allowance is involved, are in the Manner therein mentioned extended to all Officers, Clerks, 'and Messengers of the Superior Courts at *Westminster:* And whereas it is expedient that the Benefits 'of the said Act should in like Manner be extended to all Officers, Assistants, and Clerks of the Superior 'Courts of Common Law at *Dublin* to be appointed by or under this Act;' be it therefore enacted, That from and after the passing of this Act every Officer, Assistant, or Clerk appointed, retained, or employed by or under the Authority and Provisions of the same, or who shall be hereafter so appointed, retained, or employed, and who shall resign his Office or Situation therein, with the Sanction and under the Authority of the Lord Chief Justice or Lord Chief Baron of the Court to which he shall belong, in consequence of his being incapable from Infirmity of Mind or Body to discharge the Duties thereof, shall be entitled to receive such Superannuation Allowance as the said Commissioners of Her Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in any Office or Situation in either of the said Courts, or any other public Office or Situation prior to the passing of this Act, and shall proceed according to the Principles laid down by the said recited Act of the Fourth and Fifth Years of the Reign of King *William* the Fourth; and that all such Sums and Allowances which shall be so awarded and granted under the Authority aforesaid shall be paid and payable and be charged and chargeable in the same Way as is herein-before provided in respect of the Salaries of the Masters, Assistants, and Clerks of the said Courts respectively.

Regulating Abatement from Salaries of Officers.

XXXV. 'And whereas the Commissioners of the Treasury did, by a Minute dated the Fourth Day of 'August One thousand eight hundred and twenty-nine, record their Intention to adopt certain Regula-'tions with a view to reduce prospectively the Charge incurred in providing for Superannuation Allow-'ances, of which Notice was given in the several public Departments then enjoying the Benefit of 'Superannuation Allowance: And whereas it is expedient that, in pursuance of said Minute, an annual 'Abatement should be made from the Salaries of the several Offices or Employments created by or under 'the Authority of this Act, but inasmuch as the said Notice cannot be deemed applicable to the Courts of 'Common Law at *Dublin* such Abatement should not affect Persons who have held Office or Employment 'therein previously to the passing of this Act;' be it therefore enacted, That from and after the Commencement of this Act there shall be an annual Abatement made, in quarterly Proportions, by the Paymaster of the Civil Services in *Ireland*, from the Salaries of the several Officers, Assistants, and Clerks to be hereafter appointed under the Authority of this Act, at any Time after the Commencement thereof, to any of the Offices or Employments set forth in the Schedules hereunto annexed, in such Manner and under such Directions as shall from Time to Time be given in this respect by the Commissioners of the Treasury, the Amount of which Abatement shall be according to the respective Rates following; (that is to say,)

From Salaries not exceeding the annual Sum of One hundred Pounds, an Abatement at the Rate of Two Pounds Ten Shillings *per Centum;*

And from Salaries exceeding One hundred Pounds, Five Pounds *per Centum.*

Taxing Officer.

XXXVI. And be it enacted, That whenever it shall happen that the Two Persons now holding the Office of Taxing Officer to the said Law Courts shall vacate the same, by Death, Resignation, or Removal, there shall thenceforth be for the said Three Courts but One Taxing Officer, who shall be and be called Taxing Officer in Common Law Business, who shall hold his Office during good Behaviour, and shall have the same Power and Authority, and be subject to the same Regulations, as are given and contained with reference to Taxing Officers in and by the said herein-before recited Act of the First and Second Years of the Reign of King *George* the Fourth; and that all and every the Provisions contained in the said Act with reference to the Taxing Officers created thereby, so far as the same shall be consistent with the Alterations hereby effected, shall be and be deemed applicable to the Taxing Officer to be appointed under this Act, and to the Taxation of Costs by him, and all Matters and Proceedings belonging to or connected with the Business thereof; and that such Taxing Officer shall have the Assistance in his said Business of One Examiner and One Clerk, to be appointed by him during his Pleasure; the said Taxing Officer, Examiner, and Clerk to receive respectively (out of the same Fund and at the same Periods as the other Salaries hereby directed to be paid) the Salaries set forth in the Schedule (D.) to this Act annexed; and that whenever it shall happen that a Vacancy shall occur in the said Office of Taxing Officer by the Death, Resignation, or Removal of One only of the Two Persons now holding such Office, the Person to be appointed Taxing

Officer in his Stead, under the Provisions of the said herein-before recited Act, shall, notwithstanding any thing in said Act contained, be entitled to receive only the Salary specified for the Taxing Officer in the said Schedule marked (D.) to this Act annexed; and whenever the other of the Two Persons now holding the Office of Taxing Officer shall die, resign, or be removed, the Person who shall have been so appointed as joint Taxing Officer in the Room of the Person so first dying, resigning, or being removed shall be the sole Taxing Officer as herein-before directed, with the Assistance of an Examiner and Clerk, as specified in the said Schedule marked (D.) to this Act annexed.

Vacancy in Office of Taxing Office how to be supplied.

XXXVII. And be it enacted, That whenever a Vacancy shall occur as aforesaid and from Time to Time hereafter in the Office of Taxing Officer, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint a proper Person to be such Taxing Officer, who shall be a Barrister in actual Practice of not less than Five Years standing at the Bar, or an Attorney of any of the said Courts of not less than Five Years standing on the Rolls, or who shall have served as Officer or Assistant in any One or more of the Offices of the said Courts for not less than Five Years in the whole.

Place of Taxation.

XXXVIII. And be it enacted, That it shall and may be lawful for the said Judges of the said Superior Courts of Common Law, or any Three of them, and they are hereby required, at any Time within the Term next following the Commencement of this Act, to appoint a convenient and suitable Place within the public Buildings called the Four Courts at *Dublin*, or within the Buildings or Offices contiguous thereto, and attached to or connected therewith, wherein the said Taxing Officers or Officer shall have their or his Office; and that the said Taxing Officers or Officer shall discharge the Duties of their or his Office in the Place so to be appointed, and in no other Place; and any Expence attendant on such Arrangement shall be charged amongst the incidental Expences herein-before provided for.

Tables of Fees, Allowances, and Charges, and Rules to regulate the Principles of Taxation, to be prepared.

XXXIX. And be it enacted, That it shall and may be lawful for the said Judges of the said Superior Courts of Common Law, or any Three of them, and they are hereby required, within the Term next following the Commencement of this Act, to cause to be prepared a Table or Tables setting forth what Fees and Allowances and Charges it may in future be reasonable and proper for the Taxing Officers or Officer to allow in their or his Taxation of Costs in Common Law Business, and also from Time to Time to vary such Table or Tables, and to make such Rules as may appear to them proper to regulate the Principles upon which such Taxation shall in future be conducted, and that all such Fees, Allowances, and Charges shall be payable in *British* Currency.

Pursuivant of the Court of Exchequer abolished, and his Duties transferred to the Serjeant-at-Arms.

XL. 'And whereas the Office of Pursuivant of the said Court of Exchequer has been held by *Boyle* '*Keller* Esquire, under Letters Patent, for upwards of Twenty-one Years past, and the Amount of Fees 'and Emoluments, as well as the Business of the said Office, have of late Years been greatly dimi-'nished, and it is expedient to abolish the said Office;' be it therefore enacted, That from and after the Day appointed for the Commencement of this Act the said Office of Pursuivant of the said Court of Exchequer shall be and the same is hereby abolished; and the said *Boyle Keller* shall be entitled to receive yearly during his Life the Sum of One hundred and six Pounds, being the Amount of Salary and Compensation now enjoyed by him as such Pursuivant; and the said Sum to be paid and payable in the same Manner, and at the same Time and Times, and out of the same Fund, as the Salaries and Compensations authorized by this Act are directed to be paid: Provided always, that all such Writs of Attachment and other Process which have heretofore been usually issued and directed to the said Pursuivant shall and may be issued and directed to the Serjeant-at-Arms of the said Court of Exchequer.

Commencement of Act.

XLI. And be it enacted, That this Act and every Clause and Matter therein shall commence and have effect from and after the Eleventh Day of *October* in this present Year One thousand eight hundred and forty-four, save and except in Cases where any Clause, Matter, or Thing is expressly directed to take effect from the passing of this Act, or from any Time particularly specified therein.

Act may be amended, &c.

XLII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHEDULES referred to and made Part of the foregoing Act.

SCHEDULE (A.)

DESCRIBING the several OFFICERS in the CIVIL SIDE of the COURT of QUEEN'S BENCH in IRELAND, their Assistants and Clerks, and the Duties and Salaries of such Officers, Assistants, and Clerks respectively.

PRINCIPAL DEPARTMENT.	Yearly Salaries. £ s. d.
MASTER [ARTHUR BUSHE Esq.]—To exercise the general Superintendence directed by this Act; to file and keep all Pleadings, Affidavits, and other Documents requiring to be filed, and not hereby expressly referred to any other Officer; to examine into, mark, and sign all Judgments, Assignments, Satisfactions, Revivals, and Re-dockettings of Judgments; to entertain and report upon all References; to strike Special Juries; to cause to be kept Books containing proper Entries of the marking, Satisfaction and Assignment of Judgments, and all such Books as may be necessary for the due Discharge of the Business specially referred to him; to check the making of negative Searches, and to sign the Certificates thereof, [until Parliament shall otherwise provide for the Discharge of such Duties,] and all Certificates respecting the Matters	

SCHEDULE (A.)—*continued.*

	Yearly Salaries. £ s. d.
PRINCIPAL DEPARTMENT—*continued.*	
hereby specially referred to him as his immediate Business; to prepare or cause to be prepared all Enrolments of the Records in the Civil Side of the Court; to cause all Transcripts of Records for Trial at Nisi Prius, or for the Court of Error, to be examined and signed; and generally to do or cause to be done all official Business whatsoever of or belonging to the Offices of the Court, which it is not the proper Duty of the other Officers to do - - - - - -	1,000 0 0
PRINCIPAL ASSISTANT [Mr. JAMES ALEXANDER HAMILTON].—To examine and sign Records, Enrolments, and Writs after Judgment, and to aid the Master in the Business of marking Satisfaction and Assignment of Judgments, and in all Matters respecting Judgments generally - - - - - -	600 0 0
CLERK [ ] to aid him - - - - -	100 0 0
PLEADING DEPARTMENT.	
PLEADINGS ASSISTANT [Mr. THOMAS BYRON].—To receive, file, and make Entries of Pleadings and Documents, to attest Copies thereof, and to attend generally to all Business connected therewith - - - - -	400 0 0
FIRST CLERK to aid him - - - - - - - -	100 0 0
SECOND CLERK, ditto - - - - - - -	80 0 0
RECORD DEPARTMENT.	
RECORD ASSISTANT [Mr. RICHARD HANLEY].—To have the Care and Custody of the Judgment Rolls of the said Court, and of the Books of Record containing Entries of Judgments, Satisfactions, and Assignments, and all Matters relating thereto; to enter upon the Roll the Abstracts of Satisfactions and Assignments; to compile and number the Rolls in correspondence with the Entries relating thereto, so that they may be easy of Reference, and to produce the same for public Information, within the Hours fixed by the Master; to aid the Master in checking Searches; and to do all such Acts as properly belong to his Office - - - - -	400 0 0
FIRST CLERK [ ] to make Entries in Books relating to Judgments - - - - - - - -	200 0 0
SECOND CLERK [ ] to aid as Occasion may require -	100 0 0
RULES DEPARTMENT.	
CLERK OF THE RULES [Mr. CHRISTOPHER NELSON DUFF].—To perform the present Duties of the Office - - - - - -	600 0 0
ASSISTANT [Mr. WILLIAM CHRISTOPHER KNOX] - - - -	350 0 0
CLERK [Mr. RICHARD MARLOW] - - - - -	100 0 0
WRIT, APPEARANCE, AND SEAL DEPARTMENT.	
CLERK OF WRITS, APPEARANCES, AND SEAL [Mr. ROBERT COOPER].—To enter and seal all Writs that issue from and are returnable into the Court; to receive, file, and enter Affidavits upon which Fiats are granted for Writs to hold to Bail; to receive, file, and enter all returned Writs; to receive and enter Appearances in a Book to be kept for that Purpose, as has been heretofore the Practice of the Appearance Office; to receive and file Affidavits to ground Parliamentary Appearances; to seal all Records and other Documents requiring to be sealed, according to the Practice heretofore observed; to register in a Book, similar to that hitherto kept in the Seal Office, Attornies Licences; to furnish and attest Copies of the said several Matters; and to do all such Acts as properly belong to the said Offices - -	600 0 0
ASSISTANT - - - - - - - -	200 0 0
CLERK - - - - - - - -	100 0 0
One CLERK for general Purposes as may be directed by the Master - -	80 0 0

The Appointments in this Schedule to which no Persons are nominated are to be filled up by the Master from amongst the Persons employed in the Establishments hereby abolished, who are not otherwise provided for; any Instruments by which such Appointments may be so filled not to be chargeable with any Stamp Duty.

SCHEDULE (B.)

DESCRIBING the several OFFICERS of the COURT of COMMON PLEAS in IRELAND, their Assistants and Clerks, and the Duties and Salaries of such Officers, Assistants, and Clerks respectively.

	Yearly Salaries. £	s.	d.
PRINCIPAL DEPARTMENT.			
THE MASTER [The Honourable DAVID PLUNKET].—To exercise the general Superintendence directed by this Act; to file and keep all Pleadings, Affidavits, and other Documents requiring to be filed, and not hereby expressly referred to any other Officer; to examine into, mark, and sign all Judgments, Assignments, Satisfactions, Revivals, and Re-docketings of Judgments; to entertain and report upon all References; to strike Special Juries; to cause to be kept Books containing proper Entries of the marking, Satisfaction, and Assignment of Judgments, and all such Books as may be necessary for the due Discharge of the Business specially referred to him; to check the making of negative Searches, and to sign the Certificates thereof, [until Parliament shall otherwise provide for the Discharge of such Duties,] and all Certificates respecting the Matters hereby specially referred to him as his immediate Business; to prepare or cause to be prepared all Enrolments of the Records of the Court; to cause all Transcripts of Records for Trial at Nisi Prius, or for the Court of Error, to be examined and signed; and generally to do or cause to be done all official Business whatsoever of or belonging to the Offices of the Court, which it is not the proper Duty of the other Officers to do - - - -	1,000	0	0
PRINCIPAL ASSISTANT [Mr. JOHN CAREY].—To examine and sign Records, Enrolments, and Writs after Judgment, and to aid the Master in the Business of marking, Satisfaction, and Assignment of Judgments, and in all Matters respecting Judgments generally - - - - - - - -	600	0	0
CLERK [ ] to aid him - - - -	100	0	0
PLEADING DEPARTMENT.			
PLEADINGS ASSISTANT [Mr. MICHAEL CAREY].—To receive, file, and make Entries of Pleadings and Documents, to attest Copies thereof, and to attend generally to all Business connected therewith - - - - -	300	0	0
CLERK to aid him - - - - - -	100	0	0
RECORD DEPARTMENT.			
RECORD ASSISTANT [Mr. ALEXANDER REID].—To have the Care and Custody of the Records and Judgment Rolls of the said Court, and of the Books of Record, containing Entries of Judgments, Satisfactions, and Assignments, and all Matters relating thereto; to enter upon the Roll the Abstracts of Satisfactions and Assignments; to compile and number the Rolls in correspondence with the Entries relating thereto, so that they may be easy of Reference, and to produce the same for public Information within the Hours fixed by the Master; to aid the Master in checking Searches; and to do all such Acts as properly belong to his Office -	400	0	0
FIRST CLERK [ ] to make Entries in Books relating to Judgments - - - - - - - -	200	0	0
SECOND CLERK to aid as Occasion may require - - - - -	100	0	0
RULES DEPARTMENT.			
CLERK OF THE RULES [Mr. JOSEPH REID].—To perform the present Duties of the Office, and also the Duties hitherto performed by the Clerk of the Recoveries in respect to Recoveries or the Acknowledgment of Deeds by married Women; and to take Recognizances, and administer the Oaths to all Persons requiring to be sworn in open Court - - - - - - - - -	600	0	0
ASSISTANT [Mr. WILLIAM M. MEE] - - - - - - -	300	0	0
WRIT, APPEARANCE, AND SEAL DEPARTMENT.			
CLERK OF WRITS, APPEARANCES, and SEAL [Mr. JOHN CLANCY].—To enter and seal all Writs that issue from and are returnable into the Court; to receive, file, and enter Affidavits upon which Fiats are granted for Writs to hold to Bail; to receive, file, and enter all returned Writs; to receive and enter Appearances in a Book to be kept for that Purpose, as has been heretofore the Practice of the Appearance Office; to receive and file Affidavits to ground Parliamentary Appearances; to seal all Records			

SCHEDULE (B.)—*continued.*

WRIT, APPEARANCE, AND SEAL DEPARTMENT—*continued.*	Yearly Salaries. £	s.	d.
and other Documents requiring to be sealed, according to the Practice heretofore observed; to register in a Book, similar to that hitherto kept in the Seal Office, Attornies Licences; to furnish and attest Copies of the said several Matters, and to do all such Acts as properly belong to the said Offices - - - - -	600	0	0
ASSISTANT [Mr. JAMES LYNAM] - - - - - -	200	0	0

The Appointments in this Schedule to which no Persons are nominated are to be filled up by the Master from amongst the Persons employed in the Establishments hereby abolished, who are not otherwise provided for; any Instruments by which such Appointments may be so filled not to be chargeable with any Stamp Duty.

SCHEDULE (C.)

DESCRIBING the several OFFICERS in the PLEAS or COMMON LAW SIDE of the COURT of EXCHEQUER in IRELAND, their Assistants and Clerks, and the Duties and Salaries of such Officers, Assistants, and Clerks respectively.

PRINCIPAL DEPARTMENT.	Yearly Salaries. £	s.	d.
THE MASTER [ROBERT HITCHCOCK Esquire].—To exercise the general Superintendence directed by this Act; to file and keep all Pleadings, Affidavits, and other Documents requiring to be filed, and not hereby expressly referred to any other Officer; to examine into, mark, and sign all Judgments, Assignments, Satisfactions, Revivals, and Re-docketings of Judgments; to entertain and report upon all References; to strike Special Juries; to cause to be kept Books containing proper Entries of the marking, Satisfaction, and Assignment of Judgments, and all such Books as may be necessary for the due Discharge of the Business specially referred to him; to check the making of negative Searches, and to sign the Certificates thereof, [until Parliament shall otherwise provide for the Discharge of such Duties,] and all Certificates respecting the Matters hereby specially referred to him as his immediate Business; to prepare or cause to be prepared all Enrolments of the Records of the Pleas or Common Law Side of the Court; to cause all Transcripts of Records for Trial at Nisi Prius, or for the Court of Error, to be examined and signed; and generally to do or cause to be done all official Business whatsoever of or belonging to the Offices of the Court, which it is not the proper Duty of the other Officers of the said Court to do - - - - - - - - -	1,000	0	0
PRINCIPAL ASSISTANT [Mr. WILLIAM SISSON COOPER].—To examine and sign Records, Enrolments, and Writs after Judgment, and to aid the Master in the Business of marking Satisfaction and Assignment of Judgments, and in all Matters respecting Judgments generally - - - - - - - -	600	0	0
CLERK [ ] to aid him - - - - -	100	0	0
PLEADING DEPARTMENT.			
PLEADINGS ASSISTANT [Mr. GEORGE MEARES].—To receive, file, and make Entries of Pleadings and Documents, to attest Copies thereof, and to attend generally to all Business connected therewith - - - - - - -	400	0	0
FIRST CLERK to aid him - - - - - - -	100	0	0
SECOND CLERK ditto - - - - - - -	80	0	0
RECORD DEPARTMENT.			
RECORD ASSISTANT [Mr. BLACKER CASTLES].—To have the Care and Custody of the Judgment Rolls of the said Court, and of the Books of Record, containing Entries of Judgments, Satisfactions, and Assignments, and all Matters relating thereto; to enter upon the Roll the Abstracts of Satisfactions and Assignments; to compile and number the Rolls in correspondence with the Entries relating thereto, so that they may be easy of Reference, and to produce the same for public Information within the Hours fixed by the Master; to aid the Master in checking Searches; and to do all such Acts as properly belong to his Office - - - - - -	400	0	0
FIRST CLERK [Mr. RICHARD PATTEN].—To make Entries in Books relating to Judgments	200	0	0
SECOND CLERK [ ].—To aid as Occasion may require - -	100	0	0

SCHEDULE (C.)—*continued.*

	Yearly Salaries. £	s.	d.
RULES DEPARTMENT.			
CLERK OF THE RULES [Mr. HENRY YEO junior].—Performing the present Duties of the Office	600	0	0
ASSISTANT [Mr. EDWARD F. COOPER]	350	0	0
CLERK [ ]	100	0	0
WRIT, APPEARANCE, AND SEAL DEPARTMENT.			
CLERK OF WRITS, APPEARANCES, AND SEAL [Mr. ARTHUR GREENE].—To enter and seal all Writs that issue from and are returnable into the Court; to receive, file, and enter Affidavits upon which Fiats are granted for Writs to hold to Bail; to receive, file, and enter all returned Writs; to receive and enter Appearances in a Book to be kept for that Purpose, as has been heretofore the Practice of the Appearance Office; to receive and file Affidavits to ground Parliamentary Appearances; to seal all Records and other Documents requiring to be sealed, according to the Practice heretofore observed; to register in a Book, similar to that hitherto kept in the Seal Office, Attornies Licences; to furnish and attest Copies of the said several Matters, and to do all such Acts as properly belong to said Offices	600	0	0
ASSISTANT [Mr. WILLIAM YEO]	200	0	0
CLERK [ ]	80	0	0
One CLERK for general Purposes, as may be directed by the Master	80	0	0

The Appointments in this Schedule to which no Persons are nominated are to be filled up by the Master from amongst the Persons employed in the Establishments hereby abolished, who are not otherwise provided for; any Instruments by which such Appointments may be so filled not to be chargeable with any Stamp Duty.

SCHEDULE (D.)

	Yearly Salary. £	s.	d.
TAXING OFFICE.			
TAXING OFFICER	800	0	0
EXAMINER	300	0	0
CLERK	100	0	0

CAP. CVIII.

An Act to amend an Act of the Sixth Year of Her present Majesty, intituled *An Act to regulate the* Irish *Fisheries;* and to empower the Constabulary Force to enforce certain Provisions respecting the *Irish* Fisheries. [5th *September* 1844.]

6&7 W. 4. c. 13. s. 15. 'WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to consolidate the Laws relating to the Constabulary Force in* Ireland, and it was thereby, 'among other things, provided, that no chief or other Constable or Sub-Constable appointed under that 'Act should be employed to enforce any Acts relating to the Laws for the Preservation of Fish, except 'only in Cases when forcible Resistance shall have been actually made, and proved by Information taken 'on Oath: And whereas an Act was passed in the Sixth Year of the Reign of Her present Majesty, 5&6 Vict. c. 106. 'intituled *An Act to regulate the* Irish *Fisheries*, whereby, among other things, certain Regulations for 'the general Preservation of the *Irish* Fisheries during certain Periods of the Year, and the Protection 'of the public Interests therein, were made; and it is expedient that the Constabulary Force shall be 'empowered to enforce such Regulations:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

Parliament assembled, and by the Authority of the same, That the Officers and Men of the Constabulary Force in *Ireland* shall, any thing in the said first-recited Act to the contrary notwithstanding, have, for the Purpose only of enforcing the Regulations of the said recited Act of Her present Majesty's Reign herein-after set forth, and of this Act, all such Powers, Privileges, and Authorities as are by such Act conferred upon Water Bailiffs duly appointed thereunder, but subject nevertheless to such Orders and Restrictions, in respect of their being employed to enforce such Regulations, as shall from Time to Time be made by the Inspector General of the said Constabulary Force, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Constabulary Force empowered to carry into effect certain Regulations of the Fishery Act and of this Act.

II. And be it enacted, That the Regulations in enforcing which it shall be lawful to employ the Officers and Men of the said Constabulary Force shall be the Regulations herein-after mentioned; (that is to say,) all and singular the Regulations made by the said recited Act of Her present Majesty's Reign and by this Act, or under any Authority derived therefrom, for the Observance and Enforcement of the several Periods fixed by or under Authority of such Acts as the annual Close Seasons for the Salmon Fishery, the Trout Fishery, the Eels Fishery, and Oyster Fishery respectively, and for the free Passage of Fish during such several annual Close Seasons, and requiring for that Purpose the making and maintaining of Openings, and the Removal of Obstructions, and directing certain Acts, Matters, and Things to be done, and prohibiting other Acts, Matters, and Things to be done, during and in relation to such annual Close Seasons respectively; and also all and singular the Regulations made by the said recited Act, or any Authority derived therefrom, for the Observance and Enforcement of the several weekly Close Seasons fixed by such Act, in reference to inland Lakes and Rivers, and in reference to the Sea or any Estuary or Tideway respectively, and for the free Passage of Fish during such weekly Close Seasons, and requiring for that Purpose the making and maintaining of Openings, and the Removal of Obstructions, and directing certain Acts, Matters, and Things to be done, and prohibiting other Acts, Matters, and Things to be done, during and in relation to such weekly Close Seasons respectively; and also all and singular the Regulations of the said last-recited Act prohibiting any Person wilfully taking, selling, purchasing, or having in his Possession the Spawn, Smelts, or Fry of Salmon, or of Trout, or of Eels, or in any Way or by any Device wilfully obstructing the Passage of the said Smelts or Fry, or injuring or disturbing any such Spawn or Fry, or any Spawning Bed, Bank, or Shallow where the same may be; and also all and singular the Regulations of the said Act prohibiting any Person wilfully taking, killing, destroying, exposing to sale, or having in his Possession, any red, black, foul, unclean, or unseasonable Salmon or Trout; and also all and singular the Regulations of the said Act prohibiting any Person, in any Season of the Year, in any Mill Pool or Mill Dam, or in any Works appurtenant to any Mill or Factory, or in any of the Watercourses leading the Water to or from such Mill or Factory, placing, laying, setting, or drawing any Net, Grate, Creel, or other Engine, or using any Means or Device whatsoever (save and except Rod and Line used subject to the Provisions of the said Act), for the Purpose of taking, destroying, or obstructing any Salmon or other Fish, or the Fry thereof; and also all and singular the Regulations of the said Act prohibiting the Proprietor or Tenant of any Eel Weir taking or suffering to be taken therein any Salmon or Trout or Salmon or Trout Fry, or Spent Salmon; and also all and singular the Regulations of the said last-recited Act prohibiting, between Sun-set and Sun-rise, the having or using any Light or Fire, Spear, Gaff, Strokeall, or other such Instrument, with Intent to take Salmon or other Fish in or on the Banks of any Lake or River, or chasing, injuring, or disturbing Spawning Fish or Fish on Spawning Beds, or attempting to catch Fish in such Places (except with Rod and Flies only within the lawful Period), or damming or teeming or emptying any River or Mill-race for the Purpose of taking or destroying any Salmon or Trout, or the Fry thereof.

Regulations for the Observance of the annual and weekly Close Seasons.

Regulations against Fishing with Lights, &c. at Night.

III. 'And whereas by the said last-recited Act it is provided, that the Commissioners for the Execu-
'tion of the said Act may, if they shall so think fit, decide that the Period by the said Act appointed for the
'Close Time for the Fisheries in particular Localities shall cease, and that such other Period as shall be
'fixed upon by the said Commissioners as the Close Time for any of such Fisheries respectively shall
'be kept and observed in lieu thereof, or to alter the Period within which it shall not be lawful to hang
'any Coghill or other Nets in the Gaps, Eyes, or Sluices of Eel or other Weirs, or make use of fixed
'Engines for taking Eels: And whereas it is expedient for such Purpose to extend to the Inspectors of
'Fisheries appointed by the said Commissioners the Power to hear and receive Evidence, and to examine
'and inquire into the Subject of such Fisheries;' be it therefore enacted, That it shall and may be lawful for any Inspector of Fisheries by the said Commissioners duly appointed, at the Direction and by the Order of the said Commissioners, to attend at any Meeting by the said Commissioners convened respecting the Fisheries in any particular Locality; and that the said Inspector of Fisheries shall hear and receive all such pertinent Evidence as shall be offered to him upon the Subject of the said Fisheries, and shall examine and inquire into the same upon Oath (which Oath the said Inspector is hereby authorized and empowered to administer), or otherwise, and by all such Means as may be deemed expedient by him, or as shall be by the said Commissioners in that Behalf directed; and that the said Inspector shall, within One Month after the said Meeting shall have taken place, faithfully report to the said Commissioners all the Evidence he shall have so received, and the Result of such Examination and Inquiry; and that it shall and may be lawful for the said Commissioners to act upon such Evidence, Examination, and Inquiry as if the same had been heard, taken, received, and made by the said Commissioners themselves.

Inspector of Fisheries empowered to receive Evidence to enable Commissioners to alter the Close Seasons in any River or District.

IV. 'And whereas it is expedient that the said Commissioners should be authorized to alter Close
'Seasons on shorter Notice than in and by the said Act directed;' be it enacted, That it shall and may be lawful for the said Commissioners to alter the Close Time for the Fishery in any particular Locality, and

Commissioners empowered to alter Close Season on shorter

Notice than by last-recited Act directed.

and that such other Period as shall be fixed upon by the said Commissioners as the Close Time for any Fishery in any Locality shall be kept and observed in such Locality in lieu thereof, and to alter the Period within which it shall not be lawful to hang any Coghill or other Nets in the Gaps, Eyes, or Sluices of Eel or other Weirs, or make use of fixed Engines for taking Eels, upon calling a Meeting of the Persons possessed of or interested in any such Fishery, giving Notice of the Day and Place appointed for such Meeting, not less than Fourteen Days from the Date of such Notice, by printed Handbills and Advertisement twice at least in some Newspaper published and circulating in the County or several Counties within which or on the Coast whereof such Fishery is in whole or in part situated, any thing in the said Act of the Sixth Year of the Reign of Her present Majesty requiring a longer or other Notice to the contrary notwithstanding.

Power to Commissioners to suspend, for a fixed Period, the Oyster Fishery in any particular Locality.

V. 'And whereas it is by the said last-recited Act further enacted, that it shall not be lawful for any 'Person between the First Day of *May* and the First Day of *September* in any Year to dredge for, take, 'catch, or destroy any Oyster or Oyster Brood, save and except when the Season for taking the same 'shall be changed by the said Commissioners, according to the Provisions of the said last-recited therein-'after mentioned Act; and it is expedient, for the Preservation, Protection, and Improvement of the 'Oyster Fisheries of *Ireland*, that in certain Localities the Power to dredge, fish for, or take Oysters 'should be suspended and prohibited for certain Periods;' be it therefore enacted, That it shall and may be lawful for the said Commissioners, if they shall so think fit, upon the Application of any Person interested in any Oyster Fishery in any particular Locality, to call a Meeting of the Persons possessed of or interested in such Oyster Fishery, after giving Notice of such Meeting in the Manner by the said last-recited Act directed with respect to changing the Periods within which it shall not be lawful to fish in Fisheries in particular Localities, and issuing such Summonses as is by the said last-recited Act in that Behalf directed, and by themselves or their Inspector hearing and receiving all such pertinent Evidence as shall be offered to them or him on the Subject of the said Fishery, and examining and inquiring into the same upon Oath, or otherwise to decide upon, fix, and appoint a Period, not exceeding the Term of Three Years, within which it shall not be lawful to dredge for, take, catch, or destroy any Oyster or Oyster Brood in such Locality.

Such Decision to be published.

VI. And be it enacted, That such Decision shall take effect and shall be published at the Time and in the Manner by the said Act directed as to the Decision of the said Commissioners respecting the Close Time of any District, Lake, or River.

Use of Seine Net lawful for Herrings.

VII. 'And whereas it is enacted by the said Act of the Fifth and Sixth of Her present Majesty, that 'no Person shall, at any Time between Sun-rise and Sun-set, set, either in the Sea or within the Tide-'way in any Estuary, any Sea Net for the catching of Herrings, or any Trammel Net, or leave any Drag or 'other Net in the Water, between Sun-rise and Sun-set, except Stake or Fixed Nets for the catching of 'Salmon as therein-after provided, and save also Seines or Drift Nets for Pilchards or Fish other than 'Herrings: And whereas it has been found expedient to permit, under certain Restrictions, the Use of 'Seine Nets for the taking of Herrings;' be it therefore enacted, That, notwithstanding any thing in the said recited Act to the contrary, it shall and may be lawful to and for all Persons to use Seine Nets for the catching of Herrings, save and except in such Places and at such Times as shall or may hereafter be forbidden by any Bye Law, Rule, or Regulation to be hereafter made by the said Commissioners.

When the Commissioners have defined the Mouth of any River, a Copy of such Definition to be deposited with the Clerk of the Peace; and a certified Copy thereof to be Evidence.

VIII. 'And whereas by the said Act of the Sixth Year of Her present Majesty the Commissioners 'for the Execution thereof are authorized and empowered to define the Mouths of Rivers under the 'Circumstances and for the Purposes therein mentioned; and it is expedient to provide for the due Pub-'lication of all Definitions to be so made by the said Commissioners, and Proof thereof in all Courts of 'Law or Justice;' be it therefore enacted, That when and so soon as the said Commissioners shall and may from Time to Time define the Mouth or Entrance of any River, under the Provisions of the said Act, a Copy of the Definition to be so made shall be deposited with the Clerk or Clerks of the Peace for the County or Counties in which the Mouth or Entrance of such River as so defined shall be situated; and in all Cases when it shall hereafter become necessary to prove such Definition in any Court of Law or Justice or elsewhere, a Copy, obtained from the Office of any Clerk of the Peace with whom the same may be lodged, and certified by him to be a true Copy thereof, shall be received and taken as full and sufficient Evidence of the Existence of such Definition.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CIX.

An Act to indemnify Persons connected with Art Unions, and others, against certain Penalties. [5th *September* 1844.]

'WHEREAS certain voluntary Associations have been formed in various Parts of the United Kingdom under the Name of Art Unions, for the Purchase of Pictures and other Works of Art, to be 'afterwards allotted and distributed, by Chance, Lot, or otherwise, among the several Members, Subscribers, or Contributors constituting or forming Part of such Associations, or for raising Sums of 'Money by Subscription, to be distributed by Lot as Prizes amongst the Members, Subscribers, or Contributors forming Part of such Associations, on the Condition, nevertheless, that such Prizes be 'expended solely and entirely in the Purchase of Pictures or other Works of Art: And whereas other 'Persons, either conjointly or separately, have also obtained Funds from Subscribers, on Condition of

'such

'such Persons distributing by Lot or otherwise certain Pictures, Engravings, or other Works of Art 'among the Subscribers last aforesaid: And whereas such Distributions of Works of Art, and the Pro- 'ceedings taken to carry the same into effect, may be deemed and taken to come within the Provisions of 'the several Acts of Parliament passed for the Prevention of Lotteries, Littlegoes, and unlawful Games, 'whereby the Members of such Art Unions as aforesaid, or other Persons acting as Distributors of 'Works of Art as aforesaid, may be liable or subjected to certain Pains and Penalties imposed by Law 'on Persons concerned in Lotteries, Littlegoes, and unlawful Games: And whereas it is expedient that 'all Members, Subscribers, Contributors, Distributors, and other Persons belonging to such voluntary 'Associations or Art Unions as aforesaid, or acting under their Authority or Direction, or on their 'Behalf, and all other Persons acting as Distributors of Works of Art as aforesaid, or Persons acting 'under their Authority or on their Behalf, shall be discharged and protected from any Pains and Penalties 'to which they may have rendered themselves liable, or to which they may become liable, by reason of 'any such their Proceedings as aforesaid:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all such Art Unions, and all Members, Contributors, Subscribers, Distributors, or Officers thereof, and Persons acting for them or on their Behalf, and all other Persons acting as Distributors of Works of Art as aforesaid, or Persons acting under their Authority or on their Behalf, shall, so far as relates to Persons other than Members of the said Art Unions, or Persons acting on their Behalf, be discharged and freed from all Suits, Prosecutions, Liabilities, Pains, and Penalties to which by Law they may be liable as being concerned in Lotteries, Littlegoes, or unlawful Games, for any thing done or which may be done by them or any of them herebefore or before the First Day of *October* next ensuing the passing of this Act; and as to all other Persons, being Members of the said Art Unions as aforesaid, they shall be discharged and freed from all Suits and Prosecutions, Liabilities, Pains, and Penalties to which by Law they might be liable as being concerned in Lotteries, Littlegoes, or unlawful Games, for any thing done or which may be done by them or any of them herebefore or before the Thirty-first Day of *July* next, touching the Purchase of any such Pictures or other Works of Art, or the Sale or Distribution thereof by Chance or Lot.

Art Unions, and the Members thereof, and other Persons, discharged from all Suits, &c. to which they might be liable touching the Purchase or Distribution of Works of Art by Chance previous to the Periods herein mentioned.

II. And be it enacted, That this Act may be amended or repealed by any Act passed in the present Session of Parliament.

Act may be amended, &c.

CAP. CX.

An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.

[5th *September* 1844.]

'WHEREAS it is expedient to make Provision for the due Registration of Joint Stock Companies 'during the Formation and Subsistence thereof; and also, after such complete Registration as is 'herein-after mentioned, to invest such Companies with the Qualities and Incidents of Corporations, 'with some Modifications, and subject to certain Conditions and Regulations; and also to prevent the 'Establishment of any Companies which shall not be duly constituted and regulated according to the 'Provisions of this Act:' Now be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall come into operation at the following Times; that is to say, as to the Officers to be appointed in pursuance hereof for the Registration of Companies, and the Regulation of the Office hereby provided for that Purpose, immediately on the passing hereof; and as to all Companies to which this Act is to apply, and all other the Provisions herein-after contained, except such as relate to such Officers and Office as aforesaid, on the First Day of *November* in the Year One thousand eight hundred and forty-four.

General Provisions.

Operation of Act as to Time.

II. And be it enacted, That this Act shall apply to every Joint Stock Company, as herein-after defined, established in any Part of the United Kingdom of *Great Britain* and *Ireland* except *Scotland*, or established in *Scotland* and having an Office or Place of Business in any other Part of the United Kingdom, for any commercial Purpose, or for any Purpose of Profit, or for the Purpose of Assurance or Insurance (except Banking Companies, Schools, and Scientific and Literary Institutions, and also Friendly Societies, Loan Societies, and Benefit Building Societies, respectively duly certified and enrolled under the Statutes in force respecting such Societies, other than such Friendly Societies as grant Assurances on Lives to the Extent herein-after specified;) and that the Term "Joint Stock Company" shall comprehend,—

Operation of Act as to Companies.

Application of Term "Joint Stock Company."

Every Partnership whereof the Capital is divided or agreed to be divided into Shares, and so as to be transferable without the express Consent of all the Copartners; and also,

Every Assurance Company or Association for the Purpose of Assurance or Insurance on Lives, or against any Contingency involving the Duration of Human Life, or against the Risk of Loss or Damage by Fire, or by Storm or other Casualty, or against the Risk of Loss or Damage to Ships at Sea or on Voyage, or to their Cargoes, or for granting or purchasing Annuities on Lives; and also every Institution enrolled under any of the Acts of Parliament relating to Friendly Societies, which Institutions shall make Assurances on Lives, or against any Contingency involving the Duration of Human Life to an Extent upon One Life or for any One Person to an Amount exceeding Two hundred Pounds, whether such Companies, Societies, or Institutions shall be Joint Stock Companies or Mutual Assurance Societies, or both; and also,

Every Partnership which at its Formation, or by subsequent Admission (except any Admission subsequent on Devolution or other Act in Law), shall consist of more than Twenty-five Members:

Future Companies.

And that, except where the Provisions of this Act are expressly applied to Partnerships existing before the said First Day of *November*, it shall be held to apply only to Partnerships the Formation of which shall be commenced after that Date: Provided nevertheless, that, except as herein-after specially provided, this Act shall not extend to any Company for executing any Bridge, Road, Cut, Canal, Reservoir, Aqueduct, Waterwork, Navigation, Tunnel, Archway, Railway, Pier, Port, Harbour, Ferry, or Dock which cannot be carried into execution without obtaining the Authority of Parliament: Provided also, that, except as herein-after is specially provided, this Act shall not extend to any Company incorporated or which may be hereafter incorporated by Statute or Charter, nor to any Company authorized or which may be hereafter authorized by Statute or Letters Patent to sue and be sued in the Name of some Officer or Person.

Companies for executing Parliamentary Works.

Incorporated Companies.

Construction of Words.

III. And be it declared, That the following Words and Expressions are intended to have the Meanings hereby assigned to them respectively, so far as such Meanings are not excluded by the Context or by the Nature of the Subject Matter; that is to say,

The Word "Company," to mean any Joint Stock Company or other Institution, as before defined:

The Expression "Assurance Company," to mean any Assurance Company, Association, or Institution, as before defined:

The Word "Directors" to mean the Persons having the Direction, Conduct, Management, or Superintendence of the Affairs of a Company:

The Expression "Promoter," or "Promoter of a Company," to apply to every Person acting by whatever Name in the forming and establishing of a Company at any Period prior to the Company obtaining a Certificate of complete Registration as herein-after mentioned:

The Word "Subscriber" to mean any Person who shall have agreed in Writing to take or have taken any Shares in a proposed Company or in a Company formed, and who shall not have executed the Deed of Settlement, or a Deed referring thereto:

The Word "Shareholder" to mean any Person entitled to a Share in a Company, and who has executed the Deed of Settlement, or a Deed referring to it, or, in the Case of Mutual Assurance Societies, any Person who shall be an assured Member thereof:

The Word "Person" to apply to Bodies Politic or Corporate, whether sole or aggregate:

The Expression "Commissioners of the Treasury" to apply to the Lord High Treasurer for the Time being, or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them:

The Expression "Committee of Privy Council for Trade" to mean the Lords of the Committee of Her Majesty's Privy Council for the Consideration of all Matters of Trade and Plantations:

The Expression "Secretary of the Committee" to mean One of the Joint Assistant Secretaries of the said Committee of Privy Council for Trade:

The Word "Justice" to mean a Justice of the Peace for the County, City, Borough, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter:

The Expression "special Authority" to mean any Deed of Settlement, Bye Laws, Letters Patent, Charter, or Local and Personal Act of Parliament, by which Powers are conferred or Regulations prescribed with reference to any individual Company:

The Word "prescribed" to mean provided for by special Authority:

The Word "Month" to mean Calendar Month:

The Expression "Superior Courts" to mean Her Majesty's Superior Courts of Law or Equity in *England* or *Ireland*:

The Word "Occupation," when applied to any Person, to mean his Trade or Following, and, if none, then his Rank or usual Title, as Esquire, Gentleman:

The Expression "Place of Residence" to include the Street, Square, or Place where the Party shall reside, and the Number (if any) or other Designation of the House in which he shall so reside:

The Word "Oath" to include Affirmation or other Declaration lawfully substituted for an Oath:

And generally, whensoever, with regard to any Matter, or to any Function in respect thereof, the Name of an Officer (whether a public Officer or an Officer of a Company) ordinarily having Cognizance of such Matter, or ordinarily exercising such Function, is mentioned, such Reference is to be understood to apply as well to any other Person or Officer who may have Cognizance of such Matter, or exercise such Function in respect of such Matter:

And, subject as aforesaid to the Context and to the Nature of the Subject Matter, Words denoting the Singular Number are to be understood to apply also to a Plurality of Persons or Things, and Words denoting the Masculine Gender are to be understood to apply also to Persons of the Feminine Gender.

Registration of Companies.

Provisional Registration:

IV. And be it enacted, That before proceeding to make public, whether by way of Prospectus, Handbill, or Advertisement, any Intention or Proposal to form any Company for any Purpose within the Meaning of this Act, whether for executing any such Work as aforesaid under the Authority of Parliament, or for any other Purpose, it shall be the Duty of the Promoters of such Company and they or some of them are hereby required to make to the Office hereby provided for the Registration of Joint Stock Companies

Companies (and herein-after called the Registry Office) Returns of the following Particulars according to the Schedule (C.) hereunto annexed; that is to say, Returns by Promoters of Companies.

1. The proposed Name of the intended Company; and also,
2. The Business or Purpose of the Company; and also,
3. The Names of its Promoters, together with their respective Occupations, Places of Business (if any), and Places of Residence;

And also the following Particulars, either before or after such Publication as aforesaid, when and as from Time to Time they shall be decided on; viz.,

4. The Name of the Street, Square, or other Place in which the provisional Place of Business or Place of Meeting shall be situate, and the Number (if any) or other Designation of the House or Office; and also,
5. The Names of the Members of the Committee or other Body acting in the Formation of the Company, their respective Occupations, Places of Business (if any), and Places of Residence, together with a written Consent on the Part of every such Member or Promoter to become such, and also a written Agreement on the Part of such Member or Promoter, entered into with some One or more Persons as Trustees for the said Company, to take One or more Shares in the proposed Undertaking, which must be signed by the Member or Promoter whose Agreement it purports to be (but such Agreements need not be on a Stamp); and also,
6. The Names of the Officers of the Company and their respective Occupations, Places of Business (if any), and Places of Residence; and also,
7. The Names of the Subscribers to the Company, their respective Occupations, Places of Business (if any), and Places of Residence; and also, before it shall be circulated or issued to the Public,
8. A Copy of every Prospectus or Circular, Handbill or Advertisement, or other such Document at any Time addressed to the Public, or to the Subscribers or others, relative to the Formation or Modification of such Company:
9. And afterwards, from Time to Time, until the complete Registration of such Company, a Return of a Copy of every Addition to or Change made in any of the above Particulars:

And that upon such Registration of at the least the Three Particulars first before mentioned the Promoters of such Company shall be entitled to a Certificate of provisional Registration. Certificate of provisional Registration.

V. And be it enacted, That if for a Period of One Month after the Particulars hereby required to be registered, or any of them, shall have been ascertained or determined, the Promoters of any Company fail to register such Particulars, then, on Conviction thereof, any Promoter as aforesaid shall be liable to forfeit for every such Offence a Sum not exceeding Twenty Pounds. Penalty as to delaying Registration.

VI. Provided always, and be it enacted, That if the Promoters of a proposed Company appoint a Person, being an Attorney or Solicitor of One of Her Majesty's Superior Courts of Law or Equity, to be Solicitor for the Promoters of such Company, and return to the said Registry Office a Duplicate of such Appointment in Writing, signed by some One or more of such Promoters, together with a Duplicate of the Acceptance of such Appointment, signed by the Person so appointed, then, until a Duplicate of the Revocation or of the Resignation of such Appointment be returned in like Manner, so signed as aforesaid, or until the Decease of such Solicitor, all Returns by this Act required to be made by such Promoters shall be made by such Solicitor in their Behalf, and the Penalty herein-before imposed in respect of any Failure to make such Returns shall not be incurred by them; and that if within the Period of One Month after the Particulars hereby required to be registered, or any of them, shall have been ascertained or determined, such Solicitor fail to make such Returns, then he shall be liable to forfeit for every such Offence a Sum not exceeding Twenty Pounds; and that if it be made to appear to the Court to which he shall belong that he fraudulently omitted to make a Return of any such Particulars, then he shall be liable to be suspended from Practice for any Time to be appointed by the said Court, or to be struck off the Rolls of the said Court. Relief from Penalties to Promoters by the Appointment of a Solicitor to make Returns. Return of Appointment and Acceptance. Penalty on Solicitor failing to make Returns.

VII. And be it enacted, That it shall not be lawful for any Joint Stock Company hereafter to be formed for any Purpose within the Meaning of this Act, whether for executing any such Work as aforesaid under the Authority of Parliament, or for any other Purpose, to act otherwise than provisionally in accordance with this Act until such Company shall have obtained a Certificate of complete Registration as herein-after provided; and no Joint Stock Company shall be entitled to receive a Certificate of complete Registration unless it be formed by some Deed or Writing under the Hands and Seals of the Shareholders therein; and in or by such Deed there must be appointed not less than Three Directors, and also One or more Auditors; and such Deed must set forth in a Schedule thereto, in a tabular Manner, according to the Order herein-after mentioned, the following Particulars; that is to say, Complete Registration: Constitution of Companies. Provisions of Deeds of Settlements.

1. The Name of the Company; and also,
2. The Business or Purpose of the Company; and also,
3. The principal or only Place for carrying on such Business, and every Branch Office (if any); and also,
4. The Amount of the proposed Capital, and of any proposed additional Capital, and the Means by which it is to be raised; and where the Capital shall not be Money, or shall not consist entirely of Money, then the Nature of such Capital and the Value thereof shall be stated; and also,
5. The Amount of Money (if any) to be raised or authorized to be raised by Loan; and also,
6. The total Amount of the Capital subscribed or proposed to be subscribed at the Date of such Deed; and also,

Registration of Companies.

7. The Division of the Capital (if any) into equal Shares, and the total Number of such Shares, each of which is to be distinguished by a separate Number in a regular Series; and also,
8. The Names and Occupations and (except Bodies Politic) the Places of Residence of all the then Subscribers, according to the Information possessed by the Officers of the Company in respect of such Names and Occupations and Places of Residence; and also,
9. The Number of the Shares which each Subscriber holds, and the distinctive Numbers thereof, distinguishing the Numbers of the Shares on which the Deposit has been paid from those on which it has not been paid; and also,
10. The Names of the then Directors of the Company, and of the then Trustees of the Company (if any), and of the then Auditors of the Company, together with their respective Places of Business (if any), Occupations, and Places of Residence; and also,
11. The Duration of the Company, and the Mode or Condition of its Dissolution:

Covenant to pay Instalments on Shares, &c.

Provision in Deed for Purposes in Schedule (A.)

Execution of Deed of Settlement.

Authentication of Deed.

Registration of Deed.

And that such Deed must contain a Covenant on the Part of every Shareholder, with a Trustee on the Part of the Company, to pay up the Amount of the Instalments on the Shares taken by such Shareholder, and to perform the several Engagements in the Deed contained on the Part of the Shareholders; and that such Deed must also make Provision for such of the Purposes set forth in Schedule (A.) to this Act annexed as the Nature and Business of the Company may require, and either with or without Provision for such other Purposes (not inconsistent with Law) as the Parties to such Deed shall think proper; and that every such Deed of Settlement must be signed by at least One Fourth in Number of the Persons who at the Date of the Deed have become Subscribers, and who shall hold at least One Fourth of the maximum Number of Shares in the Capital of the Company; and that every such Deed must be certified by Two Directors of the Company, by Writing endorsed thereon in the Form contained in the Schedule (B.) to this Act annexed; and that on the Production of such Deed, setting forth such Matters and making such Provisions as are hereby required to be provided for, and being so signed and certified, together with a complete Abstract or Index thereof, to be previously approved by the Registrar of Joint Stock Companies, and also a Copy of such Deed, for the Purpose of registering the same, or as soon after such Production as conveniently may be, the Registrar of Joint Stock Companies shall grant a Certificate of complete Registration, according to the Provisions of this Act in that Behalf; and unless such Deed and other Matters be so produced, and such Conditions be so performed, it shall not be lawful for him to grant such Certificate; and that after such Certificate shall be granted it shall be taken as Evidence of the proper Provisions being inserted in such Deed, and of the Performance of the Conditions hereby required previously to the granting such Certificate of complete Registration; and that any Defect or Omission as regards the Matters hereby required in any Deed of Settlement may from Time to Time be supplied by a supplementary Deed or Deeds; and that if any such supplementary Deed be not inconsistent with or repugnant to this Act, or any Act respecting Joint Stock Companies, and if it be duly registered, then it shall have the same Effect as if there were only One Deed for the Purposes of this Act; and that unless the same shall be registered it shall be of no Force or Effect.

Supplementary Deed.

Notification of Incompleteness of Deeds of Settlement.

VIII. And be it enacted, That if any Deed of Settlement or supplementary Deed of Settlement, whether made before or after the granting of the Certificate of complete Registration, appear to such Registrar of Joint Stock Companies to be insufficient by reason of the Omission or Incompleteness of any of the Provisions therein contained for the Purposes set forth in the said Schedule (A.), or if the Deed contain Provisions which appear to such Registrar to be inconsistent with or repugnant to this Act, or any Act for the Time being in force respecting Joint Stock Companies, then as soon thereafter as conveniently may be such Registrar shall notify the same in Writing to the Persons or to the Company by whom the Deed shall have been presented for Registration, specifying in such Notification the Particulars wherein such Deed of Settlement or supplementary Deed of Settlement is incomplete, or inconsistent with or repugnant to any such Act as aforesaid.

Companies for executing Parliamentary Works to register Copies of Documents required to be deposited by the Standing Orders.

IX. Provided always, and be it enacted, That if any Company for executing any Bridge, Road, Cut, Canal, Reservoir, Aqueduct, Waterwork, Navigation, Tunnel, Archway, Railway, Pier, Port, Harbour, Ferry, or Dock, which cannot be carried into execution without the Authority of Parliament, deposit at the proper Offices of the Two Houses of Parliament, in compliance with the Standing Orders of such Houses respectively, and at or within the Time required by such Standing Orders, such Deeds of Partnership or Subscription Contracts as shall be required to be deposited by such Standing Orders, and also return to the said Registry Office a Copy of such Deeds of Partnership or Subscription Contracts, together with such Certificate of the Receipt of such Plans, Sections, and Books of Reference as shall be appointed by the said Committee of Privy Council for Trade, then it shall be lawful for the Registrar of Joint Stock Companies and he is hereby required to accept the same instead of the Deed of Settlement by this Act required to be returned for the Purpose of obtaining a Certificate of complete Registration; and thereupon such Company shall be entitled to a Certificate of complete Registration accordingly.

Certificate of complete Registration.

Further Registration: Returns of further Deeds and Changes.

X. And be it enacted, That throughout the Continuance of any Joint Stock Company completely registered under this Act, except such Companies as shall have been incorporated by Act of Parliament after complete Registration and within One Month after the Date of any new or supplementary Deed of Settlement, there shall be transmitted by the Directors of every such Company to the Registrar of Joint Stock Companies a Copy of such new or supplementary Deed of Settlement, together with a complete Abstract thereof so approved of as aforesaid; and within Six Months after any Change shall have taken place in any of the Particulars herein-before required to be set forth in the Schedule to the Deed of Settlement,

Settlement, except so far as respects the Shareholders thereof and their respective Shares, there shall be transmitted Returns of such Particulars, so far as the same shall have been changed; and if within such Period any such Return be not made, then, on Conviction thereof, every Director of such Company shall be liable to pay a Sum not exceeding Twenty Pounds. Penalty.

XI. And be it enacted, That in the Months of *January* and *July* in every Year the Directors of every Joint Stock Company completely registered under this Act, except Companies which shall have been incorporated by Act of Parliament after complete Registration, shall make or cause to be made the following Returns to the Registrar of Joint Stock Companies; namely, Half-yearly Returns of Changes and Additions of Members.

A Return according to the Schedule (E.) hereunto annexed, and containing the Particulars therein set forth, of every Transfer of any Share in such Company which shall have been made since the preceding half-yearly Return (or, in the Case of the first of such Returns made by such Company since the complete Registration thereof), and which shall have come to the Knowledge of the Directors:

And also a Return according to the Schedule (F.) hereunto annexed, and containing the Particulars therein set forth, of the Names and Places of Abode of all Persons who shall either have ceased to be Shareholders of such Company, or have become Shareholders of such Company otherwise than by a Transfer as aforesaid, since the preceding half-yearly Return, or since the complete Registration of the Company, as the Case may require, and also of the Changes in the Names of all Shareholders of such Company whose Names shall have been changed by Marriage or otherwise since the last preceding half-yearly Return, or since the complete Registration of the Company, as the Case may require:

And if within any such Period any such Return be not made, then, on Conviction thereof, every Director of such Company shall be liable to pay a Sum not exceeding Twenty Pounds. Penalty.

XII. And be it enacted, That if at any Time any Party to a Transfer of a Share request in Writing the Directors of any such Company to make a Return thereof, then forthwith on such Request the Directors shall make the same accordingly; and that on Proof of such Transfer and such Request to the Satisfaction of the Registrar of Joint Stock Companies it shall be lawful for any such Party to make a Return of such Transfer, which shall be received, marked, and registered, and with the same Effect, as hereby provided in the Case of Returns made by such Companies. Returns made by Request.

XIII. And be it enacted, That until the Return of the Transfer or other Fact or Event whereby a Person becomes the Holder of any Shares be made, pursuant to the Provisions herein-before contained, it shall not be lawful for such Company, its Directors or Officers, if such Fact or Event be known to them respectively, to pay to any such Person any Part of the Profits of the Concern, nor for any such Person to sue for or recover any Part of the Profits arising in respect of such Share, or in anywise to act as a Shareholder; and that until the Return of the Transfer of any Share shall have been made pursuant to the Provisions herein-before contained the Person whose Share shall have been thereby transferred shall, so far as respects his Liability to the Debts and Engagements of the Company, and also as respects the Reimbursement of any Loss, Damages, Costs, and Charges he may incur thereby, be deemed to continue a Shareholder of such Company. Restriction of Rights of Shareholders by Non-registration of Shares transferred. Continuance of Liability of Shareholders transferring.

XIV. And be it enacted, That annually in the Month of *January* in every Year every Company completely registered under this Act, except Companies which shall have been incorporated by Act of Parliament after complete Registration, shall make to the said Registry Office a Return of the Name and Business of the Company; and that on the Receipt of such Return the Registrar of Joint Stock Companies shall give a Certificate thereof; and that if within the further Period of One Month such Return be not made, then, on Conviction thereof, such Company shall be liable to pay a Sum not exceeding Twenty Pounds: Provided always, that it shall be lawful for the Lords of the said Committee, on the Application of any Company, to appoint any other Period of the Year for the making of such annual Return as aforesaid. Periodical Registration of Companies. Penalty.

XV. And be it enacted, That when the Particulars and Documents severally by this Act required to be returned to the said Registry Office shall have been so returned, it shall be the Duty of the said Registrar of Joint Stock Companies and he is hereby required to cause to be written on every such Document and Return of Particulars brought to him for Registration the Day of the Receipt thereof, and to cause to be marked on every such Return or Document, in Writing or otherwise, a Number denoting the Order in which the same was received, and also, upon Demand, to cause an Acknowledgment of the Receipt of such Return or Document to be given to the Person by whom the same shall be so brought; and that if such Returns or Documents be conformable to the Provisions of this Act, or of any Regulations in that Behalf, then it shall be the Duty of the Registrar and he is hereby required forthwith to register the same, and, on Demand, to grant to such Company a Certificate of provisional or complete Registration, as the Case may require, signed by him, and sealed with the Seal of his Office; which Certificate must set forth whether the Company has been constituted provisionally or completely; and that, in the Absence of Evidence to the contrary, any such Certificate, or a Copy of any such Return as aforesaid, shall be received in Evidence, without Proof of the Signature thereto, or of the Seal of Office affixed thereto. Returns generally: Evidence of Registration. Certificates of Registration. Effect of Certificate as Evidence.

XVI. And be it enacted, That until the Company shall have obtained its Certificate of complete Registration the Promoters of the Company, or their Solicitor as aforesaid, shall make or cause to be made every Return by this Act required to be made; and after such Company shall have obtained a Certificate Authentication of Returns.

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Registration of Companies.

of complete Registration the Directors of the Company shall make or cause to be made every such Return; and One or more of such Promoters, or their Solicitor, or such Directors, as the Case may be, shall sign such Return; and every such Return which shall be made after complete Registration of the Company shall be sealed with the Seal of the Company.

Regulations as to Returns.

XVII. And be it enacted, That if the Committee of Privy Council for Trade shall deem it expedient, then it shall be lawful for the said Committee and they are hereby authorized from Time to Time to make Regulations respecting the Form of any such Returns as are hereby directed to be made, and the Manner and Time of making them, and for those Purposes to alter and vary the Schedules annexed to this Act, and to dispense with any of the Returns hereby made necessary, or any of the Forms of Returns prescribed by this Act; and that every such Regulation shall be published in the *London Gazette*, and thereupon shall be of the like Force as if the same were contained in this Act: Provided always, that nothing herein contained shall be construed to permit the said Committee to make any such Regulations which shall not apply alike to all such Companies as may be registered under the Authority of this Act, so far as the same may be applicable to them.

Regulations to apply to all Companies.

Inspection of Returns at Registry Office.

Certified Copies or Extracts.

XVIII. And be it enacted, That every Person shall be at liberty to inspect the Returns, Deeds, Registers, and Indexes which shall be made to or kept by the said Registrar of Joint Stock Companies; and that there shall be paid for such Inspection such Fees as may be appointed by the Commissioners of Her Majesty's Treasury in that Behalf, not exceeding One Shilling for each such Inspection; and that any Person shall be at liberty to require a Copy or Extract of any such Return or Deed, to be certified by the said Registrar; and there shall be paid for such certified Copy or Extract such Fee as the Commissioners of Her Majesty's Treasury may appoint in that Behalf, not exceeding Sixpence for each Folio of such Copy or Extract; and that in all Courts of Law and Equity and elsewhere every such Copy or Extract so certified shall be received in Evidence, without Proof of the Signature thereto, or of the Seal of Office affixed thereto.

Legal Effect thereof.

Office for Registration: Appointment of Registrar, &c. of Joint Stock Companies.

XIX. And be it enacted, That it shall be lawful for the Committee of Privy Council for Trade and they are hereby empowered to appoint a Person to be and to be called the Registrar of Joint Stock Companies, and, if the said Committee see fit, an Assistant Registrar, Clerks, and other necessary Officers and Servants; and that every such Registrar and Assistant Registrar, Clerks, and Officers shall be entitled to hold their Offices during the Pleasure only of the said Committee; and that from Time to Time it shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby authorized to fix the Salary or Remuneration of such Registrar, Assistant Registrars, Clerks, Officers, and Servants; and that, subject to the Provisions of this Act, it shall be lawful for the said Committee of Privy Council for Trade and they are hereby authorized to make Rules for regulating the Execution of the Office of the said Registrar; and that such Registrar shall have a Seal of Office to be by him used in the Authentication of all Matters relating to his said Office in respect of which such Authentication is by this Act required; and that such Assistant Registrar shall in the Absence of the Registrar be competent to do all Things which the Registrar is authorized or empowered, directed, or required to do, as fully and effectually to all Intents and Purposes, as the Registrar himself may do; and all Provisions in this Act relating to the Signature and Seal of Office of the said Registrar shall apply to the said Assistant Registrar: Provided always, that the Registrar shall not be absent from the Duties of his Office, except on account of ill Health or other urgent Cause, without express Leave in Writing of the said Committee of Privy Council for Trade for that Purpose previously obtained.

Assistant Registrar.

Leave of Absence.

Registrar's Office Attendance.

XX. And be it enacted, That from the Hour of Ten of the Clock in the Morning until Five of the Clock in the Afternoon, and at such other Times as the said Committee of Privy Council for Trade shall appoint, such Registrar, or in the unavoidable, or, as aforesaid, permitted Absence of the Registrar, then such Assistant Registrar, shall give his Attendance at the said Office every Day throughout the Year, except *Sundays*, *Good Friday*, *Christmas Day* and any other general Holiday or Fast Day appointed by Her Majesty in Council.

Fees of Registration.

XXI. And be it enacted, That every Company shall pay the following Fees; (that is to say,)

For a Certificate of provisional Registration the Sum of Five Pounds:

For a Certificate of complete Registration the Sum of Five Pounds; and One Shilling additional in respect of every Thousand Pounds Value of Capital, as declared on the Formation of the Company in the Deed of Settlement, or by any other special Authority:

For an annual Certificate the Sum of One Pound:

Commissioners of Treasury may fix other Fees.

And also such other Fees as shall be appointed to be paid in respect of any other Services to be performed by the said Registrar; and that from Time to Time it shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby authorized, in addition to the Fees herein-before required to be paid in respect of such Certificates, to fix such other Fees to be paid for the Services to be performed by the Registrar of Joint Stock Companies as they shall deem requisite to defray both the Expences of the said Office and the Salaries or other Remuneration of the said Registrar and of any other Persons employed under him, with the Sanction of the said Commissioners of Her Majesty's Treasury, in the Execution of this Act; and that the Balance, if any, shall be carried to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and be paid accordingly into the Receipt of Her Majesty's Exchequer at *Westminster*; and that it shall be lawful for the said Commissioners of Her Majesty's Treasury to regulate the Manner in which such Fees are to be received, and in which they are to be kept, and in which they are to be accounted for: Provided always, that if within Two Years after a Company shall have obtained a Certificate of complete Registration such Company

Balance to go to Consolidated Fund.

Regulation of Fees.

Return of Three Fourths of the

pany shall obtain an Act for the Incorporation thereof, then Three Fourths of the Fee paid by or on behalf of such Company on such complete Registration in respect of the Capital of the Company shall be reimbursed and repaid to the said Company, and that it shall be lawful for the said Commissioners of Her Majesty's Treasury and they are hereby authorized and empowered to repay the same accordingly.

Fee on Capital to Companies obtaining Acts. Repayment by Treasury.

XXII. And be it enacted, That if either the said Registrar of Joint Stock Companies, or any Person employed under him, either demand or receive any Gratuity or Reward in respect of any Service performed by him other than the Fees aforesaid, then for every such Offence every such Registrar or Person shall be guilty of a Misdemeanor.

Extortion a Misdemeanor.

Powers and Privileges of Companies.

XXIII. And be it enacted, That on the provisional Registration of any Company being certified by the Registrar of Joint Stock Companies it shall be lawful for the Promoters of any Company so registered to act provisionally, but not for any longer Period than Twelve Months from the Date of the Certificate, unless such Certificate shall be renewed, which may be done on Application for that Purpose; and no such renewed Certificate shall be in force for a longer Period than Twelve Months from the Date thereof; and it shall be lawful for the Promoters of such Company,—

On provisional Registration:

To assume the Name of the intended Company, but coupled with the Words "Registered provisionally;" and also,

Effect of provisional Registration.

To open Subscription Lists; and also,

To allot Shares, and receive Deposits by way of Earnest thereon, at a Rate not exceeding Ten Shillings for every One hundred Pounds on the Amount of every Share in the Capital of the intended Company; and also, in the Case of Companies for executing any Bridge, Road, Cut, Canal, Reservoir, Aqueduct, Waterwork, Navigation, Tunnel, Archway, Railway, Pier, Port, Harbour, Ferry, or Dock, which cannot be carried into execution without the Authority of Parliament, in addition to and exclusive of such Sum of Ten Shillings *per* Hundred Pounds, such further Sum *per* Hundred Pounds on the Amount of every such Share as may be required by the Standing Orders of either House of Parliament to be deposited before the obtaining of an Act of Parliament for enabling the Company to execute such Work; and also,

To perform such other Acts only as are necessary for constituting the Company, or for obtaining Letters Patent, or a Charter, or an Act of Parliament;

But not to make Calls, nor to purchase, contract for, or hold Lands, nor to enter into Contracts for any Services, or for the Execution of any Works, or for the Supply of any Stores, except such Services and Stores or other Things as are necessarily required for the establishing of the Company, and except any Purchase or other Contract to be made conditional on the Completion of the Company, and to take effect after the Certificate of complete Registration, Act of Parliament, or Charter or Letters Patent, shall have been obtained, and, except in the Case of Companies for executing such Works as aforesaid, Contracts for Services in making Surveys and performing all other Acts necessary for obtaining an Act of Incorporation or other Act for enabling the Company to execute such Works.

Proceedings of Companies before Registration and being provisionally registered.

XXIV. And be it enacted, That if before a Certificate of provisional Registration shall be obtained the Promoters or any of them, or any Person employed by or under them, take any Monies in consideration of the Allotment either of Shares or of any Interest in the Concern, or by way of Deposit for Shares to be granted or allotted; or issue, in the Name or on behalf of the Company, any Note or Scrip, or Letter of Allotment, or other Instrument or Writing to denote a Right or Claim, or Preference or Promise, absolute or conditional, to any Shares; or advertise the Existence or proposed Formation of the Company; or make any Contract whatsoever for or in the Name or on behalf of such intended Company; then every such Person shall be liable to forfeit for every such Offence a Sum not exceeding Twenty-five Pounds; and that it shall be lawful for any Person to sue for and recover the same by Action of Debt.

25*l.* Penalty against Persons offending.

On complete Registration: Powers and Privileges obtained thereby. Incorporation.

XXV. And be it enacted, That on the complete Registration of any Company being certified by the Registrar of Joint Stock Companies such Company and the then Shareholders therein, and all the succeeding Shareholders, whilst Shareholders, shall be and are hereby incorporated as from the Date of such Certificate by the Name of the Company as set forth in the Deed of Settlement, and for the Purpose of carrying on the Trade or Business for which the Company was formed, but only according to the Provisions of this Act, and of such Deed as aforesaid, and for the Purpose of suing and being sued, and of taking and enjoying the Property and Effects of the said Company; and thereupon any Covenants or Engagements entered into by any of the Shareholders or other Persons with any Trustee on the Behalf of the Company, at any Time before the complete Registration thereof, may be proceeded on by the said Company and enforced in all respects as if they had been made or entered into with the said Company after the Incorporation thereof; and such Company shall continue so incorporated until it shall be dissolved, and all its Affairs wound up; but so as not in anywise to restrict the Liability of any of the Shareholders of the Company, under any Judgment, Decree, or Order for the Payment of Money which shall be obtained against such Company, or any of the Members thereof, in any Action or Suit prosecuted by or against such Company in any Court of Law or Equity; but every such Shareholder shall, in respect of such Monies, subject as after mentioned, be and continue liable as he would have been if the said Company had not been incorporated; and thereupon it shall be lawful for the said Company, and they are hereby empowered, as follows; that is to say,

Without Restriction of Liability.

Company empowered to act.

1. To use the registered Name of the Company, adding thereto "Registered;" and also,
2. To have a Common Seal (with Power to break, alter, and change the same from Time to Time), but on which must be inscribed the Name of the Company; and also,

3. To

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3. To sue and be sued by their registered Name in respect of any Claim by or upon the Company upon or by any Person, whether a Member of the Company or not, so long as any such Claim may remain unsatisfied; and also,
4. To enter into Contracts for the Execution of the Works, and for the Supply of the Stores, or for any other necessary Purpose of the Company; and also,
5. To purchase and hold Lands, Tenements, and Hereditaments in the Name of the said Company, or of the Trustees or Trustee thereof, for the Purpose of occupying the same as a Place or Places of Business of the said Company, and also (but nevertheless with a Licence, general or special, for that Purpose, to be granted by the Committee of the Privy Council for Trade, first had and obtained,) such other Lands, Tenements, and Hereditaments as the Nature of the Business of the Company may require; and also,
6. To issue Certificates of Shares; and also,
7. To receive Instalments from Subscribers in respect of the Amount of any Shares not paid up; and also,
8. To borrow or raise Money within the Limitations prescribed by any special Authority; and also,
9. To declare Dividends out of the Profits of the Concern; and also,
10. To hold General Meetings periodically, and extraordinary Meetings upon being duly summoned for that Purpose; and also,
11. To make from Time to Time, at some General Meeting of Shareholders specially summoned for the Purpose, Bye Laws for the Regulation of the Shareholders, Members, Directors, and Officers of the Company, such Bye Laws not being repugnant to or inconsistent with the Provisions of this Act or of the Deed of Settlement of the Company; and also,
12. To perform all other Acts necessary for carrying into effect the Purposes of such Company, and in all respects as other Partnerships are entitled to do:

And the said Company are hereby empowered and required,—

13. To appoint from Time to Time, for the Conduct and Superintendence of the Execution of the Affairs of the Company, a Number of Directors, not less than Three, for a Period not greater than Five Years, with or without Eligibility to be re-elected at the Expiration of the Term, as may be prescribed by any Deed of Settlement or Bye Law; and also,
14. To appoint and remove One or more Auditors, and such other Officers as the Deed of Settlement under which the Company shall be constituted may authorize:

Subject nevertheless, with respect to all such Powers and Privileges, to the Provisions of this Act, and subject also to the Provisions of the Deed of Settlement of the Company or any other special Authority:

Restriction of Powers of Companies for executing Parliamentary Works before obtaining an Act.

Provided always, with regard to any Company for executing any Bridge, Road, Cut, Canal, Reservoir, Aqueduct, Waterwork, Navigation, Tunnel, Archway, Railway, Pier, Port, Harbour, Ferry, or Dock, which cannot be carried into execution without obtaining the Authority of Parliament, that on the complete Registration of any such Company, and before such Company shall have obtained its Act of Incorporation or other Act whereby the Authority of Parliament shall be granted for executing such Work, it shall not be lawful for any such Company or the Directors or Officers thereof to exercise the herein-before mentioned Power to enter into Contracts, otherwise than conditionally upon obtaining such Act, or to exercise the Power to purchase and hold Lands as aforesaid, or to exercise the Power to receive Instalments from Shareholders beyond the Sum or Per-centage necessary to be deposited in compliance with the Standing Orders of either House of Parliament, or such other Sum as may be requisite for obtaining the Act of Incorporation or other Act for granting the Authority of Parliament to execute such Work, or to exercise the Power to borrow Money, as aforesaid, or to exercise the Power to declare Dividends, as aforesaid; and, subject to these last-mentioned Exceptions, all the Powers by this Enactment herein-before given to any Company completely registered, except the general Power to perform all Acts necessary for carrying on the Business of the Company, may be exercised as fully by any such Company so completely registered as by any other Company so completely registered: Provided always, that it shall be lawful for any such Company to perform all Acts which may be necessary for obtaining an Act of Incorporation or other Act for obtaining the Authority of Parliament to execute its Works as aforesaid, any thing herein contained to the contrary notwithstanding; and that upon obtaining such Act of Incorporation or other such Act as aforesaid, or at the Time of the coming into operation of such Act, as shall be thereby appointed, all the Powers which any such Company shall obtain by virtue of this Act, and all the Provisions and Regulations of this Act which shall apply to such Company, shall cease and determine, except so far as shall be otherwise provided by such Act of Incorporation or other such Act as aforesaid.

Power to obtain Act of Parliament.

Regulation of Company under such Act.

Shareholders: Restriction of Rights prior to Execution of Deed of Settlement.

Rights thereafter.

XXVI. And be it enacted, That no Shareholder of any Joint Stock Company completely registered under this Act shall be entitled to receive any Dividends or Profits, or be entitled to the Remedies or Powers hereby given to Shareholders, until he shall have executed the Deed of Settlement of the said Company, or some Deed referring thereto, and also have paid up all Instalments or Calls due from him, and shall have been registered in the Registry Office aforesaid; and further, that it shall be lawful for every Shareholder who shall have signed such Deed, and paid up such Instalments or Calls, and shall have been registered, and he is hereby entitled,—

To be present at all General Meetings of the Company; and also,

To take part in the Discussions thereat; and also,

To vote in the Determination of any Question thereat, and that either in Person or by Proxy, unless the Deed of Settlement shall preclude Shareholders from voting by Proxy; and also,

To vote in the Choice of Directors, and of every Auditor to be elected by the Shareholders;

Subject

Subject nevertheless to the Provisions of this Act, and of the Deed of Settlement of the Company or other special Authority, so far as such Provisions shall either regulate or restrict the Exercise of such Powers, but not so as to deprive such Shareholders thereof; and further, with regard to Subscribers and every Person entitled or claiming to be entitled to any Share in any Joint Stock Company the Formation of which shall be commenced after the First Day of *November* One thousand eight hundred and forty-four, that until such Joint Stock Company shall have obtained a Certificate of complete Registration, and until any such Subscriber or Person shall have been duly registered as a Shareholder in the said Registry Office, it shall not be lawful for such Person to dispose, by Sale or Mortgage, of such Share, or of any Interest therein, and that every Contract for or Sale or Disposal of such Share or Interest shall be void, and that every Person entering into such Contract shall forfeit a Sum not exceeding Ten Pounds; and that for better protecting Purchasers it shall be the Duty of the Directors of the Company by whom Certificates of Shares are issued to state on every such Certificate the Date of the first complete Registration of the Company, as before provided; and that if any such Director or Officer knowingly make a false Statement in that respect then he shall be liable to the Pains and Penalties of a Misdemeanor.

Restriction on Disposal of Shares.

10*l.* Penalty.

Contents of Certificates of Shares.

Penalty as to false Certificate.

XXVII. And be it enacted, That with regard to the Powers and Duties of Directors it shall be lawful for the Directors of any Joint Stock Company registered under this Act,—

Regulation of Companies.

Directors: Powers of Directors.

1. To conduct and manage the Affairs of the Company according to the Provisions and subject to the Restrictions of this Act, and of the Deed of Settlement, and of any Bye Law, and for that Purpose to enter into all such Contracts and do and execute all such Acts and Deeds as the Circumstances may require; and also,
2. To appoint the Secretary, if any; and also,
3. To appoint the Clerks and Servants; and also from Time to Time, as they see fit,
4. To remove such Secretary, Clerks, and Servants, and to appoint others, as Occasion shall require; and also,
5. To appoint other Persons for special Services as the Concerns of the Company may from Time to Time require; and also,
6. To hold Meetings periodically and from Time to Time as the Concerns of the Company shall require; and also,
7. To appoint a Chairman to preside at all such Meetings, and in his Absence to appoint a Chairman at each such Meeting;

Subject nevertheless to the Provisions and Restrictions of this Act, and to the Provisions of the Deed of Settlement of the Company or other special Authority, but not so as to enable the Shareholders to act in their own Behalf in the ordinary Management of the Concerns of the Company otherwise than by means of Directors: Provided always, that it shall not be lawful for the Directors to purchase any Shares of the Company, nor to sell any such Shares, except Shares forfeited on the Nonpayment of Calls or Instalments, nor to lend to any one of their Number, or to any Officer of the Company, any Money belonging to the Company without the Authority and Sanction of a General Meeting of Shareholders duly convened.

Restriction as to lending Money.

XXVIII. And be it enacted, That henceforth, notwithstanding any thing to the contrary in any Deed of Settlement or other Instrument by which a Joint Stock Company shall be constituted or regulated, it shall not be lawful to appoint any Person to be or to act as a Director, whether honorary or otherwise, or to hold the Office of Patron or President, or any other Office of the like Description; nor shall it be lawful for any Person to act in any such Capacity unless at the Time of such his Appointment or of such his acting he hold in his own Right at least One Share in the Capital of such Company; and that if, without having such Share, any Person be or become or act as Director, Patron, or President of such Company, or in any Office of such or the like Nature, then he shall forfeit for every such Offence a Sum not exceeding Twenty Pounds; and that if any Person be announced or held out by or on behalf of the Company as a Director, Patron, or President, or as holding any Office of such or the like Description, without having so consented or acted, then each Director of such Company knowingly concurring in such Representation shall forfeit a Sum not exceeding Twenty Pounds.

Pecuniary Qualification of Directors, Patrons, &c.

XXIX. And be it enacted, That if any Director of a Joint Stock Company registered under this Act be either directly or indirectly concerned or interested in any Contract proposed to be made by or on behalf of the Company, whether for Land, Materials, Work to be done, or for any Purpose whatsoever, during the Time he shall be a Director, he shall, on the Subject of any such Contract in which he may be so concerned or interested, be precluded from voting or otherwise acting as a Director; and that if any Contract or Dealing (except a Policy of Assurance, Grant of Annuity, or Contract for the Purchase of an Article or of Service, which is respectively the Subject of the proper Business of the Company, such Contract being made upon the same or the like Terms as any like Contract with other Customers or Purchasers), shall be entered into, in which any Director shall be interested, then the Terms of such Contract or Dealing shall be submitted to the next General or Special Meeting of the Shareholders to be summoned for that Purpose; and that no such Contract shall have Force until approved and confirmed by the Majority of Votes of the Shareholders present at such Meeting; and that if at any Time any Director cease to be a Holder of the prescribed Number of Shares in the Company, or shall become a Bankrupt or Insolvent, or shall have suspended Payment, or compromised with his Creditors, or be declared a Lunatic, then it shall be unlawful for any such Director to continue as a Director, or to act as such, and the Office of such Director shall be and is hereby declared to be vacant.

Disqualification of Directors.

As to Contracts.

Approval of General Meeting.

As to Shares, &c.

Validity of Acts of Directors.

XXX. And be it enacted, That notwithstanding it may be afterwards discovered that there was some Defect or Error in the Appointment of any Person acting or who may have acted as a Director of a Joint Stock Company registered under this Act, or that such Person was disqualified, yet all Acts done by him as such Director before the Discovery of such Defect or Error, either solely or with other Directors, shall be as binding on him, and on the Company, and the Directors and Officers thereof, as if such Person had been duly appointed or qualified, and, if such Acts were done *bonâ fide*, shall be as binding on all Persons whomsoever as if such Person had been duly appointed or qualified.

Acts of Fraud or wilful Omission by Directors or Officers a Misdemeanor.

XXXI. And be it enacted, That if any such Director or other Officer of any Joint Stock Company registered under this Act wrongfully do or omit any Act, with Intent to defraud the Company or any Shareholder therein, or falsify or fraudulently mutilate or fraudulently make any Erasure in the Books of Account or Books of Register, or any Document belonging to the Company, then such Director or Officer shall be deemed to be guilty of a Misdemeanor.

Authentication and legal Effect of Books of Record.

XXXII. And be it enacted, That if the Entry of the Proceedings of any Meeting of the Shareholders or of the Directors of any Joint Stock Company registered under this Act purport to be signed by the Chairman duly presiding at such Meeting, and sealed with the Seal of the Company, then it shall be the Duty of all Courts of Justice, Justices, and others, and they are hereby required, to receive the Book in which such Entry shall be made as *primâ facie* Evidence, not only of the Proceedings of the Meeting of which Entry shall be so made, but of such Meetings having been duly convened, and of the Persons making or entering such Orders or Proceedings being Shareholders or Directors, and of the Signature of the Chairman.

Inspection of Books of Registry.

XXXIII. And be it enacted, That the Books of any such Company wherein the Proceedings of the Company are recorded shall be kept at the principal or only Place of Business of the Company, and at all reasonable Times such Books shall be open to the Inspection of any Shareholder of the Company; subject nevertheless to the Provisions of the Deed of Settlement or of any Bye Law.

Account Books.

XXXIV. And be it enacted, That the Directors shall cause the Accounts of such Company to be duly entered in Books to be provided for the Purpose.

Balancing of Books.

XXXV. And be it enacted, That Fourteen Days at the least before the Period at which the Accounts are required to be delivered to the Auditors as herein-after provided the Directors of such Company shall cause the Books of the Company to be balanced, and a full and fair Balance Sheet to be made up; and that previously to such Balance Sheet being delivered to the Auditors as herein-after provided the Directors, or any Three of their Number, shall examine such Balance Sheet, and sign it as so examined; and that when the Balance Sheet shall have been so examined the Chairman of the Directors shall sign such Balance Sheet, and that thereupon the Directors shall cause the same to be recorded in the Books of the Company.

Examination of Balance Sheet.

Production of Balance Sheet.

XXXVI. And be it enacted, That at each ordinary Meeting of the Shareholders the Directors shall produce such Balance Sheet to the Shareholders assembled thereat.

Inspection of Accounts by Shareholders.

XXXVII. And be it enacted, That during the Space of Fourteen Days previously to such ordinary Meeting, and also during One Month thereafter, every Shareholder of the Company may, subject to the Provisions of the Deed of Settlement, or of any Bye Law, inspect the Books of Account and the Balance Sheet of the Company, and take Copies thereof and Extracts therefrom; and that if at any other Time Three Directors authorize in Writing any Shareholder to make such Inspection, then at such other Time the Shareholder so authorized may make such Inspection.

Occasional Inspection.

Auditors: Appointment of Auditors by Company.

XXXVIII. And be it enacted, That every Joint Stock Company completely registered under this Act shall annually at a General Meeting appoint One or more Auditors of the Accounts of the Company (One of whom at least shall be appointed by the Shareholders present at the Meeting in Person or by Proxy), and shall return the Names of such Auditors to the Registrar of Joint Stock Companies; and that if an Auditor be not appointed on behalf of the Shareholders, or if he shall die, or become incapable of acting, or shall decline to act at the prescribed Period, or if such Return be not made, then on the Application of any Shareholder of the Company it shall be the Duty of the Committee of Privy Council for Trade and they are hereby authorized to appoint an Auditor on behalf of the Shareholders; and that such Auditor shall continue to act till the next General Meeting; and the due Appointment of such Auditor shall be returned to the Registrar of Joint Stock Companies, and that thereupon it shall be his Duty to register the same; and that it shall be lawful for the Commissioners of the Treasury and they are hereby empowered to appoint that the Company shall pay to such Auditor such Salary or Remuneration as to the said Commissioners shall appear suitable, having regard to the Duties of his Office, and that thereupon such Auditor shall be entitled to recover such Salary from the Company as and when it shall become due, according to the Terms of the Appointment thereof.

By Board of Trade.

Salary of such Auditor.

Delivery of Accounts to Auditors for Examination.

XXXIX. And be it enacted, That Twenty-eight Days at least before the ensuing ordinary Meeting at which such Balance Sheet is required to be produced to the Shareholders the Directors shall deliver to the Auditors the half-yearly or other periodical Accounts and the Balance Sheet required to be presented to the Shareholders; and that the Auditors shall receive from the Directors such Accounts and Balance Sheet, and examine the same.

Powers of Auditors.

Assistance to Auditors.

XL. And be it enacted, That throughout the Year and at all reasonable Times of the Day it shall be lawful for the Auditors and they are hereby authorized to inspect the Books of Account and Books of Registry of such Company; and that the Auditors may demand and have the Assistance of such Officers and Servants of the Company and such Documents as they shall require for the full Performance of their Duty in auditing the Accounts.

XLI. And

XLI. And be it enacted, That within Fourteen Days after the Receipt of such Balance Sheet and Accounts the Auditors shall either confirm such Accounts, and report generally thereon, or shall, if they do not see proper to confirm such Accounts, report specially thereon, and deliver such Accounts and Balance Sheet to the Directors of the Company. Report by Auditors.

XLII. And be it enacted, That Ten Days before the ordinary Meeting of such Company the Directors shall, subject to the Provisions of any Deed of Settlement or Bye Law in that Behalf, send or cause to be sent a printed Copy of the Balance Sheet and Auditors Report to every Shareholder, according to his registered Address, and shall, at such Meeting of the Company, cause such Report to be read, together with the Report of the Directors. Publication of Reports.

XLIII. And be it enacted, That within Fourteen Days after such Meeting it shall be the Duty of such Directors and they are hereby required to return to the said Registry Office a Copy of the Balance Sheet, and of the Report of the Auditors thereon; and that thereupon it shall be the Duty of the Registrar of Joint Stock Companies and he is hereby required to register or file the same with the other Documents relating to such Company. Balance Sheet and Auditors Report to be registered.

XLIV. And for the Purpose of regulating Contracts entered into on behalf of any Joint Stock Company completely registered under this Act (except Contracts for the Purchase of any Article the Payment or Consideration for which doth not exceed the Sum of Fifty Pounds, or for any Service the Period of which doth not exceed Six Months, and the Consideration for which doth not exceed Fifty Pounds, and except Bills of Exchange and Promissory Notes), be it enacted, That every such Contract shall be in Writing, and signed by Two at least of the Directors of the Company on whose Behalf the same shall be entered into, and shall be sealed with the Common Seal thereof, or signed by some Officer of the Company on its Behalf, to be thereunto expressly authorized by some Minute or Resolution of the Board of Directors applying to the particular Case; and that in the Absence of such Requisites, or of any of them, any such Contract shall be void and ineffectual (except as against the Company on whose Behalf the same shall have been made); and that every such Contract for the Purchase of any Article the Consideration of which doth not exceed the Sum of Fifty Pounds, or for any Services the Period of which doth not exceed Six Months, and the Consideration for which doth not exceed Fifty Pounds, entered into on behalf of any Joint Stock Company completely registered under this Act, may be entered into by any Officer authorized by a general Bye Law in that Behalf; and that every such Contract, whether under Seal or not, shall immediately after the same shall have been entered into be reported to the Secretary or other appointed Officer of the Company on whose Behalf the same shall have been entered into, who shall enter the same in proper Books to be kept for that Purpose; and that if any such Contract be not so reported and entered, then the Officer by whose Default such Contract shall not be so reported or entered shall be liable to repay to the Company on whose Behalf such Contract may be made the Amount of the Consideration agreed to be paid by or on behalf of such Company in respect of such Contract. Contracts: Requisites of Contracts. Report to Secretary. Liability.

XLV. And be it enacted, with regard to Bills of Exchange and Promissory Notes made, accepted, or endorsed on the Behalf or Account of any such Company, so far as relates to the Mode of making, accepting, or endorsing the same, and to the Liability of any such Company thereon, That if the Directors of the Company be authorized by Deed of Settlement or Bye Law to issue or accept Bills of Exchange or Promissory Notes, then every such Bill of Exchange or Promissory Note shall be made or accepted (as the Case may be) by and in the Names of Two of the Directors of the Company on whose Behalf or Account the same may be so made or accepted, and shall be by such Directors expressed to be made or accepted by them on behalf of such Company; and that every such Bill of Exchange and Promissory Note so made or accepted as aforesaid shall be countersigned by the Secretary or other appointed Officer of the Company in whose Behalf the same is expressed to be made or accepted; and that every Bill of Exchange so made as aforesaid, or received by or on behalf of the Company, may be endorsed in the Name of the Company by any Officer authorized by Deed of Settlement or Bye Law in that Behalf; and that every such Bill of Exchange or Promissory Note so made, accepted, or endorsed as aforesaid shall, immediately after the making, accepting, or endorsing of the same, be reported to the proper Officer of the Company on whose Behalf the same shall have been made, accepted, or endorsed, and such last-mentioned Officer shall enter the same in proper Books to be kept for that Purpose; and that if any such Bill of Exchange or Promissory Note be not so reported and entered, then the Officer by whose Default such Bill or Note shall not be so reported or entered shall be liable to repay to the Company the Amount which the Company shall pay or be liable to pay in respect of such Bill or Note: Provided always, that nothing herein contained shall be deemed to make any such Secretary or Officer personally liable upon any such Bill of Exchange or Promissory Note, nor be deemed to make any such Directors personally liable thereon, except as Shareholders of the Company; and that every such Company on whose Behalf or Account any Bill of Exchange or Promissory Note shall be made, accepted, or endorsed, in manner and form aforesaid, shall and may sue and be sued thereon, as fully and effectually, and in the same Manner, as in the Case of any Contract made and entered into under their Common Seal. Requisites of Bills and Notes by Company: Signatures of Two Directors. Countersign of Secretary. Endorsation. Report and Entry thereof. Liability. Directors and Officers not personally liable. Liability of Company and Members.

XLVI. And be it enacted, That all Deeds and Instruments bearing the Seal of the Company shall be signed by Two at the least of the Directors of the Company. Deeds, &c. to be signed by Two Directors.

XLVII. And be it enacted, That all Bye Laws made by any Joint Stock Company completely registered under this Act, in pursuance of the Power herein-before given, must be reduced into Writing, and must have affixed thereto the Common Seal of the Company; and that such Bye Laws must be registered at the Office for registering Joint Stock Companies, and until they be so registered they shall not be of any Force; and that such Bye Laws must be printed and circulated for the Use of the Shareholders, and Bye Laws: Form of Bye Laws. Registration and Publication thereof.

and a Copy thereof must be given to every Officer of the Company, and to every Shareholder who shall require the same.

Bye Laws to be Evidence.

XLVIII. And be it enacted, That in all Actions, Suits, and other legal Proceedings for the Enforcement of such Bye Laws, or other Penalties for the Breach thereof, the Production of a written or printed Copy of the Bye Laws of the Company, having the Seal of Office of the Registrar of Joint Stock Companies affixed thereto, shall be sufficient Evidence of such Bye Laws.

Capital: Register of Shareholders.

XLIX. And be it enacted, That it shall be the Duty of the Directors of every Joint Stock Company registered under this Act to keep or cause to be kept a Book, to be called the "Register of Shareholders," and from Time to Time in such Book to enter the following Particulars; that is to say,

The Names and Addresses of all Persons or Corporations being Shareholders of the Company; and also,

The Number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its Number; and also,

The Amount of the Instalments paid on such Shares.

Inspection of Register of Shareholders.

L. And be it enacted, That it shall be lawful for every Shareholder, or if such Shareholder be a Corporation then the Clerk or principal Officer of such Corporation, at all convenient Times to search the Register of Shareholders gratis, and to require a Copy thereof or of any Part thereof; and that the Company may demand a Sum not exceeding Sixpence for every One hundred Words so required to be copied.

Requisites of Certificates of Shares.

LI. And be it enacted, That, on Demand of the Holder of any Share in any Joint Stock Company completely registered under this Act, the Company shall cause a Certificate of the Proprietorship of such Share to be delivered to such Shareholder, specifying the Share in the Undertaking to which such Shareholder is entitled, and the Amount paid up in respect of such Share at the Date of such Certificate, and shall have the Common Seal of the Company affixed thereto; and for such Certificate the Company may demand any Sum not exceeding One Shilling; and that such Certificate must be according to the Form in the Schedule (I.) to this Act annexed, or to the like Effect.

Fee for Certificate.

Form of Certificate.

Legal Effect of Certificate as Evidence.

LII. And be it enacted, That it shall be the Duty of all Courts of Justice, Judges, Justices, and others to admit such Certificate as *primâ facie* Evidence of the Title of the Shareholder to the Share therein specified; nevertheless the Want of such Certificate shall not prevent the Holder of any Share from disposing thereof.

Renewal of Certificate.

Substituted Certificate.

Entry thereof.

LIII. And be it enacted, That if any such Certificate be worn out or damaged, then, upon such Certificate being produced at some Meeting of the Directors, it shall be lawful for them to order such Certificate to be cancelled; and that thereupon another similar Certificate shall, if he require the same, be given to the Party in whom the Property of such Certificate and of the Share therein mentioned shall at the Time be vested; or if such Certificate be lost or destroyed, then, upon Proof thereof, a similar Certificate shall, if he require the same, be given to the Party entitled to the Certificate so lost or destroyed; and that in either Case it shall be the Duty of the Secretary and he is hereby required to make a due Entry of the substituted Certificate in the Register of Shareholders; and for every such Certificate so given or exchanged the Company may demand any Sum not exceeding the Sum of One Shilling.

Transfer of Shares.

LIV. And be it enacted, That, subject to the Regulations herein contained, and to be contained in any Deed of Settlement of any Joint Stock Company completely registered under this Act, it shall be lawful for every Shareholder of such Company and he is hereby entitled to sell and transfer his Shares therein by Deed duly stamped, in which the full Amount of the pecuniary Consideration for such Sale shall be truly expressed, and which Instrument of Transfer must be according to the Form in the Schedule (K.) to this Act annexed, or to the like Effect; and that the Directors of the Company shall cause a Memorial of such Instrument of Transfer, when produced at the Office of the Company, to be entered in a Book to be called "The Register of Transfers," and the Entry thereof to be endorsed on the Instrument of Transfer; and for every such Entry and Endorsement the Company may demand any Sum not exceeding One Shilling; and that until such Instrument of Transfer shall have been so produced at the Office of the Company the Purchaser of the Share shall not be entitled to receive any of the Profits of the Company, or to vote in respect of such Share: Provided always, that if at the Time of such Transfer the Shareholder shall not have paid the full Amount due and payable to the Company on every Share held by him, then he shall not be entitled to transfer any Share, unless there be a Provision to the contrary in the Deed of Settlement.

Deed to be registered.

Endorsement of Transfer.

Nondelivery of Transfer.

No Transfer if Shares not paid up.

Proceedings to recover Instalments of Capital.

Form of Declaration for Instalments.

Evidence.

Recovery of Instalments and Interest.

LV. And be it enacted, That if any Shareholder fail to pay any Instalment of Capital due upon or in respect of any Share held by him, when the same shall become due, it shall be lawful for any such Company and they are hereby authorized to sue such Shareholder for the Amount in an Action of Debt in any Court having competent Jurisdiction in respect of the same; and that in the Declaration in any such Action it shall be sufficient to state only that at the Time of the Commencement of the Suit the Defendant, as the Holder of certain Shares (stating how many) in a certain Company or Undertaking, as the Case may be, (naming it,) was indebted to the Company in a certain Sum (stating the Amount of the Instalments, or so much thereof as is sought to be recovered,) for certain Instalments of Capital then due and payable in respect of the said Shares, and that the Defendant hath not paid the same; and that if upon the Trial of any such Action it shall be proved that the Defendant was the Holder of any Share when such Instalments, or any of them, in respect of the same, and for which the Action is brought, became due, then such Company shall recover such Instalments, or so much thereof as is due, together with

with Interest for the same at the Rate of Five Pounds *per Centum per Annum*, to be computed from the Day on which such Instalment shall have become due.

Notification to joint Proprietors.

LVI. And be it enacted, That if any Share be held jointly by several Persons, then any Notice required to be given shall be given to such of the said Persons whose Name shall stand first on the Register of Shareholders, and Notice so given shall be sufficient Notice to all the Proprietors of such Share, and the Person so standing first shall be entitled to vote, and to have all the Privileges hereby conferred on Shareholders.

Deeds of Settlement: Publication thereof.

LVII. And be it enacted, That at every principal Place of Business of any Joint Stock Company completely registered under this Act it shall be the Duty of the Directors and Officers of the Company and they are hereby respectively required to have written or printed Copies of an Index or Abstract of the Deed of Settlement, approved by the Registrar of Joint Stock Companies, and a List of the Shareholders of the Company, and the Number of Shares held by each, and also a List of the Directors and Officers thereof, and a Copy of the Bye Laws sealed with the Seal of the Company, as returned to the said Registry Office; and that if at any reasonable Time any Shareholder, or any Person authorized in Writing by him, apply at any such Place of Business of the Company to inspect the same, then, on Demand thereof made during the usual Hours of Business, it shall be the Duty of the Directors or Officers and they respectively are hereby required to permit such Inspection; and that if on such Demand any such Director or Officer to whom such Demand is made do not thereupon permit such Inspection, then, on Conviction thereof, he shall be liable to pay for every such Offence a Sum not exceeding Forty Shillings.

Inspection thereof on Demand.

Penalty.

Existing Companies:

LVIII. And be it enacted, with regard to all Joint Stock Companies to which this Act is herein-before made to apply, and which shall exist on the First Day of *November* One thousand eight hundred and forty-four, whether incorporated by Act of Parliament or by Charter, or privileged by Letters Patent, or established by virtue of a Deed of Settlement, or of any other Instrument, or by virtue of any Authority whatever, or in any other Way whatever, That within Three Months from the said First Day of *November* the Directors, Managers, Officers, or others having the Direction, Management, Conduct, Superintendence, or Execution of the Affairs of any such Company, shall register such Company at the Office for the Registration of Joint Stock Companies, and for that Purpose shall make or cause to be made a Return of the following Particulars, according to the Schedule (I.) hereunto annexed; that is to say,

Registration of existing Companies.

Returns of Matters for Registration.

1. The Name or Style of the Company; and also,
2. The Purpose of the Company; and also,
3. The principal or only Place for carrying on its Business:

Certificate of Registration gratis.

And that on such Registration every such Company shall be entitled to have a Certificate of Registration, without paying any Fee either for such Registration or for such Certificate, but such Certificate shall be for the Purpose of showing that such Company had registered, and shall not be considered as a Certificate of complete Registration, so as to confer on any such Company the Powers and Privileges of this Act; and that if within the said Period the Persons hereby required to register any such Company fail so to do, then, on Conviction thereof, every such Company so failing shall forfeit for every such Offence a Sum not exceeding Fifty Pounds.

Penalty.

Privileges of future Companies under this Act extended to existing Companies fully constituted; or existing Companies fully complying.

LIX. And be it enacted, with regard to such existing Companies as aforesaid (except Assurance Companies), That if any such existing Company be so constituted as is by this Act required with regard to any future Company, or if the Deed or Deeds of Settlement of such existing Company contain the Particulars by this Act required to be contained in some one or other Deed of Settlement of such future Company, and if any other Conditions required to be fulfilled by or in respect of any such future Company, in order to obtain a Certificate of complete Registration, be fulfilled in respect of any such existing Company, then such existing Company shall be entitled to obtain a Certificate of complete Registration; but if such existing Company be not so constituted, or if such Deed of Settlement do not contain such Particulars, or if such other Conditions be not fulfilled, then, on such existing Company returning a Deed or Deeds according to the Provisions of this Act, and also, in addition to any other Matters by this Enactment required to be returned by such existing Company, such other Matters as are by this Act required to be returned by any future Company in order to obtain or before obtaining a Certificate of complete Registration as aforesaid, or such Modification of the said Deeds or Returns, or of any of them, as the Committee of Privy Council for Trade shall direct by any Regulation to be made in that Behalf, either on the Part or in respect of any One Company or of any Class of Companies, and signed by One of the Secretaries of the said Committee, such existing Company shall be entitled to a Certificate of complete Registration; and on such Certificate of complete Registration being granted by the Registrar of Joint Stock Companies it shall be lawful for such existing Company, its Shareholders, its Directors, and its Officers, and they are respectively hereby empowered, to have and exercise all such Powers and Privileges as are by this Act conferred upon Joint Stock Companies to be hereafter formed, subject nevertheless with respect to all such Powers and Privileges to the Provisions of this Act, or of any other Act to be hereafter passed for regulating the same; and that every such Company not incorporated shall be incorporated for the Purposes of this Act, as from the Date of the Certificate of complete Registration, in such Manner as herein-before provided with regard to Companies to be formed after the First Day of *November* next; and that any Directors or other Managers of any such Company as last aforesaid, with the Consent of at least Three Fourths in Number and Value of the Shareholders of such Company present at a General Meeting summoned for that Purpose, may at any Time or Times hereafter make any Alterations in the Constitution of the said Company or otherwise as shall be necessary for enabling such Company to come within

Effect of Certificate of complete Registration.

Incorporation.

Alteration of Deeds of Settlement in compliance with this Act.

Regulation of Companies.

within the Provisions of this Act, so as the same shall be approved of by the said Committee of Privy Council for Trade; and the Order of such Committee, signed as aforesaid, shall be sufficient Evidence of such Provisions having been complied with, and that any such Company has come within the Provisions of this Act: Provided always, with regard to existing Companies, that in the event of any such Company becoming entitled to a Certificate of complete Registration as aforesaid it shall not be necessary to pay in respect of such Certificate any higher Fee than the Sum of Five Pounds, and also the Sum of Sixpence additional in respect of every Thousand Pounds Value of Capital as declared on the Formation of the Company in the Deed of Settlement, or by any other special Authority.

Fees for Certificates of complete Registration for existing Companies.

Registration of Companies begun or formed after the passing of this Act.

LX. And be it enacted, That so much of the Provisions of this Act as are applicable to Companies formed after the First Day of *November* next shall apply to Companies begun or formed since the passing of this Act, so far as such Provisions shall on or after the said First Day of *November* be applicable to such last-mentioned Companies.

Effect of Incorporation of existing Companies, &c.

LXI. Provided always, and be it enacted, That, notwithstanding the Incorporation of any existing Company in pursuance of this Act, every such Company, and the Members and Officers of every such Company, shall be liable to be sued in respect of any valid Obligation incurred before such Incorporation, in the same Manner and with the same legal Consequences as if such Company had not been incorporated.

Modification of Conditions and Regulations as to Companies.

LXII. And be it enacted, That if at any Time during the Period of Five Years from the said First Day of *November* a Memorial be presented to the Committee of Privy Council for Trade, by or on the Part of any Company, whether now existing or hereafter formed, except Assurance Companies, making Application that any of the Conditions and Regulations prescribed by this Act be dispensed with or modified, and setting forth the special Grounds of such Application, and if such Application be registered at the Office of the Registrar of Joint Stock Companies, and if, before such Application be granted, the same be Three Times advertised, at Intervals not less than One Week, in the *London Gazette*, then from Time to Time during the said Period of Five Years, and Six Months after the Expiration thereof, it shall be lawful for the said Committee and they are hereby empowered, both as regards Companies formed before this Act shall come into operation and afterwards, either to dispense with or modify such of the Conditions by this Act required to be fulfilled by any future Company for the Purpose of obtaining a Certificate of complete Registration, and such of the Regulations by this Act made for the Government or Management of such Companies, as to the said Committee shall seem fit for facilitating the Application of this Act to the Constitution and Arrangements of any such Company, but so that nevertheless the Order or Instrument by which such Dispensation or such Modification shall be made be in Writing, and be registered at the Office for registering Joint Stock Companies; and this Act shall be construed as if such Modifications or Alterations were herein contained; and further, that annually it shall be the Duty of the said Committee to cause to be laid before both Houses of Parliament a Return of all such Applications for such Dispensation or Modification, and of the Orders made on such Applications.

Board of Trade to receive and decide Applications.

Return to Parliament by Board of Trade.

Act not to extend to certain Partnerships in Mines, &c.; nor to Irish Anonymous Partnerships. 21 & 22 G. 3. c. 46. (I.)

LXIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any Partnership formed for the working of Mines, Minerals, and Quarries of what Nature soever, on the Principle commonly called the Cost Book Principle.

LXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to Partnerships in *Ireland* commonly called "Anonymous Partnerships," formed under and by virtue of an Act passed in the Parliament of *Ireland* in the Twenty-first and Twenty-second Years of the Reign of His late Majesty King *George* the Third, intituled *An Act to promote Trade and Manufactures by regulating and encouraging Partnerships.*

Prevention of fraudulent Companies.

Punishment for Pretences as to Patronage, &c.

LXV. And forasmuch as great Injury has been inflicted upon the Public by Companies falsely pretending to be patronized or directed or managed by eminent or opulent Persons, now for the Purpose of preventing such false Pretences, be it enacted, with regard to every Company or pretended Company whatsoever, whether registered or not, and whether now existing or not, That if any Person shall make any such false Pretences, knowing the same to be false in any Advertisement or other Paper, whether printed or written, and whether published in any Newspaper, or Handbill, or Placard, or Circular, then every such Person shall forfeit for every such Offence a Sum not exceeding Ten Pounds.

Legal Proceedings.

Effect of Judgments against a Company and Shareholders.

LXVI. Provided always, and be it enacted, That every Judgment and every Decree or Order which shall be at any Time after the passing of this Act obtained against any Company completely registered under this Act, except Companies incorporated by Act of Parliament or Charter, or Companies the Liability of the Members of which is restricted by virtue of any Letters Patent, in any Action, Suit, or other Proceeding prosecuted by or against such Company in any Court of Law or Equity, shall and may take effect and be enforced, and Execution thereon be issued, not only against the Property and Effects of such Company, but also, if due Diligence shall have been used to obtain Satisfaction of such Judgment, Decree, or Order, by Execution against the Property and Effects of such Company, then against the Person, Property, and Effects of any Shareholder for the Time being, or any former Shareholder of such Company, in his natural or individual Capacity, until such Judgment, Decree, or Order shall be fully satisfied; provided, in the Case of Execution against any former Shareholder, that such former Shareholder was a Shareholder of such Company at the Time when the Contract or Engagement for which such Judgment, Decree, or Order may have been obtained was entered into, or became a Shareholder during the Time such Contract or Engagement was unexecuted or unsatisfied, or was a Shareholder at the Time of the Judgment, Decree, or Order being obtained; provided also, that in no Case shall Execution be issued on such Judgment, Decree, or Order against the Person, Property, or Effects, of any such former Shareholder

Former Shareholders.

No Execution after ceasing to

of

of such Company after the Expiration of Three Years next after the Person sought to be charged shall have ceased to be a Shareholder of such Company. be Shareholders Three Years.

LXVII. Provided always, and be it enacted, That every Person against whom, or against whose Property or Effects, Execution upon any Judgment, Decree, or Order obtained as aforesaid shall have been issued as aforesaid shall be entitled to recover against such Company all Loss, Damages, Costs, and Charges which such Person may have incurred by reason of such Execution; and that after due Diligence used to obtain Satisfaction thereof against the Property and Effects of such Company, such Person shall be entitled to Contribution for so much of such Loss, Damages, Costs, and Charges as shall remain unsatisfied, from the several other Persons against whom Execution upon such Judgment, Decree, or Order obtained against such Company, might also have been issued under the Provision in that Behalf aforesaid; and that such Contribution may be recovered from such Persons as aforesaid in like Manner as Contribution in ordinary Cases of Copartnership. Reimbursement of Shareholders against whom Execution issued. Contribution by other Shareholders.

LXVIII. And be it enacted, That in the Cases provided by this Act for Execution on any Judgment, Decree, or Order, in any Action or Suit against the Company to be issued against the Person or against the Property and Effects of any Shareholder or former Shareholder of such Company, or against the Property and Effects of the Company, at the Suit of any Shareholder or former Shareholder, in satisfaction of any Monies, Damages, Costs, and Expences paid or incurred by him as aforesaid in any Action or Suit against the Company, such Execution may be issued by Leave of the Court or of a Judge of the Court, in which such Judgment, Decree, or Order shall have been obtained, upon Motion or Summons for a Rule to show Cause, or other Motion or Summons consistent with the Practice of the Court, without any Suggestion of Scire facias in that Behalf; and that it shall be lawful for such Court or Judge to make absolute or discharge such Rule, or allow or dismiss such Motion, (as the Case may be,) and to direct the Costs of the Application to be paid by either Party or to make such other Order therein as to such Court or Judge shall seem fit; and in such Cases such Form of Writs of Execution shall be sued out of the Courts of Law and Equity respectively for giving effect to the Provision in that Behalf aforesaid as the Judges of such Courts respectively shall from Time to Time think fit to order; and the Execution of such Writs shall be enforced in like Manner as Writs of Execution are now enforced: Provided that any Order made by a Judge as aforesaid may be discharged or varied by the Court, on Application made thereto by either Party dissatisfied with such Order: Provided also, that no such Motion shall be made, nor Summons granted, for the Purpose of charging any Shareholder or former Shareholder, until Ten Days Notice thereof shall have been given to the Person sought to be charged thereby. Proceedings in Execution against the Person or Property of a Shareholder. Alteration of Orders by the Court. Notice.

LXIX. And be it enacted, That all Penalties and Forfeitures inflicted or authorized to be imposed by this Act, and all Costs and Expences for which any Person may be liable under this Act or by virtue of any Bye Law, and the Recovery of which has not been otherwise specially herein-before provided, shall and may be recovered, by any Person who shall proceed for the same, before any Two of Her Majesty's Justices of the Peace of the County, City, or Place where the Offender or Person liable to pay such Costs or Expences shall reside, or where the Offence shall be committed. Recovery of Penalties: Proceedings before Two Justices.

LXX. Provided always, and be it enacted, That all Penalties and Forfeitures recovered under this Act, and not otherwise specially appropriated, shall be applied as follows; one Half thereof shall be paid to the Person who shall sue or proceed for the same, and the other Half to Her Majesty's Use, and shall be paid to the Sheriff of the County, City, or Town where the same shall have been imposed; and that all Convictions before Justices shall be returned to the Court of Quarter Sessions under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated*, and shall be paid to the Sheriff of the County, City, or Town, and shall be duly accounted for by him. Appropriation of Penalties. 3 G. 4. c. 46.

LXXI. And be it enacted, That in all Cases in which any Penalty or Forfeiture or any Costs or Expences are recoverable before Two Justices of the Peace under this Act, it shall and may be lawful for any One Justice of the Peace to whom Complaint shall be made of any such Offence to summon the Party complained of, and the Witnesses on each Side, before any Two such Justices; and at the Time and Place mentioned in such Summons, or at any Adjournment of such Summons, the said Two Justices may hear and determine the Matter of such Complaint, and upon due Proof thereof, either by Confession of the Party or by the Oath of One or more credible Witness or Witnesses, give Judgment or Sentence on such Complaint, with Costs, to be allowed by such Justices, although no Information in Writing shall have been exhibited or taken; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited; and all Penalties, Forfeitures, and Costs so adjudged may be levied by Distress and Sale of the Goods and Chattels of the Party offending, by Warrant under the Hand and Seal of any One Justice; and in default of such Distress the Offender may be committed to Prison by any One Justice, by Warrant under his Hand and Seal, there to remain for any Time not exceeding Three Months, unless such Penalties, Forfeitures, and Costs shall be sooner paid. Summons in the Recovery of Penalties. Proceedings.

LXXII. And be it enacted, That if any Person shall be summoned as a Witness to give Evidence before such Justices of the Peace touching any Matter which such Justices are hereby authorized to inquire into, and shall neglect or refuse to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such Neglect or Refusal, to be allowed by such Justices, or appearing shall refuse to be examined on Oath and give Evidence before such Justices, then every such Person shall forfeit for every such Offence a Sum not exceeding Five Pounds, to be levied and paid in such Manner Compulsory Attendance of Witnesses.

Manner and by such Means as are herein-before directed as to other Penalties recoverable before Justices under this Act.

Limitation of Proceedings for Penalties.

LXXIII. And be it enacted, That every Proceeding for any Offence punishable on summary Conviction by virtue of this Act shall be commenced within Six Months after the Commission of the Offence, and not after.

Appeal to Quarter Sessions.

LXXIV. And be it enacted, That if any Person shall think himself aggrieved by the Judgment of such Justices, he may, within One Month next after such Conviction, and upon giving Ten Days Notice of Appeal in Writing to the Party in whose Favour such Judgment shall have been given, stating the Nature and Grounds of Appeal, and upon entering into Recognizances with Two sufficient Sureties to the Amount of the Value of such Penalty and Costs, together with such further Costs as shall be awarded in case such Judgment shall be affirmed, appeal to the next General Quarter Sessions of the Peace for the County, City, or Place where such Conviction shall have been made; and the Justices at such Sessions are hereby empowered to summon and examine Witnesses on Oath, and to hear and finally determine the Matter of such Appeal, and to award such Costs as the Court shall think reasonable to the Party in whose Favour such Appeal shall be determined.

Proceedings.

Informalities. No Certiorari.

LXXV. And be it enacted, That no Conviction or other Proceeding before Justices under this Act shall be set aside for Want of Form, nor be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record.

Recovery of Penalties by Action. Specification of Amount.

LXXVI. And be it enacted, That in any Case to which a Penalty is annexed by this Act the Whole or any Part of such Penalty may be recovered by Action of Debt in any Court now or hereafter having competent Jurisdiction, by any Person who shall sue for the same; and that in every such Action for the Recovery of such Penalty, so much of such Penalty as is sought to be recovered shall be endorsed on the Writ of Summons, and the Plaintiff shall not be entitled to recover a greater Sum than the Sum so endorsed; and if the Party suing for any such Penalty recover the same, or any Part as aforesaid, he shall be entitled to full Costs of Suit.

Actions, &c. for Penalties to be in the Name and with the Consent of the Attorney General; otherwise void.

LXXVII. And be it enacted, That it shall not be lawful for any Person to commence or prosecute any Action, Bill, Plaint, Information, or Prosecution in any of Her Majesty's Superior Courts for the Recovery of any Penalty or Forfeiture incurred by reason of any Offence committed against this Act, unless the same be commenced or prosecuted in the Name and with the Consent of Her Majesty's Attorney General; and that if any Action, Bill, Plaint, Information, or Prosecution, or any Proceeding before any Justices as aforesaid, shall be commenced or prosecuted in the Name of any other Person than is in that Behalf before mentioned, the same shall be and are hereby declared to be null and void.

Miscellaneous.

Authentication of Acts by Committee of Privy Council for Trade.

LXXVIII. And be it enacted, That with regard to every Act, Instrument, or Writing by this Act required or authorized to be done or to be made or executed by the Committee of Privy Council for Trade, that if the same purport to be so done, made, or executed by or on behalf of the said Committee, and be signed by One of the Secretaries of the said Committee, and (if it require a Seal) be sealed by the Seal of the said Committee, then it shall be deemed to be sufficiently done, made, or executed, to all Intents and Purposes.

Annual Report to Parliament.

LXXIX. And be it enacted, That it shall be the Duty of the Registrar of Joint Stock Companies to make a Report annually to the said Committee of Privy Council for Trade, setting forth,—

1. A List of Companies provisionally registered during the past Year:
2. A List of Companies completely registered during the past Year:
3. A List of Cases in which Application shall have been made for the Enforcement of Penalties for Failure to register, and the Proceedings, whether by Prosecution or otherwise, taken in consequence of such Applications, and the Results of such Proceedings:
4. A List of Companies which shall have been provisionally registered, but which have not obtained complete Registration:
5. A Return of the Regulations made by the said Committee with regard to the Returns required to be made by Companies:
6. A Return of Persons appointed to the Office of Registrar of Joint Stock Companies, and other Officers and Clerks, and of their Salaries or other Remuneration, and of the Rules made for the Regulation of the said Office:
7. A Return of the Amount of all Fees paid for Certificates of provisional or complete Registration, and for every other Purpose:
8. A Return of the Scale of Fees appointed by the Commissioners of Her Majesty's Treasury for the Services to be performed by the Registrar, and of the respective Amounts of such Fees:
9. A Return of the Cases in which the Companies had failed to appoint Auditors, and of the Proceedings taken thereon:
10. A Return of Prosecutions under this Act for any Offences not herein-before specified:
11. A Return of the Number of Bankruptcies of Joint Stock Companies, and of the Amount of the Debts and Assets of such Companies respectively:
12. A Return of Modifications made by the Committee of Privy Council for Trade, in pursuance of this Act, in the Conditions and Regulations to be observed by Companies, whether existing or future:

And that, within Six Weeks after the Meeting of Parliament next after the First Day of *January* in every Year, such Report shall be laid before both Houses of Parliament.

Act may be amended, &c.

LXXX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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SCHEDULES to which this Act refers.

SCHEDULE (A.)—See § 7.

LIST of PURPOSES for which Provision is required to be made by the Deed of Settlement of a Company before such Company can obtain a Certificate of complete Registration.

I.—*For the holding of Meetings, and the Proceedings thereat; viz.*

1. For holding ordinary General Meetings of the Company once at the least in every Year, at some appointed Place and Time.
2. For holding extraordinary Meetings, either upon the convening of the Directors of the Company, or upon the Requisition of not less than Five Shareholders.
3. For the Adjournment of Meetings.
4. For the Advertisement and Notification of Meetings, and the Business to be transacted thereat.
5. For defining the Business which may be transacted at Meetings, ordinary and extraordinary, or at Adjournments thereof.
6. For the Appointment of the Chairman at any Meeting of the Company.
7. For ensuring that each Shareholder shall have a Vote; and where it is not provided that each Shareholder is to have a Vote in respect of each Share, the Appointment of the Number of Votes to be given by Shareholders in respect of any Number of Shares held by them.
8. For enabling Guardians, Trustees, and Committees to vote in respect of the Interests of Infants, Cestuique Trusts, Lunatics, and Idiots.
9. For ascertaining what shall be the Majorities or Numbers of Votes requisite to carry all or any Questions, and where a simple Majority is to decide.
10. For prescribing the Mode and Form of the Appointment of Proxies to vote in the Place of absent Shareholders, and for limiting the Number of Proxies which may be held by any one Person.
11. For determining Questions where the Votes are equally divided, whether by the casting Vote of the Chairman or otherwise.

II.—*For the Direction of the Execution of the Affairs of the Company, and the Registration of its Proceedings; viz.*

12. For prescribing the maximum Number of Directors to be appointed; the Number of Shares or the Amount of Interest by which they are to be qualified; the Period for which they are to hold Office, so that at least One Third of such Directors, or the nearest Number to One Third, shall retire annually, subject to Re-election if thought fit; and for the Determination of the Persons who shall so retire in each Year.
13. For filling up Vacancies in the Office of the Directors as they occur; but not so as to enable the Board of Directors (if the filling up be assigned to them) to fill up such Vacancy for a longer Period than until the next General Meeting of the Company.
14. For the Continuance in Office of Directors in default of Election of new Directors.
15. For regulating the Meetings of Directors, the Quorum thereof, the Proceedings thereat, and the Adjournment thereof.
16. For recording the Attendances of Directors, and reporting the same to the Shareholders.
17. For the Determination of Questions upon which the Votes of the Directors may be equally divided.
18. For the Appointment of a Person to take the Chair of the Directors, and for supplying any Vacancy in the Office of Chairman.
19. For the Appointment of the Chairman of the Directors at Meetings at which the permanent Chairman may not be present.
20. For regulating the Appointment by the Directors of Officers, Clerks, and Servants.
21. For recording the Proceedings of the Directors.
22. For keeping and entering of Minutes of such Proceedings.
23. For ensuring the safe Custody of the Seal of the Company, and for regulating the Authority under which it is to be used.
24. For providing for the Remuneration of the Auditors of the Accounts of the Company.
25. For providing for the Appointment of a Secretary or Clerk (if any) of the Directors.
26. For providing for the Receipt, Custody, and Issue of Monies belonging to the Company.
27. For providing for the keeping of Books of Account, and for periodically balancing the same.
28. For keeping the Records and Papers of the Company.
29. For prescribing and regulating the Duties and Qualifications of Officers.
30. For determining what Books of Accounts, Books of Registry, and other Documents may be inspected by the Shareholders of the Company, and for regulating such Inspection.

III.—*For the Distribution of the Capital of the Company into Shares, or for the Apportionment of the Interest in the Property of the Company; viz.*

31. For determining whether Calls or Instalments of Payments (if any) are to be made in certain Amounts and at fixed Periods, and if so, what Amounts and at what Periods.
32. For determining whether, on Failure to pay any Instalments or Calls, the Share shall or shall not be forfeited, and if forfeited, whether and on what Conditions the Property in such Share may be recovered by the Shareholder.
33. For determining whether, and under what Circumstances, and on what Conditions, the Capital of the Company may be augmented, by the Conversion of Loans into Capital or otherwise, or by the Issue of new Shares or otherwise.
34. For determining whether the Amount of new Capital shall or shall not be divided so as to allow such Amount to be apportioned amongst the existing Shareholders.

IV.—*For the borrowing of Money; viz.*

35. For determining whether the Company may borrow Money, and if so, whether on Bond or Mortgage, or any other and what Security.
36. For determining whether the Directors may contract Debts in conducting the Affairs of the Company, and if so, whether to any definite Extent.
37. For determining whether and to what Extent the Directors may make or issue Promissory Notes.
38. For determining whether and to what Extent the Directors may accept Bills of Exchange.

SCHEDULE (B.)—See § 7.

CERTIFICATE required to be endorsed on the Deed of Settlement and signed by Two Directors.

We do hereby certify, That the within-written Deed is the Deed of Settlement of Company, and that to the best of our Knowledge the Particulars therein contained are correctly set forth.

SCHEDULE (C.)—See § 4.

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. c. ., 1844.

FOR PROVISIONAL REGISTRATION.

Name and Business of the Company.

Name of the proposed Company.	Business or Purpose.	Place of Business (if any).

Promoters of the Company.

Names.	Occupations.	Places of Business (if any).	Places of Residence.

*** The Names of the Provisional Officers may be added to this Return under a separate Head, and the Subscribers may be given in a similar Manner.

Provisional Committee or Provisional Directors.

Names.	Occupations.	Places of Business (if any).	Places of Residence.	Signature of Consent to act on Committee or as a Director.

Dated this Day of 18 .

[*Signature.*]

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SCHEDULE (D.)

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. c. ., 1844.

Change of Place of Business.

Name of Company.	Business or Purpose.	Former Place [*or* principal Place, *if more than One,*] of Business.	Present Place [*or* principal Place] of Business.

[*Date.*] [*Signature.*]

SCHEDULE (E.)—See § 11.

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION Act, Vict. c. ., 1844.

Transfer of Shares.

Name of Company.	Business or Purpose.	Place [*or* principal Place, *if more than One,*] of Business.	
Name and Place of Abode of Person by whom Transfer is made.	**Name and Place of Abode of Person to whom Transfer is made.**	**Distinctive Numbers of the Shares transferred.**	**Date of Transfer.**

[*Date.*] [*Signature.*]

SCHEDULE (F.)—See § 12.

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. c. ., 1844.

Change of Shareholders.

Name of Company.	Business or Purpose.	Place [*or* principal Place, *if more than One,*] of Business.

Persons known to have ceased to be Shareholders (except by Transfer) since the last Return, dated the Day of .

Name.	Place of Abode.	Distinctive Number of Shares.

Persons known to have become Members (except by Transfer) since the last Return, dated the Day of .

Name.	Place of Abode.	Distinctive Number of Shares.

Persons whose Names have become changed by Marriage or otherwise.

Former Name.	Former Place of Abode.	Present Name.	Present Place of Abode.	Distinctive Number of Shares.

[*Date.*] [*Signature.*]

SCHEDULE (G.)—See § 56.

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. c. ., 1844.

For Registration of existing Companies, Name of the Company, Business, &c.

Name of the Company.	Business or Purpose.	Place of Business, with the Branches (if any).

SCHEDULE (H.)

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. c. ., 1844.

CORRECTED RETURN.

[*Copy of former incorrect Return.*]

Copy.

Amended Return, with correct Names and Descriptions [*in such of the preceding Forms as are applicable to the Case under the Provisions of the foregoing Act.*]

[*Date.*] [*Signature.*]

SCHEDULE (I.)—See § 50.

CERTIFICATE OF SHARE.

The Company, first completely registered on the Day of 18 .

This is to certify, That *A.B.* of is the Proprietor of the Share, Number Number of the Company, subject to the Regulations of the said Company, and that up to this Day there has been paid up, in respect of such Share, the Sum of . Given under the Common Seal of the said Company, the Day of in the Year 18 .

[*Signature of Secretary.*] (L.S.)

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SCHEDULE (K.)—See § 53.

TRANSFER OF SHARES.

I *A.B.* of in consideration of the Sum of paid to me by *C.D.* of do hereby transfer to the said Share [*or* Shares], numbered in the Undertaking called the Company, to hold unto the said his Executors, Administrators, and Assigns, [*or* Successors and Assigns,] subject to the several Conditions on which I hold the same at the Time of the Execution hereof. And I the said do hereby agree to take the said Share [*or* Shares], subject to the same Conditions, and to the Provisions of the Deed or Deeds of Settlement of the said Company. As witness our Hands and Seals the Day of

[*Signature.*]

C A P. CXI.

An Act for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements. [5th *September* 1844.]

'WHEREAS it is expedient to extend the Remedies of Creditors against the Property of such Joint Stock Companies or Bodies as herein-after mentioned when unable to meet their pecuniary Engagements, and to facilitate the winding up of their Concerns; and it may also be for the Benefit of the Public to make better Provision for Discovery of the Abuses that may have attended the Formation or Management of the Affairs of any such Companies or Bodies, and for ascertaining the Causes of their Failure:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any commercial or trading Company now or at any Time hereafter incorporated by Charter or Act of Parliament, or any Company or Body of Persons now or at any Time hereafter associated together for any commercial or trading Purposes, and to which any Privilege or Privileges or Power or Powers shall, before or after the passing of this Act, have been granted under the Authority of the Statute made and passed in the First Year of the Reign of Her present Majesty, intituled *An Act for better enabling Her Majesty to confer certain Powers and Immunities on trading and other Companies*, or by any Act of Parliament, or any Commercial or Trading Company or Body which by the said Statute made and passed in the First Year of the Reign of Her present Majesty is to be considered as subsisting, and to be subject to the Provisions of the said Statute in manner therein mentioned, or any Company or Body of Persons now or at any Time hereafter associated together for any commercial or trading Purposes, and registered either provisionally or completely under the Provisions of any Act passed or to be passed in the present Session of Parliament, for the Registration and Regulation of Joint Stock Companies or any Joint Stock Company now existing and comprehended within the Definition therein contained of a Joint Stock Company, shall commit any Act which by this Act is to be deemed an Act of Bankruptcy on the Part of any such Company or Body, a Fiat in Bankruptcy may issue against such Company or Body by the Name or Style of the said Company or Body, upon the Petition of any Creditor or Creditors of such Company or Body (whether a Member or Members of such Company or Body or not), to such Amount as is now by Law requisite to support a Fiat in Bankruptcy; and the Court authorized to act in the Prosecution of such Fiat, and all Persons acting under such Fiat, may proceed thereon in like Manner as against other Bankrupts, subject always to the Provisions herein-after made.

If any incorporated commercial or trading Company, or any other Body of Persons associated together for commercial or trading Purposes, as herein described, shall commit any Act which is hereby deemed an Act of Bankruptcy on the Part of such Company, a Fiat in Bankruptcy may issue against the same, and be prosecuted in like Manner as against other Bankrupts, &c.

II. Provided always, and be it enacted, That the Bankruptcy of any such Company or Body in its corporate or associated Capacity (as the Case may be) shall not be construed to be the Bankruptcy of any Member of such Company or Body in his individual Capacity.

Bankruptcy of Company not to be Bankruptcy of any Member.

III. And be it enacted, That the Duplicate of the Adjudication of Bankruptcy under a Fiat against any such Company or Body shall be served on the Person who was at the Date of such Fiat a Chief Clerk or Secretary or Registrar of such Company or Body, or (if there be no such Person) on any Person who was at such Date a Director of such Company or Body, personally, or by leaving the same at the Head Office for the Time being of such Company or Body; and the Surrender to such Fiat for the Purpose of consenting to, and the Consent to, the Advertisement of such Adjudication before the Expiration of the Five Days allowed for showing Cause against the Validity thereof, may be made on behalf of such Company or Body by such Person; provided such Person shall, at the Time of such Surrender, make a Deposition, and swear that he was, at the Date of such Fiat, such Chief Clerk or Secretary or Registrar, as the Case may be, and that he is authorized to make such Surrender.

Service of Adjudication of Bankruptcy on Company, and Surrender, how to be made.

IV. And be it enacted, That if any such Company or Body shall, by virtue of a Resolution to be duly passed in that Behalf at a Board of Directors of such Company or Body duly summoned for that Purpose, file or cause to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts a Declaration in Writing, in the Form specified in the Schedule (A.) No. 1. hereunto annexed, that the said Company or Body is unable to meet its Engagements, and also a Minute of such Resolution in the Form specified in the said Schedule (A.) No. 2., such Declaration and Minute of Resolution respectively being under the Common Seal of such Company or Body, and if such Company or Body have no Common Seal, then signed by the Chairman of the Board of Directors who was present at the passing of such Resolution, and in

Declaration of Insolvency in pursuance of a Resolution of the Board of Directors under the Common Seal of the Company, or signed by the

Chairman, and attested by the Solicitor of the Company, and filed in the Office of the Secretary of Bankrupts, to be an Act of Bankruptcy.

in either Case such Declaration and Minute of Resolution being respectively attested by the Attorney or Solicitor of the said Company or Body for the Time being, every such Company or Body shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Fiat in Bankruptcy shall issue against such Company or Body within Two Calendar Months from the filing of such Declaration; and a Copy of such Declaration and Minute of Resolution respectively, purporting to be certified by the said Secretary, or his Clerk, as a true Copy, shall be received as Evidence of such Declaration and Minute of Resolution respectively having been filed by such Company or Body, and that upon such Evidence being given, and upon Proof by the attesting Witness of the Sealing or Signature, as the Case may be, of the said Declaration and Minute of Resolution, no further Evidence shall be required of the said Act of Bankruptcy.

Company not paying, securing, or compounding for a Judgment Debt, upon which the Plaintiff might sue out Execution, within 14 Days after Notice requiring Payment, an Act of Bankruptcy.

V. And be it enacted, That if any Plaintiff shall recover Judgment in any Action personal for the Recovery of any Debt or Money Demand in any of Her Majesty's Courts of Record, against any such Company or Body, or against any Person duly authorized to be sued as the nominal Defendant on behalf of such Company or Body, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off, or which may be legally set off against such Judgment, and such Company or Body shall not, within Fourteen Days after Notice in Writing, served upon the said Company or Body, by Service of the same on a Chief Clerk or Secretary or Registrar of the said Company or Body, or (if there be no Officer of such Denomination) on any Director of the said Company or Body, personally, or by the same having been left at the Head Office for the Time being of such Company or Body, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, such Company or Body shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Notice: Provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice, but that it shall be lawful nevertheless for such Plaintiff, when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner before directed.

Company disobeying Order of any Court of Equity, &c., for Payment of Money after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy.

VI. And be it enacted, That if any Decree or Order shall be pronounced in any Cause depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy against any such Company or Body, or against any Person duly authorized to be sued as the nominal Defendant on behalf of such Company or Body, ordering any Sum of Money to be paid by such Company or Body, and such Company or Body shall disobey such Decree or Order, the same having been served upon such Company or Body, by Service of the same on a Chief Clerk or Secretary or Registrar of the said Company or Body, or (if there be no Officer of such Denomination) on any Director of the said Company or Body, personally, or by the same having been left at the Head Office for the Time being of such Company or Body, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced, to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Company or Body, being served in manner aforesaid with such last-mentioned Order Fourteen Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, such Company or Body shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after the Service of such Order.

Creditor filing an Affidavit of Debt in one of the Superior Courts, and issuing a Writ of Summons thereon, if the Company do not, within a Month, pay or compound for Debt, or satisfy a Judge of their Intention to defend on the Merits and enter an Appearance, an Act of Bankruptcy.

VII. And be it enacted, That if any Creditor or Creditors of any such Company or Body to such Amount as is now by Law requisite to support a Fiat shall file an Affidavit or Affidavits in any of Her Majesty's Superior Courts of Law at *Westminster* that such Debt or Debts is or are justly due to him or them respectively from the said Company or Body, and that such Company or Body, as he or they verily believe, is a Commercial or Trading Company, or Body incorporated or associated as aforesaid (as the Case may be), and shall sue out of the same Court a Writ of Summons against such incorporated Company, or against any Person duly authorized to be sued as the nominal Defendant on behalf of such associated Company or Body, as the Case may be, and serve a Chief Clerk or Secretary or Registrar of such incorporated or associated Company or Body, as the Case may be, or (if there be no Officer of such Denomination) any Director of the said Company or Body, personally, with a Copy of such Summons, if such Company or Body shall not, within One Calendar Month after Service of such Summons, pay, secure, or compound for such Debt or Debts to the Satisfaction of such Creditor or Creditors, or make it appear to the Satisfaction of One of the Judges of the Court out of which such Writ of Summons shall issue that it is the Intention of such Company to defend the Action upon the Merits, and within One Calendar Month next after Service of such Summons cause an Appearance or Appearances to be entered to such Action or Actions in the proper Court or Courts in which the same shall have been brought, every such Company or Body shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Summons.

Assignees of the Estate of a Company may maintain Action to recover a Debt, &c.

VIII. And be it enacted, That it shall be lawful for the Assignees of the Estate and Effects of any such Company or Body to maintain any Action, Suit, or other Proceeding against any Person or Persons (whether a Member or Members of such Company or Body or not) to recover any Debt or Demand on behalf of the said Company or Body against such Person or Persons, and for any Person or Persons to prove or claim under the Fiat against such Company or Body such Debt or Demand as may be due to him or them (whether a Member or Members of such Company or Body or not) on the Balance of Accounts between him or them and the said Company or Body.

No Claim of any Member in respect of his

IX. Provided always, and be it enacted, That no Claim or Demand which any Member of any such Company or Body may have in respect of his Share of the Capital or Joint Stock thereof, or of any Dividends,

dends, Interest, Profits, or Bonus payable or apportionable in respect of such Share, shall be capable of being set off, either at Law or in Equity, against any Demand which the Assignees of the Estate and Effects of such Company or Body may have against such Member on account of any other Matter or Thing whatsoever, but all Proceedings in respect of such Matter or Thing may be carried on as if no Claim or Demand existed in respect of such Capital or Joint Stock, or of any Dividends, Interest, Profits, or Bonus payable or apportionable in respect thereof.

Share to be set off against any Demand of the Assignees of a bankrupt Company against such Member.

X. And be it enacted, That no Action, Suit, or other Proceeding by any Creditor or Creditors of any such Company or Body shall, so far as concerns or may be necessary for the Recourse of such Creditor or Creditors against the Person, Property, or Effects of any Member or Members thereof for the Time being, or any former Member or Members thereof, be deemed to prejudice or in any Manner affect the Right of such Creditor or Creditors to sue out or prosecute a Fiat against such Company or Body, or his or their Right to prove or claim under any Fiat against such Company or Body any Debt or Demand remaining unsatisfied; and that no such Fiat, or Proof or Proceeding thereunder, shall be deemed to prejudice or in any Manner affect the Right of any Creditor or Creditors of such Company or Body to institute or maintain any Action, Suit, or other Proceeding, so far as concerns or may be necessary for the Recourse of such Creditor or Creditors, against the Person, Property, or Effects of any Member or Members thereof for the Time being, or any former Member or Members thereof: Provided always, that nothing herein contained shall prevent Remedy against Copartners: Provided also, that no Execution in respect of any Debt or Demand proveable under the Fiat against any such Company or Body adjudged bankrupt shall be issued against the Person, Property, or Effects of any Member or Members for the Time being of such Company or Body, or any former Member or Members thereof, until after such Debt or Demand shall have been proved under such Fiat, nor shall any such Execution be issued after the Appointment of a Receiver in manner herein-after mentioned, without Leave of the High Court of Chancery.

No Action, &c. by a Creditor of a Company, so far as concerns his Recourse against any individual Member, to affect his Right against the Company for any unsatisfied Debt; and a Fiat, or a Proof or Proceeding thereon, not to affect Creditors Recourse against any Member.

XI. And be it enacted, That the Law and Practice in Bankruptcy now in force shall extend, so far as the same may be applicable, to this Act, and to Fiats in Bankruptcy issued by virtue of this Act, and to all Proceedings under such Fiats, save and except as may be otherwise directed by this Act.

Law, &c. in Bankruptcy to extend to Fiats under this Act.

XII. And be it enacted, That it shall be lawful for the Court authorized to act in the Prosecution of a Fiat in Bankruptcy against any such Company or Body, at any Time after the Advertisement of the Bankruptcy in the *London Gazette*, to order that the Persons who were at the Date of such Fiat Directors of such Company or Body, or such of them as such Court in its Discretion shall think fit, or if there be no Directors then such Members of the Company as such Court in its Discretion shall think fit, shall prepare such Balance Sheet and Accounts, and in such Form as such Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same in such Court, and deliver a Copy thereof to the Official Assignee Ten Days at least before the last Examination under such Fiat; and such Balance Sheet and Accounts, before such last Examination, may be amended from Time to Time as Occasion shall require, and such Court shall direct; and such Persons shall make Oath of the Truth of such Balance Sheet and Accounts whenever they shall be duly required so to do; and such Court may from Time to Time make such Allowance out of the Estate of such Company or Body for the Preparation of such Balance Sheet and Accounts, and to such Person or Persons, as such Court shall think fit.

The Court may order the Directors of a Company adjudged bankrupt, &c., to prepare and file a Balance Sheet and Accounts; and may make Allowance out of the Estate for the Preparation thereof.

XIII. And be it enacted, That every such Person ordered as aforesaid to prepare such Balance Sheet and Accounts shall be under the like Obligation to surrender to the Court authorized to act in the Prosecution of such Fiat, at the Hour and upon the Day allowed for finishing the last Examination under such Fiat, and to sign and subscribe such Surrender, and to submit to be examined before such Court from Time to Time upon Oath, and to make a full and true Discovery of the Estate and Effects of such Company or Body, and shall incur such Danger or Penalty for not surrendering, or for not signing or subscribing such Surrender, or for not coming before the Court, or for refusing to be sworn and examined, or for not fully answering to the Satisfaction of the Court, or for refusing to sign or subscribe his Examination, or for not delivering up at the last Examination under such Fiat all such Part of the Estate of such Company or Body, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power, or for removing, concealing, or embezzling any Part of such Estate to the Value of Ten Pounds or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud the Creditors of such Company or Body, as is now by the Law in force concerning Bankrupts provided as to a Bankrupt for not conforming to the like Requisitions for the Discovery of and in relation to the Estate and Effects of such Bankrupt.

Persons ordered to prepare the Balance Sheet to be under the like Obligation to surrender at the last Examination, &c. and to incur such Danger or Penalty for not conforming, &c., as is now provided against a Bankrupt;

XIV. And be it enacted, That every such Person so ordered as aforesaid to prepare such Balance Sheet and Accounts shall have such Freedom from Arrest and Imprisonment in coming to surrender to such Fiat, and such Discharge, if arrested in coming to surrender, as a Bankrupt now has or may have under a Fiat in Bankruptcy against him; and such Person or Persons, if in Prison, may be brought before such Court, by Warrant, in like Manner as such Bankrupt now may.

and to have same Freedom from Arrest, &c., as a Bankrupt.

XV. And be it enacted, That it shall be lawful for the Court authorized to act in the Prosecution of a Fiat in Bankruptcy, issued against any such Company or Body, before Adjudication to summon before such Court any Person (whether a Member of such Company or Body or not) whom such Court shall believe capable of giving any Information concerning the commercial Dealings or Trading of, or any Act or Acts of Bankruptcy, within the Meaning of this Act, committed by, such Company or Body, and also to require such Person so summoned to produce any Books, Papers, Deeds, Writings, and other Documents in the Custody, Possession, or Power of such Person which may appear to such Court to be necessary

The Court, before Adjudication, may summon any Person, whether a Member of the Company or not, to give Evidence as to the Trading

and any Act of Bankruptcy; and, after Adjudication, the Court may summon and examine any Person who is suspected to have Property of the Company in his Possession, or to be indebted to the Company, &c., and compel him to produce Books, &c.

necessary to establish such Dealings, Trading, or Act or Acts of Bankruptcy; and it shall be lawful for such Court to examine every such Person upon Oath, by Word of Mouth or Interrogatories in Writing concerning the Dealings or Trade of, or any Act or Acts of Bankruptcy, within the Meaning of this Act, committed by such Company or Body; and it shall also be lawful for such Court, after Adjudication, to summon before it any Person (whether a Member of such Company or Body or not) known or suspected to have any of the Estate of such Company or Body in his Possession, or who is supposed to be indebted to such Estate, or any Person (whether a Member of such Company or Body or not) whom such Court believes capable of giving Information concerning any Person or Persons who was or were a Member or Members of such Company or Body at or before the Date of the Fiat, or concerning the Trade, Dealings, or Estate of such Company or Body, or concerning any Act or Acts of Bankruptcy, within the Meaning of this Act, committed by such Company or Body, or any Information material to the full Disclosure of the Dealings of such Company or Body; and it shall be lawful for such Court to examine, in manner aforesaid, every such Person so summoned concerning the Person of any such Member, or concerning the Trade, Dealings, or Estate of such Company or Body, and also to require every such Person so summoned to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody, Possession, or Power which may appear to such Court necessary to the Verification of the Deposition of such Person, or to the full Disclosure of any of the Matters which such Court is authorized to inquire into; and every such Person so summoned shall incur such Danger or Penalty for not coming before the Court, or for refusing to be sworn and examined, or for not fully answering to the Satisfaction of such Court, or for refusing to sign or subscribe his Examination, or for refusing to produce or for not producing any such Book, Paper, Deed, Writing, or Document, as is now provided against Persons summoned to be examined under a Fiat in Bankruptcy.

Costs where a Person summoned under a Fiat against a Company is a Member thereof.

XVI. And be it enacted, That where any Person who, at or before the Date of a Fiat in Bankruptcy issued against any such Company or Body, was a Member of such Company or Body, shall be summoned to attend before the Court authorized to act in the Prosecution of such Fiat, every such Person shall have such Costs and Charges only (if any) as such Court in its Discretion shall think fit.

Penalty on Members, &c. concealing the Estate of the Company, 100*l.*, and Double the Value of the Estate concealed.

XVII. And be it enacted, That if any Person who, at or before the Date of the Fiat against any such Company or Body, was a Member of such Company or Body, but not being a Person so ordered as aforesaid to prepare such Balance Sheet and Accounts, or if any other Person shall wilfully conceal any Real or Personal Estate of any such Company or Body, and shall not within Thirty Days after the issuing of the Fiat against such Company or Body discover such Estate to the Court authorized to act in the Prosecution of such Fiat, or to the Assignees, every such Person shall forfeit the Sum of One hundred Pounds, and Double the Value of the Estate so concealed; and any Person, other than a Person having been a Member of such Company or Body, who shall, after the Time allowed for finishing the last Examination under such Fiat, voluntarily discover to such Court or the Assignees any Part of the Estate of such Company or Body not before come to the Knowledge of the Assignees, shall be allowed Five Pounds *per Centum* thereupon, and such further Reward as the major Part in Value of the Creditors present at any Meeting called for that Purpose shall think fit to be paid out of the Estate recovered on such Discovery.

Court may order Treasurer, Solicitor, &c. of Bankrupt, to deliver to Official Assignee, &c. all Monies, &c. in his Power, which he is not entitled to retain as against the Bankrupt.

XVIII. And be it enacted, That after the Adjudication of Bankruptcy under any Fiat already issued or hereafter to be issued shall have been advertised in the *London Gazette*, it shall be lawful for the Court authorized to act in the Prosecution of such Fiat to order any Treasurer or other Officer, or any Attorney or Solicitor, or other Agent of the Company or Body, or Person or Persons, adjudged bankrupt under such Fiat, to pay and deliver over to the Official Assignee appointed under such Fiat, or to the Bank of *England*, or any of the Branches thereof, to the Credit of the Accountant in Bankruptcy, according to the Rules now or hereafter in force with respect to Payments into the Bank of *England* of Monies due to any Bankrupt's Estate, all Monies or Securities for Money in his Custody, Possession, or Power, as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or Bankrupts, or his or their Assignees.

Persons disobeying Rule or Order of Court to be committed to Prison.

XIX. And it is hereby declared and enacted, That if any Person shall disobey any Rule or Order of the Court authorized to act in the Prosecution of any Fiat in Bankruptcy, duly made by such Court for enforcing any of the Purposes and Provisions of this Act, or of any other Act relating to Bankruptcy or Insolvency, now or hereafter to be in force, or made or entered into by Consent of such Person for carrying into effect any of such Purposes or Provisions, it shall and may be lawful for such Court, by Warrant under Hand and Seal, to commit the Person so offending to the Queen's Prison or to the Common Gaol of any County, City, or Place where he shall be found or where he shall usually reside, there to remain without Bail or Mainprize until such Person shall have fulfilled the Duty required by such Rule or Order, or until such Court or the Lord Chancellor shall make Order to the contrary.

The Court may direct the Assignees of the Estate of a Company adjudged bankrupt to petition the Court of Chancery for Directions for winding up the

XX. And be it enacted, That it shall be lawful for the Court authorized to act in the Prosecution of any such Fiat in Bankruptcy to direct the Creditors Assignees of the Estate and Effects of any such Company or Body to apply to the High Court of Chancery, by Petition in a summary Way to the Lord Chancellor or the Master of the Rolls, praying that all such Orders and Directions may be given as shall be necessary for the final winding up and settling the Affairs of such Company or Body, and to compel a just Contribution from all the Members of such Company or Body towards the full Payment of all the Debts and Liabilities of such Company or Body, and of the Costs of winding up and finally settling the Affairs of such Company or Body; and that upon the hearing of such Petition it shall be lawful for the said High Court of Chancery to refer it to one of the Masters of the High Court of Chancery to take all such

such Accounts and make all such Inquiries as shall be required for the Purpose of ascertaining what Sum of Money in the whole, and what Sums of Money as proportionate Parts of the whole, or what Sum or Sums of Money from Time to Time on account, will (having regard to the Deed of Settlement of such Company, and the Calls, Contributions, Debts, or Demands actually paid by the several and respective Members thereof, and also having regard to any Proceedings in the Court of Bankruptcy, or any District Court of Bankruptcy,) be necessary and proper to be raised by Calls or Contributions from the respective Members of such Company or Body for the Payment and Satisfaction of all the Debts and Liabilities of such Company or Body, and also of all the Costs of winding up and settling the Affairs of the said Company; and that the High Court of Chancery, upon Confirmation of the Master's Report made upon any such Reference, or upon making such Reference, or otherwise, may order the Payment of the several and respective Sums of Money which by such Report are found necessary and proper to be paid, and may refer it to the Master to appoint a Receiver to collect and receive such Sums of Money, and either to pay the same into the Bank of *England*, in the Name and to the Account of the Accountant General of the High Court of Chancery, to the Credit of such Company or Body, and may, upon the Petition of such Assignees, order such Sums of Money to be paid in or towards satisfaction of the Debts which by the Proceedings in Bankruptcy shall have been found to be due to the Creditors of such Company or Body, and all Persons having Claims and Demands thereon, and also in satisfaction of Costs, or may order such Receiver to pay such Sums of Money in satisfaction of such Debts, Claims, and Demands, and Costs, in the first instance.

Affairs of the Company, upon which Petition an Order of Reference may be made, and Accounts taken, and upon the Confirmation of the Master's Report a Receiver may be appointed.

XXI. And be it enacted, That if it shall appear that any individual Members of such Company or Body have Claims against each other in respect of the Affairs or Transactions of such Company or Body, it shall be lawful for the Court of Chancery, upon the Petition of any Member of such Company or Body, alleging that he hath any such Claim against any other Member of the said Company or Body, to make all such Orders as shall be just for the Purpose of finally settling and determining such Claim, and may order the Payment of such Sum of Money (if any) as shall appear to be due in respect of any such Claim.

The Court of Chancery may make Order in individual Claims in respect of the Transactions of the Company.

XXII. 'And whereas the Law is defective in the Means of making the Members of Joint Stock Companies Contributaries for paying their Debts in full, and in the Means of giving Relief where Execution 'may have been had in respect of a Debt due from any such Company against one or a very few Members 'of such Company, and also in the Means of adjusting the Rights of the Members of any such Company 'amongst themselves, and finally winding up the Affairs of such Company;' be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and the Vice Chancellors for the Time being, or any Two of them, from Time to Time, and as often as Circumstances shall require, to make and prescribe such Rules and Orders touching and concerning the Form and Mode of Proceeding to be had and taken in the Court of Chancery for settling and enforcing the Contribution to be paid by any Member or Members for the Time being of any such Company, or any former Member or Members thereof, or any Real or Personal Representative, or other Persons liable in that Behalf, and the Practice to be observed by such Court in or relating to such Proceeding, or any Matters incident thereto, and the Form and Mode of Proceeding to be had and taken before any one of the Masters of the said Court, primarily or by Reference from the said Court, in any Matter for or relating to Contribution, as shall from Time to Time seem necessary and proper for the Advancement of Justice in such Cases, and for adjusting and determining the Rights and Equities of the Parties concerned, and for suing for and getting in the Assets, and for ascertaining and discharging the Liabilities of such Companies, and requiring the Creditors thereof to claim their Debts, and finally winding up the Affairs thereof, with as little Delay, Expence, and Uncertainty as possible: Provided always, that such Rules and Orders shall be laid before both Houses of Parliament within One Month from the making thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament; and every Rule and Order so made shall be binding and obligatory, and be of like Force and Effect as if the Provisions contained therein had been expressly enacted by Parliament.

The Lord Chancellor, with the Advice and Consent of the Master of the Rolls and Vice Chancellors, to make Rules and Orders as to the Form and Mode of Proceeding for settling and enforcing Contribution to be made by Members of Company, and the Practice to be observed by the Court of Chancery and the Masters in such Proceeding.

XXIII. And be it enacted, That an Act passed in the Forty-first Year of the Reign of King *George* the Third, intituled *An Act for the more speedy and effectual Recovery of Debts due to His Majesty, His Heirs and Successors, in right of the Crown of the United Kingdom of* Great Britain *and* Ireland, *and for the better Administration of Justice within the same*, shall extend to Decrees or Orders made by the said Court of Chancery in any Suit, Proceeding, or Matter under or by virtue of this Act.

41 G.3. (U.K.) c. 90. to extend to Decrees, &c. in Chancery in Suits under Act.

XXIV. And be it enacted, That on Production of an Office Copy of any Decree or Order of the Court of Chancery made in any Proceeding under or by virtue of this Act, and of an Affidavit that Application has been duly made to the Person mentioned in such Decree or Order for Payment of the Sum thereby ordered to be paid by him, and that Default has been made in Payment thereof, to One of the Principal Clerks of the Court of Session in *Scotland*, or his Deputy, for Registration there, such Decree or Order shall thereupon be registrable and registered there in like Manner as a Bond executed according to the Law of *Scotland*, with a Clause of Registration therein contained, and Execution shall and may pass upon a Decree to be interponed thereto in like Manner as Execution passes upon a Decree interponed to such Bond, and shall have the like Effect upon and against the Person named in such Decree or Order of the said Court of Chancery as if he had executed such Bond.

Decrees, &c. in Chancery under this Act may be registered in Scotland, and Execution may be had as upon a Decree interponed upon a Bond, &c.

XXV. And be it enacted, That previous to passing the last Examination under a Fiat against any such Company or Body adjudged bankrupt it shall be the Duty of the Court authorized to act in the Prosecution of such Fiat to inquire, by the Examination of such Person or Persons as such Court shall think

Previous to passing the last Examination the Court shall inquire into the

Cause of the Failure of a Company, and after the last Examination shall cause a Copy of the Balance Sheet to be transmitted to Board of Trade, &c.

think fit, into the Cause of the Failure of such Company or Body; and after the passing of such last Examination, or after the Time allowed by such Court for that Purpose shall have elapsed, such Court shall cause a Copy of the Balance Sheet filed in the Court under such Fiat to be transmitted to the Committee of Privy Council for Trade and Plantations, and such Court shall at the same Time certify in Writing to the said Committee what, in the Opinion of such Court, was the Cause of the Failure of such Company or Body, and shall have Liberty to state any special Circumstances relating to the Formation or Management of the Affairs of such Company or Body, and shall cause to be annexed to such Certificate a Copy of the Examination of any Person or Persons taken under such Fiat, and which such Court shall deem material, relating to the Formation or Management of the Affairs of such Company or Body.

After the Court shall have certified to Board of Trade the Cause of Failure of Company, the Queen, upon Recommendation of the Board, may revoke Privileges granted to Company, &c.

XXVI. And be it enacted, That after the Court shall have certified to the Committee of Privy Council for Trade and Plantations the Cause of the Failure of any such Company or Body adjudged bankrupt it shall and may be lawful for Her Majesty, Her Heirs and Successors, upon the Recommendation of the said Committee, by any Instrument in Writing under Her or their Great Seal of *Great Britain*, or Privy Seal, to signify Her or their Pleasure for revoking and making void, and thereby to revoke and make void, all the Powers, Privileges, and Advantages at any Time, by any Charter or Letters Patent or Act of Parliament, granted to such Company or Body, and to determine the same; and thereupon the said Powers, Privileges, and Advantages shall accordingly be revoked, and the same Company or Body shall be determined, without any Inquisition, Scire facias, or any Matter or Thing to make void or determine the same, any thing in such Charter or Letters Patent or Act of Parliament contained to the contrary notwithstanding.

After the Court shall have certified to the Board of Trade the Cause of the Failure, the Board may institute Prosecutions in certain Cases.

XXVII. And be it enacted, That after the Court shall have certified to the Committee of Privy Council for Trade and Plantations the Cause of the Failure of any such Company or Body adjudged bankrupt the said Committee may, whenever it shall think fit, cause all the Papers relating to such Failure, and to the Formation and Management of such Company or Body, and to the Conduct of any of the Directors or other Officers of the said Company or Body therein, or to any or either of such Matters, to be laid before Her Majesty's Attorney General, who shall direct whether any and what Proceedings shall be taken thereupon against any Person who was a Director or other Officer of such Company or Body, or any other Person; and any Prosecution or other Proceeding which shall be thereupon directed by the Attorney General shall be conducted by or under the Direction of the Commissioners of Her Majesty's Treasury.

Until Determination of Company by the Crown, it shall be considered as subsisting for the original Purposes, &c.

XXVIII. Provided always, and be it enacted, That until the Determination of such Company or Body by Her Majesty, Her Heirs or Successors, such Company or Body, and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting, and as continuing such Officers as aforesaid, for all the Purposes for which the same was originally constituted, and that, notwithstanding such Determination as aforesaid, the same shall be considered as subsisting and continuing respectively so long and so far as may be necessary for the winding up of the Concerns of such Company or Body under the Fiat issued against such Company or Body.

Company to be considered as subsisting so long as any Matters remain unsettled.

XXIX. And be it enacted, That, notwithstanding the Determination of any Company or Body incorporated or associated within the Meaning of this Act, as the Case may be, by any other Means than as last aforesaid, such Company or Body, and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting, and as continuing such Officers as aforesaid, for all the Purposes of this Act, so long and so far as any Matters relating to such Company or Body shall remain unsettled.

Any Member of a Company adjudged bankrupt, with Knowledge of or in contemplation of a Bankruptcy, destroying Books, &c. guilty of a Misdemeanor.

XXX. And be it enacted, That if any Person, being a Member of any such Company or Body which shall be adjudged bankrupt, shall, after and with Knowledge of an Act of Bankruptcy within the Meaning of this Act committed by such Company or Body, or in contemplation of the Bankruptcy of such Company or Body, have destroyed, altered, mutilated, or falsified any of the Books, Papers, Writings, or Securities of such Company or Body, or made or been privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud the Creditors of such Company or Body, or to defeat the Object of this or any other Statute relating to Bankrupts, every such Person shall be deemed to be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned in any Common Gaol or House of Correction for any Term not exceeding Three Years, with or without hard Labour.

Construction of the Act.

XXXI. And be it enacted, That in construing this Act all Powers given or Duties directed to be performed by the Lord Chancellor may be performed by the Lord Keeper or Lords Commissioners of the Great Seal; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and Bodies Corporate as well as Individuals; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Words "Fiat in Bankruptcy" shall mean also and include any Commission of Bankrupt; unless (in the Cases above specified) a different Construction shall be provided, or the Construction be repugnant to the Subject Matter or Context.

Commencement of Act.

XXXII. And be it enacted, That this Act shall commence and take effect on the First Day of *November* next.

Act may be amended, &c.

XXXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

No. 1.

Declaration of Insolvency by incorporated or associated Commercial or Trading Company.

BY virtue of a Resolution duly passed in that Behalf on the * Day of at a Board of Directors of [*here state the Name or Style of the Company*], duly summoned for that Purpose, it is hereby declared, That the said Company [*or* Society, *&c., as the Case may be,*] is unable to meet its Engagements.

Dated this Day of in the Year .

(*Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.*)

Witness *G. H.*, Attorney [*or* Solicitor] of the Court of and Attorney [*or* Solicitor] of the said Company, and attesting Witness to the Execution hereof as such Attorney [*or* Solicitor].

SCHEDULE (A.)

No. 2.

Minute of Resolution of a Board of Directors of incorporated or associated Commercial or Trading Company, authorizing a Declaration of Insolvency.

A RESOLUTION was duly passed on the Day of at a Board of Directors of [*here state the Name or Style of the Company*], duly summoned for that Purpose, that the said Company was then unable to meet its Engagements, and that a Declaration of Insolvency should be forthwith filed in the Office of the Lord Chancellor's Secretary of Bankrupts, in the Form directed by the Statute in that Case made and provided.

(*Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.*)

Witness *G. H.*, Attorney [*or* Solicitor] of the Court of and Attorney [*or* Solicitor] of the said Company, and attesting Witness to the Execution hereof as such Attorney [*or* Solicitor].

CAP. CXII.

An Act to amend and consolidate the Laws relating to Merchant Seamen; and for keeping a Register of Seamen. [5th *September* 1844.]

'WHEREAS the Prosperity, Strength, and Safety of this United Kingdom and Her Majesty's Dominions do greatly depend on a large, constant, and ready Supply of Seamen; and it is therefore 'expedient to promote the Increase of the Number of Seamen, and to afford them all due Encouragement 'and Protection, and for this Purpose to amend and consolidate the Laws relating to them; and it is also 'expedient to keep a Register of Seamen;' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and forty-five, from which Day this Act shall commence and take effect, an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service*, shall be and the same is hereby repealed, except so far as such Act repeals the Acts thereby repealed, and except so far as relates to the Establishment, Maintenance, and Regulations of the Office called "The General Register Office of Merchant Seamen:" Provided always, that all Offences which shall have been committed and all Penalties and Forfeitures which shall have been incurred previously to the Commencement of this Act shall and may be punishable and recoverable respectively under the above-mentioned Act as if the same had not been repealed; provided also, that all Acts and Things made, done, or executed under or by virtue of and in accordance with the Provisions of the said Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, prior to the Commencement of this Act, shall be good, valid, and effectual to all Intents and Purposes.

The Act 5 & 6 W. 4. c. 19. repealed from and after 1st Jan. 1845, except, &c.

II. And be it enacted, That it shall not be lawful for any Master of any Ship, of whatever Tonnage or Description, belonging to any Subject of Her Majesty, proceeding to Parts beyond the Seas, or of any *British* registered Ship of the Burden of Eighty Tons or upwards employed in any of the Fisheries of the United Kingdom, or in proceeding Coastwise, or otherwise, from one Part of the United Kingdom to another,

No Seaman to be taken to Sea without a written Agreement, or without a Register Ticket

being obtained from such Seaman.

another, to carry to Sea any Seaman as one of his Crew or Complement (Apprentices excepted), unless the Master of such Ship shall have first made and entered into an Agreement in Writing with such Seaman, specifying what Wages such Seaman is to be paid, the Quantity of Provisions he is to receive, the Capacity in which he is to act or serve, and the Nature of the Voyage in which the Ship is to be employed, so that such Seaman may have some Means of judging of the Period for which he is likely to be engaged, and that such Agreement shall be properly dated, and shall be signed by such Master in the first instance, and by the Seamen respectively at the Port or Place where they shall be shipped; and that the Signature of each of the Parties thereto shall be duly attested by One Witness at the least, and that the Master shall cause the Agreement to be read over and explained to every such Seaman in the Presence of such Witness, before such Seaman shall execute the same; and it shall not be lawful for the Master of any Ship to carry to Sea any Seaman, being a Subject of Her Majesty, until he shall also have first obtained from every such Seaman or other Person his Register Ticket (to be procured as herein-after mentioned), which Ticket the said Master is hereby required to retain (except in the Cases herein-after provided) until the Service of such Seaman shall have terminated, and at the Termination of such Service the said Master shall return the Register Ticket to him.

Agreement to be read over and explained to Seamen.

Regulations respecting Form of Agreements, and how to be disposed of.

III. And be it enacted, That in the Case of any Ships, of whatever Tonnage or Description, belonging to any Subject or Subjects of Her Majesty, and proceeding to Parts beyond the Seas (except as herein-after provided,) the Agreement shall be in the Form set forth in Schedule (A.) to this Act annexed, and shall contain the several Particulars therein mentioned or required; and the Master shall, within Twenty-four Hours after the Ship's Arrival at her final Port of Destination in this United Kingdom, deliver or cause to be delivered to the Collector or Comptroller of the Customs, at and for such Port every Agreement so made as aforesaid, or a true Copy thereof, and of every Endorsement thereon, the Agreement, or Copy thereof, in either Case, to be certified as such by such Master or Owner, and also by the Mate or next Officer (if any) of such Ship or Vessel, each of whom is hereby required to sign such Certificate in the Presence of One attesting Witness at the least; and if the original Agreement be delivered to such Collector or Comptroller he shall retain the same until all the Wages to which the Agreement relates shall be paid or satisfied, and then he shall transmit such original Agreement to the Registrar of Seamen; and no such Ship shall be cleared inwards by the Tide Surveyor or other Officer until the Master shall produce and show a Certificate from such Collector or Comptroller (which he is hereby required to give) to the Effect that he has delivered his Agreement, or an attested Copy thereof, as aforesaid; and the Tide Waiters left on board shall be maintained at the Expence of the Master or Owner until such Certificate shall be produced and shown, or until it shall be proved to the Satisfaction of the Tide Surveyor or other Officer that such Agreement or Agreements, or such Copy thereof, has or have been so delivered as aforesaid; and in the Case of any Ship employed in fishing on the Coasts of the United Kingdom, or proceeding from one Part of the United Kingdom to another, or proceeding to any of the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, or to any Place on the Continent of *Europe* between the River *Elbe* inclusive and *Brest*, the Agreement shall be in the Form set forth in Schedule (B.) to this Act annexed, and shall contain the several Particulars therein mentioned or required; and every such Agreement shall not extend beyond the Thirtieth of *June* and the Thirty-first of *December* in each Year, or on Arrival in any Port of the United Kingdom after the same respective Dates; and the Owner or Master of every such Ship as last aforesaid shall, within Twenty-one Days next after the Thirtieth Day of *June* and the Thirty-first Day of *December* in each Year, transmit or deliver, or cause to be transmitted or delivered, to the Collector or Comptroller of the Customs of any Port of the United Kingdom, every Agreement made within the Six Months next preceding such Thirtieth Day of *June* and Thirty-first Day of *December* respectively, or a true Copy thereof, and of every Endorsement thereon, certified as aforesaid; and such Collectors and Comptrollers respectively shall and are hereby required to give a Receipt (specifying the Nature of the Document) for every Agreement or other Document, or such Copy thereof, to the Master, Owner, or Person so delivering the same; and no Master or Owner, after the Expiration of the said Twenty-one Days, shall be entitled to or receive a Transire, or any other Customs Document necessary for the Conduct of the Business of the Ship, until he shall produce and show such Receipt, or shall prove to the Satisfaction of the Officer that every such Agreement, or such Copy thereof as aforesaid, has been duly delivered as aforesaid; and the Owner or Master of every Ship under the Burden of Eighty Tons, employed as last aforesaid, who is not required by this Act to enter into any written Agreement with his Crew, shall, before employing any Seaman or other Person in the Service of his Ship, receive from every such Seaman or other Person his Register Ticket, and shall retain the same until the Service of such Seaman or other Person shall have expired, and at the Expiration of such Service the Master shall return the Register Ticket to the Person entitled thereto.

No Ship to be cleared inwards until Receipt for Agreement is produced.

Agreements not to extend beyond 30th June and 31st Dec.

Owner or Master to deliver such Agreements or Copies thereof half-yearly.

Vessel not to receive Transire, &c. until Receipt for Agreements be produced.

Masters of Vessels under Eighty Tons, &c. to receive Tickets from Seamen

Penalty for Default.

IV. And be it enacted, That if any Master or Owner shall carry out to Sea any Seaman (Apprentices excepted) without having first entered into the required Agreement with such Seaman, or if any Master shall not obtain from any Seaman or other Person, being a Subject of Her Majesty, his Register Ticket, according to the Provisions of this Act, he shall in either and every of such Cases forfeit and pay the Sum of Ten Pounds for and in respect of every such Seaman; and if any Master or Owner shall neglect to cause such Agreement to be read over and explained to such Seaman before the signing or Execution thereof by such Seaman, the said Master or Owner shall for each Neglect forfeit and pay the Sum of Five Pounds for every such Seaman; and if any Master or Owner shall neglect or omit to deliver or cause to be delivered to such Collector or Comptroller any such Agreement, or such Copy thereof as aforesaid, or shall not deliver up any Register Ticket to the Person entitled to it at the Expiration of his Service.

Service, or otherwise, as required by this Act, he shall for every such Neglect, Omission, or Offence forfeit and pay the Sum of Ten Pounds, or if any Master or Owner shall deliver or cause to be delivered a false Copy of the Agreement he shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Seamen not to be deprived of legal Remedies. No Agreement contrary to the Act, or to forego Salvage, to be valid; and certified Copy to be Evidence.

V. And be it enacted, That no Seaman, by reason of any Agreement, shall forfeit his Lien upon the Ship, nor be deprived of any Remedy for the Recovery of his Wages to which he would otherwise be entitled against any Person or Persons whatever; and no Agreement contrary to or inconsistent with this Act, nor any Clause, Contract, or Engagement whereby any Seaman shall consent or promise to forego or give up any Right or Claim to Wages in the Case of Freight earned by a Ship subsequently lost, or any Right or Claim to Salvage or Reward for Salvage Services, or such Proportion of Salvage or Reward for Salvage Services as shall or may be due to him by Decree or Award, or otherwise, shall be valid or binding on such Seaman; and every Copy of an Agreement so certified and delivered as aforesaid shall in all Cases be received and taken as Evidence of the Contents of the Agreement for and on behalf of the Seaman; and no Seaman shall in any Case be required to produce such Agreement, or such Copy as aforesaid, or to give Notice for the Production thereof; but in case the Agreement shall not be produced and proved he shall be at liberty to prove the Contents or Purport thereof, or to establish his Claim by other Evidence, according to the Nature of the Case.

Seamen not bound to produce Agreement.

Seamen refusing to join, or to proceed in the Ship, or absenting themselves may be committed to Gaol, or be sent on board.

VI. And be it enacted, That in case a Seaman, whether before the Commencement or during the Progress of any Voyage, shall at any Time neglect or refuse to join the Ship on board of which he shall have engaged to serve, or shall refuse to proceed to Sea in such Ship, or shall absent himself therefrom without Leave, or shall desert, it shall be lawful for any Justice of the Peace in and for any of Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, where or near to the Place where such Ship shall happen to be, or where such Seaman shall be found, and such Justice is hereby required, upon Complaint made upon Oath by the Master, Mate, or Owner, or his Agent, to issue his Warrant, and cause such Seaman to be apprehended, and brought before him; and in case such Seaman shall not give a Reason to the Satisfaction of such Justice for his Neglect, Refusal, or Absence, as the Case may be, or in case of Desertion, it shall be lawful for any such Justice, upon due Proof of such Neglect, Refusal, Absence, or Desertion, to commit such Seaman to Prison or to the House of Correction, there to be imprisoned, with or without hard Labour, at the Discretion of such Justice, for a Period not exceeding Thirty Days; or it shall be lawful for the said Justice, if he shall so think fit, at the Request of the Master, Mate, or Owner, or his Agent, instead of committing such Seaman, to cause him to be conveyed on board the said Ship, or to be delivered to the Master, Mate, or Owner, or his Agent, for the Purpose of being so conveyed and proceeding on the Voyage, and also to award to the Master or Owner such Costs incurred in the Apprehension of the Seaman as to such Justice shall seem reasonable, not exceeding in any Case the Sum of Forty Shillings, which shall be chargeable against and may be deducted from the Wages of such Seaman; and whenever any Seaman shall be committed to Prison or to any House of Correction, the Justice shall cause his Register Ticket to be delivered to the Governor or Keeper of such Prison or House of Correction, who shall retain the same during the Period of the Seaman's Imprisonment, and at the Expiration of such Period shall return the Register Ticket to the Seaman; and whenever a Seaman shall be sentenced to Death or Transportation the Officer having the Custody of such Seaman shall transmit his Register Ticket to the Registrar of Seamen.

When Seamen committed to Prison his Ticket to be delivered to Gaoler.

Forfeiture for temporary Absence from or Refusal to perform his Duty.

Proviso.

VII. And be it enacted, That if any Seaman during the Time or Period specified for his Service shall wilfully and without Leave absent himself from the Ship, or otherwise from his Duty, he shall (in all Cases not of Desertion, or not treated as such by the Master,) forfeit out of his Wages the Amount of Two Days Pay, and for every Twenty-four Hours of such Absence the Amount of Six Days Pay, or, at the Option of the Master, the Amount of such Expences as shall have been necessarily incurred in hiring a Substitute; and in case any Seaman while he shall belong to the Ship shall without sufficient Cause neglect or refuse to perform such his Duty as shall be reasonably required of him by the Master or other Person in command of the Ship, he shall be subject to a like Forfeiture in respect of every such Offence, and of every Twenty-four Hours Continuance thereof; and in case any such Seaman, after the Ship's Arrival at her Port of Delivery, and before her Cargo shall be discharged, shall quit the Ship, without a previous Discharge or Leave from the Master, he shall forfeit One Month's Pay out of his Wages: Provided always, that no such Forfeiture shall be incurred unless the Fact of the Seaman's Absence, Neglect, or Refusal shall be duly entered in the Ship's Log Book, the Truth of which Entry it shall be incumbent on the Owner or Master, in all Cases of Dispute, to substantiate by the Evidence of the Mate or some other credible Witness.

How Amount of Forfeiture is to be ascertained when Seamen contract for the Voyage.

VIII. And be it enacted, That in all Cases where the Seaman shall have contracted for Wages by the Voyage or by the Run or by the Share, and not by the Month or other stated Period of Time, the Amount of Forfeitures to be incurred by Seamen under this Act shall be ascertained in manner following; (that is to say,) if the whole Time spent in the Voyage agreed upon shall exceed One Calendar Month, the Forfeiture of One Month's Pay expressed in this Act shall be accounted and taken to be a Forfeiture of a Sum of Money bearing the same Proportion to the whole Wages or Share as a Calendar Month shall bear to the whole Time spent in the Voyage; and in like Manner a Forfeiture of Six Days Pay, or less, shall be accounted and taken to be a Forfeiture of a Sum bearing the same Proportion to the whole Wages or Share as the Six Days or other Period shall bear to the whole Time spent in the Voyage; and if the whole Time spent in the Voyage shall not exceed the Period for which the Pay is to be forfeited the Forfeiture shall be accounted and taken to be a Forfeiture of the whole Wages or Share; and the Master

or Owner is hereby authorized to deduct the Amount of all Forfeitures out of the Wages or Share of any Seaman incurring the same.

Forfeiture for Desertion.

IX. And be it enacted, That any Seaman or other Person who shall desert the Ship to which he shall belong shall forfeit to the Owner thereof all his Clothes and Effects which he may leave on board, and he shall also forfeit all Wages and Emoluments to which he might otherwise be entitled; and in case of any Seaman deserting abroad he shall likewise forfeit all Wages and Emoluments whatever which shall be or become due or be agreed to be paid to him from or by the Owner or Master of any other Ship in the Service whereof such Seaman may have engaged for the Voyage back to the United Kingdom; and that all Wages and Portions of Wages and Emoluments which shall in any Case whatever become forfeited for Desertion shall be applied, in the first instance, in or towards the Reimbursement of the Expences occasioned by such Desertion to the Owner or Master of the Ship from which the Seaman shall have deserted, and the Remainder shall be paid to the Seamen's Hospital Society; and the Master shall, in case of Desertion in the United Kingdom, deliver up the Register Ticket of such Seaman or other Person to the Collector or Comptroller of the Customs at the Port: Provided always, that every Desertion be entered in the Log Book at the Time, and certified by the Signatures of the Master and the Mate, or the Master and One other credible Witness; and that the Absence of a Seaman from his Ship for any Time within Twenty-four Hours immediately preceding the sailing of the Ship from any Port, whether before the Commencement or during the Progress of any Voyage, wilfully and knowingly, without Permission, or the wilful Absence of a Seaman from his Ship at or for any Time without Permission, and under Circumstances showing an Intention to abandon the same, and not return thereto, shall be deemed a Desertion of and from the same Ship; and in case any Seaman shall desert in Parts beyond the Seas, and the Master of the Ship shall engage a Substitute at a higher Rate of Wages than that stipulated in the Agreement to be paid to the Seaman so deserting, the Owner or Master of the Ship shall be entitled to recover from the Deserter, by summary Proceeding, in the same Manner as Penalties are by this Act made recoverable (so far as the same can be applied), any Excess of Wages or Portion thereof which such Owner or Master shall pay to such Substitute beyond the Amount which would have been payable to the Deserter in case he had duly performed his Service pursuant to his Agreement: Provided always, that no Seaman shall be imprisoned longer than Three Calendar Months for Nonpayment of any such Excess of Wages.

Penalty for harbouring Deserters.

No Debt exceeding 5*s.* recoverable from a Seaman till Voyage is ended.

Seaman's Effects not to be detained under Pretence of Debt.

Penalty.

X. And be it enacted, That if any Person shall wilfully harbour or secrete any Seaman or Apprentice who shall have deserted from his Ship, knowing or having Reason to believe such Seaman or Apprentice to be a Deserter, every Person so offending shall for every such Seaman or Apprentice so harboured or secreted forfeit and pay the Sum of Ten Pounds; and no Debt exceeding in Amount Five Shillings, incurred by any Seaman after he shall have engaged to serve, shall be recoverable until the Service agreed for shall have been concluded; nor shall it be lawful for any Keeper of a Public House, or of a Lodging House for Seamen, to detain any Chest, Tools, or other Property of any Seaman for any Debt alleged to have been contracted by him; and in case of such Detention of the Chest, Tools, or other Property of a Seaman, it shall be lawful for any Justice of the Peace at or near the Place, upon Complaint upon Oath to be made by such Seaman or on his behalf, to inquire into the Matter upon Oath in a summary Way; and if it shall appear to such Justice that the alleged Claim is fraudulent, or that the Debt was not fairly incurred to the full Amount of the Claim, by Warrant under his Hand and Seal to cause such Effects to be seized and delivered over to such Seaman; and the Person so detaining the same shall forfeit and pay a Sum not exceeding Ten Pounds, at the Discretion of such Justice.

The Period within which Wages are to be paid.

XI. And be it enacted, That the Master or Owner of every Ship shall and is hereby required to pay to every Seaman his Wages within the respective Periods following; (that is to say,) if the Ship shall be employed in coasting, the Wages shall be paid within Two Days after the Termination of the Agreement, or at the Time when any such Seaman shall be discharged, whichever shall first happen; and if the Ship shall be employed otherwise than coasting, then the Wages shall be paid at the latest within Three Days after the Cargo shall have been delivered, or within Seven Days after the Seaman's Discharge, whichever shall first happen; and in all Cases the Seaman shall, at the Time of his Discharge, be entitled to be paid, on account, a Sum equal to One Fourth Part of the Balance due to him; and in case the Master or Owner shall neglect or refuse to make Payment in manner aforesaid, he shall for every such Neglect or Refusal forfeit and pay to the Seaman the Amount of Two Days Pay (to be recovered as Wages) for each Day, not exceeding Ten Days, during which Payment shall, without sufficient Cause, be delayed beyond the respective Periods aforesaid: Provided always, that nothing in this Clause contained shall extend to the Cases of Ships employed in the Southern Whale Fishery, or on Voyages for which Seamen, by the Terms of their Agreement, are wholly compensated by Shares in the Profits of the Adventure.

Payment of Wages or Salvage to be deemed valid, notwithstanding Bill of Sale, &c.

Allowance for short Provisions.

XII. And be it enacted and declared, That every such Payment of Wages to a Seaman shall be valid and effectual in Law, notwithstanding any Bill of Sale or Assignment which may have been made of such Wages, or of any Attachment or Incumbrance thereon, and that no Assignment or Sale of Wages or Salvage made prior to the accruing thereof, nor any Power of Attorney expressed to be irrevocable for the Receipt of any such Wages or Salvage, shall be valid or binding upon the Party making the same, and any Attachment to be issued from any Court whatever shall not prevent the Payment of Wages to any Seaman; and if during the Voyage the Allowance of Provisions which a Seaman agreed to receive shall be reduced One Third of the Quantity or less he shall receive Four-pence *per* Day, and if the Reduction be more than One Third he shall receive Eight-pence *per* Day, during the Period such respective Deductions

tions may be made, and such pecuniary Allowance shall be paid to him in addition to and be recoverable as Wages.

Masters to give Seamen their Certificates on their Discharge.

XIII. And be it enacted, That upon the Discharge of a Seaman from any Ship, or upon Payment of the Wages to him, he shall receive from the Master, and the Master is hereby required to give to him, not only his Register Ticket, but also a Certificate of such Seaman's Service and Discharge, in the Form set forth in Schedule (E.) to this Act annexed, specifying the Period of his Service, and the Time and Place of his Discharge, which Certificate shall be signed by the Master, and if the Master shall not give such Certificate to such Seaman he shall forfeit and pay to him the Sum of Five Pounds.

Penalty for Default.

For obtaining immediate Payment of Wages in certain Cases.

XIV. And be it enacted, That if Three Days after the Termination of the stipulated Service, or if Three Days after a Seaman shall have been discharged, he shall be desirous of proceeding on another Voyage, and in order thereto, or for any other sufficient Reason, shall require immediate Payment of any Amount of Wages, not exceeding Twenty Pounds, due to him, it shall be lawful for any Justice of the Peace, in and for any Part of Her Majesty's Dominions or the Territories under the Government of the *East India* Company, where or near to the Port or Place where such Service shall have terminated, or such Seaman shall have been discharged, or the Party or Parties liable shall be or reside, on Application from such Seaman, and on satisfactory Proof that he would be prevented from Employment or incur serious Loss or Inconvenience by Delay, to summon such Party or Parties before him, and if it shall appear to the Satisfaction of such Justice that there is no reasonable Cause for Delay, to order Payment to be made forthwith, and in default of immediate Compliance with such Order such Party or Parties shall forfeit and pay to such Seaman, in addition to his Wages, the Sum of Five Pounds.

Summary Mode of recovering Wages.

XV. And be it enacted, That in all Cases of Wages, not exceeding Twenty Pounds, which shall be due and payable to any Seaman, it shall be lawful for any Justice of the Peace in and for any Part of Her Majesty's Dominions or the Territories under the Government of the *East India* Company, where or near to the Place where the Ship shall have ended her Voyage, cleared at the Custom House, or discharged her Cargo, or where or near to the Place where the Party or either of the Parties upon whom the Claim is made shall be or reside, upon Complaint on Oath made to such Justice by such Seaman, or on his Behalf, to summon such Party or Parties to appear before him to answer such Complaint; and upon the Appearance of such Party or Parties, or, in default thereof, on due Proof of him or them having been so summoned, such Justice is hereby empowered to examine the Parties and their respective Witnesses (if there be any) upon Oath, touching the Complaint, and the Amount of Wages due, and to inspect any Agreement or Copy thereof, if produced, and make such Order for Payment of the said Wages, not exceeding Twenty Pounds, with the Costs incurred by the Seaman in prosecuting such Claim, as shall to such Justices appear reasonable and just; and in case such Order shall not be obeyed within Two Days next after the making thereof it shall be lawful for such Justice to issue his Warrant to levy the Amount of the Wages awarded to be due, by Distress and Sale of the Goods and Chattels of the Party on whom such Order for Payment shall be made, rendering to such Party the Overplus (if any shall remain of the Produce of the Sale), after deducting thereout all the Costs, Charges, and Expences incurred by the Seaman in the making and prosecuting of the Complaint, as well as the Costs and Charges of the Distress and Levy; or to cause the Amount of the said Wages, Costs, Charges, and Expences to be levied on the Ship in respect of the Service on board which the Wages are claimed or on the Tackle and Apparel thereof; and if such Ship shall not be within the Jurisdiction of such Justice, or such Levy cannot be made, or shall prove insufficient, then he is hereby empowered to cause the Party upon whom the Order shall be made to be apprehended, and committed to the Common Gaol of the District or County, there to remain without Bail until Payment shall be made of the Amount of the Wages so awarded, and of all Costs and Expences attending the Recovery thereof; and the Award and Decision of such Justice as aforesaid shall be final and conclusive.

Masters to have same Remedies for Wages as a Seaman.

XVI. And be it enacted, That all the Rights, Liens, Privileges, and Remedies (save such Remedies as are against a Master himself) which by this Act, or by any Law, Statute, Custom, or Usage, belong to any Seaman or Mariner, not being a Master Mariner, in respect to the Recovery of his Wages, shall, in the Case of the Bankruptcy or Insolvency of the Owner of the Ship, also belong and be extended to Masters of Ships or Master Mariners, in respect to the Recovery of Wages due to them from the Owner of any Ship belonging to any of Her Majesty's Subjects; and that no Suit or Proceeding for the Recovery of Wages shall, unless they exceed Twenty Pounds, be instituted against the Ship, or the Master or Owner thereof, either in any Court of Admiralty or Vice Admiralty Court, or any Court of Record in Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, unless the Owner of the Ship shall be bankrupt or insolvent, or the Ship shall be under Arrest or sold by the Authority of any Admiralty or Vice Admiralty Court, or unless any Magistrate acting under the Authority of this Act shall refer the Case to be adjudged by any such Court or Courts, or unless neither the Owner nor Master shall be or reside at or near the Port or Place where the Service shall have terminated, or where any Seaman shall have been discharged or put on shore.

As to Suits for Recovery of Wages.

When Ship is sold at a Foreign Port, the Crew to be sent home at the Expence of the Master or Owner, and Ticket and Certificate of Dis-

XVII. And be it enacted, That whenever any Ship whatever, belonging to any Subject of Her Majesty, shall be sold, transferred, or disposed of at any Port out of Her Majesty's Dominions, in all such Cases (unless the Crew in the Presence of the *British* Consul or Vice Consul, or in case of there not being any such Consul or Vice Consul, then in the Presence of One or more *British* resident Merchants, not interested in the said Ship, shall signify their Consent in Writing to complete the Voyage if continued), or whenever the Service of any Seaman shall terminate at any Place out of Her Majesty's Dominions, the Master shall and he is hereby required to give to each of the Crew and to each of the Seamen whose Service

charge to be given.

Service shall terminate as last aforesaid, a Certificate of Discharge in the said Form set forth in Schedule (E.), and also his Register Ticket, and, besides paying the Wages to which they shall respectively be entitled, either to provide them with adequate Employment on board some other *British* Vessel homeward bound, or to furnish the Means of sending them back to the Port in Her Majesty's Dominions at which they were originally shipped, or to such other Port in the United Kingdom as shall be agreed upon between him and them respectively, or to provide them with a Passage home, or to deposit with the Consul or Vice Consul, Merchant or Merchants as aforesaid, such a Sum of Money as shall be by them deemed sufficient to defray the Expences of the Subsistence and Passage of such Seamen; and if the Master shall refuse or neglect so to do, such Expences, when defrayed by such Consul or Vice Consul, or any other Person on behalf of the Seamen, shall be a Charge upon the Owner of such Ship, except in Cases of Barratry, and may be recovered against such Owner as so much Money paid to his Use, together with full Costs, at the Suit of the Consul or other Person defraying such Expences, or as a Debt due to Her Majesty, in case the same shall have been allowed to the Consul out of the public Monies, and if defrayed by the Seaman shall be recoverable as Wages due to him; and in all Cases of Wreck or Loss of the Ship every surviving Seaman shall be entitled to his Wages up to the Period of the Wreck or Loss of the Ship, whether such Ship shall or shall not have previously earned Freight; provided the Seaman shall produce a Certificate from the Master or Chief surviving Officer of the Ship, to the Effect that he had exerted himself to the utmost to save the Ship, Cargo, and Stores.

Wages to be paid in case of Wreck.

A Supply of Medicines, Lime Juice, Sugar, and Vinegar, &c. to be kept on board, and Seamen hurt in the Service of the Ship to be provided with Advice, &c. gratis.

XVIII. And be it enacted, That every Ship navigating between the United Kingdom and any Place out of the same shall have and keep constantly on board a sufficient Supply of Medicines and Medicaments suitable to Accidents and Diseases arising on Sea Voyages, in accordance with the Scale which shall from Time to Time or at any Time be issued by the Lord High Admiral, or by the Commissioners for executing the Office of Lord High Admiral, and published in the *London Gazette;* and every Ship (except those bound to *European* Ports or to Ports in the *Mediterranean Sea*) shall also have on board a sufficient Quantity of Lime or Lemon Juice, Sugar, and Vinegar, the Lime or Lemon Juice, Sugar, and Vinegar to be served out to the Crew whenever they shall have been consuming salt Provisions for Ten Days; the Lime or Lemon Juice and Sugar daily, after the Rate of Half an Ounce each *per* Day, and the Vinegar weekly, at the Rate of Half a Pint *per* Week to each Person, so long as the Consumption of salt Provisions be continued; and in case any Default shall be made in providing and keeping such Medicines, Medicaments, and Lime or Lemon Juice, Sugar, and Vinegar, the Owner of the Ship shall incur a Penalty of Twenty Pounds for each and every Default; and in case of Default of serving out such Lime or Lemon Juice, Sugar, or Vinegar as aforesaid, the Master shall incur a Penalty of Five Pounds for each and every Default; and in case the Master or any Seaman shall receive any Hurt or Injury in the Service of the Ship, the Expence of providing the necessary surgical and medical Advice, with Attendance and Medicines, and for his Subsistence until he shall have been cured, or shall have been brought back to some Port of the United Kingdom, shall, together with the Costs of his Conveyance to the United Kingdom, be defrayed by the said Owner of the Ship without any Deduction whatever on that Account from the Wages of such Master or Seaman; and, if paid by any Officer or other Person on behalf of Her Majesty, the Amount, with full Costs of Suit, shall be recovered as a Debt due to Her Majesty; and every Ship having One hundred Persons or upwards on board, and every Ship the Voyage of which shall be deemed under the Provisions of the Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for regulating the Carriage of Passengers in Merchant Vessels,* to exceed Twelve Weeks, having Fifty Persons or upwards on board, shall have on board, as one of her Complement, some Person duly authorized by Law to practise in this Kingdom as a Physician, Surgeon, or Apothecary; and in case of every Default the Owner shall incur a Penalty not exceeding One hundred Pounds.

What Ships to carry Surgeons.

Maintenance of a General Register and Record Office of Seamen.

XIX. 'And whereas in and by the said Act passed in the Sixth Year of the Reign of His late Majesty 'King *William* the Fourth, it was provided, that as soon as conveniently might be after the passing of 'that Act there should be established in the Port of *London* an Office to be called "The General Register 'Office of Merchant Seamen," which should consist of a Registrar and such Assistants and Clerks, with 'such Salaries and Allowances as should be fixed and regulated from Time to Time by the Lord High 'Admiral or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom 'for the Time being; and that such Office should be kept at the Custom House of the said Port, and daily 'Attendance be given thereat during the usual Hours of Business there; and that the said Registrar, his 'Assistants and Clerks, should be under the Control and Direction of the said Lord High Admiral or the 'Commissioners for executing the Office aforesaid for the Time being: And whereas such Office was 'established under and in pursuance of the said Act, and it is expedient to maintain and continue the 'same under the Title of "The General Register and Record Office of Seamen;"' be it therefore enacted, That such Office, Salaries, and Allowances, with every thing appertaining to the said Office, shall be maintained and continued in manner and form, and subject to such Regulations, Directions, and Control, as the said Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for the Time being have directed or shall direct; and the said Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for the Time being shall have Power to fix and regulate such Fees as he or they may deem proper to be paid by the Applicants for the Inspection and Copies of Documents in the said Office.

Register Tickets to be procured.

XX. And be it enacted, That every Person, being a Subject of Her Majesty, intending to serve on board any Ship subject to the Provisions of this Act (except as Master or Physician, Surgeon or Apothecary), shall and he is hereby required to provide himself with a Register Ticket, and for that Purpose to apply

apply personally at the General Register and Record Office of Seamen in *London*, or at the Custom Houses of the several Outports of the United Kingdom; and every Applicant is hereby required to answer truly, to the best of his Ability, all the Questions set forth in Schedule (F.) to this Act annexed, before he shall be entitled to receive his Register Ticket; and no Person shall serve in any Capacity on board any Ship subject to any of the Provisions of this Act (except the Master, Physician, Surgeon, or Apothecary) who is not possessed of such Register Ticket; and the Masters of all Apprentices who shall be bound after the Commencement of this Act, or whose Apprenticeship shall be in force when this Act takes effect, shall, before commencing a Voyage, bring all Indentures and Assignments of Apprenticeships, together with the Apprentices themselves, to the Registrar of Seamen in *London*, or to the Custom House of the nearest Port, in order that each of such Apprentices may be furnished with a Register Ticket, which Ticket shall be annexed and be kept annexed to the original Indenture retained by the Master, and shall be delivered up to the Apprentice by the Master at the Expiration of the Apprenticeship; and the Registrar of Seamen and the Collectors and Comptrollers of Customs respectively are hereby required to grant such Tickets to all Seamen and other Persons requiring the same, and duly complying with the Provisions aforesaid.

Masters to bring Indentures and Apprentices to the Registrar to obtain Tickets.

XXI. And be it enacted, That if any Person shall alter or destroy a Register Ticket, or counterfeit, transfer, or traffic in, for Gain or otherwise, or attempt to counterfeit, transfer, or traffic in, for Gain or otherwise, any Register Ticket issued or purporting to be issued pursuant to the Provisions of this Act, he shall for every such Offence be guilty of a Misdemeanor; and any Person becoming possessed of a Register Ticket, other than that legally issued to him, shall forthwith transmit the same to the Registrar of Seamen, and in case of Default he shall for every such Offence forfeit and pay a Sum of Twenty Pounds.

Altering, &c. a Register Ticket, Misdemeanor.

Penalty of 20*l.* if Ticket be not transmitted.

XXII. And be it enacted, That if any Seaman shall lose his Register Ticket he shall forthwith appear in Person, and represent his Case to the Registrar of Seamen in *London*, or the Collector or Comptroller of Customs at any of the Outports; and he shall truly answer all reasonable Questions put to him by the said Registrar or Officer of Customs; and if it appear that no Fraud has been committed, and the Loss was unavoidable, he shall be furnished with another Register Ticket; but if it appear that the Seaman did not take due and reasonable Care of his former Ticket, or if he shall not give a satisfactory Account of the same, he shall be liable to a Penalty of not exceeding Ten Shillings and not less than Two Shillings, and shall not be entitled to any other Ticket until such Penalty shall be paid; and every Person who shall apply for any Ticket, and shall give a false Answer to any reasonable Question which may be put to him by the Registrar of Seamen, or his Assistant, or by the Collector or Comptroller of Customs, with reference to the granting such Ticket, shall be guilty of a Misdemeanor.

When Register Ticket is lost.

Penalty.

False Answer a Misdemeanor.

XXIII. And be it enacted, That all District Registrars of Births, Deaths, and Marriages shall and they are hereby required to demand from the Person registering the Death of any Seamen the Register Ticket of such Seamen, and, if delivered to any such Registrar, he shall forthwith forward the same to the Registrar of Seamen; and no Person, other than the said Registrar of Seamen, shall retain the Ticket of a deceased Seaman; and if any Person shall retain any such Ticket for more than Twenty Days after the Death of any such Seaman, or Ten Days after the Arrival of the Ship in the United Kingdom should the Seaman die abroad, he shall be liable to a Penalty not exceeding Five Pounds in respect of every such Register Ticket so detained.

Register Tickets of Parties dead.

XXIV. And be it enacted, That a List shall be prepared from Time to Time by the Registrar of Seamen, setting forth the Numbers of all the Register Tickets that have been cancelled by reason of the Death of Seamen or otherwise within the preceding Six Calendar Months; and such Lists shall be published half-yearly in the *London Gazette*, and shall also be transmitted by the said Registrar from Time to Time to the Collectors and Comptrollers of Customs, to be by them conspicuously exhibited in the Custom Houses and other Stations of their respective Ports, and Copies of such Lists shall be delivered to any Master or Owner on Application; and every Master or Owner entering into an Agreement with any Seaman producing such cancelled Ticket shall be liable to and incur a Penalty of not exceeding Five Pounds; and every Seaman tendering or delivering to a Master a cancelled Ticket, or any other Ticket not legally issued to him, or falsely representing himself to be a Foreigner, shall forfeit to the Owner all Wages which shall become due to him during the Service, for which he shall agree or shall have agreed.

List of cancelled Tickets to be prepared by Registrar, and published half-yearly and Copies given thereof on Application.

Penalty for using cancelled Ticket, &c.

XXV. And be it enacted, That Duplicates of all Register Tickets, and all Papers and Documents delivered or transmitted to and retained by the said Registrar, shall be by him recorded, preserved, and kept; and every Copy of such Duplicate Tickets, Papers, and Documents, or any of them, certified by the said Registrar or his Assistant to be a true Copy, shall be admitted in Evidence as fully as the Original thereof; and every Copy of a Document and Endorsement thereon, which may be delivered by any Owner or Master under the Provisions of this Act, shall and may be admitted in Evidence against such Owner and Master, and each of them, as fully as the Original of such Document and Endorsement.

Papers and Documents to be recorded.

Certified Copies to be Evidence.

XXVI. And be it enacted, That the Master of every Ship belonging to any Subject of Her Majesty, and bound to Parts beyond the Seas, except in the Cases herein-after mentioned, shall, before he leaves his first Port of Departure from the United Kingdom, transmit or deliver, or cause to be transmitted or delivered, to the Collector and Comptroller of Customs at such Port, a List, signed by himself, of the Names of his Crew (including Apprentices), with the Numbers of their Register Tickets, and the Capacity in which they are serving on board, in the Form set forth in Schedule (G.) to this Act annexed; and

Masters of Ships trading abroad to deliver Lists of their Crews on their Departure and Return.

and if any subsequent Change in his Crew take place before finally leaving the United Kingdom the Owner or Master shall, upon such Change taking place, apprize the Collector and Comptroller of the Customs at the Port where it occurs, by transmitting an amended List in the same Form; and the Master or Owner of every such Ship shall, within Forty-eight Hours after the Arrival of such Ship at her final Port of Destination in the United Kingdom, transmit or deliver, or cause to be transmitted or delivered, to the Collector or Comptroller of the Customs at such Port, an Account or List, signed by himself, of all the Seamen and others (including Apprentices) who shall have belonged to the Ship at any Time during her Absence from the United Kingdom; which Account or List shall contain a full, true, and correct Return under their respective Heads of the several Particulars expressed in the Form set forth in the Schedule annexed to this Act, and marked (C.), with Christian Names and Surnames of the Master and all the Crew at full Length, and with the Dates of the Registry of the Indentures of the Apprentices, and the Assignments respectively, and the Port at which and the Time when they were respectively registered, and also the Numbers of the Register Tickets of every Apprentice and Seaman; and no Vessel shall be cleared inwards by the Tide Surveyor or other Officer until the Master or Owner shall produce a Certificate from the Collector or Comptroller (which he is hereby required to give) to the Effect that he has rendered such Accounts or Lists as aforesaid; and the Tide Waiters or other Officers left on board shall be maintained at the Expence of the Master or Owner until such Accounts or Lists shall be duly delivered as aforesaid.

Vessels not to be cleared inwards until List be rendered.

Masters of Ships in the Home and Fishing Trade to return Lists half-yearly.

XXVII. And be it enacted, That within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in each Year the Master or Owner of every Ship belonging to a Subject of Her Majesty, of whatever Tonnage, employed in fishing on the Coasts of the United Kingdom or elsewhere, other than in the *South Sea*, *Greenland*, and *Newfoundland* Fisheries, or in proceeding from one Part of the United Kingdom to another, and every Ship proceeding or making Voyages to any of the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, or to any Port on the Continent of *Europe*, between the River *Elbe* inclusive and *Brest*, shall deliver or transmit, or cause to be delivered or transmitted, to the Collector or Comptroller of the Customs of any Port of the United Kingdom, an Account, signed by such Master or Owner, of any Voyage or Voyages in which such Ship shall have been engaged during the preceding Half Year, ending on the respective Days above mentioned, and setting forth legibly and at full Length the Christian and Surnames of the several Persons (including the Master and Apprentices) who shall have belonged to the Ship at any Time during such Periods respectively; which Account shall be in the Form and shall contain a true and correct Return under their respective Heads of the several Particulars expressed in the Schedule marked (D.) to this Act annexed, with the Dates of the Registry of the Indentures of Apprenticeship and Assignments respectively, and the Ports at which and the Time when they were respectively registered, and the Numbers of the Register Tickets of every Seaman and Apprentice; and no Master or Owner shall be entitled to or receive a Transire or other Customs Document necessary to enable him to conduct the Business of his Ship, after the Expiration of the said Twenty-one Days, until he shall produce and show a Certificate from such Collector or Comptroller (which he is hereby required to give), to the Effect that he has delivered such an Account; and in the Case of Ships of all Descriptions which may be unemployed for Six Months, or which may be employed and not require a Transire or other Customs Document, the Master or Owner shall notify the same to such Collector or Comptroller within such Twenty-one Days, and in case of every Default the Master or Owner shall be liable to a Penalty of Ten Pounds; and all Collectors and Comptrollers of Customs of the Ports to which the Vessels belong shall transmit a List of all such Ships, and of all Ships of every Description registered or licensed, or whose Registers or Licences have been transferred or cancelled in their respective Ports within each Half Year ending as aforesaid, to the said Registrar at the said Office, on or before the First Day of *February* and the First Day of *August* in each Year respectively.

Vessels not to receive Transire until Lists be delivered.

Owners of Vessels unemployed, or not requiring Customs Document, to notify same.

Penalty for Default.

Return to be made in case of Ship lost or sold abroad.

XXVIII. And be it enacted, That in case any Ship belonging to any Subject of Her Majesty shall be lost, sold, or transferred, an Account, containing a similar Return as required in the several and respective Cases before mentioned, made out up to the Period of such Loss, Sale, or Transfer, shall, if practicable, be delivered or transmitted by the Master or Owner at the Time of the Loss, Sale, or Transfer, to the Collector or Comptroller of the Port to which the Ship belongs, with all convenient Speed, and in case such Loss, Sale, or Transfer shall take place out of the United Kingdom, within Twelve Calendar Months at furthest after the Loss, Sale, or Transfer of the Ship.

Lists, &c. to be transmitted to the Registrar.

Penalty on the Owner or Master for Neglect.

XXIX. And be it enacted, That all Indentures, Counterparts, Assignments, Lists, Accounts, Returns, Papers, Register Tickets, and Documents by this Act required to be delivered to the Collectors or Comptrollers as aforesaid shall be by them transmitted to the said Registrar for the Purposes of this Act at the End of every Week, unless otherwise specified in this Act; and every Owner or Master who shall refuse or neglect to transmit, deliver or cause to be delivered, any List, Account, Register Ticket, or other Document, as required by this Act, shall for every such Refusal or Neglect forfeit and pay the Sum of Ten Pounds.

Lists, &c. in the Case of Pleasure Yachts to be transmitted to the Registrar.

XXX. And be it enacted, That all Agreements, or Copies thereof, Lists, Returns, Register Tickets, and other Documents, which under the Provisions of this Act are required to be transmitted or delivered to the Collectors or Comptrollers of Customs of the several Ports in the United Kingdom, shall, in the Case of Pleasure Yachts, be transmitted or delivered by the Masters or Owners of such Yachts, direct to the Registrar of Seamen, and the Owners or Masters thereof shall be liable to the same Penalties for Default as herein provided in the Cases of the Masters or Owners of other Ships failing to transmit or deliver such Documents to such Collectors and Comptrollers.

XXXI. And

As to the Disposal of the Effects of any Seaman dying abroad.

XXXI. And be it enacted, That whenever any Seaman, being abroad, shall die elsewhere than on board a Ship belonging to any Subject of Her Majesty, leaving any Money or Effects not on board his Ship, it shall be lawful for Her Majesty's Consul or Vice Consul at or nearest to the Place, and he is hereby required, to claim and take charge of all such Money and Effects, and to dispose of the said Effects, if he shall so think fit, and after deducting all necessary and proper Charges and Expences incurred in the collecting thereof, or by or on account of such Seaman, to remit the Balance, with a full Account of such Money or Effects, to the President and Governors of the Corporation "For the Relief and Support of "sick, maimed, and disabled Seamen, and of the Widows and Children of such as shall be killed, slain, "or drowned in the Merchant Service," to be by such President and Governors paid over and disposed of, in the same Manner and under the same Regulations as are provided by an Act passed in the Fifth Year of His late Majesty King *William* the Fourth intituled *An Act to amend an Act of the Twentieth Year of His Majesty King* George *the Second for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service; and for other Purposes,* with respect to the Wages of Seamen dying on board Merchant Ships; and in case any Seaman dying abroad shall leave on board his Ship any Money, Clothes, or other Effects, or be entitled to any Wages, the Master of the said Ship shall and he is hereby required to deposit the same, or the Proceeds arising therefrom, with, and to pay such Wages to, the President and Governors aforesaid, to be by them disposed of in the same Manner as is provided by the said Act with respect to the Wages of Seamen dying on board Ship, and to transmit to the said President and Governors at the same Time a full Account of such Effects and Wages; and on Failure the Master shall forfeit a Sum not exceeding Fifty Pounds, in addition to being accountable for such Money, Clothes, Effects, and Wages; and in all Cases of a Seaman dying abroad the Master shall, on his Ship's Return to the United Kingdom, deliver up to the said President and Governors the Register Ticket of such deceased Seaman, and the said President and Governors, on the Receipt thereof, shall transmit the same to the Registrar of Seamen.

4 & 5 W. 4. c. 52.

Parish Boys may be put out Apprentices to the Sea Service.

XXXII. And be it enacted, That it shall be lawful for the Overseers of the Poor, or other Persons having the Authority of Overseers of the Poor, in and for any District, Union, Parish, Township, or Place in the United Kingdom, and they are hereby empowered, to bind by Indenture, according to the Form set forth in Schedule (H.) to this Act annexed, and put out as an Apprentice in the Sea Service to any of Her Majesty's Subjects, being the Owner of any Ship registered or licensed in any Port of the United Kingdom, any Boy having attained the Age of Twelve Years, and of sufficient Health and Strength, who or whose Parent or Parents is or are chargeable to or maintained by any such District, Union, Parish, Township, or Place, or who shall beg for Alms therein, with his Consent, but not otherwise; and until such Boy shall attain the Age of Twenty-one Years, or shall have served as Apprentice Seven Years, or whichever shall first happen, such Binding shall be effectual to all Intents and Purposes: Provided always, that where any such Parish, Township, or Place separately maintaining its own Poor shall be included in any Union, or shall be under the Management of a Board of Guardians, no such Binding shall be valid unless the Guardians of such Union, Parish, or other Place respectively shall previously have given their Consent thereto, by causing their official Seal to be affixed to the Indenture, and the same to be signed by the presiding Chairman of the Board at any Meeting, and the Clerk or Person acting as such at such Meeting; and provided also, that every such Binding shall be made in the Presence of any such Boy, and of Two Justices of the Peace, who shall execute the Indenture in testimony of their being satisfied that such Boy hath consented so to be bound, and attained the Age, and is of sufficient Health and Strength as required by this Act; and the Age of every such Boy shall be truly inserted in his Indenture, and the Age of every such Boy so inserted therein shall (in relation to the Continuance of his Service) be taken to be his true Age, without any further Proof thereof; and any Certificate of Baptism of such Boy which may be required shall be given and attested by the officiating Minister without Fee or Reward: Provided always, that no Apprenticeship to the Sea Service, whether Parish or otherwise, shall be binding after the Apprentice shall have attained the Age of Twenty-one Years; and that every Indenture, together with his Register Ticket annexed thereto, shall be given up to such Apprentice on his attaining such Age, or at the Expiration of his Apprenticeship, whichever shall first happen, by the Person to whom he shall be bound at the Time, under a Penalty of Twenty Pounds, to be paid by such Person on default; but should any Apprenticeship, Parish or otherwise, expire during a Voyage, and before the Ship's Arrival at her final Port of Destination in the United Kingdom, such Apprenticeship shall, notwithstanding, continue until the Return of the Ship to her final Port of Destination in the United Kingdom; but after One Calendar Month from the Expiration of such Apprenticeship the Apprentice shall be paid the same Wages as an able-bodied Seaman or ordinary Seaman of the said Ship, according to his Qualification.

No Apprenticeship binding after Apprentice shall have attained Twenty-one.

Apprenticeships to continue until the Return of the Ship, and Apprentice to be paid Wages.

Parish Apprentice may be turned over to the Sea Service.

XXXIII. And be it enacted, That it shall be lawful for any Master or Person to whom any Parish Apprentice shall have been or shall be hereafter bound to a Service on Shore, according to the Statutes for the Time being relating to such Apprentices, or for the Executors or Administrators, or, there being none such, for the Widow of any deceased Master, with the Concurrence of Two or more Justices of the Peace in and for the County, District, or Place where such Boy shall have been bound Apprentice, to assign such Boy, with his Consent, to be given in the Presence of such Justices, but not otherwise, as Apprentice to any such Owner as aforesaid, to be employed in the Sea Service during the Period then remaining unexpired of his Apprenticeship; and every such Assignment shall be attested as next hereinafter mentioned.

Indentures may be assigned on the Death of the Master.

XXXIV. And be it enacted, That in the event of the Bankruptcy, Insolvency, or Death of the Master of any such Parish Apprentice to the Sea Service, it shall be lawful for such Master, or the Executors or Administrators of such Master, or, there being none such, for the Widow of such deceased Master, to assign the Indenture of any such Apprentice for the Residue of the Term then unexpired therein to any other Owner of any such Ship: Provided always, that such Assignment, if executed within the Limits of the Port of *London*, shall be attested by the said Registrar, his Assistant, or one of his Clerks, and if executed at any other Port, by the Collector or Comptroller of the Customs of such Port.

Parish Officers to prepare Indentures.

Constable to convey the Apprentice.

Guardians or Overseers to provide Clothing, &c.

XXXV. And be it enacted, That such Overseers, Guardians, or other Persons as aforesaid shall cause the Indenture of Apprenticeship to be prepared and transmitted in Triplicate; (that is to say,) Two Counterparts, besides the Indenture, to the said Registrar, if the Owner of the Ship to whom such Apprentice is to be bound shall be or reside within the Limits of the Port of *London*, and if at any other Port, to the Collector or Comptroller of the Customs at such Port; and shall cause each such poor Boy to be conducted and conveyed to such Port or Place by a Constable or other trustworthy Person, at the Expence of the District, Union, Parish, Township, or Place; and when any such Boy shall be so bound he shall be provided by the Guardians of the said Union or Parish as aforesaid, or, in case the said Parish or Place shall not be included in any Union or governed by a Board of Guardians, by the Overseers, with a sufficient Outfit of Sea Clothing, Bedding, and similar Necessaries, to the Value of Five Pounds, which said Amount, together with the Expences to be incurred in the Binding and Conveyance of the said Boy, shall be charged by such Guardians or Overseers respectively to the Account of the Parish or other Place by whose Overseers the said Boy shall be bound, and be allowed to them in their Account; and the said Indentures so entered into by the Overseers of any Parish or other Place as aforesaid may be sued upon in the Name of the Overseers of the Poor of the said Parish or other Place for the Time being, by their Name of Office; and no Action commenced for the Breach of any Covenant therein contained, with the Consent of the Vestry of such Parish or Place, shall abate by reason of Death or any Change of Overseers of such Parish or Place, pending the same, but shall be proceeded in by the Overseers for the Time being, who shall be entitled to charge the whole Amount of the Costs incurred in such Action, and not recovered from the Defendant therein, upon the Poor Rates collected by them, though Part of such Costs shall have been incurred by their Predecessors.

How Indentures to be attested.

XXXVI. And be it enacted, That such Indentures shall be executed in the Presence of and attested by the Constable or other Person who shall conduct or convey such Apprentice; and such Indentures shall bear Date respectively on the Days on which they are executed; and such Constable or other Person shall transmit one of the said Counterparts, duly executed, to the Overseers, Guardians, or other Persons aforesaid, one to the Master, and another to the said Registrar.

Every Ship, except Pleasure Yachts, to have Apprentices according to her Tonnage:

To be Subjects of Her Majesty:

Their Age and Term of Apprenticeship.

Penalty for Deficiency of Apprentices, &c.

XXXVII. And be it enacted, That the Master or Owner of every Ship belonging to any Subject of Her Majesty, and of the Burden of Eighty Tons and upwards (except Pleasure Yachts), shall have on board at the Time of her proceeding from any Port of the United Kingdom, and at all Times when absent from the United Kingdom, or navigating the Seas, One Apprentice, or more, in the following Proportion to the Number of Tons of his Ship's Admeasurement, according to the Certificate of Registry; (that is to say,) for every Ship of Eighty Tons and under Two hundred Tons, One Apprentice at the least; for every Ship of Two hundred Tons and under Four hundred Tons, Two Apprentices at the least; for every Ship of Four hundred Tons and under Five hundred Tons, Three Apprentices at the least; for every Ship of Five hundred Tons and under Seven hundred Tons, Four Apprentices at the least; and every Ship of Seven hundred Tons and upwards, Five Apprentices at the least; all of whom, at the Period of their being bound respectively, shall be Subjects of Her Majesty, and above Twelve and under Seventeen Years of Age, and be duly bound for the Term of Four Years at the least; and if any such Master or Owner shall neglect to have on board his Ship the Number of Apprentices as hereby required, together with their respective registered Indentures, Assignments, and Register Tickets, he shall for every such Offence forfeit and pay the Sum of Ten Pounds in respect of each Apprentice, Indenture, Assignment, or Register Ticket so wanting or deficient.

The cancelling of Indentures, and Death or Desertion of Apprentices, to be notified.

Penalty.

Consents necessary in cancelling Indentures.

XXXVIII. And be it enacted, That in case any Indentures of Apprenticeship of any Description shall be cancelled, or any Apprentice, Parish or otherwise, shall die on shore or desert, or by reason of the Vessel of the Master not having made a Voyage for Six Months shall not be reported in either of the said Lists, such Cancellation, Death, Desertion, or Non-employment shall forthwith be notified in Writing by the Master of the Apprentice to the said Registrar, if the Ship on board which the Apprentice was bound to serve shall belong to the Port of *London*, or otherwise to the Collector or Comptroller of the Port to which the said Ship shall belong; and for every Default the said Master shall be liable to a Penalty of Ten Pounds; and the Collector or Comptroller, if the Notification be made to him, shall transmit the same to the said Registrar within One Week from the Receipt thereof; and no cancelling of any Indenture of Apprenticeship of any Description shall be valid or effectual without the mutual Consent of the Parties, or without the Consent or in the Absence of the Registrar of Seamen in *London*, or of the Collector or Comptroller of Customs of the Port in which such Cancellation shall take place, or, in case of Bindings by the Overseers, without the additional Consent of the Guardians of the Union or Parish whose Consent was given to the said Binding, to be testified by a Copy of a Minute of the Board forwarded by the Clerk to the said Guardians.

Indentures and Assignments of Parish Appren-

XXXIX. And be it enacted, That the said Registrar in *London*, and the Collector and Comptroller of the Customs at each other Port, shall, in a Book to be kept for that Purpose, cause to be entered from Time to Time all such Indentures and Assignments of Parish Apprentices as aforesaid, specifying therein the

the Dates thereof, the Names and Ages of the Apprentices, the Parishes or Places from whence they are sent, the Names and Residences of their Masters to whom they are bound or assigned, and the Names, Ports, and Burden of the respective Ships to which such Masters belong, and shall make and subscribe on each Indenture and Assignment an Endorsement, purporting that the same hath been duly registered pursuant to this Act; and such Registrar, Collectors, and Comptrollers respectively shall require the personal Attendance of every such Apprentice at the Time of registering his Indenture or Assignment thereof; and every such Collector and Comptroller shall also, at the End of each Week, transmit a List of the Indentures and Assignments and Cancellations so registered by him within the Week, containing all the Particulars aforesaid, to the said Registrar.

tices to be registered.

Apprentices to appear personally when Indentures or Assignments registered.

XL. And be it enacted, That in every Case of a Person (other than such Parish Apprentice as aforesaid) binding himself Apprentice to the Sea Service the Indentures to be executed on such Occasion shall be in Duplicate, in the Form set forth in Schedule (I.) to this Act annexed, and a Counterpart shall be delivered to the said Registrar, if the Master shall be or reside within the Port of *London*, or if at any other Port, to the Collector or Comptroller of such Port; and the Indentures shall be registered in a Book to be kept for that Purpose by the said Registrar, Collectors, and Comptrollers respectively, in which Book shall be expressed the Dates of the several Indentures, the Names and Ages of the Apprentices, the Names and Residence of their Masters, and (if known) the Names, Port, and Burden of the several Ships on board which they are respectively to serve; and such Registrar, Collectors, and Comptrollers respectively shall require the personal Appearance of every such Apprentice at the Time of registering his Indenture or the Assignment thereof, and shall endorse and subscribe upon each Indenture a Certificate purporting that the same hath been duly registered pursuant to this Act; and the said Collectors and Comptrollers shall also at the End of each Week transmit a List of the Indentures and Assignments registered by them within the Week, containing all the Particulars aforesaid, together with the said Counterparts, to the said Registrar, for the Purposes of this Act; and that it shall be lawful for the Master of such Apprentice, or in case of his Death his Executor or Administrator, with the Consent of the Apprentice, if of the Age of Seventeen Years or upwards, and if under that Age with the Consent of his Parent or Guardian, to assign or transfer the Indenture of any such Apprentice to any other Master or Owner of any registered Ship; and all such Apprentices may during the Term for which they shall be bound be employed in any Ship of which the Master for the Time being of any such Apprentice may be the Master or Owner: Provided always, that every such Assignment shall be registered and endorsed by the said Registrar, or by the Collector and Comptroller of the Customs at the Port where the Master shall be, or to which his Ship shall belong; and the said Collector or Comptroller shall notify the same to the said Registrar, and transmit an exact Copy of the said Endorsement to the said Registrar.

Indentures and Assignments of other Apprentices to be registered.

As to Assignment of Indentures of Apprentices.

Assignments to be registered.

XLI. And be it enacted, That no Apprentice bound or assigned pursuant to this Act, nor any Master or Owner in respect of such Apprentice, shall be liable to any Payment or Contribution to or towards any Hospital or Institution; and that all Agreements, attested Copies, Indentures, Assignments, Counterparts, and Tickets, made, signed, or executed in compliance with or under the Provisions of this Act, shall be wholly exempt from Stamp Duty.

Apprentices exempted from Contributions.

Documents exempted from Duty.

XLII. And be it enacted, That if any Master or Owner to whom any Apprentice to the Sea Service shall be bound or assigned shall neglect to deliver a Counterpart, and cause the Indenture or the Assignment (as the Case may be) to be registered as required by this Act, so far as depends on such Master or Owner, within Ten Days after the Binding or Assignment, every such Master or Owner shall for every such Neglect forfeit and pay the Sum of Ten Pounds; and if any such Master or the Master of any Ship shall, after the Ship shall have proceeded on the Voyage upon which such Ship may be bound, permit any Apprentice to quit his Service or the Service of the Ship, except for the Purpose of entering into Her Majesty's Naval Service, every such Master shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Penalty on Masters neglecting to register, &c. Indentures, and for suffering Apprentices to quit their Service.

XLIII. And be it enacted, That any Justice of the Peace residing at or near to any Port to which any Ship as aforesaid, having on board thereof any Apprentice, shall at any Time arrive, shall have full Power and Authority to inquire into and examine, hear and determine, all Claims of Apprentices upon their Masters under their Indentures, and all Complaints of hard or ill Usage exercised by their respective Masters towards any such Apprentices, or of Misbehaviour on the Part of any such Apprentices, and to proceed thereupon as One or more Justice or Justices of the Peace is or are empowered by Law to do in other Cases between Masters and Apprentices; and if the Master of any Ship shall not send on shore, in the Charge of the Mate or other trustworthy Person, any Apprentice desirous of complaining to a Justice of the Peace, so soon as the Service of the Ship will permit, he shall for every such Default forfeit and pay the Sum of Ten Pounds.

Justices to determine Complaints.

XLIV. 'And whereas by an Act passed in the Ninth Year of the Reign of His late Majesty King 'George the Fourth, for consolidating and amending the Statutes in *England* relative to Offences against 'the Person, a summary Jurisdiction is provided for the Punishment of Persons guilty of common 'Assaults and Batteries: And whereas it is expedient that the Provisions of the last-mentioned Act 'should extend to similar Offences committed on board Ships belonging to Subjects of Her Majesty:' Be it therefore enacted, That in the Case of any Assault or Battery committed on board any Ship belonging to any Subject of Her Majesty, in any Part of the World, it shall be lawful for any Two Justices of the Peace in any Part of Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, residing at or near any Port or Place at which the said Ship may arrive or touch, upon Complaint of the Party aggrieved, to hear and determine any such Complaint, and to proceed and make such

Common Assaults may be summarily punished by Two Justices.

such Adjudication thereon as by the said Act any Two Justices are empowered to do in the Cases of Assaults and Batteries in *England*; and the Fine or Forfeiture to be imposed in any such Case shall be payable to the Seamen's Hospital Society: Provided always, that such Complaint shall be made and prosecuted within Three Months after such alleged Assault or Battery, or within Three Months after the Arrival of the Ship at her final Port of Destination in the United Kingdom, or within Three Months after the respective Parties shall be within the Jurisdiction of such Justices as aforesaid.

Masters entitled to receive the Wages, &c. of Apprentices entering into the Navy.

XLV. And be it enacted, That no Apprentice to the Sea Service shall be at liberty to enter into the Naval Service of Her Majesty during the Period of his Apprenticeship without the Consent of his Master; but if, nevertheless, he shall voluntarily enter into such Naval Service of Her Majesty, and shall be allowed by his Master to continue therein, such Master, in case he shall give Notice to the Secretary of the Admiralty of his Consent to his Apprentice remaining in Her Majesty's said Service during the Residue of the Term of his Apprenticeship, shall, upon the Production of the Indenture and Assignment (if any), if duly registered, and having the Register Ticket attached, be entitled to receive to his own Use any Balance of Wages and Prize Money that may become due and payable to any such Apprentice until the Expiration of his Apprenticeship.

No Seaman to be discharged abroad, nor to be abandoned, or left behind, without Sanction of Consul, &c.

XLVI. 'And whereas great Mischiefs have arisen from Masters of Merchant Ships leaving Seamen in 'Foreign Parts, who have been thus reduced to Distress, and thereby tempted to become Pirates or 'otherwise misconduct themselves, and it is expedient to amend and enlarge the Law in this Behalf;' be it therefore enacted, That if any Master of a Ship belonging to any Subject of Her Majesty shall discharge any Person belonging to his Ship or Crew at any of Her Majesty's Colonies or Plantations, without the previous Sanction in Writing (to be endorsed on the Agreement) of the Governor or other Officer holding the chief Authority there, or of the Secretary or other Officer duly appointed by the Government there in that Behalf, or in the Absence of such Functionaries then of the Chief Officer of Customs resident at or near such Port or Place, or shall discharge any such Person at any other Place abroad without the like previous Sanction, to be so endorsed on the Agreement by Her Majesty's Minister, Consul, or Vice Consul there, or in the Absence of any such Functionary then of Two respectable Merchants resident there, such Master shall be guilty of a Misdemeanor; or if any Master of any such Ship shall abandon or leave behind at any such Colony or Plantation any Person belonging to his Ship or Crew, on the Plea or Pretence of Unfitness or Inability to proceed upon the Voyage, or of Desertion or Disappearance from the Ship, without a previous Certificate in Writing (to be endorsed on the Agreement) of the Governor, Secretary, or other Officer as aforesaid, or in the Absence of such Functionary then of the Chief Officer of Customs resident at or near such Port or Place, certifying such Unfitness, Inability, Desertion, or Disappearance, or shall abandon or leave behind any Person belonging to his Ship or Crew at any other Place abroad, on shore or at sea, upon such Plea or Pretence, without the like previous Certificate of Her Majesty's Minister, Consul, or Vice Consul there, or in the Absence of any such Functionary then of Two respectable Merchants, if there be any such at or within a reasonable Distance from the Place where the Ship shall then be, such Master shall be guilty of a Misdemeanor; or if any Master of any such Ship, in case any Person belonging to his Ship or Crew shall desert from the said Ship at any Place abroad, shall neglect to notify the same in Writing to one of such Functionaries as aforesaid, if there be any such resident at or near the Place, and in their Absence, if it be out of Her Majesty's Dominions, then to Two respectable Merchants, if there be such at or near the Place, within Twenty-four Hours of such Desertion, such Master shall be guilty of a Misdemeanor; and the said Functionaries are hereby authorized and required, and the said Merchants are authorized, to examine into the Grounds of such proposed Discharge, or into the Plea or Pretence of such Unfitness, Inability, Desertion, or Disappearance as aforesaid, in a summary Way, upon Oath (which Oath they are hereby respectively authorized to administer), and to grant or refuse such Sanction or Certificate according to the Circumstances, and as it shall appear to them to be just.

Forcing Seamen on shore, &c. a Misdemeanor.

XLVII. And be it enacted, That if the Master of any Ship belonging to any of Her Majesty's Subjects, or the Mate or other Officer of such Ship, shall wrongfully force on shore and leave behind, or shall otherwise wilfully and wrongfully leave behind on shore or at sea, in or out of Her Majesty's Dominions, any Person belonging to his Ship or Crew, before the Completion of the Voyage for which such Person was engaged, or the Return of the Ship to the United Kingdom, such Master, Mate, or other Officer shall be guilty of a Misdemeanor; and every Misdemeanor mentioned or created by this Act shall and may be prosecuted by Information at the Suit of Her Majesty's Attorney General, or by Indictment or other legal Proceeding in any Court having Criminal Jurisdiction in Her Majesty's Dominions at home or abroad; and the Offence may be laid and charged in the said Information, Indictment, or other legal Proceeding to have been committed in the County or Place where the Offender shall happen to be, who, being convicted thereof, shall be liable to Fine or Imprisonment, or both, as to the Court before whom he is tried shall seem meet; and every Court is hereby authorized to issue a Commission or Commissions for the Examination of any Witness or Witnesses who may be absent or out of the Jurisdiction of the Court; and at the Trial the Depositions taken under such Commission or Commissions, if such Witness or Witnesses shall be then absent, shall be received in Evidence.

Where Misdemeanors may be prosecuted.

If any of the Crew are left behind, the Proof of Sanction or Authority to be upon the Master.

XLVIII. And be it enacted, That if any Master shall, contrary to the Provisions of this Act, discharge, abandon, or leave behind any Seaman or other Person belonging to the Ship or Crew, with or without his Consent, it shall be incumbent on such Master, in any Information, Indictment, or other Proceeding against him, to produce or prove such Sanction or respective Certificate as aforesaid, or prove the Impracticability of obtaining such Certificate.

XLIX. And

Seamen, when allowed to be left behind, to be paid their Wages.

XLIX. And be it enacted, That every such Master who shall leave any Seaman or other Person as aforesaid on shore at any such Colony or Plantation or Place abroad, under a Certificate of his not being in a Condition to proceed on the Voyage, shall deliver to One of the said Functionaries, or if there be none such to any Two respectable Merchants there, or if there be but One then to such One Merchant, a just and true Account of the Wages due to such Person, and pay the same either in Money or by a Bill drawn upon the Owner; and if by Bill, then such Functionaries or Merchants are respectively authorized and required, by Endorsement on such Bill, to certify that the same is drawn for Money due on account of Seamen's Wages, or to that Effect; and any Master who shall refuse or neglect to deliver a just and true Account of such Wages, or to pay the Amount thereof in Money or by Bill as aforesaid, shall for every such Offence or Default forfeit and pay the Sum of Ten Pounds, and every Master who shall deliver a false Account of such Wages shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Act not to extend to prevent Seamen from entering into the Navy.

L. Provided always, and be it enacted, That nothing in this Act or in any Agreement contained shall prevent any Seaman or Person belonging to any Ship or Vessel whatever from entering or being received into the Naval Service of Her Majesty, nor shall any such Entry be deemed a Desertion from the Ship or Vessel, nor shall such Seaman or other Person thereby incur any Penalty or Forfeiture whatever, either of Wages, Clothes, or Effects, or other Matter or Thing; and no Master or Owner shall insert or introduce, or permit to be inserted or introduced, into any Articles or Agreement, any Clause, Engagement, or Stipulation whereby any Seaman or other Person shall or may incur any Forfeiture or be exposed to Loss in case he shall enter into Her Majesty's Naval Service; and if inserted, the Clause, Engagement, or Stipulation shall be void, and the Offender shall thereby incur a Penalty of Twenty Pounds.

Upon Entry of Seamen into the Navy from any Ships they shall be entitled to the immediate Delivery up of their Clothes, Register Tickets, and Payment of any Wages that may be due.

LI. And be it enacted, That when any Seaman shall quit any such Ship or Vessel as aforesaid, in order to enter into Her Majesty's Naval Service, and shall thereupon be actually received into such Service, not having previously committed any Act amounting to and treated by the Master as Desertion, he shall be entitled immediately upon such Entry to have his Register Ticket and all his Clothes and Effects on board such Ship or Vessel delivered to him, and to receive from the Master the proportionate Amount of his Wages up to the Period of such Entry, to be paid either in Money or by a Bill on the Owner; all which Register Ticket, Clothes, Effects, Money, or Bill such Master is hereby required to deliver and pay to him accordingly, under a Penalty of Twenty Pounds for any Refusal or Neglect, to be recovered with full Costs of Suit by such Seaman; but in case the Master shall have no Means of ascertaining the Balance, he shall make out and deliver to such Seaman a Certificate of the Period of his Service, and the Rate of Wages he is entitled to, producing at the same Time to the commanding or other Officer of Her Majesty's Vessel the Agreement with the Seaman; and every such Master, upon the Delivery of such Register Ticket, Clothes, and Effects, and the Settlement of such Wages in manner herein mentioned, shall receive from the Officer in command of the Vessel into which the Seaman shall have entered a Certificate of such Entry, endorsed on the Agreement, and signed by the said Officer, which such Officer is hereby required to give.

Power for Her Majesty to sue for the Amount advanced for the Relief of Seamen left abroad.

LII. And be it enacted, That if any Person shall be discharged, or wilfully and wrongfully left behind or abandoned, at any Place beyond Seas, in or out of Her Majesty's Dominions, by any Master, Mate, or other Officer, contrary to the Provisions of this Act, and shall become distressed, and be relieved under the Provisions of an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, for amending and consolidating the Laws relating to the Pay of the Royal Navy, or any Act hereafter to be passed for that Purpose, or if any Person shall, as Principal or Agent, engage any Subject of Her Majesty to serve in any Vessel belonging to any Foreign Power, or to the Subject of any Foreign State, and such last-mentioned Person shall become distressed and be relieved as aforesaid, then, in addition to the Wages due from such Master or Owner or Person making such Engagement, and the Penalties to which such Master may be liable, Her Majesty shall be entitled to sue such Master or the Owner of the Ship, or any Person who shall have made such Engagement as aforesaid, at the Discretion of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, for all the Charges and Expences which shall have been incurred in or for the Subsistence, necessary Clothing, and Conveyance home or Burial (should he die abroad or before reaching home) of any such Seaman or Person relieved as aforesaid, as Money paid to the Use of such Master or Owner or other Person, who shall have made such Engagement as aforesaid, and recover the same, together with full Costs of the Suit, in the same Manner as other Debts due to Her Majesty are recoverable; and in any Proceeding for that Purpose Proof of the Account furnished to the said Commissioners by any such Functionaries, or by such Two Merchants, or One Merchant, according to the Case, as provided by the said Act of the Eleventh Year of King *George* the Fourth, shall, together with the Proof of Payment by the said Commissioners, or by the Paymaster General, of the Charges incurred on account of any such Person, be sufficient Evidence that such Person was relieved and conveyed home or buried at Her Majesty's Expence; and the Court in which any Proceeding for the Recovery of the said Money shall be instituted is hereby authorized to issue a Commission or Commissions for the Examination of Witnesses, and the Depositions taken under such Commission or Commissions shall be used as Evidence.

Ship's Agreement, Indentures, and Assignments of Apprenticeship

LIII. And be it enacted, That if any Ship belonging to a Subject of Her Majesty (except Packets for Passengers in the course of their Voyage) shall arrive at any Foreign Port where there shall be a *British* Consul or Vice Consul, or at any Port in a *British* Colony, and remain thereat for Forty-eight Hours, the Master

and Register Tickets, on Arrival at a Foreign Port, to be deposited with the Consul, and at a Colony with the Officers of Customs.

Master shall, within Forty-eight Hours of the Ship's Arrival, deliver or cause to be delivered to such Consul or Vice Consul at such Foreign Port, or to the Collector or Comptroller of the Customs at such Port of a *British* Colony, the Agreement or Agreements before mentioned, together with an Account at the Foot of such Agreement of all Apprentices on board, setting forth their Christian and Surnames at full Length, the Dates of the Registry of their Indentures and Assignments respectively, and the Ports at which and the Time when they were registered, and also all Indentures and Assignments of Apprenticeships, and the Register Tickets of all the Crew who shall be Subjects of Her Majesty, the whole to be kept by such Consul or Vice Consul, Collector or Comptroller, as the Case may be, during the Ship's Stay in such Port, and (excepting the Register Tickets of Deserters, which are to be transmitted by such Functionaries to the Registrar of Seamen,) to be returned to the Master a reasonable Time before his Departure, with a Certificate endorsed on such Agreements respectively, stating when the same were respectively delivered and returned, without any Fee or Charge being made for the same; and in case it shall appear that the required Number of Apprentices are not on board, or that the required Forms or existing Laws have been in any respect neglected or transgressed, such Consul or Vice Consul, Collector or Comptroller, shall make an Endorsement to that Effect on such Agreement, and forthwith transmit a Copy of such Endorsement, with the fullest Information he can collect regarding such Neglect or Transgression, to the said Registrar; and if any Master shall neglect to deliver any Agreement, Indenture, Assignment or Register Ticket, or such Account as aforesaid, he shall for every such Neglect or Default forfeit and pay the Sum of Twenty Pounds; or if any Master shall deliver any false or incorrect Account, he shall for every such Offence forfeit and pay the Sum of Thirty Pounds.

Consuls to make Endorsements on Agreement.

Penalty on Masters for Neglect, &c.

No Seaman to be shipped at a Foreign Port without Sanction of Consul.

LIV. And be it enacted, That no Seaman shall be shipped at any such Foreign Port by any such Master, except with the Sanction of such Consul or Vice Consul, to be endorsed or certified on the Agreement, under a Penalty of Twenty Pounds, to be forfeited by the Master for every Seaman so shipped.

Masters to produce Agreement, &c. to the Officers of Queen's Ships.

Penalty.

LV. And be it enacted, That the Master of every Ship belonging to any Subject of Her Majesty shall and he is hereby required to produce and show the Log Book, Muster Roll of the Ship, and the Agreement or Agreements with his Crew, their Register Tickets, and the Indentures of his Apprentices, and the Assignments thereof, and a List of all the Passengers and Persons on board, to the Captain, Commander, or other Commissioned Officer of any of Her Majesty's Ships or Vessels requiring the Production and Sight thereof; and that it shall be lawful for any such Officer in Her Majesty's Naval Service to muster the Crew (including Apprentices) of any Ship belonging to any such Subject, in order to be satisfied that the Provisions of this Act, and every other Act by which the Crews of such Ships as aforesaid are regulated, and the Laws relating to Navigation, have been duly kept and complied with; and if any Master shall, upon being required so to do by any such Officer, neglect or refuse to produce such Log Book, Muster Roll, or Agreement, Register Tickets, Indentures, and Assignments, and Lists of Passengers and Persons, or any of them, or shall obstruct any Officer in the Execution of his Duty in mustering the said Crew, or shall produce any false Log Book, Muster Roll or List, he shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Consuls, Registrar, and Officers of Customs empowered to require Production of the Agreement, Muster Roll, &c.

Penalty on Master refusing to produce.

LVI. And be it enacted, That for the better carrying into effect the Purposes of this Act it shall be lawful for Her Majesty's Consuls and Vice Consuls in Foreign Ports, and for the said Registrar and his Assistant, and also for the respective Chief Officers of the Customs at the several Ports of the United Kingdom and of the *British* Possessions abroad, to demand from the Master of every Ship belonging to a Subject of Her Majesty the Production of the Log Book, Muster Roll of the Ship, and such Agreements, Register Tickets, Indentures, and Assignments as aforesaid, and a List of Passengers and Persons on board, and to muster the Crew (including Apprentices) of such Ship, and to summon the Master to appear before them, and give any Explanation they may respectively require regarding the said Crew, Ship, or Documents, for the Purpose of ascertaining whether the Provisions of this Act, and every other Act by which the Crews of such Ships as aforesaid are regulated, and the Laws relating to Navigation, have been kept and complied with, and to take Copies of all or any of such Documents; and if any such Master, on such Demand being made, shall refuse to produce such Log Book, Muster Roll, Agreements, Register Tickets, Indentures and Assignments, and List of Passengers and Persons, or refuse to allow Copies to be taken, or shall refuse to permit his Crew to be so mustered, or shall refuse to appear and give such Explanation as aforesaid, or shall wilfully deceive or mislead the Person before whom he shall so appear, he shall for every such Neglect, Refusal, or Offence forfeit and pay the Sum of Twenty Pounds.

Survey of Provisions, &c.

If Provisions are found insufficient, &c.

LVII. And be it enacted, That it shall and may be lawful for any Consul or Vice Consul of Her Majesty, and for any Collector or Comptroller of the Customs, upon Complaint made by any Three or more of the Crew, to survey and examine, or cause to be surveyed and examined, the Provisions, Water, and Medicines put or supplied on board any Ship for the Use and Consumption of the Crew; and if on such Survey and Examination it shall be found that such Provisions, Water, or Medicines are of a bad Quality, or unfit for Use, or not appropriate, or there shall not appear to be a sufficient Quantity thereof, the Surveying Officer shall signify the same in Writing to the Master of the Ship; and if such Master shall not thereupon provide other fit and proper Provisions, Water, or Medicines in lieu of any which may be signified by the said Surveying Officer to be of a bad Quality, or unfit for Use or not appropriate, or if any such Master shall not thereupon procure the requisite Quantity of Provisions, Water, and Medicines or shall use any Provisions, Water, or Medicines which shall have been signified by the Surveying Officer to be of a bad Quality or unfit for Use, or not appropriate, he shall in each and every of such Cases be guilty of a Misdemeanor.

LVIII. And

LVIII. And be it enacted, That all Offences against the Property or Person of any Subject of Her Majesty, or of any Foreigner, which shall be committed in or at any Port or Place, either ashore or afloat, out of the Dominions of Her Majesty, by the Master and Crew (including Apprentices), or any or either of them, belonging to any Ship subject to any of the Provisions of this Act, or who within Three Months before the Committal of the Offence shall have been the Master thereof, or shall have formed Part of any such Crew, shall be and they are hereby declared to be Offences of the same Nature respectively, and to be liable to the same Punishments respectively, as if they had been committed on the High Seas and other Places within the Jurisdiction of the Admiralty of *England*, and shall be inquired of, heard, tried, and determined and adjudged in the same Manner as if such Offences had been committed within such Jurisdiction; and when any Trial for such Offences, or for any Misdemeanor against the Provisions of this Act, shall take place before any Justices or Judges of Oyer and Terminer and Gaol Delivery, it shall be lawful for the Court to order and direct the Payment of the Costs and Expences of the Prosecution, as in the Case of Costs and Expences of Prosecutions for Offences committed within the Jurisdiction of the Admiralty of *England*. As to Offences committed at Foreign Ports.

LIX. And be it enacted, That whenever any Complaint shall be made to any of Her Majesty's Consuls or Vice Consuls of any such Offence or of any Offence having been committed at Sea by the Master and Crew (including Apprentices), or any or either of them, belonging to any Ship subject to any of the Provisions of this Act, it shall be lawful for any such Consul or Vice Consul to inquire into the Case, upon Oath, and at his Discretion to cause any Offender to be placed under all necessary Restraint, so far as it may be in his Power, so that he may be sent and conveyed in safe Custody to *England* as soon as practicable, in any Vessel of Her Majesty, or of any of Her Subjects, to be there proceeded against according to Law; and the Costs and Charges of imprisoning any such Offender, and of conveying him and the Witnesses to *England*, if not conveyed in the Ship to which they respectively belong, shall be considered and deemed as Part of the Costs of the Prosecution, or be paid as Costs incurred on account of seafaring Subjects of the United Kingdom left in Distress in Foreign Parts; and all Depositions taken before any Consul or Vice Consul abroad, and certified under his official Seal to be the Depositions, and that they were taken in the Presence of the Party accused, shall be admitted in Evidence in all Courts having Criminal Jurisdiction, and otherwise, in like Manner as Depositions taken before any Justice of the Peace in *England* now are or may be; and the Register Ticket of every Offender shall be delivered up to Her Majesty's Consul or Vice Consul as the Case may be, and be transmitted by him to the Registrar of Seamen. For the safe Custody and Conveyance of Offenders to England.

LX. And be it enacted, That it shall be lawful for any Consul or Vice Consul to order a Passage to *England* for any such Offender or Offenders under necessary Restraint, and also for the Witnesses; and the Master or other Person having the Charge of any Ship or Vessel belonging to any Subject of Her Majesty bound for *England* shall and he is hereby required to receive and afford a Passage and Subsistence during the Voyage to any such Offender or Offenders and Witnesses, not exceeding the Rate of One Offender or Two Witnesses for every One hundred Tons of his Ship's Burden; and on his Ship's Arrival in *England* the Master of any Vessel belonging to a Subject of Her Majesty shall take or cause to be taken the Offender or Offenders before a Justice of the Peace, who shall deal with the Matter as in Cases of Offences committed upon the High Seas; and in case the Master or other Person having the Charge of any Ship or Vessel belonging to any Subject of Her Majesty, when required by the Consul or Vice Consul to receive and afford a Passage to any Offender or Witness, shall not receive and afford such Passage, or shall not take or cause to be taken the Offender or Offenders before a Justice of the Peace as aforesaid, every such Master shall be liable to a Penalty of Fifty Pounds; and the Seaman, if acquitted, shall receive his Register Ticket again upon due Application to the Registrar of Seamen. As to the Conveyance of Offenders and Witnesses to England.

LXI. And be it enacted, That this Act shall not extend or apply to any Ship registered in or belonging to any *British* Colony having a Legislative Assembly, or to the Crew of any such Ship, while such Ship shall be within the Precincts of such Colony; but every Ship belonging to any Colony or Possession of Her Majesty, when proceeding from one Part of the United Kingdom to another, or from the United Kingdom to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or from any Port in the United Kingdom to any Port or Possession of any Foreign Power or Country, or to any Colony to which the Ship shall not belong, shall be held to come within the Provisions of this Act; and this Act is hereby extended to the same; and the Owner, Master, and Crew, including Apprentices, of such Ship so trading as aforesaid, shall be and are hereby declared liable to the Provisions of this Act as fully as the Owner, Master, and Crew of any *British* registered Ship; and this Act and the Provisions thereof (except so far as the same relate to Agreements, Register Tickets, and having Apprentices,) shall also extend and apply to Ships belonging to all of Her Majesty's Colonies and Possessions abroad, wherever otherwise proceeding or trading, and to the Owners, Masters, and Crews of such Ships, when any such Ship shall be beyond the Precincts of the Colony or Possession to which she shall belong; and all Certificates and Sanctions required by this Act to be endorsed on Agreements shall, in the Case of Ships last referred to, be otherwise given in Writing where no written Agreement exists. As to Ships belonging to British Colonies.

LXII. And be it enacted, That all Penalties and Forfeitures imposed by this Act, and for the Recovery whereof no specific Mode is herein-before provided, shall and may be recovered, with Costs, either in any of Her Majesty's Courts of Record at *Westminster*, *Edinburgh*, or *Dublin*, or in the Colonies or Territories under the Government of the *East India* Company, at the Suit of Her Majesty's Law Officers respectively, Recovery of Penalties

tively, or at the Suit of any Person, by Information and summary Proceeding before any Justice or Justices of the Peace in and for any Part of Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, where or near to the Place where the Offence shall be committed or the Offender shall be; and if Proceedings for the Recovery of any Forfeiture or Penalty imposed by this Act, or for the Recovery of any Debt due to Her Majesty, be commenced in any of Her Majesty's Courts, the Court in which such Proceedings shall be instituted is hereby authorized to issue a Commission or Commissions in or out of Her Majesty's Dominions for the Examination of Witnesses, and the Depositions taken thereunder shall be used and admitted in Evidence; and in case of a summary Conviction under this Act, and the Sum imposed as a Penalty by the Justice or Justices shall not be paid, either immediately after the Conviction or within such Period as the Justice or Justices shall at the Time of the Conviction appoint, it shall be lawful for the convicting Justice or Justices to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of the Justice or Justices, for any Term not exceeding Six Calendar Months, the Commitment to be determinable upon Payment of the Amount and Costs; and all Penalties and Forfeitures mentioned in this Act, for which no specific Application is herein-before provided, shall, when recovered, be paid and applied in manner following; (that is to say,) so much thereof as the Court or the convicting Justice or Justices shall determine, but not exceeding One Moiety, shall be paid to the Informer or Person upon whose Discovery or Information the same shall be recovered, and the Residue shall be paid to the Seamen's Hospital Society: Provided always, that it shall be lawful for the Court before which, or the Justice or Justices before whom, any Proceedings shall be instituted for the Recovery of any pecuniary Penalty imposed by this Act, to mitigate or reduce such Penalty as to such Court or Justices respectively shall appear just and reasonable; but no such Penalty shall be reduced to less than One Third of its original Amount; and it shall be lawful, in the Discretion of the said Court, or of the said Justice or Justices hearing the Complaint, to order such Costs against the informing or complaining Party failing to prove the Charge as the said Court or Justice or Justices may deem fit, and such Costs shall be recoverable in the same Manner as Penalties under this Act, and be paid as such Court or Justice or Justices shall direct: Provided also, that all Proceedings so to be instituted shall be commenced within Two Years next after the Commission of the Offence, if the same shall have been committed at or beyond the *Cape of Good Hope* or *Cape Horn*, or within One Year if committed elsewhere, or within Two Calendar Months after the Return of the Offender and the complaining Party to the United Kingdom.

Application of Forfeitures.

Definition of the Terms "Master," "Seaman," "Ship," and "Owner."

LXIII. And to avoid Doubts in the Construction of this Act, be it enacted, That every Person having the Charge or Command of any Ship belonging to any Subject of Her Majesty shall, within the Meaning and for the Purposes of this Act, be deemed and taken to be the Master of such Ship; and that every Person (Apprentices excepted) who shall be employed or engaged to serve in any Capacity on board the same shall be deemed and taken to be a Seaman, within the Meaning and for the Purposes of this Act; and that the Term "Ship" shall be taken and understood to comprehend every Description of Vessel navigating on any Sea or Channel, or Waters outside the Mouths of Rivers, and also every Vessel passing beyond the Precincts of a Port; and that the Term "Owner" shall be taken and understood to comprehend all the several Persons, if more than One, to whom the Ship shall belong.

As to Relief to Persons from Asia and Africa becoming distressed in the United Kingdom.

LXIV. And be it enacted, That if any Person, being a Malay, Lascar, or Native of the Territories under the Government of the *East India* Company, or if any *Asiatic* or *African* Seaman, having been brought to the United Kingdom on board any Ship, shall be found or be in the United Kingdom in distress for Want of Food, Clothing, or other Necessaries, it shall and may be lawful for the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, at their Discretion, to supply necessary and reasonable Relief to every such Person and Seaman, and to maintain him until he shall be sent on board some Ship for the Purpose of being conveyed to or near to the Port from which he was shipped, and also to pay, defray, and advance the Money necessary to procure every such Person and Seaman a proper and sufficient Passage to such Port; and all such Sum or Sums of Money as shall be paid and advanced by or by Order of the said Commissioners for or on account of such Relief, Maintenance, and Passage shall be and become a Debt due to Her Majesty, and be recoverable as such, with full Costs of Suit, in the Courts of Law either in Her Majesty's Dominions or in the Territories under the Government of the *East India* Company, from the Owner and Master, or either of them, of the Ship on board whereof such Person or Seaman shall have been brought from *Asia* or *Africa;* but nothing herein contained shall repeal or annul any other Act or Acts now in force for the Relief and Conveyance home of any *Asiatic* or *African* Person or Seaman.

Act may be amended, &c.

LXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

AN AGREEMENT made pursuant to the Directions of an Act of Parliament passed in the Year of the Reign of between the Master of the Ship of the Port of and of the Burden of Tons, and the several Persons whose Names are subscribed hereto.

IT is agreed by and on the Part of the said Persons, and they severally hereby engage to serve on board the said Ship in the several Capacities against their respective Names expressed on a Voyage from the Port of to [*here the intended Voyage is to be described as nearly as can be done, and the Places at which it is intended the Ship shall touch, or, if that cannot be done, the Nature of the Voyage in which she is to be employed*]; and the said Crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober Manner, and to be at all Times diligent to their respective Duties and Stations, and to be obedient to the lawful Commands of the Master in every thing relating to the said Ship, and the Materials, Stores, and Cargo thereof, whether on board such Ship, in Boats, or on Shore [*here may be inserted any other Clauses which the Parties may think proper to be introduced into the Agreement, provided that the same be not contrary to or inconsistent with the Provisions and Spirit of this Act*]; in consideration of which Services, to be duly, honestly, carefully, and faithfully performed, the said Master doth hereby promise and agree to pay to the said Crew by way of Compensation or Wages the Amount against their Names respectively expressed: And it is hereby agreed, that any Embezzlement, or wilful or negligent Loss or Destruction, of any Part of the Ship's Cargo or Stores, shall be made good to the Owner out of the Wages (so far as they will extend) of the Seaman guilty of the same; and if any Seaman shall have entered himself as qualified for a Duty to which he shall prove to be not competent he shall be subject to a Reduction of the Rate of Wages hereby agreed for, in proportion to his Incompetency. In witness whereof the said Parties have hereto subscribed their Names on the Days against their respective Signatures mentioned.

No. and Date of Ship's Register.	Place and Time of Entry.				Men's Names. Christian and Surnames set forth at full Length.	Age.	Town or County where born.	Quality.	Amount of Wages per Calendar Month, Share, or Voyage.	Amount of Wages advanced at Time of Entry.	Amount of Monthly Allotment.	Quantity of Provisions per Day.	Witness to Signature.	Name of Ship in which the Seaman last served.	Number of Register Ticket.
		Day.	Month.	Year.											

I hereby declare to the Truth of all the Particulars set forth in this Agreement [*or* this attested Copy of Agreement], delivered to the Collector or Comptroller of the Port of this Day of 18 .

Master.
Mate.

Note.—This Agreement, or an attested Copy thereof, is required to be delivered to the Collector and Comptroller of Customs within Twenty-four Hours after the Arrival of the Ship at her final Port of Destination in the United Kingdom.

SCHEDULE (B.)

AN AGREEMENT made pursuant to the Directions of an Act of Parliament passed in the Year of the Reign of between the Master of the Ship of the Port of and of the Burden of Tons, and the several Persons whose Names are subscribed hereto.

IT is agreed by and on the Part of the said Persons, and they severally hereby engage to serve on board the said Ship in the said several Capacities against their respective Names expressed, which Ship is to be employed in [*here the Nature of the Ship's Employment is to be described, whether in the Fisheries, on the Coast, or in proceeding from one Part of the United Kingdom to another, or to any of the Islands of Jersey, Guernsey, Alderney, Sark, and Man, or to any Part of the Continent of Europe between the River Elbe inclusive and Brest*]; and the said Crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober Manner, and to be at all Times diligent to their respective Duties and Stations, and to be obedient to the lawful Commands of the Master in every thing relating to the said Ship, and the Materials, Stores, and Cargo thereof, whether on board such Ship, in Boats, or on Shore [*here may be inserted any other Clauses which the Parties may think proper to be introduced into the Agreement, provided that the same be not contrary to or inconsistent with the Provisions and Spirit of this Act*]; in consideration of which Services, to be duly, honestly, carefully, and faithfully performed, the said Master doth hereby promise to pay to the said Crew by way of Compensation or Wages the Amount against their Names respectively expressed: Provided always, and it is hereby declared, that no Seaman shall be entitled to his Discharge from the Ship during any Voyage in which she may be engaged, nor at any other Port than a Port in the United Kingdom: And it is hereby agreed, that any Embezzlement, or wilful or negligent Loss or Destruction, of any Part of the Ship's Cargo or Stores, shall be made good to the Owner out of the Wages (so far as they will extend) of the Seaman guilty of the same; and if any Seaman shall have entered himself as qualified for a Duty to which he shall prove to be not competent he shall be subject to a Reduction of the Rate of Wages hereby agreed for, in proportion to his Incompetency. In witness whereof the said Parties have hereto subscribed their Names on the Days against their respective Signatures mentioned.

No. and Date of Ship's Register.	Place and Time of Entry.				Men's Names. Christian and Surnames set forth at full Length.	Age.	Town or County where born.	Quality.	Amount of Wages per Calendar Month, Share, or Voyage.	Quantity of Provisions per Day.	Witness to Signature.	Name of Ship in which the Seaman last served.	Number of Register Ticket.
		Day.	Month.	Year.									

I hereby declare to the Truth of all the Particulars set forth in this Agreement [*or* attested Copy of Agreement] delivered to the Collector or Comptroller of the Port of this Day of 18 .

Master.

Mate.

Note.—This Agreement, or an attested Copy thereof, is required to be delivered to the Collector or Comptroller of Customs of any Port of the United Kingdom within Thirty Days after the Thirtieth of June and the Thirty-first of December in each Year.

SCHEDULE (C.)

Ship of the Port of of the Burden of Tons, whereof was Master.

A LIST of the Crew (including the Master and Apprentices) at the Period of quitting the Port of in the United Kingdom, from which she took her first Departure on her Voyage to on the Day of and of the Men who joined the Ship subsequent to such Departure, and until her Return to the Port of being her first final Port of Destination in the United Kingdom on the Day of 184 .

No. and Date of Ship's Register.	Name. Christian and Surname at full Length.	Age.	Town or County where born.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of Death or leaving the Ship.	Place where.	How disposed of.	Date of Apprentices Indentures and Assignments.	When and where registered.	Numbers of Register Tickets.

Note.—If any one of the Crew has entered Her Majesty's Service, the Name of the Queen's Ship in which he entered must be stated in the Account, under the Head of "How disposed of."

Note.—This List to be filled up and signed by the Master of every Vessel, of whatever Tonnage, and to be delivered by him to the Collector or Comptroller of the Customs within Twenty-four Hours after the Ship's Arrival at her final Port of Destination in the United Kingdom.

SCHEDULE (D.)

AN ACCOUNT of the Voyages in which the Ship of of the Burden of Tons has been engaged, in the Half Year commencing on the Day of 18 , and ending on the Day of 18 , and of all the Persons (Master and Apprentices included) who have belonged to such Ship during that Period.

ACCOUNT OF THE VOYAGES.

[*Here the several Voyages, and the Periods of such Voyages, are to be described.*]

ACCOUNT OF THE CREW.

No. and Date of Ship's Register.	Name. Christian and Surname at full Length.	Age.	Town or County where born.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of Death or leaving the Ship.	Place where.	How disposed of.	Date of Apprentices Indentures and Assignments.	When and where registered.	Numbers of Register Tickets.

Note.—If any one of the Crew shall have entered Her Majesty's Service, the Name of the Queen's Ship in which he entered must be stated in this Account, under the Head of "How disposed of."

Note.—This Account, when filled up, is to be signed by the Owner or Master of every Ship, of whatever Tonnage, and deposited with the Collector or Comptroller of the Customs of any Port of the United Kingdom within Twenty-one Days after the Thirtieth of June and the Thirty-first of December in every Year.

SCHEDULE (E.)

THIS is to certify, That whose Register Ticket is numbered served as on board the of the Port of of the Burden of Tons, from the Day of to the Day of and that he was discharged from the said Ship on at Dated this Day of 184 .

Master.

SCHEDULE (F.)

1. What is your Christian and Surname?
2. Have you or have you not been registered before?
3. Where were you born, and when?
4. When did you first go to Sea?
5. In what Capacity did you go, and in what Capacity have you since served?
6. Have you or have you not served in the Royal Navy?
7. If you have, how long? and in what Ships? and in what Capacity?
8. Have you or have you not been in Foreign Service?
9. If you have, how long? and in what Capacity? and under what Flag?
10. How have you been generally employed at Sea?
11. Where is your usual Place of Residence when unemployed?

SCHEDULE (G.)

NAMES, and distinguishing Numbers of the Register Tickets, of the Crew (including Apprentices) now serving on board the of the Port of of the Burden of Tons, on taking Departure from the Port of in the United Kingdom, bound on a Voyage to .

No. and Date of Ship's Register.	Name.	Capacity.	Number of Register Ticket.

Dated this Day of 184 .

Master.

Particulars to be clearly and legibly set forth.

SCHEDULE (H.)

Form of Parish Apprentice's Indenture.

THIS Indenture, made the Day of in the Year of our Lord One thousand eight hundred and witnesseth, That Overseers of the Poor of the [Parish] of (a) in the Division of in the County of in the Presence of and Two of Her Majesty's Justices of the Peace in and for the said County acting in and for the said Division in which the said [Parish *or* Union] is situate, do by this Indenture, duly executed by the said Justices in testimony of their having been satisfied that the Boy hereby and hereafter bound and named hath attained the Age herein-after mentioned, and is of sufficient Health and Strength as required by the Statute in such Case made and provided, bind, put out, and place, with his own free Will and Consent, and not otherwise, a poor Boy of the said [Parish *or* Union], aged Years, as appears by the Copy of the Entry of his Baptism in the Register Book of the Parish of in the County of hereunto annexed (b) who is now [and whose Parents

(a) Or it may be made by other Persons having the Authority of Overseers or Guardians, or in whom the Duty of Overseers or Guardians of the Poor shall be vested.

(b) The Copy must be given and attested by the Officiating Minister, without Fee or Reward. If it cannot be found, erase the Words from "by the" to "annexed," and insert "from such Information of such Boy's Age as the said Justices have been able to obtain, as the Entry of his Baptism cannot be found." The Apprentice must be above Twelve and under Seventeen Years of Age, and bound for Four Years at the least.

and

and] are now chargeable to and maintained by the said [Parish] of Apprentice in the Sea Service to one of Her Majesty's Subjects of the [Parish] of in the County of being the Master (a) of the Ship called registered in the Port of being a Port of the United Kingdom of Great Britain and Ireland, with him the said his Executors and Administrators, and the Assign or Assigns of the Widow or of the Executors and Administrators of the said to dwell, remain, and serve from the Day of the Date of these Presents for so long Time and until the said Apprentice shall attain the Age of Twenty-one Years; during all which Term the said Apprentice, his said Master, his Executors and Administrators, or the Assign or Assigns of the Widow or of the Executors or Administrators of the said shall well and faithfully serve; his and their Secrets keep; his and their lawful Commands everywhere gladly do and execute; Hurt or Damage to his said Master, his Executors or Administrators, or the said Assign or Assigns, he shall not do, consent or see to be done by others, but to the utmost of his Power shall hinder the same, and forthwith his said Master, his Executors or Administrators, or the said Assign or Assigns, thereof warn; Taverns or Alehouses he shall not frequent; at Dice, Cards, Tables, Bowls, or any other unlawful Games he shall not play; the Goods of his said Master, his Executors or Administrators, or the said Assign or Assigns, he shall not embezzle or waste, or lend or give to any Person or Persons without his or their Licence; nor from the Service of his said Master, his Executors or Administrators, or the said Assign or Assigns, without his or their Consent, at any Time absent himself; but as a true and faithful Apprentice in all lawful Businesses, according to his Power, Wit, and Ability, and honestly, orderly, and obediently in all Things, shall demean and behave himself toward his said Master, his Executors or Administrators, or the said Assign or Assigns, during the said Term; and true and just Accounts of his or their Goods, Chattels, and Money committed to his Charge, or which shall come to his Hands, faithfully he shall give at all Times, when thereunto required by him or them; and shall also render an Account of, and well and truly pay or cause to be paid to him or them, all such Wages, Prize Money, and other Sum or Sums of Money as shall become due and payable unto him the said Apprentice from Her Majesty, Her Heirs, Successors, or any other Person, in case he shall enter or go into Her Majesty's Service during the said Term. In consideration whereof, and of the Sum of of lawful Money of the United Kingdom of Great Britain and Ireland to him in hand well and truly paid at the Execution of these Presents (the Receipt whereof the said doth hereby acknowledge), he the said for himself, his Executors or Administrators, doth hereby covenant, promise, and agree to and with the said Overseers of the Poor, and their Successors, that he the said his Executors or Administrators, and the Assign or Assigns of his Widow or of his Executors or Administrators, the said Apprentice in the Art, Trade, or Business of a Mariner or Seaman, with the Circumstances thereunto belonging, shall and will, until he shall attain the Age of Twenty-one Years, teach, learn, and instruct, or cause to be taught, learned, and instructed, in the best Way and Manner that he or they can; and shall and will find, provide, and allow unto the said Apprentice competent and sufficient Meat and Drink, Apparel, Lodging, Washing, Medicine, Medical and Surgical Aid and Advice, and all other Things necessary and fit for an Apprentice.

And also shall and will so provide for the said Apprentice that he be not any way a Charge to the said [Parish *or* Union] of or Parishioners thereof; but of and from all Charge shall and will save the [Parish *or* Union] of and Parishioners thereof harmless and indemnified during the said Term. In witness whereof the said Justices, and other Parties abovesaid to the present Indenture, interchangeably have set their Hands and Seals the Day and Year first above written.

Signed, sealed, and delivered in the Presence of

We, the Guardians of the Poor of the [* Union, within which the said Parish is included] do hereby testify our Consent to the binding of the said to the said and have hereunto caused our official Seal to be affixed, at a Meeting of the Board this Day of .

(Signed)

Seal of the Board of Guardians.

Presiding Chairman.

Clerk to the said Guardians.

SCHEDULE I.

Form of Apprentice's Indenture.

THIS Indenture made the Day of in the Year of the Reign of Her Majesty Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland

(a) Or Owner.

* If the Parish be not in Union, omit the Words within Brackets.

Ireland Queen, Defender of the Faith, and in the Year of our Lord One thousand eight hundred and between aged Years, a Native of in the County of of the one Part, and of in the County of of the other Part, witnesseth, That the said hath of his free Will put and bound himself Apprentice unto the said with him, his Executors, Administrators, and Assigns, after the Manner of an Apprentice to dwell, remain, and serve from the Day of the Date hereof for and during and unto the full End and Term of Years from thence next ensuing fully to be complete and ended; during all which Term the said Apprentice his said Master shall well and faithfully serve; his Secrets keep; his lawful Commands everywhere do and execute; Hurt or Damage to his said Master he shall not do, consent or see to be done by others, but to the utmost of his Power shall hinder the same, and forthwith his said Master thereof warn: Taverns or Alehouses he shall not frequent (unless about his said Master's Business); at Dice, Cards, Tables, Bowls, or any other unlawful Games he shall not play; the Goods of his said Master he shall not embezzle or waste, or lend or give to any Person or Persons without his said Master's Licence; nor from the Service of his said Master, without his Consent, at any Time absent himself; but as a true and faithful Apprentice shall demean and behave himself towards his said Master, his Executors, Administrators, or Assigns, during the said Term; and true and just Accounts of his said Master's Goods, Chattels, and Money committed to his Charge, or which shall come to his Hands, faithfully he shall give at all Times, when thereunto required by his said Master, his Executors, Administrators, or Assigns; and shall also render an Account of, and well and truly pay or cause to be paid unto his said Master, his Executors, Administrators, or Assigns, all such Wages, Prize Money, and other Sum or Sums of Money as shall become due and payable unto him from Her Majesty, Her Heirs, Successors, or any other Person, in case he shall be impressed, enter, or go into Her Majesty's Service during the said Term. In consideration whereof the said doth hereby covenant and agree to and with the said the Apprentice, that he the said his Executors, Administrators, or Assigns, during the said Term of Years, shall and will teach, learn, and inform the said Apprentice, or cause him to be taught, learned, and informed, in the Art, Trade, or Business of a Mariner or Seaman, with the Circumstances thereunto belonging; and shall and will find and provide for the said Apprentice sufficient Meat, Drink, Washing, Lodging, Medicine, and Medical and Surgical Aid and Advice to pay unto the said Apprentice the Sum of Pounds of lawful Money of Great Britain, in manner following; (that is to say,) The said finding and providing to and for himself all Manner of Sea Bedding, Wearing Apparel, and other Necessaries (except Meat, Drink, Lodging, Washing, Medicine, and Medical and Surgical Aid and Advice): And it is hereby agreed between the said Parties, that the said shall and may from Time to Time during the said Term deduct and retain in his Hands, out of the several yearly Payments above mentioned, all such Sum or Sums of Money as he shall at any Time during the said Term disburse or lay out in the buying of any Apparel or Sea Bedding for the said Apprentice, as Need shall require: And for the true Performance of all and singular the Covenants and Agreements aforesaid, each of them the said and doth hereby bind and oblige himself, his Heirs, Executors, and Administrators, unto the other of them, his Executors, and Administrators, firmly by these Presents, in the penal Sum of Pounds of lawful Money of Great Britain.

In witness whereof the said Parties to these Presents have hereunto set their Hands and Seals the Day and Year above written.

Signed, sealed, and delivered in the Presence of us -

CAP. CXIII.

An Act to regulate Joint Stock Banks in *England*. [5th *September* 1844.]

'WHEREAS the Laws in force for the Regulation of Copartnerships of Bankers in *England* need to be amended:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall not be lawful for any Company of more than Six Persons to carry on the Trade or Business of Bankers in *England* after the passing of this Act, under any Agreement or Covenant of Copartnership made or entered into on or after the Sixth Day of *May* last passed, unless by virtue of Letters Patent to be granted by Her Majesty according to the Provisions of this Act; but nothing herein contained shall be construed to restrain any such Company established before the said Sixth Day of *May*, for the Purpose of carrying on the said Trade or Business of Bankers in *England*, from continuing to carry on the same Trade and Business as legally as they might have done before the passing of this Act, until Letters Patent shall have been granted to them severally on their Application, as herein-after provided, to be made subject to the Provisions of this Act.

No Joint Stock Bank established after 6th May last to carry on Business unless by Letters Patent under this Act; but Companies previously established not to be restained from carrying on Business.

II. And be it enacted, That before beginning to exercise the said Trade or Business every such Company shall present a Petition to Her Majesty in Council, praying that Her Majesty will be graciously pleased to grant to them Letters Patent under this Act; and every such Petition shall be signed by Seven at least of the said Company, and shall set forth the following Particulars; (that is to say,)

Company to petition for Charter.

First, The Names and Additions of all the Partners of the Company, and the Name of the Street, Square, or other Place where each of the said Partners reside:

Second, The proposed Name of the Bank:
Third, The Name of the Street, Square, or other local Description of the Place or Places where the Business of the Bank is to be carried on:
Fourth, The proposed Amount of the Capital Stock, not being in any Case less than One hundred thousand Pounds, and the Means by which it is to be raised:
Fifth, The Amount of Capital Stock then paid up, and where and how invested:
Sixth, The proposed Number of Shares in the Business:
Seventh, The Amount of each Share, not being less than One hundred Pounds each.

Charter to be granted on Report of Board of Trade.

III. And be it enacted, That every such Petition shall be referred by Her Majesty to the Committee of Privy Council for Trade and Plantations, and so soon as the Lords of the said Committee shall have reported to Her Majesty that the Provisions of this Act have been complied with on the Part of the said Company, it shall thereupon be lawful for Her Majesty, if Her Majesty shall so think fit, with the Advice of Her Privy Council, to grant the said Letters Patent.

Deed of Settlement.

IV. And be it enacted, That the Deed of Partnership of every such Banking Company shall be prepared according to a Form to be approved by the Lords of the said Committee, and shall, in addition to any other Provisions which may be contained therein, contain specific Provisions for the following Purposes; (that is to say,)

First, For holding Ordinary General Meetings of the Company once at least in every Year, at an appointed Time and Place:
Second, For holding Extraordinary General Meetings of the Company, upon the Requisition of Nine Shareholders or more, having in the whole at least Twenty-one Shares in the Partnership Business:
Third, For the Management of the Affairs of the Company, and the Election and Qualification of the Directors:
Fourth, For the Retirement of at least One Fourth of the Directors yearly, and for preventing the Re-election of the retiring Directors for at least Twelve Calendar Months:
Fifth, For preventing the Company from purchasing any Shares or making Advances of Money, or Securities for Money, to any Person on the Security of a Share or Shares in the Partnership Business:
Sixth, For the Publication of the Assets and Liabilities of the Company once at least in every Calendar Month:
Seventh, For the yearly Audit of the Accounts of the Company by Two or more Auditors chosen at a General Meeting of the Shareholders, and not being Directors at the Time:
Eighth, For the yearly Communication of the Auditors Report, and of a Balance Sheet, and Profit and Loss Account, to every Shareholder:
Ninth, For the Appointment of a Manager or other Officer to perform the Duties of Manager:

And such Deed, executed by the Holders of at least One Half of the Shares in the said Business, on which not less than Ten Pounds on each such Share of One hundred Pounds, and in proportion for every Share of larger Amount, shall have been then paid up, shall be annexed to the Petition; and the Provisions of such Deed, with such others as to Her Majesty shall seem fit, shall be set forth in the Letters Patent.

No Company to commence Business till Deed executed and all the Shares subscribed for, and at least Half the Amount paid up.

V. Provided always, and be it enacted, That it shall not be lawful for any such Company to commence Business until all the Shares shall have been subscribed for, and until the Deed of Partnership shall have been executed, personally or by some Person duly authorized by Warrant of Attorney to execute the same on behalf of such Holder or Holders, by the Holders of all the Shares in the said Business, and until a Sum of not less than One Half of the Amount of each Share shall have been paid up in respect of each such Share; and it shall not be lawful for the Company to repay any Part of the Sum so paid up without Leave of the Lords of the said Committee.

Company to be incorporated.

VI. And be it enacted, That it shall be lawful for Her Majesty in and by such Letters Patent to grant that the Persons by whom the said Deed of Partnership shall have been executed, and all other Persons who shall thereafter become Shareholders in the said Banking Business, their Executors, Administrators, Successors, and Assigns respectively, shall be One Body Politic and Corporate, by such Name as shall be given to them in and by the said Letters Patent, for the Purpose of carrying on the said Banking Business, and by that Name shall have perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands of such annual Value as shall be expressed in such Letters Patent; and such Letters Patent shall be granted for a Term of Years, not exceeding Twenty Years, and may be made subject to such other Provisions and Stipulations as to Her Majesty may seem fit.

Incorporation not to limit the Liability of Shareholders.

VII. Provided always, and be it enacted, That notwithstanding such Incorporation the several Shareholders for the Time being in the said Banking Business, and those who shall have been Shareholders therein, and their several Executors, Administrators, Successors, and Assigns, shall be and continue liable for all the Dealings, Covenants, and Undertakings of the said Company, subject to the Provisions hereinafter contained, as fully as if the said Company were not incorporated.

Actions by or against Shareholders.

VIII. And be it enacted, That no Action or Suit by or against the Company shall be in anywise affected by reason of the Plaintiff or Defendant therein being a Shareholder or former Shareholder of the Company; but any such Shareholder, either alone or jointly with another Person as against the Company, or the Company as against any such Shareholder, either alone or jointly with any other Person, shall have the same Action and Remedy in respect of any Cause of Action or Suit whatever which

which such Shareholder or Company might have had if such Cause of Action or Suit had arisen with a Stranger.

Decree or Judgment to be enforced against Company and Shareholders.

IX. And be it enacted, That every Judgment, Decree, or Order of any Court of Justice in any Proceeding against the Company may be lawfully executed against, and shall have the like Effect on, the Property and Effects of the Company, and also, subject to the Provisions herein-after contained, upon the Person, Property, and Effects of every Shareholder and former Shareholder thereof, as if every individual Shareholder and former Shareholder had been by Name a Party to such Proceeding.

Execution against Company to precede Execution against present or former Shareholders.

X. And be it enacted, That it shall be lawful for the Plaintiff to cause Execution upon any Judgment, Decree, or Order obtained by him in any such Action or Suit against the Company to be issued against the Property and Effects of the Company; and if such Execution shall be ineffectual to obtain Satisfaction of the Sums sought to be recovered thereby, then it shall be lawful for him to have Execution in satisfaction of such Judgment, Decree, or Order against the Person, Property, and Effects of any Shareholder, or, in default of obtaining Satisfaction of such Judgment, Decree, or Order from any Shareholder, against the Person, Property, and Effects of any Person who was a Shareholder of the Company at the Time when the Cause of Action against the Company arose: Provided always, that no Person having ceased to be a Shareholder of the Company shall be liable for the Payment of any Debt for which any such Judgment, Decree, or Order shall have been so obtained, for which he would not have been liable as a Partner in case a Suit had been originally brought against him for the same, or for which Judgment shall have been obtained, after the Expiration of Three Years from the Time when he shall have ceased to be a Shareholder of such Company; nor shall this Act be deemed to enable any Party to a Suit to recover from any individual Shareholder of the Company, or any other Person whomsoever, any other or greater Sum than might have been recovered if this Act had not been passed.

Extent of Liability of former Shareholders.

Reimbursement of individual Shareholders.

XI. And be it enacted, That every Person against whom or against whose Property or Effects any such Execution shall have issued shall be reimbursed out of the Property and Effects of the Company for all Monies paid, and for all Damages, Costs, and Expences incurred by him by reason of such Execution, or of the Action or Suit in which the same shall have issued, or, in default of such Reimbursement, by Contribution from the other Shareholders of the Company.

Individuals paying under Execution to recover against the Company.

XII. And be it enacted, That if any such Execution be issued against any present or former Shareholder of the Company, and if, within Fourteen Days next after the levying of such Execution, he be not reimbursed, on demand, out of the Property and Effects of the Company, all such Monies, Damages, Costs, and Expences as he shall have paid or incurred in consequence of such Execution, it shall be lawful for such Shareholder, or his Executors or Administrators, to have Execution against the Property and Effects of the Company in satisfaction of such Monies, Damages, Costs, and Expences; and the Amount of such Monies, Damages, Costs, and Expences shall be ascertained and certified by One of the Masters or other Officer of the Court out of which such Execution shall issue.

How such Execution is to be had.

XIII. And be it enacted, That in the Cases provided by this Act for Execution on any Judgment, Decree, or Order in any Action or Suit against the Company, to be issued against the Person or against the Property and Effects of any Shareholder or former Shareholder of such Company, or against the Property and Effects of the Company at the Suit of any Shareholder or former Shareholder, in satisfaction of any Monies, Damages, Costs, and Expences paid or incurred by him as aforesaid in any Action or Suit against the Company, such Execution may be issued by Leave of the Court, or of a Judge of the Court in which such Judgment, Decree, or Order shall have been obtained, upon Motion or Summons for a Rule to show Cause, or other Motion or Summons consistent with the Practice of the Court, without any Suggestion or Scire facias in that Behalf, and that it shall be lawful for such Court or Judge to make absolute or discharge such Rule, or allow or dismiss such Motion, (as the Case may be,) and to direct the Costs of the Application to be paid by either Party, or to make such Order therein as to such Court or Judge shall seem fit; and in such Cases such Form of Writs of Execution shall be sued out of the Courts of Law and Equity respectively, for giving effect to the Provision in that Behalf aforesaid, as the Judges of such Courts respectively shall from Time to Time think fit to order, and the Execution of such Writs shall be enforced in like Manner as Writs of Execution are now enforced; provided that any Order made by a Judge as aforesaid may be discharged or varied by the Court, on Application made thereto by either Party dissatisfied with such Order; provided also, that no such Motion shall be made nor Summons granted for the Purpose of charging any Shareholder or former Shareholder until Ten Days Notice thereof shall have been given to the Person sought to be charged thereby.

Contribution to be recovered from other Shareholders.

XIV. And be it enacted, That if such Shareholder be not by the Means aforesaid fully paid all such Monies, with Interest, Damages, Costs, and Expences, as he shall have paid or incurred by reason of any such Execution, it shall be lawful for him, his Executors or Administrators, to divide the Amount thereof, or so much thereof as he shall not have been reimbursed, into as many equal Parts as there shall then be Shares in the Capital Stock of the Company (not including Shares then under Forfeiture); and every Shareholder for the Time being of the Company, and the Executors or Administrators of every deceased Shareholder, shall, in proportion to the Number of Shares which they may hold in the Company, pay One or more of such Parts, upon Demand, to the Shareholder against whom such Execution shall have been issued, or to his Executors or Administrators; and upon Neglect or Refusal so to pay, it shall be lawful for such Shareholder, his Executors or Administrators, to sue for and recover the same against the Shareholder, or the Executors or Administrators of any Shareholder, who shall so neglect or refuse as aforesaid, in any of Her Majesty's Courts of Record at *Westminster*, or in any other Court having Jurisdiction in respect of such Demand.

Further Remedy in case of Bankruptcy, &c. of Company's Shareholders.

XV. And be it enacted, That if the Shareholder or former Shareholder against whom any such Execution shall have issued, his Executors or Administrators, shall, by reason of the Bankruptcy or Insolvency of any Shareholder, or from any other Cause, but without any Neglect or wilful Default on his own Part, be prevented from recovering any Proportion of the Monies, Costs, or Expences which he shall have so paid, it shall be lawful for him, his Executors or Administrators, again to divide the Amount of all such Monies, Costs, and Expences as shall not have been recovered by him or them into as many equal Parts as there shall then be Shares in the Capital Stock of the Company (not including the Shares then under Forfeiture), except the Shares in respect of which such Default shall have happened; and every Shareholder for the Time being of the Company, and the Executors or Administrators of every deceased Shareholder, except as aforesaid, shall rateably, according to the Number of Shares which they shall hold in the Company, upon Demand, pay One or more such last-mentioned Parts to the Shareholder against whom such Execution shall have issued, his Executors or Administrators; and in default of Payment he or they shall have the same Remedies in all respects for the Recovery thereof as under the Provisions herein-before mentioned are given in respect of the original Proportions of such Monies, Damages, Costs, and Expences; and if any Proportion of the said Monies, Damages, Costs, and Expences shall remain unpaid by reason of any such Bankruptcy, Insolvency, or other Cause as aforesaid, such Shareholder, his Executors or Administrators, shall have in like Manner, from Time to Time, and by way of accumulative Remedy, the same Powers, according to the Circumstances of the Case, of again dividing and enforcing Payment of the Amount of such Proportion, until he or they shall, in the End, if a former Shareholder, be fully reimbursed the whole of the said Monies, Costs, and Expences, and if then a Shareholder, the whole, excepting the Portions belonging to the Shares held by him.

Memorial to be registered.

XVI. And be it enacted, That within Three Months after the Grant of the said Letters Patent, and before the Company shall begin to carry on their Business as Bankers, an Account or Memorial shall be made out, according to the Form contained in the Schedule marked (A.) to this Act annexed, wherein shall be set forth the true Title or Firm of the Company, and also the Names and Places of Abode of all the Members of such Company as the same respectively shall appear on the Books of such Company, and also the Name and Place of Abode of every Director and Manager or other like Officer of the Company, and the Name or Firm of every Bank or Banks established or to be established by such Company, and also the Name of every Town or Place where the Business of the said Company shall be carried on; and a new Account or Memorial of the same Particulars shall be made by the said Company in every Year, between the Twenty-eighth Day of *February* and the Twenty-fifth Day of *March*, while they shall continue to carry on their Business as Bankers; and every such Memorial shall be delivered to the Commissioners of Stamps and Taxes at the Stamp Office in *London*, who shall cause the same to be filed and kept in the said Stamp Office, and an Entry or Registry thereof to be made in a Book or Books to be there kept for that Purpose by some Person or Persons to be appointed by the said Commissioners in that Behalf, which Book or Books any Person or Persons shall from Time to Time have Liberty to search and inspect on Payment of the Sum of One Shilling for every Search; and the Company shall from Time to Time cause to be printed and kept, in a conspicuous Place accessible to the Public in their Office or principal Place of Business, a List of the registered Names and Places of Abode of all the Members of such Company for the Time being.

Memorials of occasional Changes.

XVII. Provided also, and be it enacted, That the Manager or one of the Directors of every such Company shall, from Time to Time as Occasion shall require, make out in manner herein-before directed, and cause to be delivered to the Commissioners of Stamps and Taxes as aforesaid, a further Account or Memorial, according to the Form contained in the Schedule marked (B.) to this Act annexed, of the Name and Place of Abode of every new Director, Manager, or other like Officer of such Company, and also of the Name or Names of any Person or Persons who shall have ceased to be Members of such Company, and also of the Name or Names of any Person or Persons who shall have become a Member or Members of such Company, either in addition to or instead of any former Member or Members thereof, and of the Name or Names of any new or additional Town or Towns, Place or Places, where the Business of the said Company is carried on; and such further Account or Memorial shall from Time to Time be filed, and kept and entered and registered at the Stamp Office in *London*, in like Manner as is herein-before required with respect to the original or annual Account or Memorial herein-before directed to be made.

Form of Memorials.

XVIII. And be it enacted, That the several Memorials aforesaid shall be signed by the Manager or one of the Directors of the Company, and shall be verified by a Declaration of such Manager or Director before a Justice of the Peace, or a Master or Master Extraordinary of the High Court of Chancery, made pursuant to the Provisions of an Act passed in the Sixth Year of His late Majesty's Reign, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual 'Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to sub- 'stitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial 'Oaths and Affidavits,' and to make other Provisions for the Abolition of unnecessary Oaths;* and if any Declaration so made shall be false in any material Particular the Person wilfully making such false Declaration shall be guilty of a Misdemeanor.

5 & 6 W. 4. c. 62.

Evidence of Memorials.

XIX. And be it enacted, That a true Copy of any such Memorial, certified under the Hand of one of the Commissioners of Stamps and Taxes for the Time being, upon Proof made that such Certificate has been signed with the Handwriting of the Person certifying the same, whom it shall not be necessary

to

to prove to be a Commissioner of Stamps and Taxes, shall be received in Evidence as Proof of the Contents of such Memorial, and Proof shall not be required that the Person by whom the Memorial shall purport to be verified was, at the Time of such Verification, the Manager or one of the Directors of the Company.

Commissioners of Stamps to give certified Copies on Payment of Ten Shillings.

XX. And be it enacted, That the said Commissioners of Stamps and Taxes for the Time being shall, upon Application made to them by any Person or Persons requiring a Copy, certified according to this Act, of any such Account or Memorial as aforesaid, in order that the same may be produced in Evidence, or for any other Purpose, deliver to the Person or Persons so applying for the same such certified Copy, he, she, or they paying for the same the Sum of Ten Shillings and no more.

Existing Liabilities to continue till new Memorials.

XXI. And be it enacted, That the Persons whose Names shall appear from Time to Time in the then last delivered Memorial, and their legal Representatives, shall be liable to all legal Proceedings under this Act, as existing Shareholders of the Company, and shall be entitled to be reimbursed, as such existing Shareholders only, out of the Funds or Property of the Company, for all Losses sustained in consequence thereof.

Bills and Notes to be signed by One Director or Manager.

Manager not personally liable.

XXII. And be it enacted, That all Bills of Exchange or Promissory Notes made, accepted, or endorsed on behalf of the said Company may be made, accepted, or endorsed (as the Case may be) in any Manner provided by the Deed of Partnership, so that they be signed by one of the Managers or Directors of the Company, and be by him expressed to be so made, accepted, or endorsed by him on behalf of such Company: Provided always, that nothing herein contained shall be deemed to make any such Manager or Director liable upon any such Bill of Exchange or Promissory Note to any greater Extent or in a different Manner than upon any other Contract signed by him on behalf of any such Company; and that every such Company, on whose Behalf any Bill of Exchange or Promissory Note shall be made, accepted, or endorsed in manner and form as aforesaid, may sue and be sued thereon as fully as in the Case of any Contract made and entered into under their Common Seal.

Transfers of Shares to be registered, &c.

XXIII. And be it enacted, That, subject to the Regulations herein contained, and to the Provisions of the Deed of Settlement, every Shareholder may sell and transfer his Shares in the said Company by Deed duly stamped, in which the Consideration shall be truly stated; and such Deed may be according to the Form in the Schedule marked (C.) annexed to this Act, or to the like Effect; and the same (when duly executed) shall be delivered to the Secretary, and be kept by him; and the Secretary shall enter a Memorial thereof in a Book, to be called the "Register of Transfers," and shall endorse such Entry on the Deed of Transfer, and for every such Entry and Endorsement the Company may demand any Sum not exceeding Two Shillings and Sixpence; and until such Transfer have been so delivered to the Secretary as aforesaid the Purchaser of the Share shall not be entitled to receive any Share of the Profits of the said Business, or to vote in respect of such Share.

Transfer not to be made until all Calls paid.

XXIV. And be it enacted, That no Shareholder shall be entitled to transfer any Share until he shall have paid all Calls for the Time being due on every Share held by him.

Closing of Transfer Books.

XXV. And be it enacted, That the Directors may close the Register of Transfers for a Period not exceeding Fourteen Days previous to each Ordinary Meeting, and may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper as after mentioned; and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Ordinary Meeting.

Transmission of Shares by other Means than Transfer to be authenticated by a Declaration.

XXVI. And with respect to the Registration of Shares the Interest in which may have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Shareholder, or in consequence of the Marriage of a Female Shareholder, or by any other legal Means than by a Transfer according to the Provisions of this Act, be it enacted, That no Person claiming by virtue of any such Transmission shall be entitled to receive any Share of the Profits of the said Business, or to vote in respect of any such Share as the Holder thereof, until such Transmission have been authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Directors shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been so transmitted, and shall be made and signed by some credible Person before a Justice of the Peace, or before a Master or Master Extraordinary in the High Court of Chancery; and such Declaration shall be left with the Secretary, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register Book of Shareholders of the Company; and for every such Entry the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Proof of Transmission by Marriage, Will, &c.

XXVII. And be it enacted, That if such Transmission be by virtue of the Marriage of a Female Shareholder, the said Declaration shall contain a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of such Share; and if such Transmission have taken place by virtue of any testamentary Instrument, or by Intestacy, the Probate of the Will or Letters of Administration, or an official Extract therefrom, shall, together with such Declaration, be produced to the Secretary; and upon such Production, in either of the Cases aforesaid, the Secretary shall make an Entry of the Declaration in the said Register of Transfers.

Notices to joint Proprietors of Shares.

XXVIII. And be it enacted, That with respect to any Share to which several Persons may be jointly entitled, all Notices directed to be given to the Shareholders shall be given to such of the said Persons whose Name shall stand first in the Register of Shareholders; and Notice so given shall be sufficient Notice to all the Proprietors of such Share.

XXIX. And

Receipts for Money payable to Minors, &c.

XXIX. And be it enacted, That if any Money be payable to any Shareholder, being a Minor, Idiot, or Lunatic, the Receipt of the Guardian of such Minor, or the Receipt of the Committee of such Idiot or Lunatic, shall be a sufficient Discharge to the Company for the same.

Company not bound to regard Trusts.

XXX. And be it enacted, That the Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares may be subject; and the Receipt of the Party in whose Name any such Share shall stand in the Books of the Company shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share, notwithstanding any Trusts to which such Share may then be subject, and whether or not the Company have had Notice of such Trusts; and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Power to make Calls.

XXXI. And be it enacted, That from Time to Time the Directors may make such Calls of Money upon the respective Shareholders, in respect of the Amount of Capital Stock respectively subscribed by them, as they shall think fit; and whenever Execution upon any Judgment against the Company shall have been taken out against any Shareholder, the Directors, within Twenty-one Days next after Notice shall have been served upon the Company of the Payment of any Money by such Shareholder, his Executors or Administrators, in or toward Satisfaction of such Judgment, shall make such Calls upon all the Shareholders as will be sufficient to reimburse to such Shareholder, his Executors or Administrators, the Money so paid by him or them, and all his or their Damages, Costs, and Expences by reason of such Execution, and shall apply the Proceeds of such Calls accordingly; and every Shareholder shall be liable to pay the Amount of every Call, in respect of the Shares held by him, to the Persons, and at the Times and Places, from Time to Time appointed by the Directors.

Interest on Calls unpaid.

XXXII. And be it enacted, That if, before or on the Day appointed for Payment, any Shareholder do not pay the Amount of any Call to which he may be liable, then such Shareholder shall be liable to pay Interest for the same at the yearly Rate of Five Pounds in the Hundred from the Day appointed for the Payment thereof to the Time of the actual Payment.

Enforcement of Calls by Action.

XXXIII. And be it enacted, That if at the Time appointed by the Directors for the Payment of any Call the Holder of any Share fail to pay the Amount of such Call, the Company may sue such Shareholder for the Amount thereof in any Court of Law or Equity having competent Jurisdiction, and may recover the same, with Interest at the yearly Rate of Five Pounds in the Hundred from the Day on which such Call may have been payable.

Declaration in Action for Calls.

XXXIV. And be it enacted, That in any Action to be brought by the Company against any Shareholder to recover any Money due for any Call it shall not be necessary to set forth the special Matter, but it shall be sufficient for the Company to declare that the Defendant is a Holder of One Share or more in the Company (stating the Number of Shares), and is indebted to the Company in the Sum of Money to which the Calls in arrear shall amount, in respect of One Call or more upon One Share or more (stating the Number and Amount of each of such Calls), whereby an Action hath accrued to the Company by virtue of this Act.

Matter to be proved in Action for Calls.

XXXV. And be it enacted, That on the Trial of such Action it shall not be necessary to prove the Appointment of the Directors who made such Call, or any other Matter, except that the Defendant at the Time of making such Call was a Holder of One Share or more in the Company, and that such Call was in fact made, and such Notice thereof given as is directed by this Act; and thereupon the Company shall be entitled to recover what shall be due upon such Call, with Interest thereon.

Proof of Proprietorship.

XXXVI. And be it enacted, That the Production of the Register Book of Shareholders of the Company shall be Evidence of such Defendant being a Shareholder, and of the Number and Amount of his Shares.

Forfeiture of Shares for Non-payment of Calls.

XXXVII. And be it enacted, That if the Holder of any Share fail to pay a Call payable by him in respect thereof, with the Interest, if any, that shall have accrued thereon, the Directors, at any Time after the Expiration of Six Calendar Months from the Day appointed for Payment of such Call, may declare such Share forfeited, and that whether the Company have sued for the Amount of such Call or not; but the Forfeiture of any such Share shall not relieve any Shareholder, his Executors or Administrators, from his and their Liability to pay the Calls made before such Forfeiture.

Notice of Forfeiture to be given before Declaration thereof.

XXXVIII. And be it enacted, That before declaring any Share forfeited the Directors shall cause Notice of such Intention to be left at the usual or last Place of Abode of the Person appearing by the Register Book of Shareholders to be the Proprietor of such Share; and if the Holder of any such Share be not within the United Kingdom, or if the Interest in any such Share shall be known by the Directors to have become transmitted otherwise than by Transfer, as herein-before mentioned, but a Declaration of such Transmission shall not have been registered as aforesaid, and so the Address of the Parties to whom the same may have been transmitted shall not be known to the Directors, the Directors shall give public Notice of such Intention in the *London Gazette;* and the several Notices aforesaid shall be given Twenty-one Days at least before the Directors shall make such Declaration of Forfeiture.

Forfeiture to be confirmed by a General Meeting.

XXXIX. And be it enacted, That such Declaration of Forfeiture shall not take effect, so as to authorize the Sale or other Disposition of any Share, until such Declaration have been confirmed at some General Meeting of the Company, to be held after the Expiration of Two Calendar Months at the least from the Day on which such Notice of Intention to make such Declaration of Forfeiture shall have been given; and it shall be lawful for the Company to confirm such Forfeiture at any such Meeting, and by an Order at such Meeting, or at any subsequent General Meeting, to direct the Share so forfeited to be sold or otherwise disposed of; and after such Confirmation the Directors shall sell the forfeited Share, either by public

public Auction or private Contract, within Six Calendar Months next after the Confirmation of the Forfeiture, and if there be more than One such forfeited Share, then either separately or together, as to them shall seem fit; and any Shareholder may purchase any forfeited Share so sold. Sale of forfeited Shares.

XL. And be it enacted, That a Declaration in Writing by some credible Person not interested in the Matter, made before any Justice of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, that the Call in respect of a Share was made, and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was declared and confirmed in manner herein-before required, shall be sufficient Evidence of the Facts therein stated; and such Declaration, and the Receipt of a Director or Manager of the Company for the Price of such Share, shall constitute a good Title to such Share, and thereupon such Purchaser shall be deemed the Holder of such Share discharged from all Calls made prior to such Purchase; and a Certificate of Proprietorship shall be delivered to such Purchaser, and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to any such Sale. Evidence as to Forfeiture of Shares.

XLI. And be it enacted, That the Company shall not sell or transfer more of the Shares of any such Defaulter than will be sufficient, as nearly as can be ascertained at the Time of such Sale, to pay the Arrears then due from such Defaulter on account of any Calls, together with Interest, and the Expences attending such Sale and Declaration of Forfeiture; and if the Money produced by the Sale of any such forfeited Share be more than sufficient to pay all Arrears of Calls, and Interest thereon, due at the Time of such Sale, and the Expences attending the Declaration of Forfeiture and Sale thereof, the Surplus shall, on Demand, be paid to the Defaulter. No more Shares to be sold than sufficient for Payment of Calls.

XLII. And be it enacted, That if Payment of such Arrears of Calls, and Interest and Expences, be made before any Share so forfeited and vested in the Company shall have been sold, such Share shall revert to the Party to whom the same belonged before such Forfeiture, in such Manner as if such Calls had been duly paid. On Payment of Calls forfeited Shares to revert.

XLIII. And be it enacted, That in all Cases wherein it may be necessary for any Person to serve any Notice, Writ, or other Proceeding at Law or in Equity, or otherwise, upon the Company, Service thereof respectively on the Manager or any Director for the Time being of the Company, by leaving the same at the principal Office of the Company, or, if the Company have suspended or discontinued Business, by serving the same personally on such Manager or Director, or by leaving the same with some Inmate at the usual or last Abode of such Manager or Director, shall be deemed good Service of the same on the Company. Service of Notice on the Company.

XLIV. Provided always, and be it enacted, That every Company of more than Six Persons, for the Formation or Establishment of which Proceedings had been begun or taken before the Sixth Day of *May* last, and which before the Fourth Day of *July* then next following was registered at the Stamp Office, and on the Fourth Day of *July* actually carried on the said Trade or Business of Bankers in *England*, although under a Covenant or Agreement of Copartnership made or entered into on or after the Sixth Day of *May* last, may continue to carry on the said Trade or Business under any such Agreement or Covenant of Copartnership for any Time not exceeding Twelve Calendar Months next after the passing of this Act, in the same Manner in all respects as they legally might have done before the passing of this Act, and after the Expiration of the said Twelve Calendar Months, in case the Company shall not be incorporated under this Act, shall have, for the Purpose of closing their Trade or Business, but for no other Purpose, the same Powers and Privileges which they would have had if this Act had not been passed. Existing Companies may continue their Trades until Twelve Months after the passing of this Act.

XLV. And be it enacted, That it shall be lawful for any Company of more than Six Persons carrying on the Trade or Business of Bankers in *England* before the said Sixth Day of *May*, or any Company which by the Provision herein-before in that Behalf contained is enabled to carry on the said Trade or Business of Bankers in *England* for a Time not exceeding Twelve Calendar Months next after the passing of this Act, to present a Petition to Her Majesty, praying that Her Majesty will be pleased to grant to them Letters Patent under this Act; and if, upon their Compliance with the Provisions herein-before contained with respect to Companies formed after the said Sixth Day of *May*, Her Majesty shall be pleased to grant to them Letters Patent under this Act as aforesaid, it shall be lawful for them thereafter to carry on their Trade and Business of Bankers as aforesaid according to this Act, and not otherwise: Provided always, that a Majority of the Directors of any such Company for the Time being, with the Consent of Three Fourths in Number and Value of the Shareholders present at a General Meeting of the Company, to be specially called for the Purpose, may resolve to make any Alterations in the Constitution of such Company, or otherwise, which may be deemed necessary or expedient for enabling such Company to come within the Provisions of this Act; and the Majority of the Directors of such Company may, in pursuance of the Resolution of such Meeting as aforesaid, execute a new Deed of Partnership on behalf of such Company, and it shall not be necessary for such Deed to be executed by any other Shareholder of such Company; and it shall thereupon be lawful for such Company to present such Petition as aforesaid, and a Copy of such Resolution and of such new Deed of Partnership so executed by a Majority of the Directors of the Company as aforesaid shall be annexed to such Petition; and if Her Majesty shall thereupon grant Letters Patent to such Company under this Act, all the Shareholders of such Company at the Time of the Grant of such Letters Patent shall be deemed to be incorporated under such Letters Patent, and to be the first Shareholders in such incorporated Company; and the said new Deed of Partnership so executed by a Majority of the Directors as aforesaid shall have such and the same Effect, to all Intents and Purposes, as if it had been executed by all the Shareholders. Existing Companies may be brought under this Act.

XLVI. And

Agreements entered into with Companies after their Incorporation to be enforced as if made before Incorporation.

XLVI. And be it enacted, That notwithstanding the Incorporation of any Company under this Act all Contracts and Agreements entered into by and with such Company shall continue in force as between such incorporated Company and the Parties with which the Company entered into such Contracts and Agreements before the Incorporation thereof, and may be enforced in like Manner as if the Company had been incorporated before the making of any such Contract or Agreement, and that no Suit at Law or in Equity by or against such Company shall be abated by reason of such Incorporation; but on the Application of either of the Parties to such Suit to the Court in which such Suit is pending, at any Time before Execution on any Judgment in such Suit shall have issued, it shall be lawful for the Court to order that the Corporate Name of such Company be entered on the Record, instead of the Name of the Plaintiff or Defendant representing such Company before the Incorporation thereof, and thereupon such Suit may be prosecuted and defended in the same Manner as if the same had been originally instituted by or against the said incorporated Company; and where Execution on any Judgment in such Suit shall have issued before such Application, Execution of such Judgment may be had as if such Company were not incorporated as if this Act had not been passed.

Existing Companies to have the Powers of suing and being sued.

XLVII. And be it enacted, That after the passing of this Act every Company of more than Six Persons established on the said Sixth Day of *May* for the Purpose of carrying on the said Trade or Business of Bankers within the Distance of Sixty-five Miles from *London*, and not within the Provisions of this Act, shall have the same Powers and Privileges of suing and being sued in the Name of any one of the public Officers of such Copartnership as the nominal Plaintiff, Petitioner, or Defendant on behalf of such Copartnership; and that all Judgments, Decrees, and Orders made and obtained in any such Suit may be enforced in like Manner as is provided with respect to such Companies carrying on the said Trade or Business at any Place in *England* exceeding the Distance of Sixty-five Miles from *London* under the Provisions of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for the better regulating Copartnerships of certain Bankers in* England; *and for amending so much of an Act of the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King* George *the Third, intituled 'An Act for establishing an Agreement with the Governor and Company of the Bank of 'England, for advancing the Sum of Three Millions towards the Supply for the Service of the Year 'One thousand eight hundred,' as relates to the same;* provided that such first-mentioned Company shall make out and deliver from Time to Time to the Commissioners of Stamps and Taxes the several Accounts or Returns required by the last-mentioned Act; and all the Provisions of the last-recited Act as to such Accounts or Returns shall be taken to apply to the Accounts or Returns so made out and delivered by such first-mentioned Companies, as if they had been originally included in the Provisions of the last-recited Act.

7 G. 4. c. 46.

Banking Companies to be deemed Trading Companies.

XLVIII. And be it declared and enacted, That every Company of more than Six Persons carrying on the Trade or Business of Bankers in *England* shall be deemed a Trading Company within the Provisions of an Act passed in this Session of Parliament, intituled *An Act for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements.*

Interpretation of Act.

XLIX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Plaintiff" shall include Pursuer and Petitioner:

The Word "Defendant" shall include Defender and Respondent:

The Word "Execution" shall include Diligence or other Proceeding proper for giving Effect to any Judgment, Decree, or Order of a Court of Justice.

Act may be amended, &c.

L. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

MEMORIAL or Account to be entered at the Stamp Office in London in pursuance of an Act passed in the Eighth Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*]; viz.

Firm or Name of the Banking Company; viz. [*set forth the Firm or Name.*]

Names and Places of Abode of all the Members of the Company; viz. [*set forth all the Names and Places of Abode.*]

Names and Places of the Bank or Banks established by such Company; viz. [*set forth all the Names and Places.*]

Names and Places of Abode of the Directors, Managers, and other like Officers of the said Banking Company; viz. [*set forth all the Names and Places of Abode.*]

Names of the several Towns and Places where the Business of the said Company is to be carried on; viz. [*set forth the Names of all the Towns and Places.*]

A. B. of Manager [*or other Officer, describing the Office*] of the above-mentioned Company, maketh Oath and saith, That the above-written Account doth contain the Name, Style, and Firm

Firm of the said Company, and the Names and Places of the Abode of the several Members thereof, and of the Banks established by the said Company, and the Names, Titles, and Descriptions of the Directors, Managers, and other like Officers of the said Company, and the Names of the Towns and Places where the Business of the Company is carried on, as the same respectively appear in the Books of the said Company, and to the best of the Information, Knowledge, and Belief of this Deponent.

Sworn before me, the Day of at in the County of .

C.D., Justice of the Peace in and for the County of [*or* Master *or* Master Extraordinary in Chancery.]

SCHEDULE (B.)

MEMORIAL or Account to be entered at the Stamp Office in London on behalf of [*Name of the Company*], in pursuance of an Act passed in the Eighth Year of the Reign of Queen Victoria, intituled [*insert the Title of this Act*]; viz.

Names and Places of Abode of every new or additional Director, Manager, or other like Officer of the said Company; viz. *A.B.* in the Room of *C.D.*, deceased *or* removed, [*as the Case may be;*] [*set forth every Name and Place of Abode.*]

Names and Places of Abode of every Person who has ceased to be a Member of such Company; viz. [*set forth every Name and Place of Abode.*]

Names and Places of Abode of every Person who has become a new Member of such Company; viz. [*set forth every Name and Place of Abode.*]

Names of any additional Towns or Places where the Business of the Company is carried on; viz. [*set forth the Names of all the Towns and Places.*]

A.B. of Manager [*or other Officer*] of the above-named Company, maketh Oath and saith, That the above-written Account doth contain the Name and Place of Abode of every Person who hath become or been appointed a Director, Manager, or other like Officer of the above Company, and also the Name and Place of Abode of any and every Person who hath ceased to be a Member of the said Company, and of every Person who hath become a Member of the said Company since the Registry of the said Company on the Day of last, as the same respectively appear on the Books of the said Company, and to the best of the Information, Knowledge, and Belief of this Deponent.

Sworn before me, the Day of at in the County .

C.D., Justice of the Peace in and for the County of [*or* Master *or* Master Extraordinary in Chancery].

SCHEDULE (C.)

Form of Transfer of Shares.

I of in consideration of the Sum of paid to me by of do hereby transfer to the said Share [*or* Shares], numbered in the Business called "The Banking Company," to hold unto the said his Executors, Administrators, and Assigns [*or* Successors and Assigns], subject to the several Conditions on which I held the same at the Time of the Execution hereof. And I the said do hereby agree to take the said Share [*or* Shares], subject to the same Conditions. As witness our Hands and Seals, the Day of .

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

N.B. *The Continuance of such of the following Acts as are temporary will be known (where it is not expressly stated) by referring to the following List, according to the corresponding Letter at the End of the Title.*

(*a*) *For* 31 *Years, &c.* [i.e. *to the End of the next Session*] *from a Day named in the Act.*
(*b*) *For* 31 *Years, &c. from the passing of the Act.*

The following are all PUBLIC ACTS; *to each of which is annexed a Clause in the Form following:*

" And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and " shall be judicially noticed as such."

Cap. i.

AN Act to enable the *Ribble* Navigation Company to raise a further Sum of Money; and to enable the Owners of reclaimed Lands to pay a Sum in gross in lieu of the annual Rents. [2d *April* 1844.]

[*Powers of* 1 & 2 *Vict. c.* viii. (*except as altered*) *extended to this Act,* § 1.]

Cap. ii.

An Act to effectuate the Sale by the *Bolton and Preston* Railway Company of their Railway and other Property and Effects to the *North Union* Railway Company; to incorporate with such last-mentioned Company the Proprietors of the *Bolton and Preston* Railway; and to consolidate Shares into Stock. [10th *May* 1844.]

[*Powers of* 7 *W.* 4. & 1 *Vict. c.* cxxi. 1 & 2 *Vict. c.* lvi. *and* 5 & 6 *Vict. c.* xv. (*except as altered*) *extended to this Act,* § 2.]

Cap. iii.

An Act to amend the several Acts relating to the *Great Western*, the *Cheltenham and Great Western Union*, and *Oxford* Railways; to amalgamate the Two last-mentioned Railways with the *Great Western* Railway; and to authorize the Formation of additional Works at *Cheltenham* by the *Great Western* Railway Company. [10th *May* 1844.]

[*Powers of* 5 & 6 *W.* 4. *c.* cvii. 6 & 7 *W.* 4. *c.* xxxviii. 7 *W.* 4. & 1 *Vict. cc.* xci. xcii. 2 & 3 *Vict. c.* cxxvii. 6 & 7 *W.* 4. *c.* lxxvii. 1 & 2 *Vict. c.* xxiv. 5 & 6 *Vict. c.* xxviii. *and* 6 & 7 *Vict. c.* x. (*except as altered*) *extended to this Act,* § 1.]

Cap. iv.

An Act to amend and enlarge some of the Provisions of the Act authorizing the Construction of the *Yarmouth and Norwich* Railway, and to authorize the Construction of certain new Works in connexion therewith. [10th *May* 1844.]

[*Powers of* 5 & 6 *Vict. c.* lxxxii. (*except as altered*) *extended to this Act,* § 1.]

Cap. v.

An Act for making a Railway from the *London and South-western* Railway to *Guildford* in the County of *Surrey*. [10th *May* 1844.]

Cap. vi.

An Act for providing for the Liquidation of the Debt owing by the Charity Workhouse of the City of *Edinburgh*, for regulating the Assessment for Relief of the Poor of the said City, and for other Purposes relating thereto. [10th *May* 1844.]

Cap. vii.

An Act to amend an Act passed in the Third Year of the Reign of Her present Majesty, for abolishing certain Petty and Market Customs in the City of *Edinburgh*, and granting other Duties in lieu thereof. [10th *May* 1844.]

[*Powers of* 3 & 4 *Vict. c.* xvii. (*except as altered*) *extended to this Act,* § 1.)

Cap. viii.

An Act for establishing a Market in the Town of *Glossop* in the County of *Derby*. [10th *May* 1844.]

Cap. ix.

An Act to amend the Powers and Provisions of an Act of the First Year of King *William* the Fourth, for making the River *Waveney* navigable for Ships and other Seaborne Vessels from *Rosehall Fleet* to the Mouth of *Oulton Dyke*, and for making and maintaining a navigable Cut from the said River into the said Dyke. [10th *May* 1844.]

[*Powers of* 1 *W.* 4. *c.* l. (*except as altered*) *extended to this Act*, § 1.]

Cap. x.

An Act to alter and extend the Provisions of an Act for improving the Navigation of the River *Severn*. [10th *May* 1844.]

[*Powers of* 5 & 6 *Vict. c.* xxiv. (*except as altered*) *extended to this Act*, § 1.]

Cap. xi.

An Act for enabling the Company of Proprietors of the *Birmingham* Canal Navigations to borrow a further Sum of Money; and to extend and alter some of the Provisions of their present Acts. [10th *May* 1844.]

Cap. xii.

An Act for more effectually lighting with Gas the Borough and Parish of *Rochdale* in the County of *Lancaster*. [10th *May* 1844.]

[4 *G.* 4. *c.* xxxvi. *repealed*, § 1.]

Cap. xiii.

An Act to amend and enlarge the Provisions of Two several Acts, for lighting with Gas the Town of *Liverpool* and certain Places adjacent thereto. [10th *May* 1844.]

[*Powers of* 4 *G.* 4. *c.* xxxix. *and* 4 & 5 *W.* 4. *c.* i. (*except as altered*) *extended to this Act*, § 1.]

Cap. xiv.

An Act for regulating legal Proceedings by or against the *Durham* County Coal Company, and for other Purposes. [10th *May* 1844.]

Cap. xv.

An Act for making a Railway from *Norwich* to *Brandon*, with a Branch to *Thetford*. [10th *May* 1844.]

Cap. xvi.

An Act for maintaining a Railway from the *Manchester and Leeds* Railway to *Heywood*; and for amending the Acts relating to the *Manchester and Leeds* Railway. [10th *May* 1844.]

[*Powers of* 6 & 7 *W.* 4. *c.* cxi. 7 *W.* 4. & 1 *Vict. c.* xxiv. 2 & 3 *Vict. c.* lv. *and* 4 & 5 *Vict. c.* xxv. (*except as altered*) *extended to this Act*, § 1.]

Cap. xvii.

An Act for enabling the *Manchester and Birmingham* Railway Company to vary the Line of their Branch Railway to *Macclesfield*, and to make another Branch therefrom; and for amending the former Acts relating to the said Company. [10th *May* 1844.]

[*Powers of* 7 *W.* 4. & 1 *Vict. c.* lxix. *and* 2 & 3 *Vict. c.* lxix. (*except as altered*) *extended to this Act*, § 3.]

Cap. xviii.

An Act to consolidate the *North Midland*, *Midland Counties*, and *Birmingham and Derby Junction* Railways. [10th *May* 1844.]

[*Recited Acts repealed*, § 1.]

Cap. xix.

An Act to rectify a Mistake as to the Proceedings on the *Eastern Counties* Railway Bill and the *Eastern Counties* Railway (*Brandon and Peterborough Extension*) Bill. [23d *May* 1844.]

Cap. xx.

An Act to authorize the letting on Lease to the *Eastern Counties* Railway Company of the Railways and Works of the *Northern and Eastern* Railway Company, and to give effect to certain Arrangements entered into by the said Companies, and to amend and enlarge some of the Provisions of the Acts relating to the first-named Company. [23d *May* 1844.]

[*Powers of* 6 & 7 *W.* 4. *c.* cvi. 1 & 2 *Vict. c.* lxxxi. *and* 4 & 5 *Vict. c.* xiv. (*except as altered*) *extended to this Act*, § 1.

Cap. xxi.

An Act for vesting the *Leeds and Selby* Railway in the *York and North Midland* Railway Company, and for enabling that Company to raise a further Sum of Money to complete the Purchase of such Railway. [23d *May* 1844.]

Cap. xxii.

An Act for making a Railway from *Rampside* and *Barrow* to *Dalton, Lindale,* and *Kirkby Ireleth,* in the County Palatine of *Lancaster,* to be called "The *Furness* Railway." [23d *May* 1844.]

Cap. xxiii.

An Act to amend an Act for maintaining the Pier and Harbour of *Newquay* in the County of *Cornwall,* and to make certain Tram Roads in connexion therewith. [23d *May* 1844.]

[*Powers of 1 & 2 Vict. c.* lxxxiv. (*except as altered*) *extended to this Act,* § 1.]

Cap. xxiv.

An Act for regulating, maintaining, and improving the Port of *Padstow* in the County of *Cornwall,* and the navigable Parts of the River *Camel* or *Allen* in the same County. [23d *May* 1844.]

Cap. xxv.

An Act to enable the *South-eastern* Railway Company to make a Railway from the said *South-eastern* Railway near *Ashford* to the City of *Canterbury* and the Towns of *Ramsgate* and *Margate,* and to join the *Canterbury and Whitstable* Railway. [23d *May* 1844.]

[*Powers of 6 & 7 W.* 4. *c.* lxxv. (*except as altered*) *extended to this Act,* § 2.]

Cap. xxvi.

An Act for enabling the *Pontop and South Shields* Railway Company to widen a Part of their Railway, and to make a Branch therefrom; and for other Purposes. [23d *May* 1844.]

[*Powers of 5 & 6 Vict. c.* xxvii. (*except as altered*) *extended to this Act,* § 1.]

Cap. xxvii.

An Act for authorizing the Sale of the *Durham Junction* Railway to the *Newcastle and Darlington Junction* Railway Company; and for enabling the said Company to make a Station at *Gateshead,* with a Bridge and Approaches to connect the said last-mentioned Railway with the Town of *Newcastle-upon-Tyne;* and for other Purposes. [23d *May* 1844.]

Cap. xxviii.

An Act for making a Harbour and Dock near to *Hartlepool* in the County of *Durham.* [23d *May* 1844.]

Cap. xxix.

An Act for dividing, allotting, and inclosing Lands in the Hamlet of *Thetford* in the Parish of *Streatham* in the *Isle of Ely* and County of *Cambridge;* and for draining and embanking certain Parts of the said Lands, and other Lands in the said Hamlet, and in other Parishes in the said Isle and County. [23d *May* 1844.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 & 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act,* § 1. *Allotment to be made for Recreation of the Inhabitants,* § 49., *and to the Lord of the Manor for Right of Soil,* § 50., *and to Feoffees in trust for the Poor,* § 51. *Saving the Rights of Bedford Level Corporation and Commissioners of South Level,* § 204., *and of Her Majesty and others as to Grunty Fen,* § 205.]

Cap. xxx.

An Act for granting certain Powers to "The New *British* Iron Company." [23d *May* 1844.]

Cap. xxxi.

An Act for enabling the Northern Coal Mining Company to raise Money for paying off existing Debts of the Company. [23d *May* 1844.]

[*Powers of 5 & 6 Vict. c.* xxi. (*except as altered*) *extended to this Act,* § 1.]

Cap. xxxii.

An Act to authorize the Purchase of "*Monk's Ferry*" by the Commissioners for the Improvement of *Birkenhead, Claughton-cum-Grange,* and Part of *Oxton,* in the County of *Chester,* and for amending the Acts relating to the said Commissioners. [6th *June* 1844.]

[*Powers of* 3 & 4 *W.* 4. *c.* lxviii. 1 & 2 *Vict. c.* xxxiii. 5 & 6 *Vict. c.* v. *and* 6 & 7 *Vict. cc.* xiii. xxiv. (*except as altered*) *extended to this Act,* § 1.]

Cap. xxxiii.

An Act for opening certain Streets and otherwise improving the Town of *Salford;* and for amending an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, for better cleansing and improving the said Town of *Salford* in the County Palatine of *Lancaster.* [6th *June* 1844.]

[*Powers of* 11 *G.* 4. *&* 1 *W.* 4. *c.* viii. (*except as altered*) *extended to this Act,* § 1. *Saving of Manorial Rights,* § 154., *and of the Rights of the Manchester and Salford Waterworks Company,* § 155., *and of the Mersey and Irwell Navigation,* § 156., *and of the Manchester, Bolton, and Bury Canal Navigation and Railway,* § 157.

Cap. xxxiv.

An Act for making a Railway from the Town of *Blackburn* to the *North Union* Railway in the Township of *Farrington* near *Preston,* all in the County of *Lancaster.* [6th *June* 1844.]

Cap. xxxv.

An Act to enable the *Northern and Eastern* Railway Company to make certain Deviations in the Line of their Railway between *Bishops-Stortford* and *Newport;* and to alter and amend the Acts relating to the said Railway. [6th *June* 1844.]

[*Powers of* 6 *&* 7 *W.* 4. *c.* ciii. 2 *&* 3 *Vict. cc.* lxxvii. lxxviii. 3 *&* 4 *Vict. c.* lii. 4 *&* 5 *Vict. cc.* xxiv. xlii. *and* 6 *&* 7 *Vict. c.* xxviii. (*except as altered*) *extended to this Act,* § 1.]

Cap. xxxvi.

An Act to amend the Acts relating to the *Maryport and Carlisle* Railway, and for making certain Extensions and Branches connected therewith. [6th *June* 1844.]

[*Powers of* 7 *W.* 4. *&* 1 *Vict. c.* ci. *and* 6 *&* 7 *Vict. c.* lxx. (*except as altered*) *extended to this Act,* § 1.]

Cap. xxxvii.

An Act for making a Railway from the *Lancaster and Preston Junction* Railway at *Lancaster* to or near to the City of *Carlisle.* [6th *June* 1844.]

Cap. xxxviii.

An Act for extending and amending some of the Powers and Provisions of the Act relating to "The *Leeds* New Gas Company." [6th *June* 1844.]

[*Powers of* 5 *&* 6 *W.* 4. *c.* lxxxvi. (*except as altered*) *extended to this Act,* § 1.]

Cap. xxxix.

An Act to enable the *Globe* Insurance Company to alter and amend some of the Provisions of their Deed of Settlement. [6th *June* 1844.]

Cap. xl.

An Act for the good Government and Police Regulation of the Borough of *Manchester.* [4th *July* 1844.]

Cap. xli.

An Act for the Improvement of the Town of *Manchester.* [4th *July* 1444.]

[*Powers of* 32 *G.* 3. *c.* 69. 5 *G.* 4. *c.* cxxxiii. 9 *G.* 4. *c.* cxvii. 11 *G.* 4. *&* 1 *W.* 4. *c.* xlvii. 1 *W.* 4. *c.* xvi. 2 *&* 3 *W.* 4. *c.* xxxvi. 6 *&* 7 *W.* 4. *c.* xvi. 7 *W.* 4. *&* 1 *Vict. c.* cxii. *and* 2 *&* 3 *Vict. c.* ii. (*except as altered*) *extended to this Act,* § 3.]

Cap. xlii.

An Act for amending and rendering more effectual an Act for draining and preserving certain Fen Lands and Low Grounds in the Parishes of *Lakenheath* and *Brandon* in the County of *Suffolk.* [4th *July* 1844.]

Cap. xliii.

An Act to enable the President, Treasurers, Deputy Treasurers, Benefactors and Subscribers, of and to the *Manchester* Royal Infirmary, Dispensary, and Lunatic Hospital or Asylum to enlarge the said Infirmary, and to purchase and hold Land for the Erection of a new Lunatic Hospital or Asylum. [4th *July* 1844.]

[*Powers of* 48 *G.* 3. *c.* cxxvii. *and* 5 *&* 6 *Vict. c.* i. (*except as altered*) *extended to this Act,* § 1.]

Cap. xliv.

An Act to amend an Act for altering and amending several Acts for the Improvement of the Harbour of *Swansea* in the County of *Glamorgan.* [4th *July* 1844.]

[*Powers of* 6 *&* 7 *W.* 4. *c.* cxxvi. (*except as altered*) *extended to this Act,* § 1.]

Cap. xlv.

An Act for uniting the *Sheffield* Gas Light Companies. [4th *July* 1844.]
[58 *G.* 3. *c.* lxv. *and* 5 *&* 6 *W.* 4. *c.* xci. *repealed,* § 1.]

Cap. xlvi.

An Act to facilitate the Settlement of the Affairs of the *British* Iron Company. [4th *July* 1844.]

Cap. xlvii.

An Act to enlarge the Powers granted by an Act passed in the Second Session of the Fifth Year of Her present Majesty, intituled *An Act for regulating legal Proceedings by or against the* Cwm Celyn *and* Blaina *Iron Company, and for granting certain Powers thereto.* [4th *July* 1844.]

Cap. xlviii.

An Act for regulating legal Proceedings by or against "The *European* Life Insurance and Annuity Company," and for granting certain Powers thereto. [4th *July* 1844.]

Cap. xlix.

An Act for making and maintaining a Turnpike Road from *Sidmouth* to *Collumpton,* and also to or near to *Hele Mill* in the Parish of *Bradninch,* all in the County of *Devon.* (*b*) [4th *July* 1844.]

[*Two full Tolls only to be taken on same Day for passing and repassing through all the Gates on the Road,* § 18. *Lime for Manure exempted from Toll,* § 22. *Tolls not to be taken until the Road from Langford Green to the Hare and Hounds shall be made,* § 23. *No more Money to be laid out in repairing Roads than is collected thereon,* § 26. *Tolls not to be taken or Money laid out in Towns,* § 27.]

Cap. l.

An Act to amend Three Acts for more effectually draining and preserving certain Marsh Lands or Low Grounds in the Counties of *Kent* and *Sussex* draining into the River *Rother* and Channel of *Appledore.* [4th *July* 1844.]

[*Powers of* 7 *G.* 4. *c.* cxxii. 11 *G.* 4. *&* 1 *W.* 4. *c.* cxxxvi. *and* 3 *&* 4 *W.* 4. *c.* xxix. (*except as altered*) *extended to this Act,* § 1.]

Cap. li.

An Act to alter and amend an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, for the better Protection of Property in the Borough of *Liverpool* from Fire. [4th *July* 1844.]

[*Powers of* 6 *&* 7 *Vict. c.* cix. (*except as altered*) *extended to this Act,* § 1.]

Cap. lii.

An Act to explain and amend the Acts incorporating the *British* Society for extending the Fisheries and improving the Sea Coasts of the Kingdom; for enlarging and improving the Harbour of *Pulteney Town* in the County of *Caithness;* and for lighting, cleansing, and improving the said Town, and better supplying the same with Water. [4th *July* 1844.]

[*Powers of* 26 *G.* 3. *c.* 106. *and* 54 *G.* 3. *c.* cxci. (*except as altered*) *extended to this Act,* § 1.]

Cap. liii.

An Act for amending certain Acts for paving, cleansing, and lighting the Streets and other public Passages and Places within the City and Borough of *Canterbury.* [4th *July* 1844.]

[*Powers of* 27 *G.* 3. *c.* 14. *and* 4 *&* 5 *Vict. c.* lxvi. (*except as altered*) *extended to this Act,* § 1.]

Cap. liv.

An Act for improving the Marsh and other Common Lands, and extending Rights of Common and of Recreation, within the Town and County of the Town of *Southampton.* [4th *July* 1844.]

Cap. lv.

An Act to amend the several Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company. [4th *July* 1844.]

[5 *&* 6 *W.* 4. *c.* lviii. 7 *W.* 4 *&* 1 *Vict. cc.* xxviii. xxix. *and* 2 *&* 3 *Vict. cc.* i. liv. *recited,* § 1.]

Cap. lvi.

An Act for better supplying with Water the Parishes of *Saint Michael,* the *Holy Trinity,* and *Saint John the Baptist,* in the City of *Coventry* and County of *Warwick.* [4th *July* 1844.]

Cap. lvii.

An Act for amending the Provisions of an Act for forming a Canal and other Works within and near certain Lands called the *West Croft*, in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham;* and for making certain Improvements within the said Town. [4th *July* 1844.]

Cap. lviii.

An Act to authorize an Extension of the *Edinburgh and Glasgow* Railway, and to amend and enlarge the Provisions of the Acts relating to such Railway. [4th *July* 1844.]

[*Powers of* 1 & 2 *Vict. c.* lviii. 3 & 4 *Vict. c.* cviii. *and* 5 & 6 *Vict. c.* xii. (*except as altered*) *extended to this Act*, § 1.]

Cap. lix.

An Act for making a Railway from *Leeds* to *Bradford*, with a Branch to the *North Midland* Railway. [4th *July* 1844.]

Cap. lx.

An Act for making a Railway from the *Manchester and Bolton* Railway in the Parish of *Eccles* to the Parish of *Whalley*, all in the County Palatine of *Lancaster*, to be called The *Manchester, Bury, and Rossendale* Railway. [4th *July* 1844.]

Cap. lxi.

An Act for enabling the *York and North Midland* Railway Company to make a Railway from *York* to *Scarborough*, with a Branch to *Pickering*. [4th *July* 1844.]

[*Powers of* 6 & 7 *W.* 4 *c.* lxxxi. 7 *W.* 4. & 1 *Vict. c.* lxviii. *and* 4 & 5 *Vict. c.* vii. (*except as altered*) *extended to this Act*, § 4.]

Cap. lxii.

An Act to enable the *Eastern Counties* Railway Company to make a Railway from the *Northern and Eastern* Railway at *Newport*, by *Cambridge* to *Ely*, and from thence Eastward to *Brandon*, and Westward to *Peterborough*. [4th *July* 1844.]

Powers of 6 *W.* 4. *c.* cvi. 1 & 2 *Vict. c.* lxxxi. *and* 4 & 5 *Vict. c.* xiv. (*except as altered*) *extended to this Act*, § 2.]

Cap. lxiii.

An Act to make a Branch Railway from the *London and South-western* Railway to *Salisbury*. [4th *July* 1844.]

[*Powers of* 4 & 5 *W.* 4. *c.* lxxxviii. 7 *W.* 4. & 1 *Vict. c.* lxxi. 2 & 3 *Vict. c.* xxviii. *and* 4 & 5 *Vict. cc.* i. xxxix. (*except as altered*) *extended to this Act*, § 2.]

Cap. lxiv.

An Act for making a Railway from the Town and Port of *Whitehaven* to the Town and Port of *Maryport* in the County of *Cumberland*. [4th *July* 1844.]

Cap. lxv.

An Act for making a Railway from *Chester* to *Holyhead*. [4th *July* 1844.]

Cap. lxvi.

An Act for making a Railway from the City of *Edinburgh* to the Town of *Berwick-upon-Tweed*, with a Branch to the Town of *Haddington*. [4th *July* 1844.]

Cap. lxvii.

An Act for making a Railway from the *Shoreham* Branch of the *London and Brighton* Railway to *Chichester*. [4th *July* 1844.]

Cap. lxviii.

An Act for making a Railway from *Exeter* to *Plymouth*, to be called "The *South Devon* Railway." [4th *July* 1844.]

Cap. lxix.

An Act to enable the *South-eastern* Railway Company to complete and maintain a Branch Railway and Approach to the Harbour of *Folkestone*, and to construct other Works in connexion with the said Harbour, and also to effect certain Alterations and Extensions of the Works of the *Maidstone* Branch of the said *South-eastern* Railway; and to amend the Acts relating to the said Company. [4th *July* 1844.]

[*Powers of* 6 & 7 *W.* 4. *c.* lxxv. *and* 6 & 7 *Vict. cc.* li. lii. (*except as altered*) *extended to this Act*, § 1.]

Cap. lxx.

An Act for making a Railway to connect the *Edinburgh and Glasgow* and *Slamannan* Railways. [4th *July* 1844.]

Cap. lxxi.

An Act for making a Junction Railway from the *Eastern Counties* Railway at *Stratford* in the County of *Essex* to the River *Thames*, with a Branch Railway therefrom; and for constructing a Pier in the River *Thames*. [4th *July* 1844.]

Cap. lxxii.

An Act for repairing, maintaining, and improving the Road from *Flint Lane* to *Holmfrith*, and thence to the *Huddersfield* and *Woodhead* Turnpike Road, and for making and maintaining a new Line of Road from the said Road at a Place called *Bents* to or near *Dunford Bridge*, all in the West Riding of the County of *York*. [19th *July* 1844.]

[4 *G.* 4. *c.* lxxvii. *repealed*, § 1. *One Toll only to be paid for passing and repassing once through same Gate on same Day*, § 29. *Three Tolls only to be paid for passing any Number of Times through same Gate on same Day*, § 30. *Tolls to be taken at Two Gates only on the Holmfrith District for passing and repassing on same Day once through all the Gates on that District, and at One Gate only for passing and repassing once through all the Gates on the Dunford District*, § 31. *Additional Tolls may be taken for extra Weight, and for Carriages with narrow Wheels*, § 36. *No more Money to be laid out in repairing Roads than is collected thereon*, § 44. *Act to commence on the Third Thursday after its passing, and to continue in force for* 21 *Years, and thence to the End of the next Session of Parliament*, § 50.]

Cap. lxxiii.

An Act for more effectually repairing the Road from *Market Harborough* in the County of *Leicester* to the City of *Coventry*. [19th *July* 1844.]

[4 *G.* 4. *c.* lxi. *repealed*, § 1. *Five full Tolls only to be taken on same Day for passing and repassing once through all the Gates on the Road*, § 11. *Toll to be paid every Third Time of passing through same Gate on same Day*, § 12. *Tolls may be reduced for Chalk or Lime for Manure*, § 15. *No Tolls to be taken or Money laid out in Coventry, Market Harborough, Lutterworth, or the Parish of Brinklow*, § 20. *Act to commence on the* 31*st of December next after its passing, and to continue in force for* 21 *Years, and thence to the End of the next Session of Parliament*, § 23.]

Cap. lxxiv.

An Act for uniting the *York* Gas Light Company and the *York* Union Gas Light Company, and for more effectually lighting with Gas the City of *York* and Suburbs and Vicinity thereof, in the County of *York*. [19th *July* 1844.]

[4 *G.* 4. *c.* lxxiv. *repealed*, § 1.]

Cap. lxxv.

An Act for paving, lighting, draining, cleansing, and otherwise improving the Town of *Southampton*, and for removing and preventing Nuisances and Annoyances therein. [19th *July* 1844.]

[10 *G.* 3. *c.* 25. 50 *G.* 3. *c.* clxix. *wholly and* 13 *G.* 3. *c.* 50. *partly repealed*, § 1.]

Cap. lxxvi.

An Act for enabling the Mayor, Aldermen, and Burgesses of the City of *Coventry* to make certain Improvements, to provide a Residence for the Judges during the Assizes in the said City, and to establish a Cemetery for the Dead near the said City. [19th *July* 1844.]

Cap. lxxvii.

An Act for making a Landing Place at or near *Hythe* in the Parish of *Fawley* and extra-parochial Places adjoining thereto in the County of *Southampton*. [19th *July* 1844.]

Cap. lxxviii.

An Act for authorizing the *Newport* Dock Company to raise further Monies, and to make Sale of the Docks and Works; and for amending certain Acts relating to the said Dock. [19th *July* 1844.]

[*Powers of* 5 & 6 *W.* 4. *c.* lxxv. 2 & 3 *Vict. c.* lxxiv. *and* 4 & 5 *Vict. c.* li. (*except as altered*) *extended to this Act*, § 1.]

Cap. lxxix.

An Act for constructing Tidal Basins, a Dock, and other Works at *Birkenhead* in the County of *Chester*; and for other Purposes. [19th *July* 1844.]

Cap. lxxx.

An Act for enabling the Trustees of the *Liverpool* Docks to construct additional Wet Docks and other Works, and to raise a further Sum of Money; and for amending and extending the Acts relating to the Docks and Harbour of *Liverpool*. [19th *July* 1844.]

[*Powers of* 8 *Ann. c.* 12. 3 *G.* 1. *c.* 1. 11 *G.* 2. *c.* 32. 2 *G.* 3. *c.* 86. 25 *G.* 3. *c.* 15. 39 *G.* 3. *c.* lix. 51 *G.* 3. *c.* cxliii. 53 *G.* 3. *c.* clvi. 59 *G.* 3. *c.* xxx. 6 *G.* 4. *c.* clxxxvii. 9 *G.* 4. *c.* lv. 9 *G.* 4. *c.* cxiv. 11 *G.* 4. & 1 *W.* 4. *c.* xiv. 4 & 5 *Vict. c.* xxx. *and* 6 & 7 *Vict. c.* xcviii. (*except as altered*) *extended to this Act*, § 1.]

Cap. lxxxi.

An Act to alter, explain, revive, and continue the Powers and Provisions of the Acts relating to the *Edinburgh, Leith, and Newhaven* Railway, and to make Two Branch Railways therefrom. [19th *July* 1844.]

[*Powers of* 6 & 7 *W.* 4. *c.* cxxxi. *and* 2 & 3 *Vict. c.* li. (*except as altered*) *extended to this Act,* § 1.]

Cap. lxxxii.

An Act for making a Railway from the *Manchester and Leeds* Railway to the Towns of *Ashton-under-Lyne* and *Staly Bridge.* [19th *July* 1844.]

Cap. lxxxiii.

An Act to enable the *Sheffield, Ashton-under-Lyne, and Manchester* Railway Company to make a Branch Railway to *Ashton-under-Lyne* and *Stalybridge;* and to alter and enlarge the Powers of the said Company. [19th *July* 1844.]

[*Powers of* 7 *W.* 4. & 1 *Vict. c.* xxi. 5 & 6 *Vict. c.* xviii. *and* 6 & 7 *Vict. c.* ix. (*except as altered*) *extended to this Act,* § 1.]

Cap. lxxxiv.

An Act to amend the Acts relating to the *Taff Vale* Railway; to authorize the Alteration of certain Works thereby authorized, and the Formation of additional Works; and to enlarge the Powers of the Company. [19th *July* 1844.]

[*Powers of* 6 & 7 *W.* 4. *c.* lxxxii. 7 *W.* 4. & 1 *Vict. c.* lxx. *and* 3 & 4 *Vict. c.* cx. (*except as altered*) *extended to this Act,* § 1.]

Cap. lxxxv.

An Act for making a Railway from *Colchester* to *Ipswich.* [19th *July* 1844.]

Cap. lxxxvi.

An Act to amend the Acts relating to the *London and South-western* Railway, and to authorize an Extension of the said Railway and other Works at or near the *Nine Elms* Station. [19th *July* 1844.]

[*Powers of* 4 & 5 *W.* 4. *c.* lxxxviii. 7 *W.* 4. & 1 *Vict. c.* lxxi. 2 & 3 *Vict. c.* xxviii. 4 & 5 *Vict. cc.* i. xxxix. *and* 7 & 8 *Vict. c.* lxiii. (*except as altered*) *extended to this Act,* § 3.]

Cap. lxxxvii.

An Act to extend the Line of the *Garnkirk and Glasgow* Railway; to enable the Company to raise a further Sum of Money; and to alter and amend the Acts relating to the said Railway. [19th *July* 1844.]

[*Powers of* 7 *G.* 4. *c.* ciii. 7 & 8 *G.* 4. *c.* lxxxviii. 11 *G.* 4. & 1 *W.* 4. *c.* cxxv. *and* 1 & 2 *Vict. c.* lx. (*except as altered*) *extended to this Act,* § 1.]

Cap. lxxxviii.

An Act for making a Railway from *Mellorn* in the Parish of *Minster* to *Black Rock* in the Parish of *Saint Michæl* in *Saint Minver Lowlands* in the County of *Cornwall.* [19th *July* 1844.]

Cap. lxxxix.

An Act to remedy certain Defects in the Apportionment of the Rent-charge in lieu of Tithes in the Parish of *Necton* in the County of *Norfolk.* [19th *July* 1844.]

Cap. xc.

An Act to confirm and extend the Provisions of an Act of the Provincial Parliament of *Canada,* passed in the Seventh Year of the Reign of Her present Majesty, for incorporating the *Gaspé* Fishery and Coal Mining Company. [29th *July* 1844.]

Cap. xci.

An Act for making a Railway from the *London and Brighton* Railway to *Lewes* and *Hastings,* with a Branch therefrom, all in the County of *Sussex.* [29th *July* 1844.]

Cap. xcii.

An Act for making a Railway from the *London and Croydon* Railway at *Croydon* to *Epsom.* [29th *July* 1844.]

Cap. xciii.

An Act for improving the Harbour and Quay of *Wells* in the County of *Norfolk;* and for extending and altering some of the Provisions of the Act relating to the said Harbour and Quay. [29th *July* 1844.]

[*Powers of* 5 & 6 *W.* 4. *c.* xlviii. (*except as altered*) *extended to this Act,* § 1.]

Cap. xciv.

An Act for lighting, paving, cleansing, widening, and improving the Streets of the Town or Parish of *Wells* in the County of *Norfolk*; for removing and preventing Nuisances therein; and for making new Streets or Roadways. [29th *July* 1844.]

Cap. xcv.

An Act for incorporating the *London* Gas Light Company. [29th *July* 1844.]

Cap. xcvi.

An Act for regulating legal Proceedings by or against the Mariners and General Life Assurance Company, and for granting certain Powers to the said Company. [29th *July* 1844.]

Cap. xcvii.

An Act to continue and extend the Powers of "The *London and Croydon* Railway Company." [6th *August* 1844.]

[*Powers of* 5 & 6 *W.* 4. *c.* x. 6 & 7 *W.* 4. *c.* cxxi. 1 & 2 *Vict. c.* xx. 2 & 3 *Vict. c.* xviii. 3 & 4 *Vict. c.* cxxix. *and* 7 & 8 *Vict. c.* xcii. (*except as altered*) *extended to this Act*, § 1.]

Cap. xcviii.

An Act to alter, amend, enlarge, and in part repeal the Acts relating to the *Wishaw and Coltness* Railway. [6th *August* 1844.]

[*Powers of* 10 *G.* 4. *c.* cvii. 3 & 4 *W.* 4. *c.* xli. 7 *W.* 4. & 1 *Vict. c.* c. 2 & 3 *Vict. c.* lviii. *and* 4 & 5 *Vict. c.* xi. (*except as altered*) *extended to this Act*, § 1.]

Cap. xcix.

An Act for making a Railway from the River *Dee* in the County of the City of *Chester* to *Wrexham* in the County of *Denbigh*, to be called "The *North Wales* Mineral Railway." [6th *August* 1844.]

Cap. c.

An Act for making and maintaining a Railway from the City of *Dublin* to the Town of *Cashel*, with a Branch to the Town of *Carlow*. [6th *August* 1844.]

Cap. ci.

An Act for widening, repairing, and maintaining the Bridge of *Ayr*, commonly called the *New Bridge*, leading across the River of *Ayr* at the Royal Burgh or Town of *Ayr* in the County of *Ayr*; and for other Purposes in relation thereto. [6th *August* 1844.]

[25 *G.* 3. *c.* 37. *repealed*, § 1. *Toll not to be demanded for repassing on same Day*, § 97. *Horses, &c. attending Her Majesty or any of the Royal Family exempted from Toll*, § 101. *Also Horses and Carriages with Two Wheels only, conveying Mails, Soldiers on March or Duty, their Arms and Baggage, sick, wounded, or disabled Officers and Soldiers, Public Stores, and Volunteer Infantry, Yeomanry, and Cavalry going to or returning from Exercise, exempted from Toll*, § 102. *Post Horses may repass Toll-free before Nine o' Clock the next Morning*, § 103. *During the existing Leases of the Mills of Ayr no Toll to be taken for Horses or Carriages employed in carrying Corn, &c. to be manufactured at such Mills*, § 104.]

Cap. cii.

An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town and Borough of *Swansea* in the County of *Glamorgan*, and for removing and preventing Nuisances and Annoyances therein. [6th *August* 1844.]

[49 *G.* 3. *c.* lxxix. *repealed.*]

Cap. ciii.

An Act for making new Docks, and other Works connected therewith, in addition to the present Docks at *Kingston-upon-Hull*; and for amending the Acts relating to such last-mentioned Docks. [6th *August* 1844.]

[*Powers of* 14 *G.* 3. *c.* 56. 42 *G.* 3. *c.* xci. *and* 45 *G.* 3. *c.* xlii. (*except as altered*) *extended to this Act*, § 1.]

Cap. civ.

An Act for better lighting, paving, cleansing, watching, regulating, and improving the Town of *Rochdale* and the Environs thereof, in the County Palatine of *Lancaster*. [6th *August* 1844.]

[6 *G.* 4. *c.* cxxviii. *repealed*, § 1.]

Cap. cv.

An Act for better paving, lighting, cleansing, and otherwise improving Part of the Parish of *Newchurch* in the *Isle of Wight*, called *Ventnor*, and for establishing a Market therein. [6th *August* 1844.]

Cap. cvi.

An Act for improving the Drainage and Navigation of the Middle Level of the Fens. [9th *August* 1844.]

[*Powers of* 27 *G.* 2. *c.* 12. *and* 50 *G.* 3. *c.* cxxv. (*except as altered*) *extended to this Act*, § 7.]

Cap. cvii.

An Act for the better supplying and lighting with Gas or other illuminating Power Parts of the Abbey Parish of *Paisley*, and certain Towns or Villages and Places adjacent; and for other Purposes relating thereto. [9th *August* 1844.]

Cap. cviii.

An Act to authorize the Division of the Parish and Vicarage of *Leeds* in the County of *York* into several Parishes and Vicarages. [9th *August* 1844.]

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

N.B.—*To each of these Acts is annexed a Clause in the Form following:*

" And be it further enacted, That this Act shall be printed by the several Printers to the Queen's " most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy " thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, " and others."

Cap. 1.

An Act for inclosing Lands in the Parish of *Bury* in the County of *Huntingdon.* [2d *April* 1844.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 & 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act,* § 1. *Allotment to be made for Recreation of the Inhabitants,* § 56.; *and to the Lady of the Manor for Right of Soil,* § 57. *Saving of Manorial Rights,* § 101.; *and of the Rights of the Bedford Level Corporation.* § 102.]

Cap. 2.

An Act for inclosing Lands in the Parish of *Ramsey* in the County of *Huntingdon.* [2d *April* 1844.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 & 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act,* § 1. *Horsepond Green not to be inclosed,* § 54. *Allotment to be made for Recreation of the Inhabitants,* § 55.; *and to the Lord of the Manor for Right of Soil,* § 56. *Saving of Manorial Rights,* § 101.; *and of the Rights of the Bedford Level Corporation,* § 102.]

Cap. 3.

An Act to enable the Rector, Churchwardens, and Overseers of the Poor of the Parish of *Bow Brickhill* in the County of *Buckingham* to sell certain Parcels of Land in the said Parish which were allotted to them under the Award of the Commissioners made in pursuance of the *Bow Brickhill* and *Fenny Stratford* Inclosure Act, passed in the Thirtieth Year of King *George* the Third. [10th *May* 1844.]

Cap. 4.

An Act for inclosing Lands in the Parish of *Brandes Burton* in the County of *York.* [10th *May* 1844.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 & 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act,* § 1. *Allotments to be made for Materials for Roads,* § 55.; *and for Recreation of the Inhabitants,* § 56.; *and to Lords of Manors for Right of Soil,* § 57. *Rector's Allotment to be fenced at the general Expence,* § 62.]

Cap. 5.

An Act for inclosing Lands in the Township of *Haltwhistle* in the Parish of *Haltwhistle* in the County of *Northumberland.* [6th *June* 1844.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 & 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act,* § 1. *Allotments to be set out for Watering Places,* § 53.; *and for Materials for Roads,* § 54.; *and for Recreation of the Inhabitants,* § 55.; *and to the Lord of the Manor for Right of Soil,* § 56.; *and to the Vicar in lieu of Glebe and Common Rights,* § 57. *Vicar's Allotment to be fenced at the general Expence,* § 62. *Vicar, with Consent of the Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Months next after the passing of the Act,* § 65.]

Cap. 6.

An Act for inclosing Lands in the Manors or Lordships of *Farrington* and *Cwmgilla* in the Parish of *Knighton* in the County of *Radnor.* [6th *June* 1844.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 & 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act,* § 1. *Allotment to be made for Materials for Roads,* § 51.; *and for Peat Mosses or Turbaries for Fuel,* § 52.; *and for Recreation of the Inhabitants,* § 53.; *and to the Lord of the Manor for Right of Soil,* § 54.]

Cap. 7.

An Act for altering and amending an Act passed in the Third Year of the Reign of Her present Majesty, for inclosing certain Lands in the Town and County of the Town of *Nottingham*. [4th *July* 1844.]

[2 & 3 *Vict. c.* xxviii. *in part repealed*, § 1.]

Cap. 8.

An Act for inclosing Lands in the Parishes of *Bleddfa* and *Llangunllo* in the County of *Radnor*. [4th *July* 1844.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 & 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act*, § 1. *Allotment to be made for Materials for Roads*, § 51.; *and for Peat Mosses or Turbaries for Fuel*, § 52.; *and for Recreation of the Inhabitants*, § 53.; *and to the Lord of the Manor for Right of Soil*, § 54.; *and to the Vicar in lieu of Glebe and Common Right*, § 55. *Vicar's Allotment to be fenced at the general Expence*, § 60. *Vicar, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Months after passing the Act*, § 63.]

Cap. 9.

An Act for enabling *George Edwards* and *Walter Colbourn*, the Committees of the Estate of *William Beckett Neachell*, a Person of unsound Mind, to make Conveyances for carrying into execution an Agreement for the Partition or Division of the Real Estates of *William Orme* deceased, pursuant to an Order of the High Court of Chancery. [4th *July* 1844.]

Cap. 10.

An Act for authorizing a new Entail to be made of those Parts of the Lands and Estate of *Blythswood* which lie in the County of *Lanark*, and for enabling *Archibald Campbell* Esquire, of *Blythswood*, the Heir in possession of the said Estate, and his Successors, with Consent of Trustees, to sell or grant Feus of certain Parts thereof; and for other Purposes therein expressed. [4th *July* 1844.]

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An Act to enable *Archibald* Marquess of *Ailsa* to borrow a certain Sum of Money upon the Security of his entailed Estates of *Cassillis* and *Culzean*, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates. [4th *July* 1844.]

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An Act to enable Sir *James John Randoll Mackenzie* of *Scatwell*, Baronet, to add certain Lands and Estates belonging to him in Fee Simple to his entailed Estate, upon certain Terms and Conditions, and to borrow certain Sums of Money upon the Security of his entailed Estate, for Repayment of certain Claims for Money laid out and to be laid out in Improvements upon the said Estate. [29th *July* 1844.]

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Cap. 20.

An Act to enable the Guardian of *Henry Peach Keighley Peach*, an Infant, to sell the next Presentation to the Rectory and Parish Church of *Idlicote* in the County of *Warwick*. [6th *August* 1844.]

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An Act for enlarging the Powers contained in the Will of Sir *John Ramsden* Baronet, deceased, to grant Leases of the Hereditaments in the Townships of *Huddersfield*, *Honley*, *Dalton*, and *Aldmondbury*, devised by such Will; and for other Purposes. [6th *August* 1844.]

Cap. 22.

An Act for enabling the Trustees under the Will of the late Mr. *Jonathan Passingham* to grant Leases of the devised Estates, with Licences to dig Brick Earth; and to raise Monies upon Parts of the said Estates; and for the Purchase of an adjoining Property; and for other Purposes. [6th *August* 1844.]

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THE

STATUTES at Large, &c.

Anno Regni VICTORIÆ, Britanniarum Reginæ, Octavo & Nono.

'AT the Parliament begun and holden at *Westminster*, the Nineteenth Day of *August*, *Anno* '*Domini* 1841, in the Fifth Year of the Reign of our Sovereign Lady VICTORIA, by the Grace ' of God, Queen of the United Kingdom of *Great Britain* and *Ireland*, Defender of the Faith: 'And from thence continued by several Prorogations, to the Fourth Day of *February* 1845; being the 'Fifth Session of the Fourteenth Parliament of the United Kingdom of *Great Britain* and *Ireland*.'

CAP. I.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-five. [18th *March* 1845.]

CAP. II.

An Act to continue for Three Years the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and to make Regulations for collecting and managing the same, until the Tenth Day of *October* One thousand eight hundred and forty-five. [18th *March* 1845.]

'Most Gracious Sovereign,

'WHEREAS by an Act passed in the Fifth and Sixth Years of Your Majesty's Reign, intituled *An* '*Act to assimilate the Stamp Duties in* Great Britain *and* Ireland, *and to make Regulations for* '*collecting and managing the same, until the Tenth Day of* October *One thousand eight hundred and* '*forty-five*, certain Rates and Duties denominated 'Stamp Duties were granted to Your Majesty for a 'Term therein limited, which will expire on the Tenth Day of *October* One thousand eight hundred 'and forty-five: We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United 'Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary 'Supplies to defray Your Majesty's public Expences, have freely and voluntarily resolved to continue 'the said Rates and Duties, and to grant the same to Your Majesty for the Period herein-after 'mentioned;' and do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the several Sums of Money, and Duties, and Composition for Duties, granted by the said recited Act, and not repealed by any subsequent Act, and also all Duties now payable in lieu or instead of any of the said Duties which may have been so repealed, shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid, unto and for the Use of Her Majesty, Her Heirs and Successors, for the Term of Three Years, to commence on and to be computed from the Tenth Day of *October* One thousand eight hundred and forty-five. 5 & 6 Vict. c. 82. Duties continued for Three Years.

II. And be it enacted, That the said recited Act, and all and every other Act and Acts now in force in relation to the Duties granted by the said recited Act, shall severally be continued and remain in full force, and be of the like Effect in all respects, in relation to the Duties hereby continued and granted, as if the said Duties had been originally granted by the said recited Act for a Period which did not expire before the End of the Term for which the same are continued and granted by this Act; and all and every the Powers and Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things, contained in the said Acts or any of them, and in force as aforesaid, shall severally and respectively be duly observed, practised, applied, and put in execution in relation to the said Duties hereby continued and granted, as well during the Term herein limited as after the Expiration thereof, for Acts continued in force.

for the charging, raising, levying, paying, accounting for, and securing of the said Duties, and all Arrears thereof, and for the preventing, detecting, and punishing of all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties hereby granted.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. III.

An Act for the Appointment of Constables or other Officers for keeping the Peace near public Works in *Scotland*. [18th *March* 1845.]

'WHEREAS great Mischiefs have arisen by the violent and unlawful Behaviour of Labourers and 'others employed in the Construction of Railways and other public Works in *Scotland*, by 'reason whereof the Appointment of additional Constables or Officers for keeping the Peace, and for 'the Protection of the Inhabitants, and Security of the Property in the Neighbourhood of such public 'Works, is often necessary; and it is expedient that Provision should be made for the Appointment 'and Payment of such additional Constables or Officers:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the Sheriff of any County in which the Works of any Railway, Canal, or other public Work of a similar Nature shall be in progress of Construction, upon the Application of the Company or other Parties carrying on any such public Work, or of any Two Justices of the Peace of the County, and usually acting in the District in or through which any such public Work may be in the course of Construction, to appoint from Time to Time such fit and proper Persons as he may think fit to nominate for that Purpose to be Constables or Peace Officers in and for such County within the Limits of such public Works, and within a Mile therefrom, during the Construction of such public Works; and every Person so appointed shall make Oath or solemn Declaration, to be administered by such Sheriff, duly to execute the Office of Constable or Peace Officer as herein-after mentioned; and every Person so appointed, and having made such Oath or Declaration, shall have full Power to act as a Constable or Peace Officer for the Preservation of the Peace, and for the Security of Persons and Property against Crimes and unlawful Acts, within the Limits of that Part of the public Works for which he shall be so appointed, and within a Mile therefrom, and shall have, use, exercise, and enjoy all such Powers, Authorities, Protections, and Privileges in the Execution of his Office as belong by Law to the Office of Constable or Peace Officer within the Limits or District for which he is appointed to act, and shall, when required so to do, obey all Orders and put in execution all Warrants issued by the Sheriff, and to be executed within such Limits or District, or within any other Part of the County; and it shall be lawful for the Sheriff, when he shall think fit, to dismiss or remove any such Constable or Peace Officer who may have been so appointed, and to appoint another fit and proper Person in his Stead; and upon every such Dismissal or Removal all the Powers, Authorities, Protections, and Privileges vested by virtue of such Appointment in any Person so dismissed or removed shall wholly cease and determine.

Additional Constables or Officers may be appointed by the Sheriff.

Expence thereof to be paid by the Companies or Parties carrying on such Works.

II. And be it enacted, That every Person so appointed by any Sheriff to act as Constable or Peace Officer as aforesaid shall, during such Time as he shall so act as Constable or Peace Officer, receive from the Company or other Parties carrying on such public Works a reasonable Remuneration, not exceeding what is in use to be given to Constables on Duty within the same County; and the Amount and the Time and Manner of Payment of such Remuneration shall be fixed and directed by the Sheriff.

Remuneration may be recovered by Distress.

III. And be it enacted, That in all Cases where the Company or other Parties carrying on any such public Work shall refuse or neglect, during Fourteen Days next after Demand thereof, to pay any such Remuneration, or any Part thereof, as shall by any Sheriff as aforesaid have been directed to be paid, it shall be lawful for such Sheriff forthwith to cause the same to be levied, together with the Expences of levying the same, by Poinding and Sale of the Goods and Effects of the Company or other Parties liable to pay such Remuneration.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. IV.

An Act to continue for Three Years the Duties on Profits arising from Property, Professions, Trades, and Offices. [5th *April* 1845.]

'Most Gracious Sovereign,

5 & 6 Vict. c. 35.

'WHEREAS by an Act passed in the Fifth and Sixth Years of Your Majesty's Reign, intituled '*An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, 'Trades, and Offices, until the Sixth Day of* April *One thousand eight hundred and forty-five*, certain 'Rates and Duties arising from Property, Professions, Trades, and Offices were granted to Your 'Majesty for a Term therein limited, which will expire after the Fifth Day of *April* One thousand 'eight hundred and forty-five: We, Your Majesty's most dutiful and loyal Subjects, the Commons of

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'the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the 'necessary Supplies to defray Your Majesty's public Expences, have freely and voluntarily resolved to 'continue the said Rates and Duties, and to grant the same to Your Majesty for the Period herein-after 'mentioned;' and do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Rates and Duties by the said recited Act granted shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid, unto and for the Use of Her Majesty, Her Heirs and Successors, for the Term of Three Years, to be computed from the Fifth Day of *April* One thousand eight hundred and forty-five, and until the Assessments made or which ought to be made for the last Year of the said Term, or for any preceding Year, shall be completed, collected, levied, and paid.

The Rates and Duties granted by the recited Act continued for Three Years.

II. And be it enacted, That the said recited Act, and all and every other Act and Acts now in force in relation to the Duties granted by the said recited Act, shall severally be continued and remain in full Force, and be of the like Effect in all respects, in relation to the Duties hereby continued and granted, as if the said Duties had been originally granted by the said recited Act for a Period which did not expire before the End of the Term for which the same are continued and granted by this Act; and all and every the Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said Acts, or any of them, and in force as aforesaid, shall severally and respectively be duly observed, practised, applied, and put in execution in relation to the said Duties hereby continued and granted, as well during the Term herein limited as after the Expiration thereof, for assessing, levying, recovering, paying, deducting, and accounting for the said Duties, and all Arrears thereof, and for re-assessing the same in default of Payment, and for the suing for, adjudging, and recovering any Penalty which shall have been or may be incurred in relation to the said Duties, as fully and effectually, to all Intents and Purposes, as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties hereby granted.

The several Acts continued in force.

III. 'And whereas by the said recited Act it was enacted, that the first Assessment of the Duties 'chargeable under either of the Schedules (A.) or (B.) of the same Act should be and remain in force 'for the Space of Three Years, which will expire after the Fifth Day of *April* One thousand eight 'hundred and forty-five;' be it enacted, That the Assessments of the same Duties to be made for the Year commencing from and after the said last-mentioned Day shall in like Manner be and remain in force for the Space of Three Years, under and subject to the same Rules, Regulations, and Conditions as are specified in the said recited Act with reference to the Assessments made under the same Schedules for the Period of Three Years in the said Act mentioned.

Assessments under Schedules (A.) & (B.) for the Year 1845 to be in force for Three Years.

IV. 'And whereas the Contracts entered into for Compositions for the Duties chargeable under 'Schedule (D.) of the said recited Act for the Term thereby limited will expire after the Fifth Day of '*April* One thousand eight hundred and forty-five, and it is expedient to renew and continue the Powers 'of the Commissioners to enter into new Contracts for such Compositions for the Term limited by this 'Act;' be it enacted, That it shall be lawful for the Commissioners for special Purposes, in the said Act mentioned, to contract and agree for a Composition for the said last-mentioned Duties, with any Person who may be desirous of compounding for the same, for the Period of Three Years, to commence from the Fifth Day of *April* One thousand eight hundred and forty-five, under and subject to the Conditions, Rules, and Regulations specified in the said Act with reference to the Compositions thereby authorized to be made for the same Duties for the Term of Three Years in the said Act mentioned.

Power to compound for Duties under Schedule (D.) continued.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. V.

An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-six, certain Duties on Sugar imported into the United Kingdom. [24th *April* 1845.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expences, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties herein-after mentioned, and therefore do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fourteenth Day of *March* One thousand eight hundred and forty-five the Duties imposed on Sugar and Molasses by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty, until the Fifth Day of* July *One thousand eight hundred and forty-five, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty-four*, shall cease and be no longer payable; and that from and after the said Fourteenth Day of *March* until the Fifth Day of *July* One thousand eight hundred and forty-six, in lieu thereof, there shall be charged the Duties of Customs following; (that is to say,)

Duties imposed by 7 & 8 Vict. c. 28. repealed.

Duties imposed in lieu thereof.

On Sugar and Molasses the Growth and Produce of any *British* Possession in *America*, or of any *British* Possession within the Limits of the *East India* Company's Charter into which the Importation of Foreign Sugar is prohibited, and imported from thence, the Duties following; (that is to say,)

	£	s.	d.
Double Refined Sugar, or Sugar equal in Quality to Double Refined, for every Hundred Weight	1	1	0
Other Refined Sugar	0	18	8
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being refined, for every Hundred Weight	0	16	4
Brown Sugar, being Muscovado or Clayed, or any other Sugar, not being equal in Quality to White Clayed, for every Hundred Weight	0	14	0
Candy, Brown, for every Hundred Weight	1	6	0
——— White, for every Hundred Weight	1	15	0
Molasses, for every Hundred Weight	0	5	3

On Sugar the Growth and Produce of any other *British* Possession within the Limits of the *East India* Company's Charter, the Duties following; (that is to say,)

White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being refined, for every Hundred Weight	1	1	9
Brown Sugar, being Muscovado or Clayed, or any other Sugar not being equal in Quality to White Clayed, for every Hundred Weight	0	18	8

On Sugar the Growth and Produce of *China*, *Java*, or *Manilla*, or of any Foreign Country the Sugars of which Her Majesty in Council shall have declared, or may hereafter declare, to be admissible as not being the Produce of Slave Labour, and which shall be imported into the United Kingdom either from the Country of its Growth or from some *British* Possession, having first been imported into such *British* Possession from the Country of its Growth, the Duties following; (that is to say,)

White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being refined, for every Hundred Weight	1	8	0
Brown Sugar, being Muscovado or Clayed, or any other Sugar not being equal in Quality to White Clayed, for every Hundred Weight	1	3	4
Molasses, for every Hundred Weight	0	8	9

On all other Sugars and Molasses, not otherwise charged with Duty, the Duties following; (that is to say,)

Refined Sugar, for every Hundred Weight	8	8	0
Brown, or Muscovado, or Clayed Sugar, not being refined, for every Hundred Weight	3	3	0
Molasses, for every Hundred Weight	1	3	9
Candy, Brown, for every Hundred Weight	5	12	0
Candy, White, for every Hundred Weight	8	8	0

And so in proportion for any greater or less Quantity than a Hundred Weight.

Power to Her Majesty, by Order in Council, to declare the Sugars of other Countries to be admissible as not being the Produce of Slave Labour.

II. And be it enacted, That it shall and may be lawful for Her Majesty, and She is hereby empowered, from Time to Time, by any Order or Orders in Council, to declare, with respect to any Foreign Country or Countries, that it having appeared to Her Majesty, upon sufficient Evidence, that the Sugars of such Country or Countries are not the Produce of Slave Labour, such Sugars shall (from and after a Day to be named in such Order) be deemed and taken not to be the Produce of Slave Labour; and from and after the Day so to be named in such Order the Brown, Muscovado, or Clayed Sugar (not being refined) of the Country or Countries mentioned in such Order shall be admissible to Entry for Home Consumption at the said respective Duties of One Pound Eight Shillings or of One Pound Three Shillings and Four-pence *per* Hundred Weight respectively, in like Manner as Sugars the Growth and Produce of *China*, *Java*, or *Manilla*.

Certificates and Declarations required.

III. And be it enacted, That no Sugar shall be admissible to Entry for Home Consumption at the said Duties of One Pound Eight Shillings or One Pound Three Shillings and Four-pence *per* Hundred Weight respectively unless the Master of the Ship importing the same shall have delivered to the Collector or Comptroller at the Port of Importation such Certificate or Certificates as herein-after are mentioned, nor unless such Master shall also make and subscribe a Declaration before such Collector or Comptroller that such Certificate or Certificates was or were received by him at the Place where such Sugar was taken on board, and that the Sugar so imported is the same as is mentioned therein.

Certificate required in respect of Sugar from China, &c.

IV. And be it enacted, That in case such Sugar shall be imported from *China*, *Java*, or *Manilla*, or from any other of the Countries named in such Order in Council as herein-before is mentioned, the Certificate so to be given to the Collector or Comptroller at the Port of Importation shall be under the Hand and Seal of the *British* Consul, Vice Consul, Consular Agent, or other Officer appointed in that Behalf by Her Majesty, at the Place where such Sugar was taken on board, and shall certify that a Declaration in Writing had been made and signed before such Consul, Vice Consul, Consular Agent, or other Officer, by the Shipper of such Sugar, that the same was really and *bonâ fide* the Growth of the Country in which the same was so taken on board, and shall also certify that such Consul, Vice Consul, Consular Agent, or other Officer had examined the Contents of such Declaration, and believed the same to be true.

V. And

Certificate required in respect of such Sugar if imported from British Possessions abroad.

V. And be it enacted, That in case such Sugar shall be imported from any *British* Possession abroad the Master of the Vessel importing the same shall deliver to the Collector or Comptroller at the Port of Importation, firstly, a Certificate under the Hand and Seal of the principal Officer of Customs at the Place where the same was taken on board, certifying that a Declaration in Writing had been made and signed before such principal Officer by the Shipper of such Sugar, that the same was really and *bonâ fide* the Growth of *China*, *Java*, or *Manilla*, or of some other of the Countries named in such Order in Council as herein-before is mentioned, and had been imported thence into such *British* Possession abroad as aforesaid, and also certifying that such principal Officer of Customs had examined the Contents of such Declaration, and believed the same to be true; secondly, a Certificate under the Hand and Seal of the *British* Consul, Vice Consul, Consular Agent, or other Officer appointed in that Behalf by Her Majesty, (if any such there be,) at the Place whence such Sugar shall have been imported into such *British* Possession abroad, certifying that a Declaration in Writing had been made and signed before such Consul, Vice Consul, Consular Agent, or other Officer, by the Shipper of such Sugar from such Place, that the same was really and *bonâ fide* the Produce of the Country from whence the same shall have been so imported into such *British* Possession abroad, and also certifying that such Consul, Vice Consul, Consular Agent, or other Officer had examined the Contents of such Declaration, and believed the same to be true: Provided always, that in case such Sugar shall be imported into the United Kingdom from any *British* Possession abroad, being Part of the Territories of the *East India* Company, the Certificate and Declaration hereby required to be given and received by the principal Officer of Customs may be respectively given and received by any Officer appointed for that Purpose by the respective Governments of such Territories.

Her Majesty, by Order in Council, may declare the Sugars of Countries with which Her Majesty has Treaties of Reciprocity as to Duties to be admissible at 28*s.* and 23*s.* 4*d.* per Cwt. respectively.

VI. And be it enacted, That with regard to Sugar the Growth of any Foreign Country between which Country and Her Majesty there is now subsisting any Treaty or Convention binding Her Majesty to grant to such Country, either conditionally or unconditionally, the Privileges of the most favoured Nation, or to permit, either conditionally or unconditionally, the Produce of such Country to be imported into the United Kingdom at the same Duties as are imposed upon the like Produce of any other Country, it shall be lawful for Her Majesty, and She is hereby empowered, from Time to Time, by any Order or Orders in Council, to declare that from and after a Day to be named in such Order, Brown, Muscovado, or Clayed Sugar (not being refined) the Growth of such Country, in case such Treaty shall continue to subsist, shall, if imported from such Country, or from any *British* Possession abroad, having been imported into such *British* Possession from such Country, be admitted to Entry for Consumption in the United Kingdom at the aforesaid respective Rates of Duty of One Pound Eight Shillings and One Pound Three Shillings and Four-pence per Hundred Weight respectively, in like Manner as Sugars the Growth and Produce of *China*, *Java*, or *Manilla*; and from and after the Day so to be named in such Order the Sugars therein mentioned shall, if so imported as aforesaid, be so admitted accordingly, subject, nevertheless, to the Production of the like Certificates and the making of the like Declaration as are herein-before required with respect to Sugars the Growth of *China*, *Java*, or *Manilla*.

As to such Treaty being conditional.

VII. And be it enacted, That in case the Privileges granted by any Treaty to any Foreign Country, in respect of which any Order in Council shall be issued under the Enactment lastly herein-before contained, shall have been granted conditionally, such Order shall expressly declare that such Foreign Country hath duly fulfilled the said Conditions, and is entitled to the said Privilege.

Importation of Sugar and Molasses may be allowed at the lower Duty from British Possessions within the Company's Charter in which Foreign Sugar is prohibited.

VIII. Provided always, and be it enacted, That if at any Time satisfactory Proof shall have been laid before Her Majesty in Council that as respects any *British* Possession within the Limits of the *East India* Company's Charter the Importation of Foreign Sugar has been prohibited, it shall and may be lawful for Her Majesty, and She is hereby empowered, from Time to Time, by any Order or Orders in Council, to declare that Sugar and Molasses the Growth or Produce of any such *British* Possession may be imported from thence into the United Kingdom, and entered at the lower Rates of Duty herein-before imposed on Sugar and Molasses the Growth or Produce of *British* Possessions within the Limits of the *East India* Company's Charter in which the Importation of Foreign Sugar is prohibited; and from and after the Publication of such Order, whilst the same shall continue in force, the Sugars and Molasses therein mentioned may be so imported and entered accordingly.

Such Sugar and Molasses to be entered at the lower Rates of Duty, upon the Conditions on which Bengal Sugar was admissible under 6 & 7 W. 4. c. 26.

IX. Provided always, and be it enacted, That any Sugars or Molasses the Produce of any *British* Possession within the Limits of the *East India* Company's Charter in which the Importation of Foreign Sugar is or shall be prohibited, which shall be entered for Home Use at the lower Rates of Duty herein-before imposed on Sugar and Molasses the Produce of such Possessions, shall be entered in the same and the like Manner and under the same or the like Conditions in and under which Sugar the Growth of the Presidency of *Bengal* might be entered for Home Use under the Provisions of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting to His Majesty, until the Fifth Day of* July *One thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-six*, at the lower Rate of Duty therein mentioned.

Bounties on certain Descriptions of Refined Sugar. 3 & 4 W. 4. c. 58. 1 & 2 Vict. c. 33.

X. And be it enacted, That the respective Bounties now payable on the Exportation of certain Descriptions of Refined Sugar from the United Kingdom, by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to grant certain Bounties and Allowances of Customs*, and also by an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for granting to*

to Her Majesty, until the Fifth Day of July *One thousand eight hundred and thirty-nine, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-eight,* and by the said Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, shall, from and after the Fourteenth Day of *March* One thousand eight hundred and forty-five, cease and determine; and that in lieu thereof there shall be paid and allowed the following Bounties; (that is to say,)

7 & 8 Vict. c. 28.

	£	s.	d.
Upon Double Refined Sugar, or Sugar equal in Quality to Double Refined, for every Hundred Weight	1	0	0
Upon other Refined Sugar, in Loaf, complete and whole, or Lumps duly refined, having been perfectly clarified, and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or such Sugar, pounded, crashed, or broken, for every Hundred Weight	0	17	0
Upon Bastard or Refined Sugar, broken in Pieces, or being ground or powdered Sugar, pounded or crashed or broken, for every Hundred Weight	0	14	0

Collection of Duties.

XI. And be it enacted, That the several Duties, Bounties, and Allowances by this Act imposed and allowed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, allowed, and applied, or appropriated under the Provisions of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting Duties of Customs,* and of another Act passed in the same Year, intituled *An Act to grant certain Bounties and Allowances of Customs,* and of any other Act or Acts in force relating to the Customs.

3 & 4 W. 4. c. 56.
3 & 4 W. 4. c. 58.

Commissioners of Customs to provide standard Samples of White Clayed, &c. Sugar.

XII. And be it enacted, That the Commissioners of Customs shall forthwith provide Samples of White Clayed Sugar, and of Sugar rendered by any Process equal in Quality to White Clayed Sugar, with reference to Colour, Grain, and saccharine Matter, which Samples shall be deemed to be standard Samples, for the Purpose of comparing therewith such White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed Sugar, as from and after the Fourteenth Day of *March* One thousand eight hundred and forty-five may be entered for Home Consumption; and such standard Samples shall from Time to Time be renewed whenever the said Commissioners may deem it expedient; and no Sugar shall, as regards the Payment of Duty, be deemed or taken to be White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, unless it shall, with reference to Colour, Grain, and saccharine Matter, equal the standard Samples so respectively provided by the said Commissioners.

Orders in Council may be revoked.

XIII. And be it enacted, That it shall be lawful for Her Majesty, by an Order in Council, from Time to Time to revoke or alter any Order in Council previously made under the Authority of this Act.

Orders in Council to be published.

XIV. And be it enacted, That every Order in Council to be made under the Authority of this Act shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the *London Gazette.*

Copies of Order in Council to be laid before Parliament.

XV. And be it enacted, That a Copy of every Order of Her Majesty in Council made under the Authority of this Act shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if not then within Six Weeks after the Commencement of the then next Session of Parliament.

Act may be amended, &c.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. VI.

An Act to repeal the Duties and Laws of Excise on Glass. [24th *April* 1845.]

6 G. 4. c. 81.

'WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal several Duties payable on Excise Licences in* Great Britain *and* Ireland, *and to impose other Duties in lieu thereof; and to amend the Laws for granting Excise Licences,* a certain Duty of Excise is imposed for and upon every Excise Licence to be taken out by every Glass Maker for each and every Glass-house: And whereas by another Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws for collecting and securing the Duties of Excise on Glass,* it is provided that upon all Glass made in the United Kingdom there shall be charged and paid the several Duties, and there shall be allowed and paid the several Drawbacks, specified in the Schedule to the last-mentioned Act annexed, and made Part thereof: And whereas by another Act passed in the Third and Fourth Years of the Reign of Her said Majesty, intituled *An Act to impose upon Broad or Spread Glass the same Duties of Excise that are payable upon German Sheet Glass,* it is provided that upon all Broad or Spread Glass there shall be charged and paid the same Amount of Duty, and there shall be allowed and paid the same Drawbacks, as on German Sheet Glass, under the Provisions of the said recited Act of the First and Second Years of Her said Majesty: And whereas by another Act passed in the Seventh and Eighth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Duty of Excise on Vinegar, and to make the Duties and Drawbacks now payable on Flint Glass the same as on Bottle Glass,* the Duties and Drawbacks granted and allowed by the said recited Act of the First and Second Years of Her said Majesty upon Flint Glass are repealed, and other Duties and Drawbacks granted and allowed in lieu thereof: And whereas it is expedient that the said several Duties and Drawbacks should cease:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

1 & 2 Vict. c. 44.
3 & 4 Vict. c. 22.
7 & 8 Vict. c. 25.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *April* One thousand eight hundred and forty-five, all Duties of Excise now payable upon or for or in respect of any Glass Maker or Glass-house, or any Glass made in the United Kingdom, and all Drawbacks on the Exportation of such Glass from the United Kingdom, shall cease, and be no longer charged, raised, levied, collected, allowed, or paid, and that the several Acts, Clauses, Provisions, and Regulations for charging, raising, levying, collecting, allowing, and paying the said several Duties and Drawbacks shall not from and after the said Fifth Day of *April* be enforced or executed; save and except for the Purpose of recovering any Duties incurred or charged on or before the said Fifth Day of *April*, or any Arrears thereof, the same not being Duties charged on Glass which has been warehoused on the Manufacture thereof free of Duty on or after the Fifteenth Day of *February* One thousand eight hundred and forty-five; and save and except for or in respect of any Drawback payable under the said recited Acts or any of them for Glass exported at any Time previous to the Fifteenth Day of *June* One thousand eight hundred and forty-five, which Glass has been packed for Exportation under the usual Regulations on or before the said Fifth Day of *April;* and save and except for the Purpose of recovering any Fine, Penalty, or Forfeiture for the Breach of any of the said Acts, Clauses, Provisions, or Regulations committed previous to the said Fifth Day of *April;* but that all such Duties and Arrears (not being as aforesaid), and all such Fines, Penalties, and Forfeitures, may be recovered, levied, enforced, and applied, and all such Drawbacks allowed and paid, in the same Manner, and by the same Powers and Authorities, as if this Act had not been passed.

After 5th April 1845, the Duties and Drawbacks on Glass to cease, save as herein excepted, and as to Arrears and Penalties.

II. 'And whereas for the Purpose of making certain Allowances to Manufacturers of and Dealers in 'Plate Glass, Crown or German Sheet Glass, and to Manufacturers of Bottle Glass, made and manufac-'tured in the United Kingdom, for and in respect of their Stock in hand of such Glass respectively, on 'which the respective Duties thereon have been paid or secured to be paid, such Glass has been 'permitted to be packed as the like Goods when intended for Exportation to Foreign Parts, and ware-'housed under the Charge of the Officers of Excise, or otherwise deposited with and taken account of by 'the Officers of Excise;' be it enacted, That upon all Crown and German Sheet Glass, and upon all common Bottles, Vessels, and Utensils of common Bottle Metal, which have been so warehoused, deposited, or taken account of as aforesaid, and which on or before the Twelfth Day of *April* One thousand eight hundred and forty-five are, on Re-examination, found conformable to such previous Account thereof as aforesaid, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* may, for and in respect of the Duties thereon respectively paid, allow to the Manufacturers or Dealers to whom such Glass respectively belongs a Sum of Money equivalent to the Drawback to which such Glass respectively would have been entitled if the same respectively had been exported to Foreign Parts previous to the Sixth Day of *April* One thousand eight hundred and forty-five, deducting therefrom Twenty-five *per Centum;* and that upon all Plate Glass which has been so warehoused or taken account of as aforesaid, and which on or before the said Twelfth Day of *April* is, on Re-examination, found conformable to such previous Account thereof as aforesaid, the said Commissioners of Her Majesty's Treasury may, for and in respect of the Duties thereon paid, allow to the Manufacturers or Dealers to whom such last-mentioned Glass belongs the Sum of One Shilling and Ten-pence Halfpenny for every Square Foot of all rectangular Pieces of such Plate Glass of Six Inches by Four at the least, and not less than One Eighth of an Inch in Thickness, and the Sum of Four Pounds Four Shillings for every Hundred Weight of such Plate Glass if polished, and not One Eighth of an Inch in Thickness, deducting Twenty-five *per Centum* from the Sum to be allowed as last mentioned.

The Treasury may grant an Allowance in respect of the Duties on the Stock in hand of Manufacturers of and Dealers in Crown or Plate Glass or Manufacturers of Bottle Glass, of which an Account has been taken by the Officers of Excise.

III. And be it enacted, That no Glass or Glass Wares for or in respect whereof any Drawback of Excise has been received or claimed on Exportation from the United Kingdom shall be imported into the United Kingdom, unless by the special Permission of the Commissioners of Her Majesty's Customs, and on Repayment of such Drawback; which Drawback the said Commissioners of Customs shall collect, recover, and account for as Her Majesty's Duties of Customs, and under the Laws and Regulations in force relating to such Duties at the Time of such Importation, and notwithstanding that such Drawback on the Exportation of the like Goods from the United Kingdom is at that Time repealed.

Glass exported on Excise Drawback not to be imported without Repayment of such Drawback.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. VII.

An Act to repeal the Duties of Customs due upon the Exportation of certain Goods from the United Kingdom. [24th *April* 1845.]

'WHEREAS it is expedient that the Duties of Customs upon Cement Stone and Flint, ground or 'unground, Clay and China Stone, and also upon Coals, Culm, or Cinders, exported in a *British* 'Ship from the United Kingdom, should cease and determine:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on and after the Twelfth Day of *March* One thousand eight hundred and forty-five the said Duties shall be and are hereby repealed.

Export Duties on Cement Stone and Flint, Clay and China Stone, Coals, Culm, or Cinders, repealed.

CAP.

CAP. VIII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [24th *April* 1845.]

[*Number of Forces*, 100,011. *This Act is the same, except as to Dates and the Sections here inserted, as 7 & 8 Vict. c.9.*]

The ordinary Course of Law not to be interfered with.

II. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects which is punishable by the known Laws of the Land, or shall wilfully neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in *London;* provided that no Person, being acquitted or convicted of any Capital Crime, Violence, or Offence by the Civil Magistrate or by the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same otherwise than by cashiering; and whenever any Officer or Soldier shall have been tried before a Court of ordinary criminal Jurisdiction the Clerk of the Court, or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment to which such Officer or Soldier belongs, transmit to him a Certificate, containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, or Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings; and every such Certificate, containing the Substance and Effect of an Indictment and Conviction, and purporting to be signed as aforesaid, shall be sufficient Evidence before a Court-martial of such Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed the Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender.

Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *St. Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, and the Settlements on the Coast of *China* excepted,) or in the Settlements of the *East India* Company, *Prince of Wales's Island*, *Singapore*, and *Malacca* excepted, shall consist of not less than Thirteen Commissioned Officers; if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or out of the Queen's Dominions, excepting *Saint Helena*, *Africa*, *Honduras*, the *Australian* Colonies, and the Settlements on the Coast of *China*, shall consist of not less than Seven, and in *Saint Helena*, *Africa*, *Honduras*, the *Australian* Colonies, and the Settlements on the Coast of *China*, and *Prince of Wales's Island*, *Singapore*, and *Malacca*, of not less than Five Commissioned Officers; and the President shall in no Case be the Officer commanding in chief, or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Powers of General Courts-martial.

VII. And be it enacted, That no Judgment of Death by a General Court-martial shall pass unless Two Thirds at the least of the Officers present shall concur therein, and a General Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Twenty-eight Days at a Time, nor Eighty-four Days in any One Year with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement, or may sentence any Soldier to corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, and Neglect of Duty; and a General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment such Court-martial may, instead of awarding a corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life, or for a certain Term of Years, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

IX. And

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, the Windward and Leeward Islands, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Twenty-eight Days at a Time nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement, or may sentence any Soldier to corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct, Powers of District or Garrison Courts-martial.

In wilfully maiming or injuring himself, or any other Soldier at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service:

In tampering with his Eyes:

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure:

In purloining or selling Government Stores:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess:

In producing false or fraudulent Accounts or Returns:

In embezzling or fraudulently misapplying Public Money entrusted to him:

Or in committing any petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind:

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and every such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to corporal Punishment; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to pass any Sentence of Death or Transportation; and the President of every Court-martial other than a General Court-martial shall be appointed by the Officer convening such Court-martial, and shall not be under the Rank of a Captain, save in the Case of a Detachment Court-martial holden out of Her Majesty's Dominions, or holden on board a Transport Ship, Troop Ship, Convict Ship, or Merchant Vessel.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, the Offence may be tried by a Regimental or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award; and a Regimental or Detachment Court-martial may try any Soldier for habitual Drunkenness, and may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, or to solitary Confinement for any Period not exceeding Twenty Days, or may sentence a Soldier to Imprisonment, Part thereof to be with or without hard Labour, and Part thereof in solitary Confinement: Provided always, that when such Court shall direct the Imprisonment to be part in solitary Confinement and part otherwise, the whole Period of such Imprisonment shall not exceed Twenty Days, and the Part thereof in solitary Confinement shall not exceed Ten Days; and a Regimental or Detachment Court-martial may sentence any Soldier for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days in addition to any other Punishment which such Court may award; and every such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Six Months, as may accord with Her Majesty's Articles of War, subsequent to Restoration on subsequent good Conduct. Regimental Courts-martial.

XIV. And be it enacted, That whenever Sentence shall be passed by a Court-martial for any Offence on a Person already imprisoned under Sentence of a Court-martial for another Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence to commence at the Expiration of the Imprisonment Punishment of Offenders to commence at Expiration of

Sentence for previous Offences.

Imprisonment to which such Person shall have been previously sentenced, and where such Person shall be already under Sentence, either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate Term of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

Proceedings of Courts-martial.

XV. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act the President and every Member assisting at such Trial, before any Proceeding be had thereon, shall take the Oaths in the Schedule to this Act annexed, before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member shall administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon; and all General and other Courts-martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and all Witnesses duly summoned by the Judge Advocate, or the Person officiating as such, or by the President of a District or Garrison Court-martial, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Court of Queen's Bench in *London* or in *Dublin*, or the Court of Session in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness had neglected to attend in a Trial in any Proceeding in that Court.

Transportation from the Colonies.

XIX. And be it enacted, That whenever any Sentence of Transportation heretofore or hereafter passed by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station, or in his Absence by the Adjutant General for the Time being, to some Judge of one of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender, in like Manner as for the Transportation or intermediate Custody of any other Convict; and the necessary Proceedings shall be taken, according to such Order, for the Transportation or intermediate Custody of such Offender; and all Acts in force in such Place touching other Offenders to be transported shall in all respects apply as well to the Offender himself so to be transported as to all other Persons whatsoever therein concerned.

Subsequent Enlistment no Protection from Punishment for Desertion.

XXI. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence against him; and in like Manner in the Case of any Soldier tried for any Offence whatever, any previous Convictions may be given in Evidence against him; and every Certificate which shall purport to contain a Copy of the Charges, Finding and Sentence of a Court-martial, and of the Minute of Confirmation of such Finding and Sentence, made from the Entries thereof in the original Minutes of such Court-martial or in the Court-martial Book, and which shall further purport to be signed by the Judge Advocate General or by his Deputy, or by the Officer confirming the Proceedings, or by his Adjutant General, Brigade Major, or other like Officer in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book in case such Copy be taken from the said Book, shall be sufficient Evidence before a Court-martial of a Conviction by a Court-martial, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed the Certificate, nor, if

the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; provided that no such Evidence shall in any Case be received until after the Prisoner shall have been found guilty of such Offence, and then only for the Purpose of affixing Punishment; and provided also, that after he shall so have been found guilty, and before such Evidence shall be received, it shall be proved to the Satisfaction of the Court that he had previously to his Trial received Notice of the Intention to produce such Evidence on the same; and provided further, that the Court shall in no Case award to him any greater or other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Apprehension of Deserters.

XXII. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with, then for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Soldier, and ought to be with the Corps to which he belongs, such Justice shall forthwith cause him to be conveyed to some public Prison in such Place, or if there be no public Prison in such Place, then, at the Discretion of such Justice of the Peace, to the nearest or most convenient public Prison in the same or any next adjoining County, or, in case such Deserter shall be apprehended within the Vicinity of any Military Prison appointed under the Authority of this Act, to the Governor or Provost Marshal of such Prison; or if such Deserter shall be apprehended by any Party of Soldiers of his own Regiment, or shall be apprehended in the Vicinity of the Head Quarters or of any Depôt of the Regiment to which he shall belong, then such Justice may deliver such Deserter to the Party of his Regiment, or may order such Deserter to be taken to the Head Quarters or Depôt of the Regiment to which he shall belong, instead of committing him to Prison; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, specifying at the Foot thereof the Commitment to Prison or Delivery of such Deserter to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, as the Case may be, to the end that such Person may be removed by an Order from the Office of the said Secretary at War, and proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum, not exceeding Forty Shillings, as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler or other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody notify the Fact to the Secretary at War, and transmit also to the Secretary at War a Copy of the Commitment.

Fraudulent Confession of Desertion.

XXIII. And be it enacted, That any Person who shall voluntarily deliver himself up and confess himself to be a Deserter from Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, or who, while serving in any of Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, shall to any Officer or Non-commissioned Officer thereof confess himself to be a Deserter as aforesaid, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any of Her Majesty's Forces, as Her Majesty shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not; or in case such Person shall not be a Deserter as aforesaid, he shall be liable to be taken before Two Justices of the Peace, and, on Proof that any such Confession as aforesaid was false, shall by them be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*; or shall be deemed guilty, if in *Scotland*, of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, as the Case may be, shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the first Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of Her Majesty's Forces, he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Term of Imprisonment to commence on the Day of signing the original Sentence, and Place of Imprisonment to be appointed by the Officer commanding the District, &c.

XXVII. And be it enacted, That, save as herein-before specially provided, any Term of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of General Courts-martial shall be appointed by the Officer commanding the District, Garrison, Island, or Colony, and under the Sentence of any other Court-martial shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of Appointment by any such Officer then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached: Provided always, that it shall be lawful for the Officer commanding the Regiment or Corps, in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Regimental Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be; provided also, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Proviso for Removal of Prisoners.

Secretary at War may set apart Buildings as Military Prisons, and appoint Officers, and make Rules and Regulations for Government of the same.

XXVIII. And be it enacted, That it shall be lawful for the Secretary at War to set apart any Buildings now erected or which may hereafter be erected, or any Part or Parts thereof, as Military Prisons, and to declare that any Building, or any Two or more separate and detached Buildings, shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; and every Military Prison, whether the same now exist or may hereafter be established, which shall be or which under the Provisions of any former Act of Parliament have been, so as aforesaid set apart or declared, shall be deemed to be a public Prison within the Meaning of this Act; and it shall be lawful for the Secretary at War from Time to Time to appoint a Governor or Provost Marshal, and all other necessary Officers and Servants, for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer or Servant, of any such Military Prison; and the General or other Officer commanding any District within which may be any such Military Prison, or such General or other Officer, and such other Person and Persons as the Secretary at War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and every Visitor and Governor of any such Military Prison respectively shall, subject to such Rules and Regulations as may from Time to Time be made by the Secretary at War, have and exercise in respect of such Prison, and of the Governors, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Visiting Justice or Governor of a County Gaol or House of Correction may respectively exercise as such; and it shall be lawful for the Secretary at War from Time to Time to make, alter, and repeal Rules and Regulations for the due Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of Offenders confined therein; and the Visitor or Visitors of every such Military Prison shall, on or before the First Day of *July* in every Year, transmit to the Secretary at War Copies of all Rules and Regulations in force on the Twenty-fifth Day of *May* in such Year, for the Government of such Prison, together with Copies of any new or additional Rules and Regulations which he or they may propose for the Government thereof; and the Secretary at War, on or before the First Day of *August* in each Year, shall transmit to the Visitor or Visitors a Copy, subscribed by him, of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such Prison; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State, shall, with respect to all such Military Prisons, belong to and may be exercised by the Secretary at War.

Custody of Offenders under a Military Sentence.

XXIX. And be it enacted, That every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprison-

ment

ment which the Offender is to undergo; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without hard Labour, and with or without solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement shall receive into his Custody any Soldier, for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Military Offender in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Subsistence of Soldiers, and Custody and Subsistence of Deserters, in Gaols, &c.

XXX. And be it enacted, That the Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions shall diet and supply every Soldier with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary at War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Place of Confinement is defrayed; and such Gaoler or Person is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, which Order shall continue in force until the Deserter shall have arrived at his Destination, and such Gaoler or Person shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

Notice of Expiration of Imprisonment.

XXXI. And be it enacted, That every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have reason to believe or to know, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of His Imprisonment, shall give, if in *Great Britain*, to the Secretary at War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice then the longest practicable Notice thereof.

Enlisting and swearing of Recruits.

XXXVI. And be it enacted, That every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, an attested Soldier, or an Out-Pensioner of *Chelsea* Hospital authorized to enlist Recruits, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billetted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall, within Four Days (any intervening *Sunday* not included) but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, or, in *Scotland*, before any Bailie of a Royal Burgh, residing within the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the First and Second Articles of the Second Section of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, for limited or unlimited Service, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

LXVI. And

Penalty on purchasing Soldiers Necessaries, Stores, &c.

LXVI. And be it enacted, That any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier knowing him to be such, to sell, any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage as aforesaid, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of each or of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty if not exceeding Twenty Pounds to such Amount as may to any such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided always, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

SCHEDULES to which this Act refers.

Enlisting for the East India *Company's Service.*

Question 8. to be put by the Justice as follows:

8. Are you willing to be attested to serve the *East India* Company * until you shall be legally discharged? [*Or if the Recruit enlist for limited Service, then insert,* for the Period of Twelve Years (*if the Person enlisting is of the Age of Eighteen Years or upwards, but if under Eighteen Years then the Difference between his Age and Eighteen to be added to such Twelve Years, as the Case may be, and such Period to be inserted instead of Twelve Years,*) provided the said Company should so long require your Service?]

* The Blank to be filled up with the Words Infantry or Artillery, as the Case may be.

CAP. IX.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

[24th *April* 1845.]

[*This Act is the same, except as to Dates and the Sections here inserted, as* 7 & 8 *Vict. c.* 11.]

The ordinary Course of Law not to be interfered with.

II. Provided always, and be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law for Crimes thereby cognizable; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine charged with any capital Crime, or with any Violence or Offence against the Person or Property of any of Her Majesty's Subjects punishable by the known Laws of the Land, or who shall wilfully neglect or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be *ipso facto* cashiered,

cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty: Provided always, that no Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial otherwise than by cashiering; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court, or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a fee of Three Shillings; and every such Certificate containing the Substance and Effect of an Indictment and Conviction as aforesaid, shall be sufficient Evidence before a Court-martial of such Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed the Certificate, nor, if the Court be satisfied from the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender.

Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial, convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, and the Settlements on the Coast of *China* excepted,) or in the Settlements of the *East India* Company, *Prince of Wales Island*, *Singapore*, and *Malacca* excepted, or elsewhere, shall consist of not less than Thirteen Commissioned Officers, and if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or out of the Queen's Dominions (excepting *Saint Helena*, *Africa*, *Honduras*, the *Australian* Colonies, and the Settlements on the Coast of *China*, and *Prince of Wales Island*, *Singapore*, and *Malacca*), shall have not less than Seven, and in *Saint Helena*, *Africa*, *Honduras*, the *Australian* Colonies, and the Settlements on the Coast of *China*, *Prince of Wales Island*, *Singapore*, and *Malacca*, not less than Five Commissioned Officers; and in all Cases no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Members present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Courts-martial to administer Oaths.

VII. And be it enacted, That all and every Court-martial shall have Power and Authority and is hereby required to administer the requisite Oath, in the usual Form, to every Person who shall be examined as a Witness before any such Court-martial, previous to his giving Evidence thereat; and whenever Sentence shall be passed by a Court-martial for any Offence on a Person already imprisoned under Sentence of a Court-martial for another Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate Term of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments could be otherwise awarded.

District or Garrison Courts-martial.

XI. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, the Windward and the Leeward Islands, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers; and that it shall be lawful for such Court, whether assembled under the Authority of this Act, or of an Act of the present Session of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any Offence committed by any of them while serving in conjunction with Her Majesty's Land Forces or otherwise, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, or to Corporal Punishment not extending to Life or Limb, for any such Offence; but no such solitary Confinement shall exceed Twenty-eight Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement; and such Court may, in addition to either of the said Punishments, sentence a Marine to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct in wilfully maiming or injuring himself, or any other Marine at the Instance of such Marine, with Intent to render himself or such other Marine unfit for the Service; in tampering with his Eyes; in malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure; in purloining or selling Government Stores; in stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military, Divisional, or Regimental Mess; in producing false or fraudulent Accounts or Returns; in embezzling

or fraudulently misapplying Public Money intrusted to him; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural, felonious, or fraudulent Nature; and such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and every such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Liquor, or of his Allowance in lieu of Beer or Liquor, or of any Proportion thereof, or of any Portion of additional or daily Pay, for any Period not exceeding Two Years, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the aforegoing Cases the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to pass any Sentence of Death or Transportation; and the President of every Court-martial other than a General Court-martial shall be appointed by the Officer convening such Court-martial, and shall not be under the Rank of a Captain, save in the Case of a Detachment Court-martial holden out of Her Majesty's Dominions, or holden on board a Transport Ship, Troop Ship, Convict Ship, or Merchant Vessel.

Divisional Courts-martial.

XIII. And be it enacted, That in Cases of Mutiny and gross Insubordination, or of any Offences committed on the Line of March, or on board any Transport Ship, Troop Ship, Convict Ship, or Merchant Vessel, the Offence may be tried by a Divisional or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award; and a Divisional or Detachment Court-martial may try any Marine for habitual Drunkenness, and may sentence any Marine to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, or to solitary Confinement not exceeding Twenty Days, or may sentence a Marine to Imprisonment, Part thereof to be with or without hard Labour, and Part thereof in solitary Confinement: Provided also, that when the Imprisonment so to be adjudged shall be Part in solitary Confinement and Part otherwise, the whole Period shall not exceed Twenty Days, and the Part thereof in solitary Confinement shall not exceed Ten Days; and a Divisional or Detachment Court-martial may sentence any Marine, for being drunk when on or for Duty or Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award; and every such Court shall deprive a Marine convicted of habitual Drunkenness of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Six Months, as may accord with the Articles of War, subject to Restoration on good Conduct.

Marines sentenced to Imprisonment to undergo Sentence in such Prison as the Court, &c. shall appoint.

Discharge or Removal of Prisoners.

XX. And be it enacted, That any Marine sentenced by a Court-martial to Imprisonment with or without hard Labour, whether directed to be kept in solitary Confinement for the whole or any Portion or Portions of such Imprisonment or not, shall undergo such Sentence in such public Prison or other Place as may in each Case be appointed by the Court, or the Commissioners for the Time being for executing the Office of Lord High Admiral of the United Kingdom, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony: Provided always, that it shall be lawful for the Officer commanding the Division, in the Case of a Prisoner imprisoned under the Sentence of a Divisional Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, to give at any Period of any such Imprisonment, and as often as Occasion may arise, an Order in Writing, directing that the Prisoner may be discharged, or be removed in Military Custody to some other public Prison or Place of Confinement, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged, or delivered up for Removal and be removed, as the Case may be: Provided also, that the Time of Removal from one public Prison or Place of Confinement to another, or during which any Prisoner shall be detained in Military Custody, for whatever Purpose such Detention shall take place, shall be reckoned as Imprisonment under his Sentence.

Forfeiture of Pay.

XXVI. And be it enacted, That no Marine who shall absent himself without Leave, or shall desert, shall be entitled to receive any Pay for the Time during which he shall have been absent from his Duty without due Authority; nor shall any Marine be entitled to Pay, or to reckon Service towards Pay or Pension, for any Period during which he shall be in Confinement under the Sentence of any Court, or shall be absent on any Charge cognizable by any Justice of the Peace or by any Court of Criminal Judicature, or by reason of any Arrest for Debt, or while he shall be in Confinement or absent as a Prisoner of War; but if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for such Absence to the Satisfaction of his Commanding Officer, or if any Marine shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Marine shall be imprisoned for any Period not

not exceeding Seven Days, and with or without hard Labour or solitary Confinement, as the said Commanding Officer may think fit; and such Marine shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Marine shall be accordingly forfeited; and such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid; provided that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture, and if acquitted of the Offence for which he shall have been in Confinement shall, upon his return to his Duty, be allowed to receive the Arrears of Pay, and to reckon Service for the Time he shall have been so absent; and when a Marine shall rejoin Her Majesty's Service upon his Release from Confinement as a Prisoner of War due Inquiry shall be made by a Court-martial into the Circumstances of his Case, and if it shall be proved to the Satisfaction of such Court that such Marine became a Prisoner without wilful Neglect or Fault on his Part, and that he hath not served with or in any Manner aided the Enemy, and that he hath returned as soon as he possibly could to Her Majesty's Service, he may thereupon be recommended by such Court to the said Commissioners to receive the whole or any Proportion of his Pay, and to reckon Service for the Time he shall have been so absent: Provided also, that it shall be lawful for the said Commissioners to order or withhold the Payment of the Pay of any Officer or Marine for the Period during which he shall have been absent from any of the Causes aforesaid, except that any Marine acquitted of any Offence for which he had been committed shall always upon Return to his Duty be entitled to receive all Arrears of Pay growing due, and to reckon Service during his Absence or Confinement.

Apprehension of Deserters.

XXIX. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with to secure him, then for any Officer, Marine, or other Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who shall examine such suspected Person; and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that any Person brought before him is a Marine unlawfully absent from his Duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient public Prison in the same or any next adjoining County, or in case such Deserter shall be apprehended in the Vicinity of any Military Prison, to the Governor or Provost Marshal of such Prison, and shall transmit an Account thereof, in the Form prescribed for that Purpose in the Schedule annexed to this Act, to the Secretary of the Admiralty, with a Description of the Person of such Deserter, and the Name of the Division to which he shall belong, and also certifying the Names of the Persons by whom the Deserter was apprehended; and if the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall be satisfied such last-mentioned Persons are justly entitled to a Reward for such Apprehension, the said Secretary shall in return transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Persons so certified to be entitled thereto; which Reward shall be paid and charged against the Pay and Subsistence of any such Deserter, and stopped out of the same; or if such Deserter shall be apprehended by any Soldier or Party of Soldiers of his own or any other Corps, or shall be apprehended in the Vicinity of the Head Quarters of the Corps to which he shall belong, then such Justice shall deliver such Deserter to the Party of his Corps, or may order him to be taken to the Head Quarters of the Corps instead of committing him to Prison; and for every such Information, Commitment, and Report as aforesaid the Clerk of the said Justice may be entitled to a Fee of Two Shillings and no more, which shall also be charged against and stopped out of the Pay of the Deserter; and every Gaoler or other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody, notify the Fact to the said Secretary, and transmit also to the said Secretary a Copy of the Commitment.

Custody and Subsistence of Deserters.

XXXIII. And be it enacted, That the Gaoler or other Person having the immediate Superintendence of any Prison, Gaol, House of Correction, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Marine in his Custody with Fuel and other Necessaries, according to the Regulations of the Prison or Place of Confinement to which he shall be so committed, and shall receive on account of every such Marine, during his Imprisonment, Sixpence *per Diem* for his Subsistence, to be issued out of the Pay of such Marine, upon Application in Writing to the Secretary of the Admiralty, signed by any Justice within whose Jurisdiction such Prison shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison or Place of Confinement is defrayed; and all Gaolers and Keepers of Prisons and Places of Confinement shall and they are hereby authorized and required to receive and confine every Deserter from the Royal Marines who shall be delivered into their Charge by any Officer, Soldier, or Marine conveying any such Deserter under lawful Authority, on the Production of the Warrant or Authority on which such Deserter shall have been taken or detained; and every Gaoler or Keeper so receiving a Deserter shall be entitled to One Shilling for the safe Custody

of him while halted on the March, and to such daily Subsistence as is herein-before provided for the Maintenance of Marines confined under any Sentence or otherwise.

Notice of Expiration of Imprisonment.

XXXIV. And be it enacted, That every Gaoler or Person having the immediate Inspection of any Prison, Gaol, House of Correction, or other Place of Confinement, having Notice, or who shall have Reason to believe or to know, that any Person in his Custody is a Marine, liable to serve Her Majesty, shall, on receiving him into Custody, and also previous to the Expiration of the Period of the Imprisonment of such Marine, give One Month's Notice, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary of the Admiralty.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LVI. And be it enacted, That if any Constable or other Person who by virtue of this Act shall be employed in billetting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty for purchasing Clothes, &c. from any Marine.

LVIII. And be it enacted, That any Person who shall detain, buy, or exchange, or otherwise receive from any Marine, or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, or who shall have in his or her Possession or Keeping any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, and shall not give a satisfactory Account how he or she came by the same, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law.

SCHEDULE to which this Act refers.

CERTIFICATE to be given by the Justice.

Description of

Age, apparently
Height, Feet Inches.
Complexion,
Eyes,
Hair,
Any distinctive Mark.

to wit. } I one of Her Majesty's Justices of the Peace of do hereby certify, That the above is the Description of the Recruit ; and in my Presence all the foregoing Questions were put to the said ; that the Answers written opposite to them are those which he gave to me; and that the Fifth and Eleventh Articles of the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces while on shore, against Mutiny and Desertion, were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; and that I have given him a Duplicate of this Certificate signed with my Name.

Signature of the Justice.

CAP. X.

An Act to make certain Provisions for Proceedings in Bastardy. [8th *May* 1845.]

'WHEREAS divers Questions have been raised as to the Validity of certain Orders in Bastardy made by Justices under the Act of the last Session of Parliament, intituled *An Act for the further Amendment of the Laws relating to the Poor in* England, which Questions are wholly beside the Merits of the Cases; and it is desirable to remove such Questions, and to prevent the Recurrence of the same or similar Questions in future:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Proceedings have been had or taken before the passing of this Act, or shall hereafter be had or taken in Matters of Bastardy under the Provisions of the said recited Act, and shall have been set forth according to the Forms in the Schedule hereunto annexed, or to the like Tenor or Effect, the same shall be taken respectively to have been and to be valid and sufficient in Law; provided that nothing herein contained shall prevent any Court of General Quarter Sessions from proceeding to hear and determine the Merits of any Case brought before them on Appeal against any such Order, or apply to any Order heretofore made or professed to have been made under the said Act, which shall have been quashed on Appeal to any General or Quarter Session of the Peace, or in respect whereof any Writ of Certiorari shall have been sued out of the Court of Queen's Bench, and served before the Twenty-sixth Day of *February* last, or in place whereof any other Order shall have been made. 7 & 8 Vict. c. 101. Proceedings in Bastardy according to the Forms in the Schedule hereto valid.

II. And be it enacted, That when any Order made under the Provision of the said Act prior to the passing of this Act shall have been or shall be quashed for any Defect therein, and not upon the Merits, it shall be lawful for the Mother of the Bastard Child in whose Favour such Order shall have been made to take Proceedings for the obtaining of another Order, according to the Provisions of the said Act, at any Time within the Space of Six Calendar Months after the passing of this Act, although the Period limited for her Application to the Justice under the said Act shall have expired. Mother, when Order has been quashed for Defect in Form, may apply again within Six Calendar Months.

III. 'And whereas Power is given by the said Act to the putative Father to appeal against an Order made upon him by the Justices in Petty Session assembled, giving Notice of Appeal as therein specified, and also sufficient Security, by Recognizance or otherwise, for the Payment of Costs, to the Satisfaction of some one Justice of the Peace;' be it enacted, That the Condition of any such Recognizance shall be for the Appearance of the said putative Father at such General Quarter Session of the Peace as is required by the said Act, and his Trial of the Appeal thereat, and the Payment of such Costs as he shall be then and there ordered to pay; and that in respect of any Order to be made after the passing of this Act, the Party entering into any such Recognizance shall forthwith give or send a Notice in Writing of his having so entered into such Recognizance to the Woman in whose Favour the said Order shall have been made, and unless he shall enter into the Recognizance before One of the Justices who shall have made the Order, to One at least of such Justices; and in default of his giving or sending such Notice or Notices as aforesaid the Appeal shall not be allowed; provided that the sending of such Notice or Notices by the Post shall be taken to be sufficient. Form of Recognizance to be given by the putative Father.

IV. 'And whereas it is enacted by the said Act, That any single Woman who may be with Child may apply to a Justice of the Peace as therein described for a Summons to be served upon the Man alleged by her to be the Father of such Child, and that such Justice shall thereupon issue his Summons to such Man to appear at a Petty Session, as therein also set forth, and Power is given to such Woman after the Birth of the Child, to apply to the Justices at such Petty Session for an Order upon the Person so alleged by her to be the Father of such Child; but Doubts are entertained as to the Time which shall be fixed by such Justice for the Appearance of the said Man so summoned at Petty Session, and it is desirable to remove the same:' Be it therefore enacted, That the said Justice to whom any Provision as to the Mode of Proceeding in Cases of Applications by Women who are pregnant.

Application shall be made by any such Woman being pregnant shall summon the Man to appear at some Petty Session at which he usually acts to be held on a Day after the Time when the said Mother shall expect the Child to be born, provided that if on such Day the Woman shall not have been delivered, or the Justices shall be satisfied that she has been delivered at so short a Period before such Day that she cannot appear at the said Session, it shall be lawful for the Justices thereat to adjourn the hearing of the said Case until some other Day, and so from Time to Time until the Child shall have been born, and the Woman shall be able to attend at the said Session; and it shall be lawful for the Justices at their Petty Session to make an Order in respect of any such Application so made by such Woman so pregnant to a Justice as aforesaid, if she apply at such Petty Session within the Space of Two Calendar Months from the Birth of the Child, although more than Forty Days shall have elapsed from the Time when the Summons was served upon the alleged Father, or was left at his last Place of Abode.

Putative Father may abandon his Appeal, and his Recognizance shall not be estreated.

V. And be it enacted, That if at any Time before the hearing of the Appeal the putative Father who shall have entered into any such Recognizance shall give Notice in Writing of his Abandonment of the Appeal, to the Mother of the Child in whose Favour the Order shall have been made, and to the Justice or Justices before whom the said Recognizance shall have been taken, and shall pay or tender to the said Mother all Sums then due under the said Order, and such Costs and Expences as she shall have incurred by reason of such Notice of Appeal, the said Recognizance so entered into by the said putative Father shall not be estreated, nor in any manner put in force or otherwise proceeded with.

The Mother of the Bastard Child to be examined by the Court of Quarter Sessions on Appeal against the Order in Bastardy; but no Order to be confirmed unless her Evidence is corroborated.

VI. 'And whereas by the said recited Act it is enacted, that where any Woman shall apply to the 'Justices at a Petty Session for an Order upon the Person whom she shall allege to be the Father 'of her Bastard Child, such Justices shall hear the Evidence of such Woman, and such other Evidence 'as she may produce, and shall also hear any Evidence tendered by or on behalf of the Person alleged 'to be the Father, and if the Evidence of the said Mother be corroborated in some material Particular 'by other Testimony to the Satisfaction of the said Justices, they may make such Order as is therein 'set forth: And whereas Power is thereby given to the putative Father to appeal to the General 'Quarter Sessions of the Peace against such Order, but it is not therein set forth what Evidence the 'said General Quarter Sessions shall or may hear on the Trial of such Appeal, and Doubts have been 'raised as to whether the said Mother can be heard by the said Court of Quarter Sessions;' be it therefore enacted, That on the Trial of any such Appeal before any Court of Quarter Sessions the Justices therein assembled, or the Recorder, (as the Case may be,) shall hear the Evidence of the said Mother, and such other Evidence as she may produce, and any Evidence tendered on behalf of the Appellant, and proceed to hear and determine the said Appeal in other respects according to Law, but shall not confirm the Order so appealed against unless the Evidence of the said Mother shall have been corroborated in some material Particular by other Testimony, to the Satisfaction of the said Justices in Quarter Session assembled, or the said Recorder.

Parties may be heard at the Petty Session by Counsel or Attorney. 6&7W.4.c.114.

VII. And be it enacted, That it shall be lawful for any Woman who shall apply to the Justices at any Petty Session for any such Order as aforesaid to be assisted in her Application by Counsel or Attorney, and for any Person summoned under the said Act to appear at any such Petty Session as the alleged putative Father to appear and make his Answer thereto by Counsel or Attorney; and it shall be lawful for either of such Parties to have all Witnesses examined and cross-examined by such Counsel or Attorney.

Default of sufficient Distress within the Jurisdiction of the Justices to warrant the Commitment to Prison.

VIII. 'And whereas it is provided in the said first-recited Act, that if Default be made by the putative 'Father in payment of the Sums ordered to be paid to the Mother of a Bastard Child, any Justice 'may by Warrant cause such putative Father to be brought before any Two Justices; and it is further 'provided, that such Two Justices may by Warrant direct the Sum appearing to be due under any such 'Order, and the Costs, to be recovered by Distress and Sale of the Goods and Chattels of such putative 'Father; and if upon the Return of such Warrant, or if, by the Admission of such putative Father, it 'appears that no sufficient Distress can be had, then any such Two Justices may cause such putative 'Father to be committed to Prison: And whereas Doubts have been entertained whether such Power 'of Committal exists where it is shown that the putative Father has Goods and Chattels whereon a 'Distress might be levied, but the same are not within the Jurisdiction of such Justices;' be it therefore declared and enacted, That the said Justices are and shall be empowered to commit any such putative Father to Prison, according to the Provisions of the said Act, if it appear on the Return of such Distress Warrant, or on the Admission of the putative Father, that no sufficient Distress can be had on any Goods and Chattels within the Jurisdiction of the Justices before whom he shall have been brought on such Warrant of Apprehension.

5 G. 4. c. 18.

Magistrates of Police Courts may act alone in Cases of Bastardy.

IX. And be it declared and enacted, That any One Magistrate of the Police Courts of the Metropolis, sitting at a Police Court within the Metropolitan Police District, has and shall have full Power to issue Summonses for the Appearance of Parties and Witnesses before such Police Court, and to do alone any other Thing in any Matter of Bastardy arising under the said Act, within those Parts of the said District for which a Police Court has been or shall be established, which may be done by any Justices at a Petty Session holden for their several Petty Sessional Divisions in any such Matter arising within their Divisions respectively, and that the Sitting of such Magistrate at such Police Court shall be within all the Provisions of the said Act and of this Act concerning a Petty Session of Justices.

X. And

X. And be it enacted, That the Term "Petty Sessional Division" in the said Act and this Act shall be taken to include any Division of a County, Riding, or Division having a separate Commission of the Peace in which One or more Petty Sessions have been or shall be usually held, or any Division for the holding of Special Sessions formed or to be formed under the Provisions of the Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better Regulation of Divisions in the several Counties of* England *and* Wales, or of the Act of the Sixth Year of the Reign of His late Majesty amending the same; and that where there are Two or more Petty Sessions usually held in any such Division, or where any Justice acts for Two or more of such Divisions, he shall require the Party whom he shall summon under the Authority of the said first-recited Act to appear at the Petty Session to be held in any such Division as he shall deem fit. "Petty Sessional Division," what to include. 9 G. 4. c. 43.

XI. And be it enacted, That in the said first-recited Act and in this Act the Word "Recorder" shall be taken to apply to any Person who shall preside as the Judge at any Court of General or Quarter Session held for any City, Borough, Liberty, or other Place of limited Jurisdiction. Interpretation of the Word "Recorder."

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Alteration of Act.

SCHEDULE referred to by the foregoing Act.

No. 1.

Form of Application by Woman with Child.

} Application and Deposition of a single Woman, residing at
to wit. } in the *County* (a) of taken upon Oath before me, the undersigned One of Her Majesty's Justices of the Peace acting for the (a) *Petty Sessional Division of* *in the said County* of in which she resides, this Day of in the Year of our Lord One thousand eight hundred and forty who upon her *Oath* (b) saith, that she is now with Child, and that of in the County of is the Father of the Child with which she is now pregnant, and maketh Application for a Summons to be served upon the said so alleged by her to be the Father of the said Child, to appear at a Petty Session to be holden after the Birth of such Child for the *Petty Sessional Division* (a) of in which I usually act, to answer such Complaint as she shall then and there make touching the Premises.

Exhibited and sworn before me, the Day and Year first above written.

(a) *or* City, Borough, *or other Place* (b) *or* Affirmation

No. 2.

Form of Summons on Application by Woman with Child.

} To of the Parish of in the County
to wit. } of

Whereas an Application hath been made to me, the undersigned, One of Her Majesty's Justices of the Peace for the (a) *County* of by , single Woman, residing at in the (a) *Petty Sessional Division of the said County* for which I act, now with Child, of which Child she hath this Day duly *sworn on Oath* (b) before me the said Justice that you are the Father, for a Summons to be served on you to appear at a Petty Session, according to the Form of the Statute in such Case made and provided.

These are therefore to require you to appear at the Petty Session of the Justices holden at being the Petty Session for the *Division* (a) in which I usually act, on (c) the Day of at in the Year of our Lord One thousand eight hundred and forty , to answer any Complaint which she shall then and there make against you touching the Premises.

Herein fail you not.

Given under my Hand, at in the *County* (a) this Day of in the Year of our Lord One thousand eight hundred and forty .

Note.—If you neglect to appear at the Petty Sessions as above stated, the Justices, upon Proof that this Summons has been duly served upon you, or left at your last Place of Abode, may proceed, if they think fit, at the Petty Sessions therein named, to make an Order upon you, as the putative Father of the Child above referred to, to pay a weekly Sum to the said Mother for its Maintenance, and other Sums for Costs and Expences.

(a) *or* City, Borough, *or other Place* (b) *or* affirmed

(c) *Insert some Day when the Petty Session will be held after the Birth of the Child, and at such a Distance of Time that Six Days at least may elapse after the issuing of the Summons and the Service on the Man, or at his Place of Abode, before the Petty Session.*

No. 3.

Application for a Summons by a Woman after Birth.

} THE Information and Application of single Woman, residing at
to wit. } in the County of before me, the undersigned One of Her Majesty's Justices of the Peace acting for the (a) *Petty Sessional Division of in the said County* of in which she resides, this Day of in the Year of our Lord One thousand eight hundred and forty who saith, that she hath been delivered of a Bastard Child since the passing of the Act of the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," and within Twelve Calendar Months before this Day, to wit, on the Day of in the Year of our Lord One thousand eight hundred and forty and alleges that one of in the County of is the Father of such Child, and maketh Application to me for a Summons to be served upon the said to appear at a Petty Session to be holden for the *Petty Sessional Division* (a) in which I usually act, to answer such Complaint as she shall then and there make touching the Premises.

Exhibited before me, the Day and Year first above written.

(a) *or* City, Borough, *or other Place, as the Case may be.*

No. 4.

Summons where the Application is made by Woman after Birth.

} To of the Parish of in the County
to wit. } of

WHEREAS Application hath been this Day made to me, the undersigned, One of Her Majesty's Justices of the Peace for the (a) of by single Woman, residing at in the (b) *Petty Sessional Division of the said County* for which I act, who hath been delivered of a Bastard Child since the passing of the Act of the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," within Twelve Calendar Months from the Date hereof, and of which Bastard Child she alleges you to be the Father, for a Summons to be served upon you to appear at a Petty Session of the Peace, according to the Form of the Statute in such Case made and provided.

These are therefore to require you to appear at the Petty Session of the Justices holden at being the Petty Session for the *Division* (b) in which I usually act, on (c) the Day of at of the Clock in the noon in the Year of our Lord One thousand eight hundred and forty to answer any Complaint which she shall then and there make against you touching the Premises.

Herein fail you not.

Given under my Hand, at in the *County* (b) this Day of in the Year of our Lord One thousand eight hundred and forty .

Note.—If you neglect to appear at the Petty Sessions as above stated, the Justices, upon Proof that this Summons has been duly served upon you, or left at your last Place of Abode, may proceed, if they think fit, to make an Order upon you, as the putative Father of the Child above referred to, to pay a weekly Sum to the said Mother for its Maintenance, and other Sums for Costs and Expences.

(a) *or* County, City, *or* Borough, *or other Place, as the Case may be.* (b) *or* City, Borough, *or other Place*
(c) *Insert some Day, at least Six Days after the Date of the Summons, and after the Day when the same can be served upon the Man, or at his Place of Abode.*

No. 5.

Application for a Summons by a Woman after Birth, where the alleged Father has paid Money within Twelve Months after the Birth.

} THE Information and Application of single Woman, residing at
to wit. } in the County of before me, the undersigned One of Her Majesty's Justices of the Peace acting for the (a) *Petty Sessional Division of in the said County* of in which she resides, this Day of in the Year of our Lord One thousand eight hundred and forty who saith that she hath been delivered of a Bastard Child more than Twelve Calendar Months before this Day, to wit, on the Day of in the Year of our Lord One thousand eight hundred and forty and alleges that one of in the County of is the Father of such Child, and having given Proof to me that the said did within the Twelve Calendar

(a) *or* City, Borough, *or other Place, as the Case may be.*

Months

Months next after the Birth of such Child pay Money for its Maintenance, maketh Application to me for a Summons to be served upon the said to appear at a Petty Session to be holden for the *Petty Sessional Division* (a) in which I usually act, to answer such Complaint as she shall then and there make touching the Premises.

Exhibited before me, the Day and Year first above written.

(a) *or* City, Borough, *or other Place, as the Case may be.*

No. 6.

Summons when the Application is made by a Woman after Birth, where the alleged Father has paid Money within Twelve Months after the Birth.

to wit. } To of the Parish of in the County of .

WHEREAS Application hath this Day been made to me, the undersigned, One of Her Majesty's Justices of the Peace for the (a) of by single Woman, residing at in the (b) *Petty Sessional Division of the said County* for which I act, who hath been delivered of a Bastard Child more than Twelve Calendar Months before this Day, of which Bastard Child she alleges you to be the Father, and for the Maintenance whereof she hath given me Proof that you did within the Twelve Calendar Months next after its Birth pay Money, for a Summons to be served upon you to appear at a Petty Sessions of the Peace, according to the Form of the Statute in such Case made and provided.

These are therefore to require you to appear at the Petty Session of the Justices holden at being the Petty Session for the *Division* (b) in which I usually act, on (c) the Day of at of the Clock in the noon in the Year of our Lord One thousand eight hundred and forty to answer any Complaint which she shall then and there make against you touching the Premises.

Herein fail you not.

Given under my Hand, at in the *County* (b) this Day of in the Year of our Lord One thousand eight hundred and forty .

Note.—If you neglect to appear at the Petty Sessions, as above stated, the Justices, upon Proof that this Summons has been duly served upon you, or left at your last Place of Abode, may proceed, if they think fit, to make an Order upon you, as the putative Father of the Child above referred to, to pay a weekly Sum to the said Mother for its Maintenance, and other Sums for Costs and Expences.

(a) *or* County, City, Borough, *or other Place, as the Case may be.* (b) *or* City, Borough, *or other Place*

(c) *Insert some Day, at least Six Days after the Date of the Summons, and after the Day when the same can be served upon the Man, or at his Place of Abode.*

No. 7.

Form of Order when Application was made by a Woman with Child.

to wit. } At a Petty Session of Her Majesty's Justices of the Peace for the *County* (a) of holden in and for the (a) *Division* of in the said *County* (a), at on the Day of in the Year of our Lord One thousand eight hundred and forty before us Her Majesty's Justices of the Peace for the said (a) *County*.

WHEREAS one single Woman, residing at within this (a) *Division*, being with Child, did on the Day of in the Year of our Lord One thousand eight hundred and forty make Application to One of Her Majesty's Justices of the Peace acting for this (a) *Division*, for a Summons to be served upon one of the Parish of in the *County* (a) of whom she, *being duly sworn* before the said *upon her Oath stated* (b) to be the Father of the Child with which she was then pregnant; and the said Justice thereupon issued his Summons to the said to appear at a Petty Session to be holden on this Day for this *Division* (a) in which the said Justice usually acts, to answer her Complaint touching the Premises: And whereas the said hath been lately delivered of a Bastard Child: And whereas the said having been duly served with the said Summons, *and appearing in pursuance thereof* (d) ; and the said having now applied to us, the Justices in Petty Session assembled, for an Order upon the said according to the Form of the Statute in such Case made and provided; and it being now proved to us, *in the Presence and Hearing of the said* (e) that the said Child was, since the passing of

(a) *or* City, Borough, *or other Place, as the Case may be.* (b) *or* affirmed

(d) *Insert here, if the Defendant do not appear,* "Six Days at least before this Day, as is now proved before us," *or* "the same having been left at his last Place of Abode Six Days at least before this Day, as is now proved before us," *and erase the Words in Italics.*

(e) *Should the Defendant not appear, erase the Words in Italics.*

an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," that is to say, on the Day of in the Year of our Lord One thousand eight hundred and forty born a Bastard of the Body of the said ; and we having, *in the Presence and Hearing of the said* (e) heard the Evidence of such Woman and such other Evidence as she hath produced, *and having also heard all the Evidence tendered by* (f) *the said* and the Evidence of the said the Mother of the said Child, having been corroborated in some material Particular by other Testimony to our Satisfaction, Do hereby adjudge the said to be the putative Father of the said Bastard Child; and, having regard to all the Circumstances of this Case, we do now hereby order, That the said do pay unto the said the Mother of the said Bastard Child, so long as she shall live and shall be of sound Mind, and shall not be in any Gaol or Prison, or under Sentence of Transportation, or to the Person who may be appointed to have the Custody of such Child under the Provisions of the said Statute, *the Sum of* (g) *per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks* the Sum of (h) per Week until the said Child shall attain the Age of Thirteen Years, or shall die, or the said shall marry: And we do hereby further order the said to pay to the said the Sum of being the Costs incurred in obtaining this Order. (i)

Given under our Hands and Seals, at the Session aforesaid.

(e) *Should the Defendant not appear, erase the Words in Italics.*

(f) *Should the Defendant appear by Attorney or Counsel, it will be then only necessary to erase the Word* "by" *and add* "on behalf of"; *but should he not appear himself, or by Attorney or Counsel, then erase the Words in Italics.*

(g) *Not to exceed Five Shillings. If the Justices decline to allow the Payment from the Birth of any Sum, erase the Words in Italics, and before the Word* "until" *insert the Time from which Payment is to be made, according to their Judgment.*

(h) *Not to exceed Two Shillings and Sixpence.*

(i) *If the Justices should decide upon allowing such Expences, insert here,* "and the Sum of Ten Shillings for the Midwife."

No. 8.

Form of Order when Application was made by a Woman after Birth.

to wit. } At a Petty Session of Her Majesty's Justices of the Peace for the *County* (a) of holden in and for the (a) *Division* of in the said (a) *County*, at on the Day of in the Year of our Lord One thousand eight hundred and forty before us Her Majesty's Justices of the Peace for the said (a) *County*.

Whereas one single Woman, residing at within this (a) *Division* did, on the Day of in the Year of our Lord One thousand eight hundred and forty having been delivered of a Bastard Child *within* Twelve Calendar Months prior thereto, make Application to One of Her Majesty's Justices of the Peace acting for this (a) *Division*, for a Summons to be served upon one of whom she alleged to be the Father of the said Child (b); and the said Justice thereupon issued his Summons to the said to appear at a Petty Session to be holden on this Day for this (a) *Division* in which the said Justice usually acts, to answer her Complaint touching the Premises:

And whereas the said having been duly served with the said Summons within Forty Days from *this Day* (c) (d) *and now appearing in pursuance thereof* and the said having now applied to us the Justices in Petty Session assembled, for an Order upon the said according to the Form of the Statute in such Case made and provided; and it being now proved to us, *in the Presence and Hearing of the said* (e) that the said Child was, *since* (f) the passing of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," (that is to say) on the Day of in the Year of our Lord One thousand eight hundred and forty, born a Bastard of the Body of the said ; and we having, *in the Presence and Hearing of the said* (e) heard the Evidence of such Woman and such other Evidence as she hath produced, *and having also heard all the Evidence tendered*

(a) *or* City, Borough, *or other Place, as the Case may be.*

(b) *When the Application is made after the Expiration of Twelve Months from the Birth, but the alleged Father has paid Money for the Maintenance of the Child, for the Word* "within" *substitute the Words* "more than"; *and after the Word* "Child" *insert* "and who was proved before the said Justice to have paid Money for the Maintenance of the said Child within Twelve Calendar Months after its Birth;"

(c) *If the Order be made at an adjourned Session, insert the Day of the Commencement of the Session, adding these Words,* "from which Day the hearing of this Case hath been adjourned," *and erase the Words* "this Day"

(d) *If the Defendant do not appear, insert here* "and Six Days at least before this Day, as is now proved before us," *or* "the same having been left at his last Place of Abode Six Days at least before this Day, as is now proved before us," *and erase the Words which follow in Italics.*

(e) *Should the Defendant not appear, erase the Words in Italics.* (f) *or* within Six Calendar Months before

by

by (g) *the said* and the Evidence of the said the Mother of the said Child, having been corroborated in some material Particular by other Testimony to our Satisfaction, Do hereby adjudge the said to be the putative Father of the said Bastard Child; and, having regard to all the Circumstances of this Case, we do now hereby order, That the said do pay unto the said the Mother of the said Bastard Child, so long as she shall live and shall be of sound Mind, and shall not be in any Gaol or Prison, or under Sentence of Transportation, or to the Person who may be appointed to have the Custody of such Bastard Child under the Provisions of the said Statute, the Sum of (h) *per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks the Sum of* *per Week* until the said Child shall attain the Age of Thirteen Years, or shall die, or the said shall marry: And we do hereby further order the said to pay to the said the Sum of being the Costs incurred in obtaining this Order. (i)

Given under our Hands and Seals, at the Session aforesaid.

(g) *Should the Defendant appear by Attorney or Counsel, it will be then only necessary to erase the Word* "by" *and add* "on behalf of"; *but should he not appear himself, or by Attorney or Counsel, then erase the Words in Italics.*

(h) *Not to exceed Five Shillings. This larger Amount for the Six Weeks cannot be allowed, unless the Application has been made within Two Calendar Months after the Birth. If the Application has not been made within this Time, or the Justices do not think it right to allow that or any less Sum from the Birth, erase the Words in Italics, and proceed thus:* " per Week from the said Day of last, being the Day upon which such Application was made to the said Justice as aforesaid."

(i) *If the Justices should decide upon allowing such Expences, insert here,* "and the Sum of Ten Shillings for the Midwife."

No. 9.

Common Form of Recognizance, with the following Condition.

to wit. } WHEREAS by an Order under the Hands and Seals of assembled at a Petty Session of Her Majesty's Justices of the Peace for the (a) *County* of holden in and for the (a) *Division of* *in the said County*, at on the Day of in the Year of our Lord One thousand eight hundred and forty the said was adjudged to be the putative Father of a Bastard Child, of which one had been then lately delivered, and was ordered to pay to her certain Sums of Money therein set forth: And whereas the said hath given to the said Notice of his Intention to appeal against the said Order to the General Quarter Session of the Peace to be holden (b) on the Day of next for the County of

Now the Condition of this Recognizance is such, that if the above-named do appear at the General Quarter Session of the Peace to be held at in and for the (a) *County* of on the Day of in the Year of our Lord One thousand eight hundred and forty and then and there try such Appeal, and pay such Costs as shall be by the said Court awarded, then this Recognizance to be void.

Taken and acknowledged this Day of in the Year of our Lord One thousand eight hundred and forty at in the *County of* (a) before me, the undersigned, One of Her Majesty's Justices of the Peace for the said *County*. (a)

(a) *or* City, Borough, *or other Place*

(b) *If the Notice of Appeal do not set out the Day on which the Quarter Session is to be holden, this Recital and the Condition must be altered accordingly.*

No. 10.

Information of the Mother on Disobedience to the Order.

to wit. } THE Information and Complaint of of the Parish of in the *County* (a) of single Woman, taken upon *Oath* (b) before me One of Her Majesty's Justices of the Peace for the said *County* (a), the (c) Day of in the Year of our Lord One thousand eight hundred and forty who saith, that by an Order made under the Authority of the Statute passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," at the Petty Session holden in and for the *Division of* (a) *in the County of* (a) on the Day of in the Year of our Lord One thousand eight hundred and forty by Her Majesty's Justices of the Peace in and for the said *County* (a) acting for the said *Division* (a) then and there assembled, of in the County of was adjudged to be the putative Father of a Bastard Child, then lately born of her Body, and that in and by the said Order it was ordered that the said should pay to her the said so long as she should live or should be of sound Mind, and should not be in any Gaol or Prison, or under Sentence of Transportation, or to the

(a) *or* City, Borough, *or other Place*

(b) *or* Affirmation

(c) *This must not be before the Expiration of One Calendar Month from the Order.*

Person who might be appointed to have the Custody of such Bastard Child, under the Provisions of the said Statute, *the Sum of* *per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks* (d) the Sum of per Week until such Child should attain the Age of Thirteen Years, or should die, or she the said Mother should marry, *and the Sum of Ten Shillings for the Midwife, and the Sum of* *for the Costs incurred in the obtaining such Order.*

And this Deponent further saith, that the said hath had due Notice of the said Order, and that the said Bastard Child is now living under the Age of Thirteen Years, and that she the said Deponent hath not been married since the said Order was made, and that the Payments directed to be made by the said Order have not been made according thereto by the said and that there is now in arrear for the same the Sum of being the Amount of Arrears for Weeks Payments, and *Ten Shillings for the Midwife, and the Sum of* *for the Costs incurred in the obtaining such Order;* and this Informant therefore prays Justice in the Premises.

Exhibited and sworn before me, the Day and Year first above written, at in the *County* (a)

(d) *If the Sum for the first Six Weeks should not have been ordered, erase the Words in Italics.*
(a) *or* City, Borough, *or other Place*

No. 11.

Warrant of Apprehension for Disobedience of Order.

to wit. To the Constable of in the *County* (a) of and all Her Majesty's Officers of the Peace in for the said *County* (a) whom these may concern.

WHEREAS Information and Complaint have been made upon *Oath* (b) before me, One of Her Majesty's Justices of the Peace for the *County* (a) of the Day of in the Year of our Lord One thousand eight hundred and forty by of the Parish of in the *County* (a) of single Woman, that by an Order made under the Authority of the Statute passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," at the Petty Session holden in and for the *Division* (a) of in the *County* (a) of on the Day of in the Year of our Lord One thousand eight hundred and forty by Her Majesty's Justices of the Peace in and for the said *County* (a) acting in and for the said *Division* (a) then and there assembled of in the County of was adjudged to be the putative Father of a Bastard Child, then lately born of her Body, and that in and by the said Order it was ordered that the said should pay to her the said so long as she should live and should be of sound Mind, and should not be in any Gaol or Prison, or under Sentence of Transportation, or to such Person as might be appointed to have the Custody of such Bastard Child, under the Provisions of the said Statute, *the Sum of* *per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks* the Sum of per Week until such Child should attain the Age of Thirteen Years, or should die, or she the said Mother should marry, *and the Sum of Ten Shillings for the Midwife, and the Sum of* *for the Costs incurred in obtaining such Order;* and that the said had had due Notice of the said Order, and that the said Bastard Child is now living under the Age of Thirteen Years, and that she the said Mother hath not been married since the said Order was made, and that the Payments directed to be made by the said Order have not been made according thereto by the said and that there is now in arrear for the same the Sum of being the Amount of Arrears for Weeks Payments, *and Ten Shillings for the Midwife, and the Sum of* *for the Costs incurred in the obtaining such Order.*

These are, therefore, in Her Majesty's Name, to command you, the said Constable, or other Officers of the Peace, or some or one of you, forthwith to apprehend the said and convey him before Two of Her Majesty's Justices of the Peace in and for the said *County* (a), to answer the Premises, and be dealt with according to Law.

Given under my Hand and Seal, at in the *County* (a) of this Day of in the Year of our Lord One thousand eight hundred and forty

(a) *or* City, Borough, *or other Place* (b) *or* Affirmation

No. 12.

Warrant of Distress against the putative Father.

to wit. To the Constable of in the County of

WHEREAS Information and Complaint were, on the Day of in the Year of our Lord One thousand eight hundred and forty made upon *Oath* (b) before One

(b) *or* Affirmat

of

of Her Majesty's Justices of the Peace in and for the said *County*, (a) by of the Parish of in the *County* (a) of single Woman, that by an Order made at the Petty Session holden in and for the *Division* (a) *of* *in the County of* (a) on the Day of in the Year of our Lord One thousand eight hundred and forty by Her Majesty's Justices of the Peace in and for the said *County* (a) acting in and for the said *Division* (a) then and there assembled of *in the County* (a) *of* was adjudged to be the putative Father of a Bastard Child, then lately born of her Body, and that in and by the said Order it was ordered that the said should pay to her the said so long as she should be of sound Mind, and should not be in any Gaol or Prison, or under Sentence of Transportation, or to the Person who might be appointed to have the Custody of the said Child under the Provisions of the said Statute, *the Sum of per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks* the Sum of per Week until such Child should attain the Age of Thirteen Years, or should die, or she the said Mother should marry, *and the Sum of Ten Shillings for the Midwife, and the Sum of for the Costs incurred in obtaining such Order;* and that the said had had due Notice of the said Order, and that the said Bastard Child was then living under the Age of Thirteen Years, and that she the said Mother had not been married since the said Order was made, and that the Payments directed to be made by the said Order had not been made according thereto by the said and that there was then in arrear for the same the Sum of being the Amount of Arrears for Weeks Payments, *and Ten Shillings for the Midwife, and the Sum of for Costs incurred in obtaining such Order.*

And whereas the said Justice, by Warrant under his Hand and Seal directed to the Constable of the said Parish of and all Her Majesty's Officers of the Peace in and for the said *County* (a), commanded him, or some or one of them, forthwith to apprehend the said and to convey him before Two of Her Majesty's Justices of the Peace for the said *County* (a), to answer the Premises, and be dealt with according to Law. Whereupon the said being now brought before us, Two of Her Majesty's Justices of the Peace for the said *County* (a) to show Cause why the same should not be paid, hath not shown any Cause why the same should not be paid; and the same duly appearing to us upon Oath to be due from the said under the said Order, together with the further Sum of for the Costs attending such Warrant, Apprehension, and bringing up of him the said nevertheless *neglects* (d) to make Payment of the said Sums due under the said Order, and the said Sums so due for such Costs.

These are therefore to require you forthwith to make Distress of the Goods and Chattels of the said and if within the Space of Days next after such Distress by you taken the said Sums, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and out of the Money arising by such Sale thereof that you detain the said Sums, and also the reasonable Charges of taking, keeping, and selling the said Distress, rendering the Overplus (if any), on Demand, unto the said and if no sufficient Distress can be found, that then you certify the same unto us, or unto (e) Two of Her Majesty's Justices of the Peace acting for the said *County* (a), to the end that such further Proceedings may be had therein as to Law doth appertain: And we further order you to make Return to this Warrant, on the Day of next, unto us or such Justices as aforesaid.

And whereas (f) *the said not having given sufficient Security, by way of Recognizance or otherwise, to our Satisfaction, for his Appearance on the Return of this Warrant, we do hereby further order you to detain the said and keep him in safe Custody until the said Return can be conveniently made, and then bring him before us or such Justices as aforesaid.*

Given under our Hands and Seals, at in the *County* (a) of this Day of in the Year of our Lord One thousand eight hundred and forty .

(a) *or* City, Borough, *or other Place*
(d) *or* refuses
(e) *If the Party give Security for his Appearance, insert the Names of the Justices before whom he is to appear; but should he not find such Security, insert the Word* "any."
(f) *Should the Party find Security for his Appearance on the Return of the Warrant, erase this Paragraph.*

No. 13.

Form of Recognizance for Appearance at the Return of the Distress Warrant.

RECOGNIZANCE in the common Form, subject to the following Condition.

to wit. } WHEREAS the above-bounden having been apprehended upon a Warrant issued under the Hand and Seal of One of Her Majesty's Justices of the Peace in and for the *County* (a) of upon the Information and Complaint of for Disobedience to an Order made in the Petty Session holden in and for the *Division* (a) *of* *in the County* of on the Day of in the Year of our Lord One thousand eight hundred and forty by Her Majesty's Justices of the Peace then and there

(a) *or* City, Borough, *or other Place*

assembled,

assembled, whereby he was adjudged to be the putative Father of a Bastard Child, lately born of the Body of the said single Woman, and ordered to pay certain Sums of Money as therein set forth; and having been brought before Two of Her Majesty's Justices of the Peace for the said *County* (a), by virtue of the said Warrant, and having neglected (b) to make Payment of the Sums due from him under such Order, together with the Costs attending such Warrant, Apprehension, and bringing of him up before such Justices, they have, by Warrant under their Hands and Seals, addressed to the Constable of the Parish of directed the Sum so due, together with such Costs, to be recovered by Distress and Sale of the Goods and Chattels of the said and have made the said Warrant returnable on the Day of to them, or unto Two Justices of the Peace acting for the said *County* (a).

Now the Condition of this Recognizance is such, that if the above-bounden do appear before the Justices unto whom the said Warrant is made returnable on the Day so appointed for the Return thereof, to abide the further Proceedings thereon, then the same shall be of no Effect, otherwise to remain in full Force.

Taken and acknowledged the Day of in the Year of our Lord One thousand eight hundred and forty at in the *County* (a) of before me the undersigned, one of Her Majesty's Justices of the Peace in and for the said *County* (a) of .

(a) *or* City, Borough, *or other Place* (b) *or* refused

No. 14.

Warrant of Commitment.

} To the Constable of in the *County* (a) of and to the Keeper of
to wit. } the (b) *Common Gaol* at in the County of

WHEREAS Information and Complaint were, on the Day of in the Year of our Lord One thousand eight hundred and forty made upon *Oath* (c) before One of Her Majesty's Justices of the Peace for the said *County* (a), by of the Parish of in the *County* (a) of single Woman, that by an Order made under the Authority of the Statute passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," at the Petty Session holden in and for the *Division* (a) *of in the County* of on the Day of in the Year of our Lord One thousand eight hundred and forty by Her Majesty's Justices of the Peace for the said *County* (a) acting in and for the said *Division* (a), then and there assembled, of in the *County* (a) of was adjudged to be the putative Father of a Bastard Child then lately born of her Body; and that in and by the said Order it was ordered that the said should pay to her the said so long as she should live and should be of sound Mind, and should not be in any Gaol or Prison, or under Sentence of Transportation, or to such Person as might be appointed to have the Custody of such Bastard Child, under the Provisions of the said Statute, *the Sum of per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks* the Sum of per Week until such Child should attain the Age of Thirteen Years, or should die, or that she the said Mother should marry, *and the Sum of Ten Shillings for the Midwife, and the Sum of for the Costs incurred in obtaining such Order;* and that the said had had due Notice of the said Order, and that the said Bastard Child was then living under the Age of Thirteen Years, and that she the said Mother had not been married since the said Order was made, and that the Payments directed to be made by the said Order had not been made according thereto by the said and that there was then in arrear for the same the Sum of being the Amount of Arrears for Weeks Payments, *and Ten Shillings for the Midwife, and the Sum of for Costs incurred in obtaining such Order.*

And whereas the said Justice, by Warrant under his Hand and Seal, directed to the Constable of the said Parish of and all Her Majesty's Officers of the Peace in and for the said *County* (a), commanded him forthwith to apprehend the said and to convey him before Two of Her Majesty's Justices of the Peace in and for the said *County* (a) to answer the Premises, and be dealt with according to Law.

Whereupon the said being now brought before us, Two of Her Majesty's Justices of the Peace for the said *County* (a) to show Cause why the same should not be paid, hath not shown any Cause why the same should not be paid; and the same duly appearing upon *Oath* (c) to be due from the said under the said Order, together with a further Sum of for the Costs attending such Warrant, Apprehension, and bringing up of him, the said nevertheless *neglects* (e) to make Payment of the said Sums due under the said Order, and the said Sums so due for such Costs:

And whereas it appears to us, upon the Admission of the said that no sufficient Distress can be had upon his Goods and Chattels for the Recovery of the said several Sums:

(a) *or* City, Borough, *or other Place* (b) *or* House of Correction (c) *or* Affirmation (e) *or* refuses

These

These are therefore to command you the said Constable of to convey the said to the said *Common Gaol* (f) at and these are also to command you the said Keeper of the said *Common Gaol* (f) to receive the said into the said *Common Gaol* (f), there to remain without Bail or Mainprize for the Term of (g) unless such Sum and Costs, together with (h) the Costs and Charges attending the Commitment and conveying of the said to the said *Common Gaol* (f), and of the Persons employed to convey him thither, be sooner paid and satisfied.

Given under our Hands and Seals, at in the County of this Day of in the Year of our Lord One thousand eight hundred and forty

(f) *or* House of Correction.
(g) *Not to exceed Three Calendar Months.*
(h) *Where Warrants are issued after the passing of this Act the Justices should insert the Amount of these Costs and Charges.*

No. 15.

Warrant of Commitment in default of Distress.

} To the Constable of in the *County* (a) of and to the Keeper
to wit. } of the *Common Gaol* (b) at in the County of .

WHEREAS Information and Complaint were, on the Day of in the Year of our Lord One thousand eight hundred and forty made *upon Oath* (c) before One of Her Majesty's Justices of the Peace for the said *County* (a) by of the Parish of in the *County* (a) of single Woman, that by an Order made under the Authority of the Statute passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," at the Petty Session holden in and for the *Division* (a) *of in the County of* on the Day of in the Year of our Lord One thousand eight hundred and forty by Her Majesty's Justices of the Peace for the said *County* (a) acting in and for the said *Division* (a) then and there assembled, of in the *County* (a) of was adjudged to be the putative Father of a Bastard Child then lately born of her Body, and that in and by the said Order it was ordered that the said should pay to her the said so long as she should live and should be of sound Mind, and should not be in any Gaol or Prison, or under Sentence of Transportation, or to such Person as might be appointed to have the Custody of such Bastard Child under the Provisions of the said Statute, the *Sum of per Week for the first Six Weeks from the Birth of the said Child, and from the Expiration of such Six Weeks* the Sum of per Week until such Child should attain the Age of Thirteen Years, or should die, or that she the said Mother should marry, *and the Sum of Ten Shillings for the Midwife, and the Sum of for the Costs incurred in obtaining such Order;* that the said had had due Notice of the said Order, and that the said Bastard Child was then living under the Age of Thirteen Years, and that she the said Mother hath not been married since the said Order was made, and that the Payments directed to be made by the said Order had not been made according thereto by the said and there was then in arrear for the same the Sum of being the Amount of Arrears for Weeks Payments, *and Ten Shillings for the Midwife, and the Sum of for the Costs incurred in obtaining such Order.*

And whereas the said Justice, by Warrant under his Hand and Seal, directed to the Constable of the said Parish of and all Her Majesty's Officers of the Peace in and for the said *County* (a), commanded him forthwith to apprehend the said and to convey him before Two of Her Majesty's Justices of the Peace for the said *County* (a) to answer the Premises, and to be dealt with according to Law. Whereupon the said being brought before Two of Her Majesty's Justices of the Peace for the said *County* (a), to show Cause why the same should not be paid, did not show any Cause why the same should not be paid; and the same duly appearing upon Oath to be due from the said under the said Order, together with the further Sum of for the Costs attending such Warrant, Apprehension, and bringing up of him, but the said *neglecting* (e) to make Payment of the said Sums due under the said Order, and the said Sums so due for such Costs, the said Justices required the Constable of the Parish of in the said Warrant mentioned, forthwith to make Distress of the Goods and Chattels of the said and if no such Distress could be found then to certify the same unto them, or unto Two of Her Majesty's Justices of the Peace acting for the said *County* (a), to the end that such further Proceedings might be had therein as to Law appertained.

And whereas it appears to us Two of Her Majesty's Justices of the Peace acting for the said *County* (a), by Return of the said Constable of the said dated the Day of that he hath made diligent Search, but doth not know of nor can find any Goods and Chattels of the said by Distress and Sale whereof the said Sums and Costs can be recovered, pursuant to the said Warrant; and that the Costs incurred by the said Constable in attempting to make such Distress are Shillings .

(a) *or* City, Borough, *or other Place*
(b) *or* House of Correction
(c) *or* Affirmation
(e) *or* refusing

And

And the said is now before us (f)

These are therefore to command you the said Constable of to convey the said to the said *Common Gaol* (g), and these are also to command you the said Keeper of the said *Common Gaol* (g) to receive the said into the said *Common Gaol* (g), there to remain without Bail or Mainprize for the Term of (h) unless such Sums and Costs, and the aforesaid Charges attending the Attempt to make the said Distress, together with the Costs and Charges (i) attending the Commitment and conveying of the said to the said *Common Gaol* (g), and of the Persons employed to convey him thither, be sooner paid and satisfied.

Given under our Hands and Seals, at in the County of this Day of in the Year of our Lord One thousand eight hundred and forty .

(f) *Insert* "in custody of the said Constable;" *or* "according to the Exigency of a Recognizance duly entered into by him on the Day of last."

(g) *or* House of Correction (h) *Not to exceed Three Calendar Months.*

(i) *Where Warrants are issued after the passing of this Act, the Justices should insert the Amount of these Costs and Charges.*

No. 16.

Appointment of Guardian to the Bastard Child.

WHEREAS the Justices assembled at a Petty Session of Her Majesty's Justices of the Peace for the *County* (a) of holden in and for the *Division of* (a) *in the County of* (a) at on the Day of in the Year of our Lord One thousand eight hundred and forty by an Order under their Hands and Seals, reciting that one single Woman, residing at within the said *Division* (a), did, on the Day of in the Year of our Lord One thousand eight hundred and forty make Application to One of Her Majesty's Justices of the Peace acting for the said *Division* (a), for a Summons to be served upon one and the said Justice thereupon issued his Summons to the said to appear at a Petty Session to be holden on the Day of in the Year of our Lord One thousand eight hundred and forty for the said *Division* (a) in which he usually acted, to answer her Complaint touching the Premises :*

And that the said having been duly served with the said Summons, within Forty Days from the said Day of and that the said having then applied to the said Justices in Petty Sessions assembled for an Order upon the said according to the Form of the Statute in such Case made and provided: And that it having been then proved to the said Justices that the said Child was *since* (b) the passing of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," (that is to say,) on the Day of in the Year of our Lord One thousand eight hundred and forty born a Bastard of the Body of the said : And that the said Justices, having heard the Evidence of such Woman, and such other Evidence as she had produced, and the Evidence of the said the Mother of the said Child having been corroborated in some material Particular by other Testimony, to their Satisfaction, did adjudge the said to be the putative Father of the said Child, and, having regard to all the Circumstances of that Case, did order that the said should pay unto the Mother of the said Bastard Child, so long as she should live and be of sound Mind, and be not in any Gaol or Prison, or under Sentence of Transportation, or to the Person who might be appointed to have the Custody of such Child, under the Provisions of the said Statute, the Sum of until the said Child should attain the Age of Thirteen Years, or should die, or the said should marry: And they did further order the said to pay to the said the Sum of being the Costs incurred in obtaining their Order:

And whereas the said hath not married since the making of the said Order, but *hath lately* (c) and the said Child is still alive, and under the Age of Thirteen:

Now we Two of Her Majesty's Justices of the Peace acting in and for the *County* (a) of do hereby order and appoint one of in the *County* of (a) not being an Officer of any Parish or Union, and having consented thereto, to have the Custody of such Bastard Child, so long as such Bastard Child shall not be chargeable to any Parish or Union.

Given under our Hands and Seals, at in the *County* of (a) this Day of in the Year of our Lord One thousand eight hundred and forty .

N. B.—A Duplicate of this Appointment is to be sent through the Post or otherwise, by the Clerk of the Justices, to the Clerk of the Guardians of the Union or Parish wherein the Mother of the said Child resided at the Time when she died, or ceased to be entitled to receive the Payments under the Order.

(a) *or* City, Borough, *or other Place* (b) *or* within Six Calendar Months before

* This Form must be completed, in regard to the Recitals, by reference to the Order of the Justices.

(c) died, *or* become of unsound Mind, *or* is now in the Gaol *or* Prison of in the County of , *or* is under Sentence of Transportation.

CAP. XI.

An Act for assigning Sheriffs in *Wales*. [8th *May* 1845.]

'WHEREAS it is convenient that the Sheriffs in each of the Shires in *Wales* be nominated and appointed in like Manner as is used in other Parts of *England*;' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act the Sheriffs in each Shire in *Wales* shall be assigned, ordained, nominated, and appointed at the same Time and Place and in like Manner and Form as is used according to Law for Sheriffs in the Shires of *England*. Sheriffs to be appointed in Wales as in England.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Alteration of Act.

CAP. XII.*

An Act to alter and amend certain Duties of Customs. [8th *May* 1845.]

'WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to amend the Laws relating to the Customs*, certain Duties of Customs were made payable to Her said Majesty, Her Heirs and Successors, upon the Goods, Wares, and Merchandize contained in the Tables marked (A.) and (B.), and Schedule, to this Act annexed: 5 & 6 Vict. c. 47.
'And whereas it is expedient that such Duties should be repealed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Duties on the several Articles so contained in such Tables and Schedule shall be and the same are hereby repealed, at the several Periods therein specified. Duties repealed.

II. And be it enacted, That in lieu and instead of the Duties of Customs now payable upon the Goods, Wares, and Merchandize imported into the United Kingdom in the annexed Schedule mentioned and set forth, denominated a Schedule of Duties of Customs, there shall be raised, levied, collected, and paid unto Her said Majesty, Her Heirs and Successors, upon the respective Goods, Wares, and Merchandize imported into the United Kingdom, the several Duties of Customs as the same are respectively inserted, described, and set forth in Figures in the said Schedule annexed to this Act. Duties imposed.

III. And be it enacted, That the Duties by this Act imposed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, allowed, and applied or appropriated under the Provisions of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting Duties of Customs*, and of any other Act or Acts in force relating to the Customs. Duties how to be recovered. 3 & 4 W. 4. c. 56.

IV. 'And whereas it is expedient that correct Accounts may continue to be taken of the Value of the Imports of certain Goods upon which Duty has hitherto been charged according to the Value thereof, but upon which Goods the Duties have been repealed by this Act;' be it enacted, That upon the Entry Inwards of any such Goods the Value thereof shall be stated in the Entry, and shall be affirmed by the Declaration of the Importer or his known Agent, written upon the Entry and attested by his Signature, and if such Declaration be false, the Person signing the same shall forfeit a Sum not exceeding Twenty Pounds; and it shall be lawful for the Landing Waiter or other Officer appointed to examine such Goods to call for the Invoice, Bills of Parcels, and such other Documents relating thereto as he may think necessary for ascertaining the true Value of the same. Value of Goods entered Inwards to be stated in the Entry and attested by the Importer.

V. And be it enacted, That this Act may be altered or amended by any Act to be passed in this Session of Parliament. Alteration of Act.

TABLE (A.)

From and after the passing of this Act.

Agates, or Cornelians, not set.
Alganobilla.
Alkali.
Alkanet Root.
Almonds, Bitter.
Aloes.
Alum.
—— Roch.
Amber, rough.
Ambergris.
Amboyna Wood.
Angelica.
Annatto.
———— Roll.
Antimony, Ore of.
———— Crude.
———— Regulus of.
Argol.
Aristolochia.
Arsenic.
Ashes, Pearl and Pot.
———— Soap, Weed, and Wood.
———— unenumerated.
Asphaltum or Bitumen Judaicum.
Balsam, Canada.
———— Capivi.
———— Peru.
———— Riga.
———— Tolu.
———— Balm of Gilead, and unenumerated Balsam.
Barilla.
Bar Wood.
Bark, Extract of, or of other Vegetable Substances, to be used only for tanning Leather.

* *Repealed by Cap.* 84. *of this Session.*

TABLE (A.)—*continued.*

Bark, for Tanners or Dyers Use.
—— Cascarilla.
—— Peruvian.
—— of other Sorts.
Basket Rods, peeled and unpeeled.
Beef Wood.
Berries, Bay.
——— Juniper.
——— Yellow.
——— unenumerated.
Birds, Singing.
Blackwood.
Bladders.
Bones of Cattle and other Animals, and of Fish (except Whale Fins), whether burnt or not, or as Animal Charcoal.
Box Wood.
Borax, refined.
Borax or Tincal, unrefined.
Boracic Acid.
Brazil Wood.
Brazilletto Wood.
Brimstone, refined in Rolls.
——— in Flour.
——— not refined.
Bristles, rough, or in any way sorted.
Bronze Works of Art.
Bulrushes.

Camomile Flowers.
Camphor, unrefined.
Camwood.
Candlewick.
Canella Alba.
Canes, Bamboo.
—— Reed.
—— Rattans, not ground.
—— or Sticks, unenumerated.
Caoutchouc.
Cardamoms.
Cassia Buds.
—— Fistula.
Castor.
Cedar Wood.
Chalk, unmanufactured.
Chip, or Willow, for platting.
Chesnuts.
China Root.
Crystal, rough.
Cinnabaris Nativa.
Citrate of Lime.
Citric Acid.
Civet.
Coals, Culm, and Cinders.
Cobalt.
——— Ore of.
Cochineal.
——— Dust.
——— Granilla.
Coir Rope and Junk, old and new, cut into Lengths not exceeding Three Feet each.
Colocynth.
Columbo Root.
Copperas, Blue.
——— Green.
——— White.

Coral, whole, polished.
—— —— unpolished.
—— in Fragments.
Cork.
Cotton Yarn.
Cubebs.
Cream of Tartar.

Divi Divi.
Down.
Drugs, unenumerated.

Ebony.

Feathers for Beds, in Beds or otherwise.
——— Ostrich, undressed.
——— Paddy Bird, undressed.
——— unenumerated and undressed.
Flax and Tow, or Codilla of Hemp and Flax, dressed and undressed.
Flocks.
Flower Roots.
Fustic.

Gallic Powder.
Galls.
Gamboge.
Garancine.
Garnets, cut or uncut, not set.
Gentian.
Ginseng.
Glue Clippings, or Waste of any Kind, fit only for making Glue.
Goods unenumerated, not being either in part or wholly manufactured, not enumerated or prohibited.
Grease.
Greaves for Dogs, and Tallow Greaves.
Guano.
Gum, Animi.
—— Arabic.
—— Assafœtida.
—— Ammoniacum.
—— Benjamin.
—— Copal.
—— Euphorbium.
—— Guiacum.
—— Kino.
—— Lac Dye.
—— Mastic.
—— Seed Lac.
—— Senegal.
—— Shellac.
—— Storax.
—— Tragacanth.
—— unenumerated.
Gun Stocks in the rough, of Wood.
Gypsum.

Hair, Camel Hair or Wool.
—— Cow, Ox, Bull, or Elk.
—— Horse.
—— Human.
—— unenumerated.
Heath, for Brushes.
Helebore.
Hemp, dressed.

TABLE (A.)—*continued.*

Hemp, rough or undressed, or any other Vegetable Substance of the Nature and Quality of undressed Hemp, and applicable to the same Purposes.
Hides, not tanned, tawed, curried, or in any Way dressed, dry and wet.
—— or Pieces of Hides, raw or undressed, and unenumerated.
—— Tails, Buffalo, Bull, Cow, or Ox.
—— tanned, not otherwise dressed.
Hones.
Hoofs of Cattle.
Hoops of Wood.
Horns—Horn Tips and Pieces of Horns.
Indigo.
Inkle, unwrought.
Iron, Bloom.
—— Cast.
—— Chromate of.
—— in Bars, unwrought.
—— Hoops.
—— Old Broken and Cast Iron.
—— Ore.
—— Pig.
—— slit or hammered into Rods.
Jalap.
Jet.
Jewels—Emeralds and all other precious Stones, unset.
——— Pearls.
Juice of Lemons, Limes, or Oranges.
Kingwood.
Lac; viz. Sticklac.
Lapis Calaminaris.
Lard.
Latten.
——— Shaven.
Lavender Flowers.
Lead Ore.
—— Red.
—— White.
—— Black.
—— Chromate of.
Leaves of Roses.
Leeches.
Lignum Vitæ.
Litharge.
Logwood.
Losh Hides.
Madder.
Madder Root.
Mahogany.
Manganese, Ore of.
Manna.
Manures, unenumerated.
Metal—Bell Metal.
Minerals and Fossils unenumerated.
Models of Cork or Wood.
Morphia.
Moss, Lichen Islandicus.
—— other than Rock or Iceland Moss.
—— Rock, for Dyers Use.
Mother-o'-Pearl Shells.
Musk.
Myrrh.
Nicaragua Wood.
Nickel, Arseniate of, in Lumps or Powder, being in an unrefined State.
——— Metallic, and Oxide of, refined.
——— Ore of.
Nitre—Cubic Nitre.
Nuts; viz.
—— Kernels of Walnuts and of Peach Stones, and of Nuts or Kernels thereof, unenumerated, commonly used for expressing Oil therefrom.
—— Coco Nuts.
Nuts, Pistachio.
Nuts and Kernels, unenumerated.
Oakum.
Ochre.
Oil, Animal.
—— Castor.
—— Cocoa Nut.
—— of Olives, except in Ships of the Two Sicilies.
—— Lard.
—— Palm.
—— Paran.
—— Rock.
—— unenumerated.
—— Train, Blubber, Spermaceti Oil, and Head Matter, the Produce of Fish or Creatures living in the Sea, caught by the Crews of British Vessels, and imported direct from the Fishery or from any British Possession in a British Vessel.
Oil;—Seed Oils; viz.
—— Hempseed.
—— Linseed.
—— Rapeseed.
—— Walnut.
—— Seed, unenumerated.
Oil Seed Cake.
Olibanum.
Olive Wood.
Orange Peel and Lemon Peel.
Ore, unenumerated.
Orchal.
Orpiment.
Orris Root.
Painters Colours, unenumerated, unmanufactured.
Palmetto Thatch.
Pink Root.
Pitch.
—— Burgundy.
Plaster of Paris.
Platina and Ore of Platina.
Platting or other Manufactures to be used in or proper for making Hats or Bonnets of Chip.
Pomegranates, Peel of.
Prussiate of Potash.
Quicksilver.
Quils, Goose.
—— Swan.
Radix Contrayervæ.
——— Enulæ Campanæ.
——— Eringii.
——— Ipecacuhanæ.

TABLE (A.)—*continued.*

Radix Rhataniæ.
—— Senekæ.
—— Serpentariæ or Snake Root.
Rags, old Rags, old Ropes or Junk, or old Fishing-nets, fit only for making Paper or Pasteboard.
—— Pulp of.
—— Woollen.
Rape of Grapes.
Red Wood or Guinea Wood.
Rhubarb.
Rosewood.
Rosin.
Safflower.
Saffron.
Sal Ammoniac.
—— Limonum.
—— Prunella.
Salep or Salop.
Saltpetre.
Sanguis Draconis.
Santa Maria Wood.
Sapan Wood.
Sarsaparilla.
Sassafras.
Satin Wood.
Saunder's Red.
———— White or Yellow.
Scammony.
Seeds; viz.
——— Croton, commonly used for expressing Oil therefrom.
——— Hemp.
——— Poppy.
——— Sesamum.
——— unenumerated, commonly used for expressing Oil therefrom.
Senna.
Shumach.
Silk, Raw.
—— Knubs or Husks, and Waste Silk.
—— Thrown, not Dyed.
Skins and Furs; viz.
—— Marten, undressed.
—— Seal, in the Hair, not tanned, tawed, or dressed.
—— Squirrel or Calabar, undressed.
—— Furs, Pelts, and Tails; viz.
—— Badger, undressed.
—— Bear, undressed.
—— Beaver, undressed.
—— Cat, undressed.
—— Chincilla, undressed.
—— Coney, undressed.
—— Deer, undressed.
—— Dog, in the Hair, not tanned or dressed.
—— Dog Fish, undressed.
—— Elk, undressed.
—— Ermine, undressed.
—— Fisher, undressed.
—— Fitch, undressed.
—— Fox, undressed.
—— Fox Tails, undressed.
—— Goat, Raw.
—— Goose, undressed.
Skins and Furs—*cont.*
—— Hare, undressed.
—— Husse, undressed.
—— Kangaroo, raw and undressed.
—— Kid, in the Hair, undressed.
—— Kolinski, undressed.
—— Leopard, undressed.
—— Lion, undressed.
—— Lynx, undressed.
—— Marten Tails, undressed.
—— Mink, undressed.
—— Mole, undressed.
—— Musquash, undressed.
—— Nutria, undressed.
—— Otter, undressed.
—— Ounce, undressed.
—— Panther, undressed.
—— Pelts, undressed, of Goats.
———————— of all other Sorts.
—— Racoon, undressed.
—— Sable, undressed.
—— Sable Tails or Tips, undressed.
—— Squirrell or Calabar, Tails of, undressed.
—— Swan, undressed.
—— Tiger, undressed.
—— Weasel, undressed.
—— Wolf, undressed.
—— Wolverings, undressed.
—— Furs, Pelts, and Tails, tanned, tawed, or dressed; viz.
—— Deer,—Indian, half dressed, tanned, tawed, or in any way dressed.
—— Ermine, dressed.
—— Kid, dressed and dyed or coloured.
—— Lamb, tanned or tawed.
—— Lamb, dyed or coloured.
Dressed in Oil:
—— Mink, dressed.
—— Pelts of all Sorts, tanned, tawed, or in any way dressed.
—— Deer,—Indian, undressed or shaved.
—— Goat, tanned, tawed, or in any way dressed.
—— Lamb, in the Wool.
—— Sheep, in the Wool.
—— ——— tanned or tawed, dressed in Oil.
—— Squirrel or Calabar, tawed.
—— Wolf, tawed.
—— Kid, dressed, not dyed or coloured.
—— and Furs, or Pieces thereof, unenumerated, tawed, curried, or dressed.
—— and Furs or Pieces thereof, raw, or undressed, unenumerated.
Specimens of Minerals, Fossils, or Ores, unenumerated, exceeding Fourteen Pounds Weight each.
Speckled Wood.
Spelter or Zinc, rolled, but not otherwise manufactured.
———————— crude, in Cakes.
Sponge.
Squills, dried and not dried.
Stavesacre.
Staves, not exceeding Seventy-two Inches in Length, nor Seven Inches in Breadth, nor Three Inches and a Quarter in Thickness.
Steel, unwrought.

TABLE (A.)—*continued.*

Steel, Scraps.
Straw or Grass for Platting.
Sweet Wood.
Stone in Blocks, shaped or rough scalped.
Sulphur Casts.
Talc.
Tar.
—— Barbadoes.
Tarras.
Tartaric Acid.
Teasles.
Teeth, Elephants.
—— Sea-Cow, Sea-Horse, or Sea-Morse.
Terra Japonica, and Cutch.
—— Sienna.
—— Verde.
—— Umbra.
Tin Ore, and Regulus of.
Tornsal.
Tortoise Shell or Turtle Shell, unmanufactured.
Tulip Wood.
Turmeric.
Turpentine of Venice, Scio, or Cyprus.
Turpentine, unless above the Value of 15*s.* per Cwt.
Valonia.
Vases, ancient, not of Stone or Wood.
Vermilion.
Ultramarine.
Walnut Wood.
Water, Mineral.
Wax, Bees, in any Degree bleached.
—— —— unbleached.
—— Myrtle.
—— Vegetable.
Weld.
Whale Fins, of British taking, and imported direct from the Fisheries, or from any British Possession in a British Ship.
Woad.
Wood for Ship-building, now admitted at the same Duty as Teake Wood.
—— Birch, hewn, not exceeding Three Feet long nor exceeding Eight Inches square, imported for the sole Purpose of making Herring Barrels for the Use of the Fisheries.
—— Teake.
Wool, Beaver.
—— —— cut and combed.
—— Coney.
—— Hares.
—— Cotton.
Yarn.
—— Camel or Mohair.
—— Raw Linen.
Zaffre.
Zebra Wood.

TABLE (B.)

Seeds; viz.		
Acorn.	Lettuce.	From and after the 1st Day of June 1845.
Anniseed.	Linseed and Flaxseed.	
Beans, Kidney or French.	Lupin.	
Burnet.	Maw.	
Colchicum.	Millet.	
Cole.	Parsley.	
Coriander.	Quince.	
Cummin.	Rape.	
Fenugreek.	Shrub or Tree.	
Forest.	Tares.	
Garden, unenumerated.	Worm.	
Lentiles.		
Spermaceti		1st Day of January 1849.
Sperm Oil of Foreign Fishing		
Train Oil or Blubber of Foreign Fishing		1st Day of January 1847.
Whales Fins of Foreign taking, and not prohibited		

A SCHEDULE OF DUTIES OF CUSTOMS.

	£	*s.*	*d.*
Isinglass, per Cwt	0	5	0
Oils, Chemical, Essential, or Perfumed, per lb.	0	1	0
—— Essential, of Cloves, per lb.	0	3	0
Pickles preserved in Vinegar, per Gallon	0	0	4
Pickles or Vegetables preserved in Salt, for every 100*l.* Value	5	0	0
Refined Camphor, per Cwt.	0	5	0
Smalts, per Cwt.	0	10	0
Turpentine above the Value of 15*s.* per Cwt.	0	2	0
Verdigris, per Cwt.	0	5	0
Yarn Cable, per Cwt.	0	3	0

	£	s.	d.
That from and after the Expiration of Excise Duties on British Glass, and until the 10th Day of October 1846, the following Duties of Customs:			
Glass; viz.			
Any Kind of Window Glass, White, or stained of One Colour only, not exceeding One Ninth of an Inch in Thickness, and Shades and Cylinders, the Cwt. -	0	14	0
All Glass exceeding One Ninth of an Inch in Thickness; all silvered or polished Glass of whatever Thickness, however small each Pane, Plate, or Sheet, superficial Measure; viz			
Not exceeding more than 9 square Feet, the square Foot - - -	0	1	0
Containing more than 9 square Feet, and not more than 14 square Feet, the square Foot - - - - - - - -	0	2	0
Containing more than 14 square Feet, and not more than 36 square Feet, the square Foot - - - - - - - -	0	2	6
Containing more than 36 square Feet, the square Foot - - -	0	3	0
Glass, painted, or otherwise ornamented, the superficial Foot - -	0	3	0
All White Flint Glass Bottles, not cut, engraved, or otherwise ornamented, and Beads and Bugles of Glass, the lb. - - - - -	0	0	2
Wine Glasses, Tumblers, and all other White Flint Glass Goods, not cut, engraved, or otherwise ornamented, the lb. - - - - - -	0	0	4
All Flint Cut Glass, Flint coloured Glass, and Fancy Ornamental Glass, of whatever Kind, the lb. - - - - - - - -	0	0	8
Bottles of Glass covered with Wicker (not being Flint or Cut Glass), or of Green or common Glass, the Cwt. - - - - - - -	0	3	0
Glass Manufactures, not otherwise enumerated or described, and old broken Glass, fit only to be remanufactured, the Cwt. - - - - -	0	14	0

And that from and after the 10th Day of October 1846, until the 5th Day of April 1848, there be charged on the said Article One Half of the said Duties, and from and after the 5th Day of April 1848 One Fourth of the said Duties.

CAP. XIII.

An Act to repeal the Duties of Excise on Sugar manufactured in the United Kingdom, and to impose other Duties in lieu thereof. [8th *May* 1845.]

7 W. 4. & 1 Vict. c. 57. 3 & 4 Vict. c. 57.

'WHEREAS by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to impose certain Duties of Excise on Sugar made from Beet Root in the United Kingdom*, a Duty of Excise of One Pound Four Shillings was imposed on every Hundred Weight of Sugar manufactured in the United Kingdom from Beet Root: And whereas by another Act passed in the Third and Fourth Years of the Reign of Her said Majesty, intituled *An Act to impose Duties of Excise on Sugar manufactured in the United Kingdom*, the same Amount of Duty as was by Law payable on Sugar manufactured from Beet Root was imposed upon all Sugar manufactured in the United Kingdom, from whatever Materials made: And whereas it is expedient to repeal the said Duties, and to impose other Duties in lieu thereof:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Duties aforesaid shall cease and be no longer paid or payable, save and except in all Cases relating to the suing for, levying, and recovering of any Arrear thereof, or any Fine, Penalty, or Forfeiture which has been incurred before the passing of this Act.

Repeal of the Excise Duties on Sugar manufactured in the United Kingdom.

II. And be it enacted, That in lieu of the Duties by this Act repealed, there shall be raised, levied, collected, and paid the Duty of Excise following; (that is to say), for and upon every Hundred Weight of Sugar manufactured in the United Kingdom, from whatever Materials made, and so in proportion for any greater or lesser Quantity than a Hundred Weight, the Sum of Fourteen Shillings.

New Excise Duty on such Sugar of 14s. per Cwt.

III. And be it enacted, That the said Duties by this Act imposed shall be under the Management of the Commissioners of Excise, and the same shall be charged, raised, levied, collected, and recovered, applied and accounted for under the Enactments and Provisions of the said first-recited Act, and in such and the like Manner, and in and by the same Means, Ways, or Methods by which any other Duties of Excise are or may be charged, raised, levied, collected, and recovered, applied, and accounted for; and the said first-recited Act, and all and every other Act or Acts relating to the Duties of Excise, and all and every Fine, Pain, Penalty, and Forfeiture of any Nature or Kind whatsoever for any Offence against or in breach of the said first-recited Act or any other Act or Acts for securing the Duties of Excise, or for the Regulation thereof, in force immediately before the passing of this Act, and the several Clauses, Powers, and Directions therein contained, shall and the same are hereby respectively directed and declared to extend to, and shall be applied, practised, and put in execution for and in respect of the Duties of Excise by this Act imposed, in as full and ample a Manner as if all and every the said Act and Acts, Clauses, Provisions, Powers, Directions, Fines, Pains, Penalties, and Forfeitures were repeated and re-enacted in this Act.

New Duty to be raised and levied in the same Manner as other Excise Duties; and Powers and Penalties of all Excise Acts to apply to this Act.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Alteration of Act.

CAP. XIV.

An Act to exempt Ships carrying Passengers to *North America* from the Obligation of having on board a Physician, Surgeon, or Apothecary. [8th *May* 1845.]

'WHEREAS by an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act for regulating the Carriage of Passengers in Merchant Vessels*, Ships carrying Passengers to *North America* were exempted from the Obligation of having on board a Physician, Surgeon, or Apothecary, as required by the said Act in other Cases therein specified: And whereas by an Act passed in the last Session of Parliament, intituled *An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen*, it is, among other things, enacted, that every Ship having One hundred Persons or upwards on board, and every Ship, the Voyage of which shall be deemed, under the Provisions of the first-recited Act, to exceed Twelve Weeks, having Fifty Persons or upwards on board, shall have on board, as one of her Complement, some Person duly authorized by Law to practise in this Kingdom as a Physician, Surgeon, or Apothecary, whereby the Exemption granted by the first-recited Act to Ships carrying Passengers to the Continent of *North America* has been taken away in all Cases where the total Number of Persons on board any such Ship shall amount to One hundred and upwards; and it is expedient that such Exemption be preserved:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the last-recited Act as enacts that Ships, as defined in the last-recited Act, carrying Passengers, according to the Provisions of the first-recited Act, from any Port or Place in the United Kingdom, or in the Islands of *Guernsey, Jersey, Alderney, Sark*, or *Man*, to the East Coast of the Continent of *North America*, shall have on board a Physician, Surgeon, or Apothecary as often as the total Number of Persons on board any such Ship shall amount to One hundred and upwards, shall be repealed.

5 & 6 Vict. c. 107.

7 & 8 Vict. c. 112.

So much of 7 & 8 Vict. c. 112. as requires Ships carrying Passengers to the East Coast of North America to have Surgeons, &c. on board when the Number of Persons amount to 100 repealed.

II. And be it enacted, That any Person against whom any Proceeding or Proceedings shall have been commenced, on or before the Day of the passing of this Act, for the Recovery of any pecuniary Penalty incurred or supposed to have been incurred, under the Provisions of the last-recited Act, for any Breach or Non-observance of so much of the last-recited Act as is herein repealed, may apply to the Court in which, or to any Justice or Justices of the Peace before whom, any such Proceeding or Proceedings shall have been commenced, for an Order that such Proceedings shall be discontinued but upon Payment of the Costs thereof incurred to the Time of such Application being made, in case such Proceeding shall have been commenced before the Seventeenth Day of *April* in this Year, such Costs to be taxed according to the Practice of the Court, or at the Discretion of the Justice or Justices before whom such Proceeding shall have been had; and every such Court or Justice or Justices, upon such Application, and Proof that sufficient Notice of the Application has been given to the Plaintiff or Informer, or to his Attorney, and upon being satisfied, by Affidavit or otherwise, that such Proceedings have been commenced for the Recovery of such pecuniary Penalty as aforesaid, shall make such Order as aforesaid; and upon the making such Order as aforesaid, and on Payment or Tender of such Costs as aforesaid, where Costs are herein-before made payable, all further Proceedings for the Recovery of any such pecuniary Penalty shall be forthwith discontinued.

Proceedings for Recovery of Penalties shall be stayed.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Alteration of Act.

CAP. XV.

An Act to repeal the Duties of Excise on Sales by Auction, and to impose a new Duty on the Licence to be taken out by all Auctioneers in the United Kingdom. [8th *May* 1845.]

'WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal several Duties payable on Excise Licences in* Great Britain *and* Ireland, *and to impose other Duties in lieu thereof; and to amend the Laws for granting Excise Licences*, a certain Duty of Excise is imposed for and upon every Licence to be taken out by every Person exercising or carrying on the Trade or Business of an Auctioneer, or selling any Goods or Chattels, Lands, Tenements, or Hereditaments, by Auction; and by a Regulation in the said last-recited Act, and by certain other Acts relating to the Duties of Stamps, Auctioneers are required in certain Cases to take out separate and distinct Licences for selling particular Goods and Chattels by Auction, in addition to their Auctioneer's Licence: And whereas certain Duties of Excise upon the Purchase Money arising or payable by virtue of any Sale at Auction in *Great Britain* and *Ireland* are imposed and regulated by several Acts; (that is to say,) by an Act passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal the Duties of Excise payable in* Great Britain, *and to grant other Duties in lieu thereof;* and by another Act passed in the Forty-fifth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for granting to His Majesty several additional Duties of Excise in* Great Britain; and by another Act passed in the Fifty-fourth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to grant to His Majesty Duties upon Auctions in* Ireland, *in lieu of former Duties thereon; and to provide for the regulating and securing the Collection of the said Duties, and to prevent Frauds therein;* and by another Act passed in the Fifty-fifth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to reduce the Duties on all Sheep Wool, the Growth of the United*

6 G. 4. c. 81.

43 G. 3. c. 69.

45 G. 3. c. 30.

54 G. 3. c. 82.

55 G. 3. c. 142.

'*United Kingdom, which shall be sold by Auction for the Growers or first Purchasers;* and by several 'other Acts for altering or amending the said recited Acts or some of them: And whereas it is expedient 'that the said last-mentioned Duties, and all Duties now imposed upon or for or in respect of Auctioneers 'or Auctions, and all Acts, Clauses, Provisions, and Regulations now in force relating thereto, should 'cease, save and except as after mentioned:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said last-mentioned Duties, and all Duties of Excise now payable in *Great Britain* or *Ireland* upon or for or in respect of Auctioneers and Auctions or Sales at Auction, and all and every Act and Acts of Excise, and all Clauses, Provisions, Exemptions, Penalties, and Things in any Act of Excise in force in *Great Britain* and *Ireland* respectively at or immediately before the passing of this Act, relating to Auctions, or to Duties on Sales by Auction, or to any Auctioneers, save only such Clauses, Provisions, Penalties, Matters, and Things as are contained in the said recited Act of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, and are not repealed or altered by this Act, are hereby repealed, save and except for the Purpose of recovering any Duties on Auctions, or any Arrears of such Duties, or any Fine, Penalty, or Forfeiture relating to Auctions, or for allowing any Exemptions from Duties which have been incurred or become due or allowable at any Time before the passing of this Act; but that all and every such Regulations and Provisions, Powers and Authorities, and all Bonds for securing the Payment of any such Duties on Auctions, in force at and immediately before the passing of this Act, shall be and remain in full Force and Effect for the levying and collecting the said last-mentioned Duties, and Arrears of Duties, Fines, Penalties, and Forfeitures, and for allowing the said Exemptions.

Duties on Sales by Auction repealed.

II. And be it enacted, That from and after the passing of this Act there shall be raised, levied, collected, and paid to Her Majesty, Her Heirs and Successors, in lieu of all Duties now imposed on Licences to be taken out by Auctioneers throughout the United Kingdom, the following annual Sum or Duty of Excise; (that is to say,) for and upon every Licence to be taken out by every Person exercising or carrying on the Trade or Business of an Auctioneer in any Part of the United Kingdom the Sum of Ten Pounds.

New Duty on Auctioneers Licences throughout the United Kingdom.

III. And be it enacted, That the said Duty hereby imposed shall be under the Management of the Commissioners of Excise, and shall be collected, paid, and accounted for in the same Manner as other the Duties of Excise, and shall be charged, raised, levied, sued for, and paid under the Provisions of this Act, and the general or special Provisions, Clauses, Enactments, Regulations, Pains, Penalties, and Forfeitures contained in any Act or Acts relating to the Collection and Management of the Revenue of Excise; and all Penalties by this Act imposed shall be prosecuted, recovered, and applied as any other Penalties under the Laws of Excise.

New Duty to be under the Management of the Commissioners of Excise, &c.

IV. And be it enacted, That every Person who exercises or carries on the Trade or Business of an Auctioneer, or who acts in such Capacity at any Sale or Roup, and every Person who sells or offers for Sale any Goods or Chattels, Lands, Tenements, or Hereditaments, or any Interest therein, at any Sale or Roup where any Person or Persons become the Purchaser of the same by Competition, and being the highest Bidder, either by being the single Bidder or increasing upon the Biddings made by others, or decreasing on Sums named by the Auctioneer or Person acting as Auctioneer, or other Person at such Sale, or by any other Mode of Sale by Competition, shall (except as herein-after in this Act mentioned) be deemed to carry on the Trade or Business of an Auctioneer, and shall be required to take out such Licence as by this Act directed; and every such Licence shall be renewed annually Ten Days at least before the Expiration thereof, on the Fifth Day of *July* in each and every Year; and every Auctioneer having had such a Licence who continues to carry on the Trade or Business of an Auctioneer in the Year next ensuing the Expiration thereof, and omits to renew the same as aforesaid, and every Person who carries on the Trade or Business of an Auctioneer as aforesaid without taking out such Licence as by this Act directed, shall (except as herein-after in this Act mentioned) forfeit One hundred Pounds: Provided always, that Auctioneers who have Licences in force at the passing of this Act, and which Licences do not expire until the Fifth Day of *July* now next ensuing, shall not be required to take out the Licence by this Act directed for the Purpose of carrying on the Business of an Auctioneer until Ten Days before the Expiration of their current Licences, but that every such Auctioneer may, at any Time within the last Quarter of the current Year to expire on the said Fifth Day of *July*, take out the Licence by this Act directed, on Payment of a Fourth Part of the Duty imposed on such last-mentioned Licence; but that on every such Licence taken out after the said Fifth Day of *July*, at whatever Period of the Year, the full Duty of Excise by this Act imposed shall be paid, any other Act or Acts to the contrary thereof notwithstanding.

Licences to be taken out, and to be renewed annually.

V. And be it enacted, That it shall not be necessary for any Person selling any Goods or Chattels by Auction in any of the Cases herein-after mentioned to take out the Licence by this Act required: Any Person selling any Goods or Chattels by Auction under a Distress for Nonpayment of Rent or Tithes to less Amount than Twenty Pounds; or under Authority of an Act passed in the Sixth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to alter and amend an Act passed in the Thirty-ninth and Fortieth Year of King* George *the Third, for the Recovery of Small Debts in* Scotland; or under Authority of an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts in* Ireland, and an Act passed in the Seventh Year of the Reign of His said late Majesty King *William* the Fourth and the First Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws for the Recovery of Small Debts by Civil Bill in* Ireland;

Auction Licence not necessary in certain Cases.

6 G. 4. c. 48.

6 & 7 W. 4. c. 75.

7 W. 4. & 1 Vict. c. 43.

Ireland; or under Authority of an Act passed in the Seventh Year of the Reign of His said Majesty King *William* the Fourth and the First Year of the Reign of Her said Majesty, intituled *An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs in* Scotland; or under Authority of any other Act or Acts of Parliament now in force in which the like Exemption as by the Act specified is given to the proper Officer of Court executing the Process of such Court to sell the Effects seized by him by Auction, without taking out or having any Licence as an Auctioneer, provided the Sum for which such Process is enforced is under Twenty Pounds. 7 W. 4. & 1 Vict. c. 41.

VI. And be it enacted, That so much of the said recited Act of the Sixth Year of the Reign of His said late Majesty King *George* the Fourth as enacts "that every Person exercising or carrying on the Trade or Business of an Auctioneer, or selling any Goods or Chattels, Lands, Tenements, or Hereditaments, by Auction, shall, over and above any Licence to him or her granted as an Auctioneer, take out such Licence as is required by Law to deal in or retail, or to vend, trade in, or sell, any Goods or Commodities, for the dealing in or retailing, or vending, trading in, or selling of which an Excise Licence is specially required, before he or she shall be permitted or authorized to sell such Goods or Commodities by Auction; and if any such Person shall sell any such Goods or Commodities as aforesaid by Auction without having taken out such Licence as aforesaid for that Purpose, he or she shall be subject and liable to the Penalty in that Behalf imposed upon Persons dealing in or retailing, vending, trading, or selling any such Goods or Commodities without Licence, notwithstanding any Licence to him or her before granted as aforesaid for the Purpose of exercising or carrying on the Trade or Business of an Auctioneer, or selling any Goods or Chattels, Lands, Tenements, or Hereditaments by Auction, any thing herein contained to the contrary notwithstanding," together with the Proviso thereto attached, and so much of any other Act or Acts of Parliament by which it is required that a separate and distinct Licence shall be taken out by any Auctioneer selling by Auction Gold or Silver Plate or Patent Medicines, or any other Articles, are hereby repealed; and any Auctioneer having at the Time in force a Licence on which the Duty under the Provisions of this Act has been paid may sell by Auction any such Property, Goods, or Commodities, without taking out any other Licence in such respect, any other Act or Acts to the contrary thereof notwithstanding. 6 G. 4. c. 81. s. 8. repealed, and One Excise Licence to be sufficient.

VII. And be it enacted, That every Auctioneer, before beginning any Auction, shall affix or suspend, or cause to be affixed or suspended, a Ticket or Board containing his true and full Christian and Surname and Residence painted, printed, or written in large Letters publicly visible and legible in some conspicuous Part of the Room or Place where the Auction is held, so that all Persons may easily read the same, and shall also keep such Ticket or Board so affixed or suspended during the whole Time of such Auction being held; and if any Auctioneer begins any Auction, or acts as Auctioneer at any Auction, in any Room or Place where his Name and Residence is not so painted or written on a Ticket or Board so affixed or suspended, and kept affixed or suspended as aforesaid, he shall forfeit for every such Offence the Sum of Twenty Pounds. Auctioneer, before Sale, shall suspend or affix a Ticket or Board containing his full Christian and Surname and Place of Residence.

VIII. And be it enacted, That if any Person acting as an Auctioneer, and by this Act required to take out a Licence as a Person exercising or carrying on the Trade or Business of an Auctioneer, does not at the Time of any Sale by Auction, on demand of any Officer of Excise or Customs, or any Officer of Stamps and Taxes, produce and show to such Officer a proper Licence to him granted under this Act, and then in force, or does not immediately deposit with such Officer the Sum of Ten Pounds, every such Person may be arrested and detained by any Officer of the Peace as herein-after mentioned; and every Officer of the Peace shall, at the Request of any such Officer as first aforesaid, at the Termination of such Sale, or sooner if convenient, arrest and convey such Person before some one of Her Majesty's Justices of the Peace of the County or Place where such Sale has been held, and such Justice shall examine into the Fact or Facts charged, and upon Proof, either by Confession of the Party offending or by the Oath of One or more credible Witness or Witnesses (which Oath the said Justice is hereby empowered to administer), that the Person so brought before him did act as an Auctioneer as aforesaid, and did not produce such Licence, or deposit such Sum of Money as aforesaid, shall, by Warrant under his Hand, commit such Offender to the Common Gaol or House of Correction for the County or Place where the said Sale has been held, for any Time not exceeding One Calendar Month from the Day of such Commitment; and no such Imprisonment, nor the Deposit of such Sum of Money as aforesaid, shall in any Manner prejudice or affect any Proceedings afterwards instituted for Recovery of the Penalty incurred by such Person for acting as an Auctioneer at such Sale as aforesaid without the Licence by this Act directed; but if any Person, having so deposited such Sum of Money as aforesaid, at any Time before the Expiration of One Week from the Date of such Sale as aforesaid produces to the Officer with whom he deposited the same a proper Licence to him granted and in force as an Auctioneer before and at such Sale, every such Officer shall immediately thereupon repay to such Person the full Sum so deposited with him; if otherwise, every such Officer shall at the Expiration of the said Week account for all such Money to the Commissioners of Excise, or such Person as they may appoint to receive the same. Licence to be produced, on demand, or a Deposit of Ten Pounds made, on pain of One Month's Imprisonment.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Alteration of Act.

CAP.

CAP. XVI.

An Act for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature. [8th *May* 1845.]

'WHEREAS it is expedient to comprise in One general Act sundry Provisions relating to the 'Constitution and Management of Joint Stock Companies, usually introduced into Acts of Parliament authorizing the Execution of Undertakings of a public Nature by such Companies, and that as 'well for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several 'Acts relating to such Undertakings as for ensuring greater Uniformity in the Provisions themselves:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall apply to every Joint Stock Company which shall by any Act which shall hereafter be passed be incorporated for the Purpose of carrying on any Undertaking, and this Act shall be incorporated with such Act; and all the Clauses and Provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Company which shall be incorporated by such Act, and to the Undertaking for carrying on which such Company shall be incorporated, so far as the same shall be applicable thereto respectively; and such Clauses and Provisions, as well as the Clauses and Provisions of every other Act which shall be incorporated with such Act, shall, save as aforesaid, form Part of such Act, and be construed together therewith as forming One Act.

Act to apply to all Companies incorporated by Acts hereafter to be passed.

Interpretations in this Act:

II. And with respect to the Construction of this Act, and of other Acts to be incorporated therewith, be it enacted as follows:

"the special Act:"

The Expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed incorporating a Joint Stock Company for the Purpose of carrying on any Undertaking, and with which this Act shall be so incorporated as aforesaid; and the Word "prescribed" used in this Act, in reference to any Matter herein stated, shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act; and the Sentence in which such Word shall occur shall be construed as if instead of the Word "prescribed" the Expression "prescribed for that Purpose in the special Act" had been used; and the Expression "the Undertaking" shall mean the Undertaking or Works, of whatever Nature, which shall by the special Act be authorized to be executed.

"prescribed:"

"the Undertaking."

Interpretations in this and the special Act:

III. The following Words and Expressions both in this and the special Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or the Context repugnant to such Construction; (that is to say,)

Number:

Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include the Singular Number:

Gender:

Words importing the Masculine Gender only shall include Females:

"Lands:"

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

"Lease:"

The Word "Lease" shall include an Agreement for a Lease:

"Month:"

The Word "Month" shall mean Calendar Month:

"Superior Courts:"

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster* or *Dublin*, as the Case may require:

"Oath:"

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath:

"County:"

The Word "County" shall include any Riding or other like Division of a County, and shall also include County of a City or County of a Town:

"Justice:"

The Word "Justice" shall mean Justice of the Peace acting for the County, City, Borough, Liberty, Cinque Port, or other Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where any Matter shall be authorized or required to be done by Two Justices the Expression "Two Justices" shall be understood to mean Two Justices assembled and acting together in Petty Sessions:

"Two Justices:"

"The Company:"

The Expression "the Company" shall mean the Company constituted by the special Act:

"Directors:"

The Expression "the Directors" shall mean the Directors of the Company, and shall include all Persons having the Direction of the Undertaking, whether under the Name of Directors, Managers, Committee of Management, or under any other Name:

"Shareholder:"

The Word "Shareholder" shall mean Shareholder, Proprietor, or Member of the Company; and in referring to any such Shareholder, Expressions properly applicable to a Person shall be held to apply to a Corporation: And

"Secretary."

The Expression "the Secretary" shall mean the Secretary of the Company, and shall include the Word "Clerk."

Short Title of the Act.

IV. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Companies Clauses Consolidation Act, 1845."

Form in which Portions of this Act may be

V. 'And whereas it may be convenient in some Cases to incorporate with Acts of Parliament hereafter 'to be passed some Portion only of the Provisions of this Act;' be it therefore enacted, That for the Purpose of making any such Incorporation it shall be sufficient in any such Act to enact that the Clauses

and

and Provisions of this Act, with respect to the Matter so proposed to be incorporated (describing such Matter as it is described in this Act in the Words introductory to the Enactment with respect to such Matter), shall be incorporated with such Act; and thereupon all the Clauses and Provisions of this Act with respect to the Matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if the Substance of such Clauses and Provisions were set forth therein with reference to the Matter to which such Act shall relate. *Incorporated with other Acts.*

And with respect to the Distribution of the Capital of the Company into Shares, be it enacted as follows: *Distribution of Capital.*

VI. The Capital of the Company shall be divided into Shares of the prescribed Number and Amount; and such Shares shall be numbered in arithmetical Progression, beginning with Number One; and every such Share shall be distinguished by its appropriate Number. *Capital to be divided into Shares.*

VII. All Shares in the Undertaking shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate. *Shares to be Personal Estate.*

VIII. Every Person who shall have subscribed the prescribed Sum or upwards to the Capital of the Company, or shall otherwise have become entitled to a Share in the Company, and whose Name shall have been entered on the Register of Shareholders herein-after mentioned, shall be deemed a Shareholder of the Company. *Shareholders.*

IX. The Company shall keep a Book, to be called the "Register of Shareholders;" and in such Book shall be fairly and distinctly entered, from Time to Time, the Names of the several Corporations and the Names and Additions of the several Persons entitled to Shares in the Company, together with the Number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its Number, and the Amount of the Subscriptions paid on such Shares, and the Surnames or Corporate Names of the said Shareholders shall be placed in alphabetical Order; and such Book shall be authenticated by the Common Seal of the Company being affixed thereto; and such Authentication shall take place at the First Ordinary Meeting, or at the next subsequent Meeting of the Company, and so from Time to Time at each Ordinary Meeting of the Company. *Registry of Shareholders.*

X. In addition to the said Register of Shareholders, the Company shall provide a Book, to be called the "Shareholders Address Book," in which the Secretary shall from Time to Time enter in alphabetical Order the Corporate Names and Places of Business of the several Shareholders of the Company, being Corporations, and the Surnames of the several other Shareholders with their respective Christian Names, Places of Abode, and Descriptions, so far as the same shall be known to the Company; and every Shareholder, or if such Shareholder be a Corporation the Clerk or Agent of such Corporation, may at all convenient Times peruse such Book *gratis*, and may require a Copy thereof or of any Part thereof; and for every Hundred Words so required to be copied the Company may demand a Sum not exceeding Sixpence. *Addresses of Shareholders.*

XI. On demand of the Holder of any Share the Company shall cause a Certificate of the Proprietorship of such Share to be delivered to such Shareholder; and such Certificate shall have the Common Seal of the Company affixed thereto; and such Certificate shall specify the Share in the Undertaking to which such Shareholder is entitled; and the same may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect; and for such Certificate the Company may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed, then a Sum not exceeding Two Shillings and Sixpence. *Certificates of Shares to be issued to the Shareholders.*

XII. The said Certificate shall be admitted in all Courts as *primâ facie* Evidence of the Title of such Shareholder, his Executors, Administrators, Successors, or Assigns, to the Share therein specified; nevertheless the Want of such Certificate shall not prevent the Holder of any Share from disposing thereof. *Certificate to be Evidence.*

XIII. If any such Certificate be worn out or damaged, then, upon the same being produced at some Meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another similar Certificate shall be given to the Party in whom the Property of such Certificate, and of the Share therein mentioned, shall be at the Time vested; or if such Certificate be lost or destroyed, then, upon Proof thereof to the Satisfaction of the Directors, a similar Certificate shall be given to the Party entitled to the Certificate so lost or destroyed; and in either Case a due Entry of the substituted Certificate shall be made by the Secretary in the Register of Shareholders; and for every such Certificate so given or exchanged the Company may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed, then a Sum not exceeding Two Shillings and Sixpence. *Certificate to be renewed when destroyed.*

And with respect to the Transfer or Transmission of Shares, be it enacted as follows: *Transfer of Shares.*

XIV. Subject to the Regulations herein or in the special Act contained, every Shareholder may sell and transfer all or any of his Shares in the Undertaking, or all or any Part of his Interest in the Capital Stock of the Company, in case such Shares shall, under the Provision herein-after contained, be consolidated into Capital Stock; and every such Transfer shall be by Deed duly stamped, in which the Consideration shall be truly stated; and such Deed may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect. *Transfer of Shares to be by Deed duly stamped.*

XV. The said Deed of Transfer (when duly executed) shall be delivered to the Secretary, and be kept by him; and the Secretary shall enter a Memorial thereof in a Book to be called the "Register of Transfers," and shall endorse such Entry on the Deed of Transfer, and shall, on demand, deliver a new Certificate to the Purchaser; and for every such Entry, together with such Endorsement and Certificate, the Company may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed, then *Transfers of Shares to be registered, &c.*

Transfer of Shares.

then a Sum not exceeding Two Shillings and Sixpence; and on the Request of the Purchaser of any Share an Endorsement of such Transfer shall be made on the Certificate of such Share, instead of a new Certificate being granted; and such Endorsement, being signed by the Secretary, shall be considered in every respect the same as a new Certificate; and until such Transfer has been so delivered to the Secretary as aforesaid the Vendor of the Share shall continue liable to the Company for any Calls that may be made upon such Share, and the Purchaser of the Share shall not be entitled to receive any Share of the Profits of the Undertaking, or to vote in respect of such Share.

Transfer not to be made until Calls paid.

XVI. No Shareholder shall be entitled to transfer any Share, after any Call shall have been made in respect thereof, until he shall have paid such Call, nor until he shall have paid all Calls for the Time being due on every Share held by him.

Closing of Transfer Books.

XVII. It shall be lawful for the Directors to close the Register of Transfers for the prescribed Period, or if no Period be prescribed, then for a Period not exceeding Fourteen Days previous to each Ordinary Meeting, and they may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper as after mentioned; and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Ordinary Meeting.

Transmission of Shares by other Means than Transfer to be authenticated by a Declaration.

XVIII. If the Interest in any Share have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Shareholder, or in consequence of the Marriage of a Female Shareholder, or by any other lawful Means than by a Transfer according to the Provisions of this or the special Act, such Transmission shall be authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Directors shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been so transmitted, and shall be made and signed by some credible Person before a Justice, or before a Master or Master Extraordinary of the High Court of Chancery; and such Declaration shall be left with the Secretary, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register of Shareholders; and for every such Entry the Company may demand any Sum not exceeding the prescribed Amount, and where no Amount shall be prescribed then not exceeding Five Shillings; and until such Transmission has been so authenticated no Person claiming by virtue of any such Transmission shall be entitled to receive any Share of the Profits of the Undertaking, nor to vote in respect of any such Share as the Holder thereof.

Proof of Transmission by Marriage, Will, &c.

XIX. If such Transmission be by virtue of the Marriage of a Female Shareholder, the said Declaration shall contain a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of such Share; and if such Transmission have taken place by virtue of any testamentary Instrument, or by Intestacy, the Probate of the Will or the Letters of Administration, or an official Extract therefrom, shall, together with such Declaration, be produced to the Secretary; and upon such Production in either of the Cases aforesaid the Secretary shall make an Entry of the Declaration in the said Register of Transfers.

Company not bound to regard Trusts.

XX. The Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares may be subject; and the Receipt of the Party in whose Name any such Share shall stand in the Books of the Company, or if it stands in the Names of more Parties than One, the Receipt of One of the Parties named in the Register of Shareholders, shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share, notwithstanding any Trusts to which such Share may then be subject, and whether or not the Company have had Notice of such Trusts; and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Payment of Calls.

And with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, be it enacted as follows:

Subscriptions to be paid when called for.

XXI. The several Persons who have subscribed any Money towards the Undertaking, or their legal Representatives, respectively, shall pay the Sums respectively so subscribed, or such Portions thereof as shall from Time to Time be called for by the Company, at such Times and Places as shall be appointed by the Company; and with respect to the Provisions herein or in the special Act contained for enforcing the Payment of Calls, the Word "Shareholder" shall extend to and include the legal personal Representatives of such Shareholder.

Power to make Calls.

XXII. It shall be lawful for the Company from Time to Time to make such Calls of Money upon the respective Shareholders, in respect of the Amount of Capital respectively subscribed or owing by them, as they shall think fit, provided that Twenty-one Days Notice at the least be given of each Call, and that no Call exceed the prescribed Amount, if any, and that successive Calls be not made at less than the prescribed Interval, if any, and that the aggregate Amount of Calls made in any One Year do not exceed the prescribed Amount, if any; and every Shareholder shall be liable to pay the Amount of the Calls so made, in respect of the Shares held by him, to the Persons and at the Times and Places from Time to Time appointed by the Company.

Interest to be paid on Calls unpaid.

XXIII. If, before or on the Day appointed for Payment, any Shareholder do not pay the Amount of any Call to which he is liable, then such Shareholder shall be liable to pay Interest for the same at the Rate allowed by Law from the Day appointed for the Payment thereof to the Time of the actual Payment.

Power to allow Interest on Payment of

XXIV. It shall be lawful for the Company, if they think fit, to receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for; and upon the Principal Monies so paid in advance, or so much thereof as from Time

Time to Time shall exceed the Amount of the Calls then made upon the Shares in respect of which such Advance shall be made, the Company may pay Interest at such Rate, not exceeding the legal Rate of Interest for the Time being, as the Shareholder paying such Sum in advance and the Company shall agree upon. Subscription before Call.

XXV. If at the Time appointed by the Company for the Payment of any Call any Shareholder fail to pay the Amount of such Call, it shall be lawful for the Company to sue such Shareholder for the Amount thereof, in any Court of Law or Equity having competent Jurisdiction, and to recover the same, with lawful Interest, from the Day on which such Call was payable. *Enforcement of Calls by Action.*

XXVI. In any Action or Suit to be brought by the Company against any Shareholder to recover any Money due for any Call it shall not be necessary to set forth the Special Matter, but it shall be sufficient for the Company to declare that the Defendant is the Holder of One Share or more in the Company (stating the Number of Shares), and is indebted to the Company in the Sum of Money to which the Calls in arrear shall amount in respect of One Call or more upon One Share or more (stating the Number and Amount of each of such Calls), whereby an Action hath accrued to the Company by virtue of this and the special Act. *Declaration in Action for Calls.*

XXVII. On the Trial or Hearing of such Action or Suit it shall be sufficient to prove that the Defendant at the Time of making such Call was a Holder of One Share or more in the Undertaking, and that such Call was in fact made, and such Notice thereof given as is directed by this or the special Act; and it shall not be necessary to prove the Appointment of the Directors who made such Call, nor any other Matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such Call, with Interest thereon, unless it shall appear either that any such Call exceeds the prescribed Amount, or that due Notice of such Call was not given, or that the prescribed Interval between Two successive Calls had not elapsed, or that Calls amounting to more than the Sum prescribed for the total Amount of Calls in One Year had been made within that Period. *Matter to be proved in Action for Calls.*

XXVIII. The Production of the Register of Shareholders shall be *primâ facie* Evidence of such Defendant being a Shareholder, and of the Number and Amount of his Shares. *Proof of Proprietorship.*

And with respect to the Forfeiture of Shares for Nonpayment of Calls, be it enacted as follows: *Nonpayment of Calls.*

XXIX. If any Shareholder fail to pay any Call payable by him, together with the Interest, if any, that shall have accrued thereon, the Directors, at any Time after the Expiration of Two Months from the Day appointed for Payment of such Call, may declare the Share in respect of which such Call was payable forfeited, and that whether the Company have sued for the Amount of such Call or not. *Forfeiture of Shares for Nonpayment.*

XXX. Before declaring any Share forfeited the Directors shall cause Notice of such Intention to be left at or transmitted by the Post to the usual or last Place of Abode of the Person appearing by the Register of Shareholders to be the Proprietor of such Share; and if the Holder of any such Share be abroad, or if his usual or last Place of Abode be not known to the Directors, by reason of its being imperfectly described in the Shareholders Address Book, or otherwise, or if the Interest in any such Share shall be known by the Directors to have become transmitted otherwise than by Transfer, as hereinbefore mentioned, but a Declaration of such Transmission shall not have been registered as aforesaid, and so the Address of the Parties to whom the same may have been transmitted, or may for the Time being belong, shall not be known to the Directors, the Directors shall give public Notice of such Intention in the *London* or *Dublin Gazette*, according as the Company's principal Place of Business shall be situate in *England* or *Ireland*, and also in some Newspaper, as after mentioned; and the several Notices aforesaid shall be given Twenty-one Days at least before the Directors shall make such Declaration of Forfeiture. *Notice of Forfeiture to be given before Declaration thereof.*

XXXI. The said Declaration of Forfeiture shall not take effect so as to authorize the Sale or other Disposition of any Share until such Declaration have been confirmed at some General Meeting of the Company to be held after the Expiration of Two Months at the least from the Day on which such Notice of Intention to make such Declaration of Forfeiture shall have been given; and it shall be lawful for the Company to confirm such Forfeiture at any such Meeting, and by an Order at such Meeting, or at any subsequent General Meeting, to direct the Share so forfeited to be sold or otherwise disposed of. *Forfeiture to be confirmed by a General Meeting.*

XXXII. After such Confirmation as aforesaid it shall be lawful for the Directors to sell the forfeited Share, either by public Auction or private Contract, and if there be more than One such forfeited Share, then either separately or together, as to them shall seem fit; and any Shareholder may purchase any forfeited Share so sold. *Sale of forfeited Shares.*

XXXIII. A Declaration in Writing, by some credible Person not interested in the Matter, made before any Justice, or before any Master or Master Extraordinary of the High Court of Chancery, that the Call in respect of a Share was made, and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was declared and confirmed in manner herein-before required, shall be sufficient Evidence of the Facts therein stated; and such Declaration, and the Receipt of the Treasurer of the Company for the Price of such Share, shall constitute a good Title to such Share; and a Certificate of Proprietorship shall be delivered to such Purchaser, and thereupon he shall be deemed the Holder of such Share, discharged from all Calls due prior to such Purchase; and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to such Sale. *Evidence as to Forfeiture of Shares.*

XXXIV. The Company shall not sell or transfer more of the Shares of any such Defaulter than will be sufficient, as nearly as can be ascertained at the Time of such Sale, to pay the Arrears then due from such Defaulter on account of any Calls, together with Interest, and the Expences attending such Sale and Declaration *No more Shares to be sold than sufficient for Payment of Calls.*

Nonpayment of Calls.

Declaration of Forfeiture; and if the Money produced by the Sale of any such forfeited Shares be more than sufficient to pay all Arrears of Calls and Interest thereon due at the Time of such Sale, and the Expences attending the Declaration of Forfeiture and Sale thereof, the Surplus shall, on demand, be paid to the Defaulter.

On Payment of Calls before Sale forfeited Shares to revert.

XXXV. If Payment of such Arrears of Calls and Interest and Expences be made before any Share so forfeited and vested in the Company shall have been sold, such Share shall revert to the Party to whom the same belonged before such Forfeiture, in such Manner as if such Calls had been duly paid.

Remedies against Shareholders.

And with respect to the Remedies of Creditors of the Company against the Shareholders, be it enacted as follows:

Execution against Shareholders to the Extent of their Shares in Capital not paid up.

XXXVI. If any Execution, either at Law or in Equity, shall have been issued against the Property or Effects of the Company, and if there cannot be found sufficient whereon to levy such Execution, then such Execution may be issued against any of the Shareholders to the Extent of their Shares respectively in the Capital of the Company not then paid up: Provided always, that no such Execution shall issue against any Shareholder except upon an Order of the Court in which the Action, Suit, or other Proceeding shall have been brought or instituted, made upon Motion in open Court, after sufficient Notice in Writing to the Persons sought to be charged; and upon such Motion such Court may order Execution to issue accordingly; and for the Purpose of ascertaining the Names of the Shareholders, and the Amount of Capital remaining to be paid upon their respective Shares, it shall be lawful for any Person entitled to any such Execution, at all reasonable Times, to inspect the Register of Shareholders without Fee.

Reimbursement of such Shareholders.

XXXVII. If by means of any such Execution any Shareholder shall have paid any Sum of Money beyond the Amount then due from him in respect of Calls, he shall forthwith be reimbursed such additional Sum by the Directors out of the Funds of the Company.

Power to borrow Money.

And with respect to the borrowing of Money by the Company on Mortgage or Bond, be it enacted as follows:

Power to borrow Money.

XXXVIII. If the Company be authorized by the special Act to borrow Money on Mortgage or Bond, it shall be lawful for them, subject to the Restrictions contained in the special Act, to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time, by an Order of a General Meeting of the Company, be authorized to be borrowed, not exceeding in the whole the Sum prescribed by the special Act, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Undertaking, and the future Calls on the Shareholders, or to give Bonds in manner herein-after mentioned.

Power to reborrow.

XXXIX. If, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond, the Company pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of reborrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so reborrowed in order to pay off any existing Mortgage or Bond.

Evidence of Authority for borrowing.

XL. Where by the special Act the Company shall be restricted from borrowing any Money on Mortgage or Bond until a definite Portion of their Capital shall be subscribed or paid up, or where by this or the special Act the Authority of a General Meeting is required for such borrowing, the Certificate of a Justice that such definite Portion of the Capital has been subscribed or paid up, and a Copy of the Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by One of the Directors or by the Secretary to be a true Copy, shall be sufficient Evidence of the Fact of the Capital required to be subscribed or paid up having been so subscribed or paid up, and of the Order for borrowing Money having been made; and upon Production to any Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, such Justice shall grant the Certificate aforesaid.

Mortgages and Bonds to be stamped.

XLI. Every Mortgage and Bond for securing Money borrowed by the Company shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage Deed or Bond may be according to the Form in the Schedule (C.) or (D.) to this Act annexed, or to the like Effect.

Rights of Mortgagees.

XLII. The respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, and Premises comprised in such Mortgages, and of the future Calls payable by the Shareholders, if comprised therein, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized.

Application of Calls, notwithstanding Mortgage.

XLIII. No such Mortgage (although it should comprise future Calls on the Shareholders) shall, unless expressly so provided, preclude the Company from receiving and applying to the Purposes of the Company any Calls to be made by the Company.

Rights of Obligees.

XLIV. The respective Obligees in such Bonds shall, proportionally according to the Amount of the Monies secured thereby, be entitled to be paid, out of the Tolls or other Property or Effects of the Company, the respective Sums in such Bonds mentioned, and thereby intended to be secured, without any Preference one above another by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise howsoever.

Register of Mortgages and Bonds.

XLV. A Register of Mortgages and Bonds shall be kept by the Secretary, and within Fourteen Days after the Date of any such Mortgage or Bond an Entry or Memorial specifying the Number and Date of such Mortgage or Bond, and the Sums secured thereby, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times

Times by any of the Shareholders, or by any Mortgagee or Bond Creditor of the Company, or by any Person interested in any such Mortgage or Bond, without Fee or Reward.

Transfers of Mortgages and Bonds to be stamped.

XLVI. Any Party entitled to any such Mortgage or Bond may from Time to Time transfer his Right and Interest therein to any other Person; and every such Transfer shall be by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule (E.) to this Act annexed, or to the like Effect.

Transfers of Mortgages and Bonds to be registered.

XLVII. Within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Secretary, and thereupon the Secretary shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage; and after such Entry every such Transfer shall entitle the Transferee to the full Benefit of the original Mortgage or Bond in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the Company may demand a Sum not exceeding the prescribed Sum, or, where no Sum shall be prescribed, the Sum of Two Shillings and Sixpence; and until such Entry the Company shall not be in any Manner responsible to the Transferee in respect of such Mortgage.

Payment of Interest on Monies borrowed.

XLVIII. The Interest of the Money borrowed upon any such Mortgage or Bond shall be paid at the Periods appointed in such Mortgage or Bond, and if no Period be appointed, half-yearly, to the several Parties entitled thereto, and in preference to any Dividends payable to the Shareholders of the Company.

Transfers of Interest to be stamped.

XLIX. The Interest on any such Mortgage or Bond shall not be transferable, except by Deed duly stamped.

Repayment of Money borrowed at a Time fixed.

L. The Company may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed, with the Interest thereof, and in such Case the Company shall cause such Period to be inserted in the Mortgage Deed or Bond; and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall, on demand, be paid to the Party entitled to such Mortgage or Bond; and if no other Place of Payment be inserted in such Mortgage Deed or Bond, such Principal and Interest shall be payable at the principal Office or Place of Business of the Company.

Repayment of Money borrowed where no Time fixed.

LI. If no Time be fixed in the Mortgage Deed or Bond for the Repayment of the Money so borrowed, the Party entitled to the Mortgage or Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage or Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and in the like Case the Company may at any Time pay off the Money borrowed, on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee or Bond Creditor shall be delivered to the Secretary or left at the principal Office of the Company, and if given by the Company shall be given either personally to such Mortgagee or Bond Creditor or left at his Residence, or if such Mortgagee or Bond Creditor be unknown to the Directors, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the *London* or *Dublin Gazette*, according as the principal Office of the Company shall be in *England* or *Ireland*, and in some Newspaper as after mentioned.

Interest to cease on Expiration of Notice to pay off Mortgage or Bond.

LII. If the Company shall have given Notice of their Intention to pay off any such Mortgage or Bond at a Time when the same may lawfully be paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable on such Mortgage or Bond, unless, on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the Company shall fail to pay the Principal and Interest due at the Expiration of such Notice on such Mortgage or Bond.

Arrears of Interest, when to be enforced by Appointment of a Receiver.

LIII. Where by the special Act the Mortgagees of the Company shall be empowered to enforce the Payment of the Arrears of Interest, or the Arrears of Principal and Interest, due on such Mortgages, by the Appointment of a Receiver, then, if within Thirty Days after the Interest accruing upon any such Mortgage has become payable, and, after Demand thereof in Writing, the same be not paid, the Mortgagee may, without Prejudice to his Right to sue for the Interest so in arrear in any of the Superior Courts of Law or Equity, require the Appointment of a Receiver, by an Application to be made as herein-after provided; and if within Six Months after the Principal Money owing upon any such Mortgage has become payable, and after Demand thereof in Writing, the same be not paid, the Mortgagee, without Prejudice to his Right to sue for such Principal Money, together with all Arrears of Interest, in any of the Superior Courts of Law or Equity, may, if his Debt amount to the prescribed Sum alone, or if his Debt does not amount to the prescribed Sum, he may, in conjunction with other Mortgagees whose Debts, being so in arrear, after Demand as aforesaid, shall, together with his, amount to the prescribed Sum, require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Arrears of Principal and Interest.

Appointment of Receiver.

LIV. Every Application for a Receiver in the Cases aforesaid shall be made to Two Justices, and on any such Application it shall be lawful for such Justices, by Order in Writing, after hearing the Parties, to appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed; and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose

Behalf

Behalf such Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease.

Access to Account Books by Mortgagees.

LV. At all seasonable Times the Books of Account of the Company shall be open to the Inspection of the respective Mortgagees and Bond Creditors thereof, with Liberty to take Extracts therefrom, without Fee or Reward.

Loans.

And with respect to the Conversion of the borrowed Money into Capital, be it enacted as follows:

Power to convert Loan into Capital.

LVI. It shall be lawful for the Company, if they think fit, unless it be otherwise provided by the special Act, to raise the additional Sum so authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same, or, having borrowed the same, to continue at Interest only a Part of such additional Sum, and to raise Part thereof by creating new Shares; but no such Augmentation of Capital as aforesaid shall take place without the previous Authority of a General Meeting of the Company.

New Shares to be considered same as original Shares.

LVII. The Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

If old Shares at Premium new Shares to be offered to the Shareholders.

LVIII. If at the Time of any such Augmentation of Capital taking place by the Creation of new Shares the then existing Shares be at a Premium, or of greater actual Value than the nominal Value thereof, then, unless it be otherwise provided by the special Act, the Sum so to be raised shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively; and such new Shares shall be offered to the then Shareholders in the Proportion aforesaid; and such Offer shall be made by Letter under the Hand of the Secretary given to or sent by Post, addressed to each Shareholder according to his Address in the Shareholders Address Book, or left at his usual or last Place of Abode.

Shares to vest in the Parties accepting; otherwise to be disposed of by the Directors.

LIX. The said new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares in such Manner as they shall deem most for the Advantage of the Company.

If not at a Premium, to be issued as Company think fit.

LX. If at the Time of such Augmentation of Capital taking place the existing Shares be not at a Premium, then such new Shares may be of such Amount, and may be issued in such Manner and on such Terms, as the Company shall think fit.

Consolidation of Shares.

And with respect to the Consolidation of the Shares into Stock, be it enacted as follows:

Power to consolidate Shares into Stock.

LXI. It shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any General Meeting of the Company, when due Notice for that Purpose shall have been given, to convert or consolidate all or any Part of the Shares then existing in the Capital of the Company, and in respect whereof the whole Money subscribed shall have been paid up, into a General Capital Stock, to be divided amongst the Shareholders according to their respective Interests therein.

Proprietors of Stock may transfer the same.

LXII. After such Conversion or Consolidation shall have taken place all the Provisions contained in this or the special Act which require or imply that the Capital of the Company shall be divided into Shares of any fixed Amount, and distinguished by Numbers, shall, as to so much of the Capital as shall have been so converted or consolidated into Stock, cease and be of no Effect, and the several Holders of such Stock may thenceforth transfer their respective Interests therein, or any Parts of such Interests, in the same Manner and subject to the same Regulations and Provisions as or according to which any Shares in the Capital of the Company might be transferred under the Provisions of this or the special Act; and the Company shall cause an Entry to be made in some Book, to be kept for that Purpose, of every such Transfer; and for every such Entry they may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed a Sum not exceeding Two Shillings and Sixpence.

Register of Stock.

LXIII. The Company shall from Time to Time cause the Names of the several Parties who may be interested in any such Stock as aforesaid, with the Amount of the Interest therein possessed by them respectively, to be entered in a Book to be kept for the Purpose, and to be called "The Register of Holders of Consolidated Stock;" and such Book shall be accessible at all seasonable Times to the several Holders of Shares or Stock in the Undertaking.

Proprietors of Stock entitled to Dividends.

LXIV. The several Holders of such Stock shall be entitled to participate in the Dividends and Profits of the Company, according to the Amount of their respective Interests in such Stock, and such Interests shall, in proportion to the Amount thereof, confer on the Holders thereof respectively the same Privileges and Advantages, for the Purpose of voting at Meetings of the Company, Qualification for the Office of Directors, and for other Purposes, as would have been conferred by Shares of equal Amount in the Capital of the Company, but so that none of such Privileges or Advantages, except the Participation in the Dividends and Profits of the Company, shall be conferred by any aliquot Part of such Amount of Consolidated Stock as would not, if existing in Shares, have conferred such Privileges or Advantages respectively.

Application of Capital.

LXV. And be it enacted, That all the Money raised by the Company, whether by Subscriptions of the Shareholders, or by Loan or otherwise, shall be applied, firstly, in paying the Costs and Expences incurred

incurred in obtaining the special Act, and all Expences incident thereto, and, secondly, in carrying the Purposes of the Company into execution.

General Meetings.

And with respect to the General Meetings of the Company, and the Exercise of the Right of Voting by the Shareholders, be it enacted as follows:

Ordinary Meetings to be held half-yearly.

LXVI. The First General Meeting of the Shareholders of the Company shall be held within the prescribed Time, or, if no Time be prescribed, within One Month after the passing of the special Act, and the future General Meetings shall be held at the prescribed Periods, and if no Periods be prescribed, in the Months of *February* and *August* in each Year, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting; and the Meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings," and all Meetings, whether ordinary or extraordinary, shall be held in the prescribed Place, if any, and if no Place be prescribed, then at some Place to be appointed by the Directors.

Business at Ordinary Meetings.

LXVII. No Matters, except such as are appointed by this or the special Act to be done at an Ordinary Meeting, shall be transacted at any such Meeting, unless special Notice of such Matters have been given in the Advertisement convening such Meeting.

Extraordinary Meetings.

LXVIII. Every General Meeting of the Shareholders, other than an Ordinary Meeting, shall be called an "Extraordinary Meeting;" and such Meetings may be convened by the Directors at such Times as they think fit.

Business at Extraordinary Meetings.

LXIX. No Extraordinary Meeting shall enter upon any Business not set forth in the Notice upon which it shall have been convened.

Extraordinary Meetings may be required by Shareholders.

LXX. It shall be lawful for the prescribed Number of Shareholders, holding in the aggregate Shares to the prescribed Amount, or, where the Number of Shareholders or Amount of Shares shall not be prescribed, it shall be lawful for Twenty or more Shareholders holding in the aggregate not less than One Tenth of the Capital of the Company, by Writing under their Hands, at any Time to require the Directors to call an Extraordinary Meeting of the Company; and such Requisition shall fully express the Object of the Meeting required to be called, and shall be left at the Office of the Company, or given to at least Three Directors, or left at their last or usual Places of Abode; and forthwith upon the Receipt of such Requisition the Directors shall convene a Meeting of the Shareholders; and if for Twenty-one Days after such Notice the Directors fail to call such Meeting, the prescribed Number, or such other Number as aforesaid, of Shareholders, qualified as aforesaid, may call such Meeting, by giving Fourteen Days public Notice thereof.

Notice of Meetings.

LXXI. Fourteen Days public Notice at the least of all Meetings, whether ordinary or extraordinary, shall be given by Advertisement, which shall specify the Place, the Day, and the Hour of Meeting; and every Notice of an Extraordinary Meeting, or of an Ordinary Meeting, if any other Business than the Business hereby or by the special Act appointed for Ordinary Meetings is to be done thereat, shall specify the Purpose for which the Meeting is called.

Quorum for a General Meeting.

LXXII. In order to constitute a Meeting (whether ordinary or extraordinary) there shall be present, either personally or by Proxy, the prescribed Quorum, and if no Quorum be prescribed then Shareholders holding in the Aggregate not less than One Twentieth of the Capital of the Company, and being in Number not less than One for every Five hundred Pounds of such required Proportion of Capital, unless such Number would be more than Twenty, in which Case Twenty Shareholders holding not less than One Twentieth of the Capital of the Company, shall be the Quorum; and if within One Hour from the Time appointed for such Meeting the said Quorum be not present no Business shall be transacted at the Meeting, other than the declaring of a Dividend, in case that shall be one of the Objects of the Meeting, but such Meeting shall, except in the Case of a Meeting for the Election of Directors, herein-after mentioned, be held to be adjourned *sine Die*.

Chairman at General Meetings.

LXXIII. At every Meeting of the Company one or other of the following Persons shall preside as Chairman; that is to say, the Chairman of the Directors, or in his Absence the Deputy Chairman (if any), or in the Absence of the Chairman and Deputy Chairman some one of the Directors of the Company to be chosen for that Purpose by the Meeting, or in the Absence of the Chairman and Deputy Chairman and of all the Directors, any Shareholder to be chosen for that Purpose by a Majority of the Shareholders present at such Meeting.

Business at Meetings and Adjournments.

LXXIV. The Shareholders present at any such Meeting shall proceed in the Execution of the Powers of the Company with respect to the Matters for which such Meeting shall have been convened, and those only; and every such Meeting may be adjourned from Time to Time, and from Place to Place; and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Votes of Shareholders.

LXXV. At all General Meetings of the Company every Shareholder shall be entitled to vote according to the prescribed Scale of voting, and where no Scale shall be prescribed every Shareholder shall have One Vote for every Share up to Ten, and he shall have an additional Vote for every Five Shares beyond the first Ten Shares held by him up to One hundred, and an additional Vote for every Ten Shares held by him beyond the first Hundred Shares; provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then due upon the Shares held by him.

Manner of voting.

LXXVI. The Votes may be given either personally or by Proxies being Shareholders, authorized by Writing according to the Form in the Schedule (F.) to this Act annexed, or in a Form to the like Effect, under the Hand of the Shareholder nominating such Proxy, or if such Shareholder be a Corporation,

General Meetings.

poration, then under their Common Seal; and every Proposition at any such Meeting shall be determined by the Majority of Votes of the Parties present, including Proxies, the Chairman of the Meeting being entitled to vote, not only as a Principal and Proxy, but to have a casting Vote, if there be an Equality of Votes.

Regulations as to Proxies.

LXXVII. No Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy have been transmitted to the Secretary of the Company the prescribed Period, or, if no Period be prescribed, not less than Forty-eight Hours before the Time appointed for holding the Meeting at which such Proxy is to be used.

Votes of joint Shareholders.

LXXVIII. If several Persons be jointly entitled to a Share, the Person whose Name stands first in the Register of Shareholders as one of the Holders of such Share shall, for the Purpose of voting at any Meeting, be deemed the sole Proprietor thereof; and on all Occasions the Vote of such first-named Shareholder, either in Person or by Proxy, shall be allowed as the Vote in respect of such Share, without Proof of the Concurrence of the other Holders thereof.

Votes of Lunatics and Minors, &c.

LXXIX. If any Shareholder be a Lunatic or Idiot, such Lunatic or Idiot may vote by his Committee; and if any Shareholder be a Minor he may vote by his Guardian or any one of his Guardians; and every such Vote may be given either in Person or by Proxy.

Proof of a particular Majority of Votes only required if a Poll demanded.

LXXX. Whenever in this or the special Act the Consent of any particular Majority of Votes at any Meeting of the Company is required in order to authorize any Proceeding of the Company, such particular Majority shall only be required to be proved in the event of a Poll being demanded at such Meeting; and if such Poll be not demanded, then a Declaration by the Chairman that the Resolution authorizing such Proceeding has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient Authority for such Proceeding, without Proof of the Number or Proportion of Votes recorded in favour of or against the same.

Appointment and Rotation of Directors.

And with respect to the Appointment and Rotation of Directors, be it enacted as follows:

Number of Directors.

LXXXI. The Number of Directors shall be the prescribed Number.

Power to vary the Number of Directors.

LXXXII. Where the Company shall be authorized by the special Act to increase or to reduce the Number of the Directors, it shall be lawful for the Company from Time to Time, in General Meeting, after due Notice for that Purpose, to increase or reduce the Number of the Directors within the prescribed Limits, if any, and to determine the Order of Rotation in which such reduced or increased Number shall go out of Office, and what Number shall be a Quorum at their Meetings.

Election of Directors.

LXXXIII. The Directors appointed by the special Act shall, unless thereby otherwise provided, continue in Office until the first Ordinary Meeting to be held in the Year next after that in which the special Act shall have passed; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by the special Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by the special Act being eligible as Members of such new Body; and at the first Ordinary Meeting to be held every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions herein-after contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, as herein-after mentioned.

Existing Directors continued on failure of Meeting for Election of Directors.

LXXXIV. If at any Meeting at which an Election of Directors ought to take place the prescribed Quorum shall not be present within One Hour from the Time appointed for the Meeting no Election of Directors shall be made, but such Meeting shall stand adjourned to the following Day at the same Time and Place; and if at the Meeting so adjourned the prescribed Quorum be not present within One Hour from the Time appointed for the Meeting the existing Directors shall continue to act and retain their Powers until new Directors be appointed at the first Ordinary Meeting of the following Year.

Qualification of Directors.

LXXXV. No Person shall be capable of being a Director unless he be a Shareholder, nor unless he be possessed of the prescribed Number, if any, of Shares; and no Person holding an Office or Place of Trust or Profit under the Company, or interested in any Contract with the Company, shall be capable of being a Director; and no Director shall be capable of accepting any other Office or Place of Trust or Profit under the Company, or of being interested in any Contract with the Company, during the Time he shall be a Director.

Cases in which Office of Director shall become vacant.

LXXXVI. If any of the Directors at any Time subsequently to his Election accept or continue to hold any other Office or Place of Trust or Profit under the Company, or be either directly or indirectly concerned in any Contract with the Company, or participate in any Manner in the Profits of any Work to be done for the Company, or if such Director at any Time cease to be a Holder of the prescribed Number of Shares in the Company, then and in any of the Cases aforesaid the Office of such Director shall become vacant, and thenceforth he shall cease from voting or acting as a Director.

Shareholder of an incorporated Joint Stock Company not disqualified by Contracts.

LXXXVII. Provided always, that no Person being a Shareholder or Member of any incorporated Joint Stock Company shall be disqualified or prevented from acting as a Director by reason of any Contract entered into between such Joint Stock Company and the Company incorporated by the special Act; but no such Director, being a Shareholder or Member of such Joint Stock Company, shall vote on any Question as to any Contract with such Joint Stock Company.

Rotation of Directors.

LXXXVIII. The Directors appointed by the special Act, and continued in Office as aforesaid, or the Directors elected to supply the Places of those retiring as aforesaid, shall, subject to the Provision herein-

before

before contained for increasing or reducing the Number of Directors, retire from Office at the Times and in the Proportions following, the Individuals to retire being in each Instance determined by Ballot among the Directors, unless they shall otherwise agree; (that is to say,) *Appointment and Rotation of Directors.*

At the End of the First Year after the First Election of Directors the prescribed Number, and if no Number be prescribed One Third of such Directors, to be determined by Ballot among themselves, unless they shall otherwise agree, shall go out of Office:

At the End of the Second Year the prescribed Number, and if no Number be prescribed One Half of the remaining Number of such Directors, to be determined in like Manner, shall go out of Office:

At the End of the Third Year the prescribed Number, and if no Number be prescribed the Remainder of such Directors, shall go out of Office;

And in each Instance the Places of the retiring Directors shall be supplied by an equal Number of qualified Shareholders; and at the First Ordinary Meeting in every subsequent Year the prescribed Number, and if no Number be prescribed One Third of the Directors, being those who have been longest in Office, shall go out of Office, and their Places shall be supplied in like Manner; nevertheless every Director so retiring from Office may be re-elected immediately or at any future Time, and after such Re-election shall, with reference to the going out by Rotation, be considered as a new Director: Provided always, that if the prescribed Number of Directors be some Number not divisible by Three, and the Number of Directors to retire be not prescribed, the Directors shall in each Case determine what Number of Directors, as nearly One Third as may be, shall go out of Office, so that the whole Number shall go out of Office in Three Years.

LXXXIX. If any Director die, or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other Cause than that of going out of Office by Rotation as aforesaid, the remaining Directors, if they think proper so to do, may elect in his Place some other Shareholder, duly qualified, to be a Director; and the Shareholder so elected to fill up any such Vacancy shall continue in Office as a Director so long only as the Person in whose Place he shall have been elected would have been entitled to continue if he had remained in Office. Supply of occasional Vacancies in Office of Directors.

And with respect to the Powers of the Directors, and the Powers of the Company to be exercised only in General Meeting, be it enacted as follows: *Powers of Directors.*

XC. The Directors shall have the Management and Superintendence of the Affairs of the Company, and they may lawfully exercise all the Powers of the Company, except as to such Matters as are directed by this or the special Act to be transacted by a General Meeting of the Company, but all the Powers so to be exercised shall be exercised in accordance with and subject to the Provisions of this and the special Act; and the Exercise of all such Powers shall be subject also to the Control and Regulation of any General Meeting specially convened for the Purpose, but not so as to render invalid any Act done by the Directors prior to any Resolution passed by such General Meeting. Powers of the Company to be exercised by the Directors.

XCI. Except as otherwise provided by the special Act, the following Powers of the Company, (that is to say,) the Choice and Removal of the Directors, except as herein-before mentioned, and the increasing or reducing of their Number where authorized by the special Act, the Choice of Auditors, the Determination as to the Remuneration of the Directors, Auditors, Treasurer, and Secretary, the Determination as to the Amount of Money to be borrowed on Mortgage, the Determination as to the Augmentation of Capital, and the Declaration of Dividends, shall be exercised only at a General Meeting of the Company. Powers of the Company not to be exercised by the Directors.

And with respect to the Proceedings and Liabilities of the Directors, be it enacted as follows: *Proceedings of Directors.*

XCII. The Directors shall hold Meetings at such Times as they shall appoint for the Purpose, and they may meet and adjourn as they think proper, from Time to Time, and from Place to Place; and at any Time any Two of the Directors may require the Secretary to call a Meeting of the Directors, and in order to constitute a Meeting of Directors there shall be present at the least the prescribed Quorum, and when no Quorum shall be prescribed there shall be present at least One Third of the Directors; and all Questions at any such Meeting shall be determined by the Majority of Votes of the Directors present, and in case of an equal Division of Votes the Chairman shall have a casting Vote in addition to his Vote as one of the Directors. Meetings of Directors.

XCIII. At the First Meeting of Directors held after the passing of the special Act, and at the First Meeting of the Directors held after each annual Appointment of Directors, the Directors present at such Meeting shall choose one of the Directors to act as Chairman of the Directors for the Year following such Choice, and shall also, if they think fit, choose another Director to act as Deputy Chairman for the same Period; and if the Chairman or Deputy Chairman die or resign, or cease to be a Director, or otherwise become disqualified to act, the Directors present at the Meeting next after the Occurrence of such Vacancy shall choose some other of the Directors to fill such Vacancy; and every such Chairman or Deputy Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened. Permanent Chairman of Directors.

XCIV. If at any Meeting of the Directors neither the Chairman nor Deputy Chairman be present the Directors present shall choose some one of their Number to be Chairman of such Meeting. Occasional Chairman of Directors.

XCV. It shall be lawful for the Directors to appoint One or more Committees, consisting of such Number of Directors as they think fit, within the prescribed Limits, if any, and they may grant to such Committees respectively Power on behalf of the Company to do any Acts relating to the Affairs of the Company which the Directors could lawfully do, and which they shall from Time to Time think proper to intrust to them. Committees of Directors. Powers of Committees.

Meetings of Committees.

XCVI. The said Committees may meet from Time to Time, and may adjourn from Place to Place, as they think proper, for carrying into effect the Purposes of their Appointment; and no such Committee shall exercise the Powers intrusted to them except at a Meeting at which there shall be present the prescribed Quorum, or if no Quorum be prescribed then a Quorum to be fixed for that Purpose by the general Body of Directors; and at all Meetings of the Committees One of the Members present shall be appointed Chairman; and all Questions at any Meeting of the Committee shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote in addition to his Vote as a Member of the Committee.

Contracts by Committee or Directors, how to be entered into.

XCVII. The Power which may be granted to any such Committee to make Contracts, as well as the Power of the Directors to make Contracts on behalf of the Company, may lawfully be exercised as follows; (that is to say,)

With respect to any Contract which, if made beween private Persons, would be by Law required to be in Writing, and under Seal, such Committee or the Directors may make such Contract on behalf of the Company in Writing, and under the Common Seal of the Company, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing, and signed by the Parties to be charged therewith, then such Committee or the Directors may make such Contract on behalf of the Company in Writing, signed by such Committee or any Two of them, or any Two of the Directors, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would by Law be valid although made by Parol only, and not reduced into Writing, such Committee or the Directors may make such Contract on behalf of the Company by Parol only, without Writing, and in the same Manner may vary or discharge the same:

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be; and on any Default in the Execution of any such Contract, either by the Company or any other Party thereto, such Actions or Suits may be brought, either by or against the Company, as might be brought had the same Contracts been made between private Persons only.

Proceedings to be entered in a Book, and to be Evidence.

XCVIII. The Directors shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the Directors, and of the Orders and Proceedings of all Meetings of the Company, and of the Directors and Committees of Directors, to be duly entered in Books, to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Directors; and every such Entry shall be signed by the Chairman of such Meeting; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Shareholders or Directors or Members of Committee respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all of which last-mentioned Matters shall be presumed, until the contrary be proved.

Informalities in Appointment of Directors not to invalidate Proceedings.

XCIX. All Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Directors or Persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Director.

Directors not to be personally liable.

C. No Director, by being Party to or executing in his Capacity of Director any Contract or other Instrument on behalf of the Company, or otherwise lawfully executing any of the Powers given to the Directors, shall be subject to be sued or prosecuted, either individually or collectively, by any Person whomsoever; and the Bodies or Goods or Lands of the Directors shall not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into, signed, or executed by them, or by reason of any other lawful Act done by them in the Execution of any of their Powers as Directors;

Indemnity of Directors.

and the Directors, their Heirs, Executors, and Administrators, shall be indemnified out of the Capital of the Company for all Payments made or Liability incurred in respect of any Acts done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the Directors for the Time being of the Company may apply the existing Funds and Capital of the Company for the Purposes of such Indemnity, and may, if necessary for that Purpose, make Calls of the Capital remaining unpaid, if any.

Auditors.

And with respect to the Appointment and Duties of Auditors, be it enacted as follows:

Election of Auditors.

CI. Except where by the special Act Auditors shall be directed to be appointed otherwise than by the Company, the Company shall, at the First Ordinary Meeting after the passing of the special Act, elect the prescribed Number of Auditors, and if no Number is prescribed Two Auditors, in like Manner as is provided for the Election of Directors; and at the First Ordinary Meeting of the Company in each Year thereafter the Company shall in like Manner elect an Auditor to supply the Place of the Auditor then retiring from Office, according to the Provision herein-after contained; and every Auditor elected as herein-before provided, being neither removed nor disqualified, nor having resigned, shall continue to be an Auditor until another be elected in his Stead.

CII. Where

CII. Where no other Qualification shall be prescribed by the special Act, every Auditor shall have at least One Share in the Undertaking; and he shall not hold any Office in the Company, nor be in any other Manner interested in its Concerns, except as a Shareholder. Qualification of Auditors.

CIII. One of such Auditors (to be determined in the first instance by Ballot between themselves, unless they shall otherwise agree, and afterwards by Seniority,) shall go out of Office at the First Ordinary Meeting in each Year; but the Auditor so going out shall be immediately re-eligible, and after any such Re-election shall, with respect to the going out of Office by Rotation, be deemed a new Auditor. Rotation of Auditors.

CIV. If any Vacancy take place among the Auditors in the course of the current Year, then at any General Meeting of the Company the Vacancy may, if the Company think fit, be supplied by Election of the Shareholders. Vacancies in Office of Auditor.

CV. The Provision of this Act respecting the Failure of an Ordinary Meeting at which Directors ought to be chosen shall apply, *mutatis mutandis*, to any Ordinary Meeting at which an Auditor ought to be appointed. Failure of Meeting to elect Auditor.

CVI. The Directors shall deliver to such Auditors the half-yearly or other periodical Accounts and Balance Sheet, Fourteen Days at the least before the ensuing Ordinary Meeting at which the same are required to be produced to the Shareholders as herein-after provided. Delivery of Balance Sheet to Auditors.

CVII. It shall be the Duty of such Auditors to receive from the Directors the half-yearly or other periodical Accounts and Balance Sheet required to be presented to the Shareholders, and to examine the same. Duty of Auditors.

CVIII. It shall be lawful for the Auditors to employ such Accountants and other Persons as they may think proper, at the Expence of the Company, and they shall either make a special Report on the said Accounts, or simply confirm the same; and such Report or Confirmation shall be read, together with the Report of the Directors, at the Ordinary Meeting. Powers of Auditors.

Accountability of Officers.

And with respect to the Accountability of the Officers of the Company, be it enacted as follows:

CIX. Before any Person intrusted with the Custody or Control of Monies, whether Treasurer, Collector, or other Officer of the Company, shall enter upon his Office, the Directors shall take sufficient Security from him for the faithful Execution of his Office. Security from Officers.

CX. Every Officer employed by the Company shall from Time to Time, when required by the Directors, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Company; and such Account shall state how, and to whom, and for what Purpose such Monies shall have been disposed of; and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Directors, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts. Officers to account, on demand.

CXI. If any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the Directors, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this or the special Act, or any Act incorporated therewith, or belonging to the Company, then, on Complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before Two or more Justices at a Time and Place to be set forth in such Summons, to answer such Charge; and upon the Appearance of such Officer, or in his Absence upon Proof that such Summons was personally served upon him, or left at his last known Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Company are in the Hands of such Officer, or owing by him to the Company, such Justices may order such Officer to pay the same; and if he fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or, in default thereof, to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months, unless the same be sooner paid. Summary Remedy against Parties failing to account.

CXII. If any such Officer refuse to make out such Account in Writing, or to produce and deliver to the Justices the several Vouchers and Receipts relating thereto, or to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Company, such Justices may lawfully commit such Offender to Gaol, there to remain until he shall have delivered up all the Vouchers and Receipts, if any, in his Possession or Power, relating to such Accounts, and have delivered up all Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power, belonging to the Company. Officers refusing to deliver up Documents, &c. to be imprisoned.

CXIII. Provided always, that if any Director or other Person acting on behalf of the Company shall make Oath that he has good Reason to believe, upon Grounds to be stated in his Deposition, and does believe, that it is the Intention of any such Officer as aforesaid to abscond, it shall be lawful for the Justice before whom the Complaint is made, instead of issuing his Summons, to issue his Warrant for the bringing such Officer before such Two Justices as aforesaid; but no Person executing such Warrant shall keep such Officer in Custody longer than Twenty-four Hours, without bringing him before some Justice; and it shall be lawful for the Justice before whom such Officer may be brought either to Where Officer about to abscond a Warrant may be issued in the first instance.

discharge such Officer, if he think there is no sufficient Ground for his Detention, or to order such Officer to be detained in Custody, so as to be brought before Two Justices, at a Time and Place to be named in such Order, unless such Officer give Bail to the Satisfaction of such Justice for his Appearance before such Justices to answer the Complaint of the Company.

Sureties not to be discharged.

CXIV. No such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Company of any Remedy which they might otherwise have against such Officer, or any Surety of such Officer.

Accounts.

And with respect to the keeping of Accounts, and the Right of Inspection thereof by the Shareholders, be it enacted as follows:

Accounts to be kept.

CXV. The Directors shall cause full and true Accounts to be kept of all Sums of Money received or expended on account of the Company by the Directors and all Persons employed by or under them, and of the Matters and Things for which such Sums of Money shall have been received or disbursed and paid.

Books to be balanced.

CXVI. The Books of the Company shall be balanced at the prescribed Periods, and, if no Periods be prescribed, Fourteen Days at least before each Ordinary Meeting; and forthwith on the Books being so balanced an exact Balance Sheet shall be made up, which shall exhibit a true Statement of the Capital Stock, Credits, and Property of every Description belonging to the Company, and the Debts due by the Company at the Date of making such Balance Sheet, and a distinct View of the Profit or Loss which shall have arisen on the Transactions of the Company in the course of the preceding Half Year; and previously to each Ordinary Meeting such Balance Sheet shall be examined by the Directors, or any Three of their Number, and shall be signed by the Chairman or Deputy Chairman of the Directors.

Inspection of Accounts by Shareholders at stated Times.

CXVII. The Books so balanced, together with such Balance Sheet as aforesaid, shall for the prescribed Periods, and, if no Periods be prescribed, for Fourteen Days previous to each Ordinary Meeting, and for One Month thereafter, be open for the Inspection of the Shareholders at the principal Office or Place of Business of the Company; but the Shareholders shall not be entitled at any Time, except during the Periods aforesaid, to demand the Inspection of such Books, unless in virtue of a written Order signed by Three of the Directors.

Balance Sheet to be produced at the Meeting.

CXVIII. The Directors shall produce to the Shareholders assembled at such Ordinary Meeting the said Balance Sheet, applicable to the Period immediately preceding such Meeting, together with the Report of the Auditors thereon, as herein-before provided.

Book-keeper to allow Inspection of the Accounts at the appointed Times.

CXIX. The Directors shall appoint a Book-keeper to enter the Accounts aforesaid in Books to be provided for the Purpose; and every such Book-keeper shall permit any Shareholder to inspect such Books, and to take Copies or Extracts therefrom, at any reasonable Time during the prescribed Periods, and if no Periods be prescribed during One Fortnight before and One Month after every Ordinary Meeting; and if he fail to permit any such Shareholder to inspect such Books, or take Copies or Extracts therefrom, during the Periods aforesaid, he shall forfeit to such Shareholder for every such Offence a Sum not exceeding Five Pounds.

Dividends.

And with respect to the making of Dividends, be it enacted as follows:

Previously to Declaration of Dividends a Scheme to be prepared.

CXX. Previously to every Ordinary Meeting at which a Dividend is intended to be declared the Directors shall cause a Scheme to be prepared, showing the Profits, if any, of the Company for the Period current since the preceding Ordinary Meeting at which a Dividend was declared, and apportioning the same, or so much thereof as they may consider applicable to the Purposes of Dividend, among the Shareholders, according to the Shares held by them respectively, the Amount paid thereon, and the Periods during which the same may have been paid, and shall exhibit such Scheme at such Ordinary Meeting, and at such Meeting a Dividend may be declared according to such Scheme.

Dividend not to be made so as to reduce Capital.

CXXI. The Company shall not make any Dividend whereby their Capital Stock will be in any degree reduced: Provided always, that the Word "Dividend" shall not be construed to apply to a Return of any Portion of the Capital Stock, with the Consent of all the Mortgagees and Bond Creditors of the Company, due Notice being given for that Purpose at an Extraordinary Meeting to be convened for that Object.

Directors may set apart a Fund for Contingencies.

CXXII. Before apportioning the Profits to be divided among the Shareholders the Directors may, if they think fit, set aside thereout such Sum as they may think proper to meet Contingencies, or for enlarging, repairing, or improving the Works connected with the Undertaking, or any Part thereof, and may divide the Balance only among the Shareholders.

Dividend not to be paid unless all Calls paid.

CXXIII. No Dividend shall be paid in respect of any Share until all Calls then due in respect of that and every other Share held by the Person to whom such Dividend may be payable shall have been paid.

Bye Laws.

And with respect to the making of Bye Laws, be it enacted as follows:

Power to make Bye Laws for the Officers of the Company.

CXXIV. It shall be lawful for the Company from Time to Time to make such Bye Laws as they think fit, for the Purpose of regulating the Conduct of the Officers and Servants of the Company, and for providing for the due Management of the Affairs of the Company in all respects whatsoever, and from Time to Time to alter or repeal any such Bye Laws, and make others, provided such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have effect, or to the Provisions of this or the special Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company; and a Copy of such Bye Laws shall be given to every Officer and Servant of the Company affected thereby.

Fines for Breach of such Bye Laws.

CXXV. It shall be lawful for the Company, by such Bye Laws, to impose such reasonable Penalties upon all Persons, being Officers or Servants of the Company, offending against such Bye Laws, as the Company think fit, not exceeding Five Pounds for any One Offence.

Bye Laws to be so framed as that Penalties may be mitigated.

CXXVI. All the Bye Laws to be made by the Company shall be so framed as to allow the Justice before whom any Penalty imposed thereby may be sought to be recovered to order a Part only of such Penalty to be paid, if such Justice shall think fit.

Evidence of Bye Laws.

CXXVII. The Production of a written or printed Copy of the Bye Laws of the Company, having the Common Seal of the Company affixed thereto, shall be sufficient Evidence of such Bye Laws in all Cases of Prosecution under the same.

Arbitration.

And with respect to the Settlement of Disputes by Arbitration, be it enacted as follows:

Appointment of Arbitrator when Questions are to be determined by Arbitration.

CXXVIII. When any Dispute authorized or directed by this or the special Act, or any Act incorporated therewith, to be settled by Arbitration, shall have arisen, then, unless both Parties shall concur in the Appointment of a single Arbitrator, each Party, on the Request of the other Party, shall by Writing under his Hand nominate and appoint an Arbitrator to whom such Dispute shall be referred; and after any such Appointment shall have been made neither Party shall have Power to revoke the same without the Consent of the other, nor shall the Death of either Party operate as such Revocation; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing shall have been served by the one Party on the other Party to appoint an Arbitrator, such last-mentioned Party fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both Parties, and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute; and in such Case the Award or Determination of such single Arbitrator shall be final.

Vacancy of Arbitrator to be supplied.

CXXIX. If before the Matters so referred shall be determined any Arbitrator appointed by either Party die, or become incapable or refuse or for Seven Days neglect to act as Arbitrator, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place; and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so the remaining or other Arbitrator may proceed *ex parte;* and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death, Refusal, or Disability as aforesaid.

Appointment of Umpire.

CXXX. Where more than One Arbitrator shall have been appointed such Arbitrators shall, before they enter upon the Matters referred to them, nominate and appoint by Writing under their Hands an Umpire to decide on any such Matters on which they shall differ; and if such Umpire shall die, or refuse or for Seven Days neglect to act, they shall forthwith after such Death, Refusal, or Neglect appoint another Umpire in his Place; and the Decision of every such Umpire on the Matters so referred to him shall be final.

Appointment on Neglect of Arbitrators, in case of Railway Companies.

CXXXI. If in either of the Cases aforesaid the said Arbitrators shall refuse, or shall, for Seven Days after Request of either Party to such Arbitration, neglect to appoint an Umpire, it shall be lawful for the Board of Trade, if they think fit, in any Case in which a Railway Company shall be one Party to the Arbitration, on the Application of either Party to such Arbitration, to appoint an Umpire; and the Decision of such Umpire on the Matters on which the Arbitrators shall differ shall be final.

Power of Arbitrators to call for Books, &c.

CXXXII. The said Arbitrators or their Umpire may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Costs in their Discretion.

CXXXIII. Except where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the Costs of and attending every such Arbitration to be determined by the Arbitrators shall be in the Discretion of the Arbitrators or their Umpires, as the Case may be.

Submission to Arbitration a Rule of Court.

CXXXIV. The Submission to any such Arbitration may be made a Rule of any of the Superior Courts, on the Application of either of the Parties.

Notices.

And with respect to the giving of Notices, be it enacted as follows:

Service of Notices upon Company.

CXXXV. Any Summons or Notice, or any Writ, or other Proceeding, at Law or in Equity, requiring to be served upon the Company, may be served by the same being left at, or transmitted through the Post directed to the principal Office of the Company, or one of their principal Offices where there shall be more than one, or being given personally to the Secretary, or in case there be no Secretary then by being given to any one Director of the Company.

Service by Company on Shareholders.

CXXXVI. Notices requiring to be served by the Company upon the Shareholders may, unless expressly required to be served personally, be served by the same being transmitted through the Post directed according to the registered Address or other known Address of the Shareholder, within such Period as to admit of its being delivered in the due Course of Delivery within the Period (if any) prescribed for the giving of such Notice; and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was so put into the Post Office.

Notices to joint Proprietors of Shares.

CXXXVII. All Notices directed to be given to the Shareholders shall, with respect to any Share to which Persons are jointly entitled, be given to whichever of the said Persons shall be named first in the Register of Shareholders; and Notice so given shall be sufficient Notice to all the Proprietors of such Share.

Notices by Advertisement.

CXXXVIII. All Notices required by this or the special Act, or any Act incorporated therewith, to be given by Advertisement, shall be advertised in the prescribed Newspaper, or if no Newspaper be prescribed,

Notices.

prescribed, or if the prescribed Newspaper cease to be published, in a Newspaper circulating in the District within which the Company's principal Place of Business shall be situated.

Authentication of Notices.

CXXXIX. Every Summons, Notice, or other such Document requiring Authentication by the Company may be signed by Two Directors, or by the Treasurer or the Secretary of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Proof of Debts in Bankruptcy.

CXL. And be it enacted, That if any Person against whom the Company shall have any Claim or Demand become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Secretary or Treasurer of the Company, in all Proceedings against the Estate of such Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency against such Bankrupt or Insolvent, to represent the Company, and act in their Behalf, in all respects as if such Claim or Demand had been the Claim or Demand of such Secretary or Treasurer, and not of the Company.

Tender of Amends.

CXLI. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or by virtue of any Power or Authority thereby given, and if, before Action brought in respect thereof, such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit; and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Recovery of Damages and Penalties.

And with respect to the Recovery of Damages not specially provided for, and Penalties, be it enacted as follows:

Provision for Damages not otherwise provided for.

CXLII. In all Cases where any Damages, Costs, or Expences are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the Method of ascertaining the Amount or enforcing the Payment thereof is not provided for, such Amount, in case of Dispute, shall be ascertained and determined by Two Justices; and if the Amount so ascertained be not paid by the Company or other Party liable to pay the same within Seven Days after Demand, the Amount may be recovered by Distress of the Goods of the Company or other Party liable as aforesaid; and the Justices by whom the same shall have been ordered to be paid, or either of them, on Application, shall issue their or his Warrant accordingly.

Distress against the Treasurer.

CXLIII. If sufficient Goods of the Company cannot be found whereon to levy any such Damages, Costs, or Expences, payable by the Company, the same may, if the Amount thereof do not exceed Twenty Pounds, be recovered by Distress of the Goods of the Treasurer of the Company; and the Justices aforesaid, or either of them, on Application, shall issue their or his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence; and if such Treasurer pay any Money under such Distress as aforesaid, he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Company coming into his Custody or Control, or he may sue the Company for the same.

Method of proceeding before Justices in Questions of Damages, &c.

CXLIV. Where in this or the special Act, or any Act incorporated therewith, any Question of Compensation, Expences, Charges, or Damages is referred to the Determination of any One Justice, or more, it shall be lawful for any Justice, upon the Application of either Party, to summon the other Party to appear before One Justice, or before Two Justices, as the Case may require, at a Time and Place to be named in such Summons; and upon the Appearance of such Parties, or in the Absence of any of them, upon Proof of due Service of the Summons, it shall be lawful for such One Justice, or such Two Justices, as the Case may be, to hear and determine such Question, and for that Purpose to examine such Parties or any of them, and their Witnesses, on Oath; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall determine the Amount thereof.

Publication of Penalties.

CXLV. The Company shall publish the short Particulars of the several Offences for which any Penalty is imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law of the Company affecting other Persons than the Shareholders, Officers, or Servants of the Company, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalty for defacing Boards used for such Publication.

CXLVI. If any Person pull down or injure any Board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the Purpose of publishing any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and shall defray the Expences attending the Restoration of such Board.

Penalties to be summarily recovered before Two Justices.

CXLVII. Every Penalty or Forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before Two Justices; and on Complaint being made to any Justice he shall issue a Summons, requiring the Party complained against to appear before Two Justices at a Time and Place to be named in such Summons; and every such Summons shall be served

served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the due Service of such Summons, it shall be lawful for Two Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit. *Recovery of Damages and Penalties.*

CXLVIII. If forthwith upon any such Adjudication as aforesaid, the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs shall be levied by Distress; and such Justices, or either of them, shall issue their or his Warrant of Distress accordingly. Penalties may be levied by Distress.

CXLIX. It shall be lawful for any such Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture, and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of such Justice whereon to levy such Penalty or Forfeiture, and Costs, he may, if he thinks fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture, and Costs, be sooner paid and satisfied. Imprisonment in default of Distress.

CL. Where in this or the special Act, or any Act incorporated therewith, any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained. Distress how to be levied.

CLI. No Distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case. Distress not unlawful for Want of Form.

CLII. The Justices by whom any such Penalty or Forfeiture shall be imposed may, where the Application thereof is not otherwise provided for, award not more than One Half thereof to the Informer, and shall award the Remainder to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish; or if the Place wherein the Offence shall have been committed shall be extra-parochial, then such Justices shall direct such Remainder to be applied for the Benefit of the Poor of such extra-parochial Place, or of any adioining Parish or District, and shall order the same to be paid over to the proper Officer for that Purpose. Application of Penalties.

CLIII. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence. Penalties to be sued for within Six Months.

CLIV. If through any Act, Neglect, or Default, on account whereof any Person shall have incurred any Penalty imposed by this or the special Act, or any Act incorporated therewith, any Damage to the Property of the Company shall have been committed by such Person, he shall be liable to make good such Damage, as well as to pay such Penalty; and the Amount of such Damages shall, in case of Dispute, be determined by the Justices by whom the Party incurring such Penalty shall have been convicted; and on Nonpayment of such Damages, on Demand, the same shall be levied by Distress, and such Justices, or One of them, shall issue their or his Warrant accordingly. Damage to be made good in addition to Penalty.

CLV. It shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this or the special Act, or any Act incorporated therewith, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence. Penalty on Witnesses making default.

CLVI. It shall be lawful for any Officer or Agent of the Company, and all Persons called by him to his Assistance, to seize and detain any Person who shall have committed any Offence against the Provisions of this or the special Act, or any Act incorporated therewith, and whose Name and Residence shall be unknown to such Officer or Agent, and convey him, with all convenient Despatch, before some Justice, Transient Offenders.

Recovery of Damages and Penalties.

Justice, without any Warrant or other Authority than this or the special Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CLVII. The Justices before whom any Person shall be convicted of any Offence against this or the special Act, or any Act incorporated therewith, may cause the Conviction to be drawn up according to the Form in the Schedule (G.) to this Act annexed.

Proceedings not to be quashed for Want of Form.

CLVIII. No Proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Appeal.

Parties allowed to appeal to Quarter Sessions on giving Security.

CLIX. If any Party shall feel aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this or the special Act, or any Act incorporated therewith, such Party may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CLX. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Access to Special Act.

And with respect to the Provision to be made for affording Access to the special Act by all Parties interested, be it enacted as follows:

Copies of special Act to be kept and deposited, and allowed to be inspected.

CLXI. The Company shall, at all Times after the Expiration of Six Months after the passing of the special Act, keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty, or some of them; and where the Undertaking shall be a Railway, Canal, or other like Undertaking, the Works of which shall not be confined to one Town or Place, shall also, within the Space of such Six Months, deposit in the Office of each of the Clerks of the Peace of the several Counties into which the Works shall extend, and in the Office of the Town Clerk of every Burgh or City into which or within One Mile of which the Works shall extend, a Copy of such special Act so printed as aforesaid; and the said Clerks of the Peace and Town Clerks shall receive, and they and the Company respectively shall retain, the said Copies of the special Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner and upon the like Terms and under the like Penalty for Default as is provided in the Case of certain Plans and Sections, by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

Penalty on failing to keep or deposit such Copies.

CLXII. If the Company shall fail to keep or deposit as herein-before mentioned any of the said Copies of the special Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited.

Act not to extend to Scotland.

CLXIII. And be it enacted, That this Act shall not extend to *Scotland.*

For recovering Calls against Shareholders residing in Scotland.

CLXIV. Provided always, and be it enacted, That if any Shareholder residing in *Scotland* shall fail to pay the Amount of any Call made upon him by the Company in respect of any Share held by him, it shall be lawful for the Company to proceed against him in *Scotland*, and to sue for and recover the Amount of such Call, or to declare such Share forfeited, in such Manner as is by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in case the same shall pass into a Law, provided in regard to Shareholders of any Company in *Scotland.*

Alteration of Act.

CLXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Certificate of Share.

"The Company."

Number

THIS is to certify, That *A.B.* of is the Proprietor of the Share Number of "The Company," subject to the Regulations of the said Company. Given under the Common Seal of the said Company, the Day of in the Year of our Lord

SCHE-

SCHEDULE (B.)

Form of Transfer of Shares or Stock.

I of in consideration of the Sum of paid to me by of do hereby transfer to the said Share [*or* Shares], numbered in the Undertaking called "The Company" [*or* Pounds Consolidated Stock in the Undertaking called "The Company," standing (*or* Part of the Stock standing) in my Name in the Books of the Company], to hold unto the said his Executors, Administrators, and Assigns [*or* Successors and Assigns], subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said do hereby agree to take the said Share [*or* Shares] [*or* Stock], subject to the same Conditions. As witness our Hands and Seals, the Day of .

SCHEDULE (C.)

Form of Mortgage Deed.

"The Company."

Mortgage, Number £

By virtue of [*here name the special Act*], we, "The Company," in consideration of the Sum of Pounds paid to us by *A.B.* of do assign unto the said *A.B.*, his Executors, Administrators, and Assigns, the said Undertaking [and (*in case such Loan shall be in anticipation of the Capital authorized to be raised*) all future Calls on Shareholders], and all the Tolls and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Company in the same; to hold unto the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, together with Interest for the same at the Rate of for every One hundred Pounds by the Year, be satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof (*in case any Period be agreed upon for that Purpose*)], [at *or any Place of Payment other than the principal Office of the Company*]. Given under our Common Seal, this Day of in the Year of our Lord .

SCHEDULE (D.)

Form of Bond.

"The Company."

Bond, Number £

By virtue of [*here name the special Act*], we, "The Company," in consideration of the Sum of Pounds to us in hand paid by *A.B.* of do bind ourselves and our Successors unto the said *A.B.*, his Executors, Administrators, and Assigns, in the penal Sum of Pounds.

The Condition of the above Obligation is such, that if the said Company shall pay to the said *A.B.*, his Executors, Administrators, or Assigns, [at (*in case any other Place of Payment than the principal Office of the Company be intended*),] on the Day of which will be in the Year One thousand eight hundred and , the Principal Sum of Pounds, together with Interest for the same at the Rate of Pounds per Centum per Annum, payable half-yearly on the Day of and Day of then the above-written Obligation is to become void, otherwise to remain in full Force. Given under our Common Seal, this Day of One thousand eight hundred and .

SCHEDULE (E.)

Form of Transfer of Mortgage or Bond.

I *A.B.* of in consideration of the Sum of paid to me by *G.H.* of do hereby transfer to the said *G.H.*, his Executors, Administrators, and Assigns, a certain Bond [*or* Mortgage] Number made by "The Company" to bearing Date the Day of for securing the Sum of and Interest [*or, if such Transfer be by Endorsement,* the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage,* and in and to the Tolls, Money, and Property thereby assigned]. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and .

SCHEDULE (F.)

Form of Proxy.

A.B. One of the Proprietors of "The Company," doth hereby appoint *C.D.* of to be the Proxy of the said *A.B.*, in his Absence to vote in his Name upon any Matter relating to the Undertaking proposed at the Meeting of the Proprietors of the said Company to be held on the Day of next, in such Manner as he the said *C.D.* doth think

think proper. In witness whereof the said *A.B.* hath hereunto set his Hand [*or, if a Corporation, say* the Common Seal of the Corporation], the Day of One thousand eight hundred and

SCHEDULE (G.)

Form of Conviction.

to wit.

Be it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before us, *C.*, *D.*, Two of Her Majesty's Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the [*here name the special Act*]. Given under our Hands and Seals, the Day and Year first above written.

C.
D.

CAP. XVII.

An Act for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature in *Scotland*. [8th *May* 1845.]

'WHEREAS it is expedient to comprise in One general Act sundry Provisions relating to the 'Constitution and Management of Joint Stock Companies, usually introduced into Acts of Parliament 'authorizing the Execution of Undertakings of a public Nature by such Companies in *Scotland*, and that 'as well for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several 'Acts relating to such Undertakings as for ensuring greater Uniformity in the Provisions themselves;" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall apply to every Joint Stock Company in *Scotland* which shall by any Act of Parliament which shall hereafter be passed be incorporated for the Purpose of carrying on any Undertaking; and this Act shall be incorporated with such Act, and all the Clauses and Provisions of this Act, save so far as they shall be varied or excepted by any such Act, shall apply to the Company which shall be incorporated by any Act, and to the Undertaking for carrying on which such Company shall be incorporated, so far as the same shall be applicable thereto respectively; and such Enactments and Provisions, as well as the Enactments and Provisions of every other Act which shall be incorporated with such Act, shall, save as aforesaid, form Part of such Act, and be construed together therewith as forming One Act.

Act to apply to all Companies incorporated by Acts hereafter to be passed.

Interpretations in this Act:

II. And with respect to the Construction of this Act, and of other Acts to be incorporated therewith, be it enacted as follows:

"The special Act:"

"prescribed:"

The Expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed incorporating or constituting a Joint Stock Company for the Purpose of carrying on any Undertaking, and with which this Act shall be so incorporated as aforesaid; and the Word "prescribed" used in this Act, in reference to any Matter herein stated, shall be construed to refer to such Matter as shall be prescribed or provided for in the special Act; and the Sentence in which such Word shall occur shall be construed as if instead of the Word "prescribed" the Expression "prescribed for that Purpose in the special Act" had been used; and the Expression "the Undertaking" shall mean the Undertaking or Works, of whatever Nature, which shall by the special Act be authorized to be executed.

"the Undertaking."

Interpretations in this and the special Act:

III. The following Words and Expressions both in this and the special Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or the Context repugnant to such Construction; (that is to say,)

Number:

Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include the Singular Number:

Gender:

Words importing the Masculine Gender only shall include Females:

"Lands:"

The Word "Lands" shall extend to Houses, Lands, Tenements, and Heritages of any Description or Tenure:

"Lease:"

The Word "Lease" shall include a Missive or an Agreement for a Lease:

"Month:"

The Word "Month" shall mean Calendar Month:

"Lord Ordinary:"

The "Lord Ordinary" shall mean the Lord Ordinary of the Court of Session in *Scotland* officiating on the Bills in Time of Vacation, or the junior Lord Ordinary, if in Time of Session, as the Case may be:

"Sheriff:"

The Word "Sheriff" shall include the Sheriff Substitute:

"Oath:"

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath:

"County:"

The Word "County" shall include any Ward or other like Division of a County:

"Justice:"

The Word "Justice" shall mean Justice of the Peace acting for the County, City, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where any Matter shall be authorized or required to be done by Two Justices, the Expression

Expression "Two Justices" shall be understood to mean Two or more Justices assembled and acting together: "Two Justices:"

The Expression "the Company" shall mean the Company constituted by the special Act: "Company:"

The Expression "the Directors" shall mean the Directors of the Company, and shall include all Persons having the Direction of the Undertaking, whether under the Name of Directors, Managers, Committee of Management, or under any other Name: "Directors:"

The Word "Shareholder" shall mean Shareholder, Proprietor, or Member of the Company; and in referring to any such Shareholder, Expressions properly applicable to a Person shall be held to apply to a Corporation: And "Shareholder:"

The Expression "the Secretary" shall mean the Secretary of the Company, and shall include the Word "Clerk." "Secretary."

Short Title of the Act.

IV. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Companies Clauses Consolidation (*Scotland*) Act, 1845."

Form in which Portions of this Act may be incorporated with other Acts.

V. And whereas it may be convenient in some Cases to incorporate with Acts hereafter to be passed some Portion only of the Provisions of this Act; be it therefore enacted, That for the Purpose of making any such Incorporation it shall be sufficient in any such Act to enact that the Clauses and Provisions of this Act, with respect to the Matter so proposed to be incorporated (describing such Matter as it is described in this Act in the Words introductory to the Enactment with respect to such Matter), shall be incorporated with such Act; and thereupon all the Clauses and Provisions of this Act with respect to the Matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if the Substance of such Clauses and Provisions were set forth therein with reference to the Matter to which such Act shall relate.

Distribution of Capital.

And with respect to the Distribution of the Capital of the Company into Shares, be it enacted, as follows:

Capital to be divided into Shares.

VI. The Capital of the Company shall be divided into Shares of the prescribed Number and Amount; and such Shares shall be numbered in arithmetical Progression, beginning with Number One; and every such Share shall be distinguished by its appropriate Number.

Shares to be Personal Estate.

VII. All Shares in the Undertaking shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate.

Shareholders.

VIII. Every Person who shall have subscribed the prescribed Sum or upwards to the Capital of the Company, or shall otherwise have become entitled to a Share in the Company, and whose Name shall have been entered on the Register of Shareholders herein-after mentioned, shall be deemed a Shareholder of the Company, and shall be entitled to have One Share therein allotted to him in respect of every Sum of the prescribed Amount so subscribed by him.

Registry of Shareholders.

IX. The Company shall keep a Book, to be called the "Register of Shareholders;" and in such Book shall be fairly and distinctly entered, from Time to Time, the Names of the several Corporations, and the Names and Additions of the several Persons entitled to Shares in the Company, together with the Number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its Number, and the Amount of the Subscriptions paid on such Shares; and the Surnames or Corporate Names of the said Shareholders shall be placed in alphabetical Order; and such Book shall be authenticated by the Common Seal of the Company being affixed thereto; and such Authentication shall take place at the First Ordinary Meeting or at the next subsequent Meeting of the Company, and so from Time to Time at each Ordinary Meeting of the Company.

Addresses of Shareholders.

X. In addition to the said Register of Shareholders, the Company shall provide a Book, to be called the "Shareholders Address Book," in which the Secretary shall from Time to Time enter in alphabetical Order the Corporate Names and Places of Business of the several Shareholders of the Company, being Corporations, and the Surnames of the several other Shareholders, with their respective Christian Names, Places of Abode, and Descriptions, so far as the same shall be known to the Company; and every Shareholder, or if such Shareholder be a Corporation the Clerk or Agent of such Corporation, may at all convenient Times peruse such Book *gratis*, and may require a Copy thereof, or of any Part thereof; and for every Hundred Words so required to be copied the Company may demand a Sum not exceeding Sixpence.

Certificates of Shares to be issued to the Shareholders.

XI. On demand of the Holder of any Share the Company shall cause a Certificate of the Proprietorship of such Share to be delivered to such Shareholder; and such Certificate shall have the Common Seal of the Company affixed thereto; and such Certificate shall specify the Share in the Undertaking to which such Shareholder is entitled; and the same may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect; and for such Certificate the Company may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed then a Sum not exceeding Two Shillings and Sixpence.

Certificate to be Evidence.

XII. The said Certificate shall be admitted in all Courts as *primâ facie* Evidence of the Title of such Shareholder, his Executors, Administrators, Successors, or Assigns, to the Share therein specified; nevertheless the Want of such Certificate shall not prevent the Holder of any Share from disposing thereof.

Certificate to be renewed when destroyed.

XIII. If any such Certificate be worn out or damaged, then, upon the same being produced at some Meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another similar Certificate shall be given to the Party in whom the Property of such Certificate, and of the Share therein mentioned, shall be at the Time vested; or if such Certificate be lost or destroyed, then, upon

Proof thereof to the Satisfaction of the Directors, a similar Certificate shall be given to the Party entitled to the Certificate so lost or destroyed; and in either Case a due Entry of the substituted Certificate shall be made by the Secretary in the Register of Shareholders; and for every such Certificate so given or exchanged the Company may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed then a Sum not exceeding Two Shillings and Sixpence.

Transfer of Shares.

And with respect to the Transfer or Transmission of Shares, be it enacted as follows:

Transfer of Shares to be by Deed duly stamped.

XIV. Subject to the Regulations herein or in the special Act contained, every Shareholder may sell and transfer all or any of his Shares in the Undertaking, or all or any Part of his Interest in the Capital Stock of the Company, in case such Shares shall, under the Provisions herein-after contained, be consolidated into Capital Stock; and every such Transfer shall be by Deed duly stamped, in which the Consideration shall be truly stated; and such Deed may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Regulating the Form of Transfers of Shares.

XV. Whereas there may be hereafter many Shareholders of the Company who reside in *England*, and Sales of Shares are frequently made by Persons in *England* to Persons in *Scotland*, and *vice versâ*, and it would be attended with Inconvenience if all Transfers of Shares were required to be executed according to the Forms of the Law of *Scotland;* all Transfers of Shares of the said Company shall be valid and effectual if executed according to the usual Mode of executing such Instruments either in *England* or *Scotland*, or partly according to the one and partly according to the other.

Transfers of Shares to be registered, &c.

XVI. The said Deed of Transfer (when duly executed) shall be delivered to the Secretary, and be kept by him; and the Secretary shall enter a Memorial thereof in a Book, to be called the "Register of Transfers," and shall endorse such Entry on the Deed of Transfer, and shall, on demand, deliver a new Certificate to the Purchaser; and for every such Entry and Endorsement and Certificate the Company may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed then a Sum not exceeding Two Shillings and Sixpence; and on the Request of the Purchaser of any Share an Endorsement of such Transfer shall be made on the Certificate of such Share, instead of a new Certificate being granted; and such Endorsement, being signed by the Secretary, shall be considered in every respect the same as a new Certificate; and until such Transfer has been so delivered to the Secretary as aforesaid the Vendor of the Share shall continue liable to the Company for any Calls that may be made upon such Share, and the Purchaser of the Share shall not be entitled to receive any Share of the Profits of the Undertaking, or to vote in respect of such Share.

Transfers not to be made until all Calls paid.

XVII. No Shareholder shall be entitled to transfer any Share, after any Call shall have been made in respect thereof, until he shall have paid such Call, nor until he shall have paid all Calls for the Time being due on every Share held by him.

Closing of Transfer Books.

XVIII. It shall be lawful for the Directors to close the Register of Transfers for the prescribed Period, or if no Period be prescribed then for a Period not exceeding Fourteen Days previous to each Ordinary Meeting, and they may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper as after mentioned; and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Ordinary Meeting.

Transmission of Shares by other Means than Transfer to be authenticated by a Declaration.

XIX. If the Interest in any Share have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Shareholder, or in consequence of the Marriage of a Female Shareholder, or by any other lawful Means than by a Transfer according to the Provisions of this or the special Act, such Transmission shall be authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Directors shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been so transmitted, and shall be made and signed by some credible Person before a Sheriff or Justice; and such Declaration shall be left with the Secretary, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register of Shareholders; and for every such Entry the Company may demand any Sum not exceeding the prescribed Amount, and where no Amount shall be prescribed then not exceeding Five Shillings; and until such Transmission has been so authenticated no Person claiming by virtue of any such Transmission shall be entitled to receive any Share of the Profits of the Undertaking, nor to vote in respect of any such Share as the Holder thereof.

Proof of Transmission by Marriage, Will, &c.

XX. If such Transmission be by virtue of the Marriage of a Female Shareholder, the said Declaration shall contain a Copy of the Register of such Marriage, or other Particulars of the Celebration or effecting thereof, and shall declare the Identity of the Wife with the Holder of such Share; and if such Transmission have taken place by virtue of any testamentary Instrument, or by Intestacy, the Probate of the Will or the Letters of Administration, or an official Extract therefrom, obtained from any Prerogative Court if granted in *England*, or a Testament Testamentary or Testament Dative if expede in *Scotland*, or an official Extract thereof, shall, together with such Declaration, be produced to the Secretary; and upon such Production in either of the Cases aforesaid the Secretary shall make an Entry of the Declaration in the said Register of Transfers.

Company not bound to regard Trusts.

XXI. The Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares may be subject; and the Receipt of the Party in whose Name any such Share shall stand in the Books of the Company, or if it stands in the Names of more Parties than One the Receipt of the Party first named in the Register of Shareholders and then surviving, shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share, notwithstanding any Trust to which such Share may then be subject,

subject, and whether or not the Company have had Notice of such Trusts; and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Payment of Calls.

And with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, be it enacted as follows:

Subscriptions to be paid when called for.

XXII. The several Persons who have subscribed any Money towards the Undertaking, or their legal Representatives respectively, shall pay the Sums respectively so subscribed, or such Portions thereof as shall from Time to Time be called for by the Company, at such Times and Places as shall be appointed by the Company; and with respect to the Provisions herein or in the special Act contained for enforcing the Payment of Calls, the Word "Shareholder" shall extend to and include the legal personal Representatives of such Shareholder.

Power to make Calls.

XXIII. It shall be lawful for the Company from Time to Time to make such Calls of Money upon the respective Shareholders, in respect of the Amount of Capital respectively subscribed or owing by them, as they shall think fit, provided that Twenty-one Days Notice at the least be given of each Call, and that no Call exceed the prescribed Amount, if any, and that successive Calls be not made at less than the prescribed Interval, if any, and that the aggregate Amount of Calls made in any One Year do not exceed the prescribed Amount, if any; and every Shareholder shall be liable to pay the Amount of the Calls so made, in respect of the Shares held by him, to the Persons and at the Times and Places from Time to Time appointed by the Company.

Interest to be paid on Calls unpaid.

XXIV. If, before or on the Day appointed for Payment, any Shareholder do not pay the Amount of any Call to which he is liable, then such Shareholder shall be liable to pay Interest for the same at the Rate allowed by Law from the Day appointed for the Payment thereof to the Time of the actual Payment.

Power to allow Interest on Payment of Subscriptions before Call.

XXV. It shall be lawful for the Company, if they think fit, to receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for; and upon the Principal Monies so paid in advance, or so much thereof as from Time to Time shall exceed the Amount of the Calls then made upon the Shares in respect of which such Advance shall be made, the Company may pay Interest at such Rate, not exceeding the legal Rate of Interest for the Time being, as the Shareholder paying such Sum in advance and the Company shall agree upon.

Enforcement of Calls by Action.

XXVI. If at the Time appointed by the Company for the Payment of any Call any Shareholder fail to pay the Amount of such Call, it shall be lawful for the Company to sue such Shareholder for the Amount thereof in any Court of Law or Equity having competent Jurisdiction, and to recover the same, with lawful Interest from the Day on which such Call was payable.

Averment in Action for Calls.

XXVII. In any Action or Suit to be brought by the Company against any Shareholder to recover any Money due for any Call it shall not be necessary to set forth the special Matter, but it shall be sufficient for the Company to aver that the Defender is the Holder of One Share or more in the Company (stating the Number of Shares), and is indebted to the Company in the Sum of Money to which the Calls in arrear shall amount in respect of One Call or more upon One Share or more (stating the Number and Amount of each of such Calls), whereby an Action hath accrued to the Company by virtue of this and the special Act.

Matter to be proved in Action for Calls.

XXVIII. On the Trial or Hearing of such Action or Suit it shall be sufficient to prove that the Defender at the Time of making such Call was a Holder of One Share or more in the Undertaking, and that such Call was in fact made, and such Notice thereof given as is directed by this or the special Act; and it shall not be necessary to prove the Appointment of the Directors who made such Call, nor any other Matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such Call, with Interest thereon, unless it shall appear either that any such Call exceeds the prescribed Amount, or that due Notice of such Call was not given, or that the prescribed Interval between Two successive Calls had not elapsed, or that Calls amounting to more than the Sum prescribed for the total Amount of Calls in One Year had been made within that Period.

Proof of Proprietorship.

XXIX. The Production of the Register of Shareholders shall be *primâ facie* Evidence of such Defender being a Shareholder, and of the Number and Amount of his Shares.

Nonpayment of Calls.

And with respect to the Forfeiture of Shares for Nonpayment of Calls, be it enacted as follows:

Shares forfeited on Nonpayment of Calls.

XXX. If any Shareholder fail to pay any Call payable by him, together with the Interest, if any, that shall have accrued thereon, the Directors, at any Time after the Expiration of Two Months from the Day appointed for Payment of such Call, may declare the Share in respect of which such Call was payable forfeited, and that whether the Company have sued for the Amount of such Call or not.

Notice of Forfeiture to be given before Declaration thereof.

XXXI. Before declaring any Share forfeited the Directors shall cause Notice of such Intention to be left at or transmitted by the Post to the usual or last Place of Abode of the Person appearing by the Register of Shareholders to be the Proprietor of such Share; and if the Holder of any such Share be abroad, or if his usual or last Place of Abode be not known to the Directors, by reason of its being imperfectly described in the Shareholders Address Book, or otherwise, or if the Interest in any such Share shall be known by the Directors to have become transmitted otherwise than by Transfer as hereinbefore mentioned, but a Declaration of such Transmission shall not have been registered as aforesaid, and so the Address of the Parties to whom the same may have been transmitted, or may for the Time being belong, shall not be known to the Directors, the Directors shall give public Notice of such Intention in the *Edinburgh Gazette*, and also in some Newspaper as after mentioned; and the several Notices aforesaid shall be given Twenty-one Days at least before the Directors shall make such Declaration of Forfeiture.

XXXII. The

Forfeiture to be confirmed by a General Meeting.

XXXII. The said Declaration of Forfeiture shall not take effect so as to authorize the Sale or other Disposition of any Share until such Declaration have been confirmed at some General Meeting of the Company to be held after the Expiration of Two Months at the least from the Day on which such Notice of Intention to make such Declaration of Forfeiture shall have been given; and it shall be lawful for the Company to confirm such Forfeiture at any such Meeting, and by an Order at such Meeting, or at any subsequent General Meeting, to direct the Share so forfeited to be sold or otherwise disposed of.

Sale of forfeited Shares.

XXXIII. After such Confirmation as aforesaid, it shall be lawful for the Directors to sell the forfeited Share, either by public Auction or private Contract, and if there be more than One such forfeited Share, then either separately or together, as to them shall seem fit; and any Shareholder may purchase any forfeited Share so sold.

Evidence as to Forfeiture of Shares.

XXXIV. A Declaration in Writing, by some credible Person not interested in the Matter, made before any Sheriff or Justice, that the Call in respect of a Share was made, and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was declared and confirmed in manner herein-before required, shall be sufficient Evidence of the Facts therein stated; and such Declaration, and the Receipt of the Treasurer of the Company for the Price of such Share, shall constitute a good Title to such Share; and a Certificate of Proprietorship shall be delivered to such Purchaser, and thereupon he shall be deemed the Holder of such Share, discharged from all Calls due prior to such Purchase; and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to such Sale.

No more Shares to be sold than sufficient for Payment of Calls.

XXXV. The Company shall not sell or transfer more of the Shares of any such Defaulter than will be sufficient, as nearly as can be ascertained at the Time of such Sale, to pay the Arrears then due from such Defaulter on account of any Calls, together with Interest, and the Expences attending such Sale and Declaration of Forfeiture; and if the Money produced by the Sale of any such forfeited Shares be more than sufficient to pay all Arrears of Calls and Interest thereon due at the Time of such Sale, and the Expences attending the Declaration of Forfeiture and Sale thereof, the Surplus shall, on demand, be paid to the Defaulter.

On Payment of Calls before Sale, forfeited Shares to revert.

XXXVI. If Payment of such Arrears of Calls and Interest and Expences be made before any Share so forfeited and vested in the Company shall have been sold, such Share shall revert to the Party to whom the same belonged before such Forfeiture in such Manner as if such Calls had been duly paid.

Limiting Responsibility of Shareholders.

XXXVII. If the said Company shall be incorporated, no Person or Corporation, nor the Estate, Real or Personal, of any such Person or Corporation, who is or shall be a Proprietor of the said incorporated Company, shall be liable for or charged with the Payment of any Debt or Demand whatsoever due or to become due by or from the said Company beyond the Extent of his or their Share in the Capital of the said Company.

Execution against Shareholders.

And with respect to the Remedies of Creditors of the Company against the Shareholders, be it enacted as follows:

Execution against Shareholders to the Extent of their Shares in Capital not paid up.

XXXVIII. If any legal Diligence or Execution shall have been issued against the Property or Effects of the Company, and if there cannot be found sufficient whereon to levy under such Diligence or Execution, then such Diligence or Execution may be used against any of the Shareholders to the Extent of their Shares respectively in the Capital of the Company not then paid up; and for the Purpose of ascertaining the Names of the Shareholders, and the Amount of Capital remaining to be paid upon their respective Shares, it shall be lawful for any Person entitled to any such Execution, at all reasonable Times, to inspect the Register of Shareholders without Fee.

Reimbursement of such Shareholders.

XXXIX. If by means of any such Diligence or Execution any Shareholder shall have paid any Sum of Money beyond the Amount then due from him in respect of Calls, he shall forthwith be reimbursed such additional Sum by the Directors out of the Funds of the Company.

Power to borrow Money.

And with respect to the borrowing of Money by the Company on Mortgage or Bond, be it enacted as follows:

Company may borrow on Mortgage or Bond.

XL. If the Company be authorized by the special Act to borrow Money on Mortgage or Bond, it shall be lawful for them, subject to the Restrictions contained in the special Act, to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time, by an Order of a General Meeting of the Company, be authorized to be borrowed, not exceeding in the whole the Sum prescribed by the special Act, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Undertaking, and the future Calls on the Shareholders, or to give Bonds in manner herein-after mentioned.

Power to reborrow.

XLI. If, after having borrowed any Party of the Money so authorized to be borrowed on Mortgage or Bond, the Company pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of reborrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so reborrowed in order to pay off any existing Bond or Security.

Evidence of Authority for borrowing.

XLII. Where by the special Act the Company shall be restricted from borrowing any Money on Mortgage or Bond until a definite Portion of their Capital shall be subscribed or paid up, or where by this or the special Act the Authority of a General Meeting is required for such borrowing, the Certificate of a Sheriff that such definite Portion of the Capital has been subscribed or paid up, and a Copy of the Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by One of the Directors or by the Secretary to be a true Copy, shall be sufficient Evidence of the Fact of the Capital required to be subscribed or paid up having been so subscribed or paid up, and of the Order

Order for borrowing Money having been made; and upon Production to any Sheriff of the Books of the Company, and of such other Evidence as he shall think sufficient, such Sheriff shall grant the Certificate as aforesaid. *Power to borrow Money.*

XLIII. Every Mortgage and Bond for securing Money borrowed by the Company shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage Deed or Bond may be according to the Form in the Schedule (C.) or (D.) to this Act annexed, or to the like Effect; and every such Mortgage Deed shall have the full Effect of an Assignation in Security duly completed. Mortgages and Bonds to be by Deed duly stamped.

XLIV. The respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, and Premises comprised in such Mortgages, and of the future Calls payable by the Shareholders, if comprised therein, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized. Rights of Mortgagees.

XLV. No such Mortgage (although it should comprise future Calls on the Shareholders) shall, unless expressly so provided, preclude the Company from receiving and applying to the Purposes of the Company any Calls to be made by the Company. Application of Calls notwithstanding Mortgage.

XLVI. All Mortgages and Money lent on Mortgage to the Company shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate. Mortgages to be Personal Estate.

XLVII. The respective Obligees in such Bonds shall, proportionally according to the Amount of the Monies secured thereby, be entitled to be paid, out of the Tolls or other Property or Effects of the Company, the respective Sums in such Bonds mentioned, and thereby intended to be secured, without any Preference one above another by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise howsoever. Rights of Obligees.

XLVIII. A Register of Mortgages and Bonds shall be kept by the Secretary, and within Fourteen Days after the Date of any such Mortgage or Bond an Entry or Memorial, specifying the Number and Date of such Mortgage or Bond, and the Sums secured thereby, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any of the Shareholders, or by any Mortgagee or Bond Creditor of the Company, or by any Person interested in any such Mortgage or Bond, without Fee or Reward. Register of Mortgages and Bonds.

XLIX. Any Party entitled to any such Mortgage or Bond may from Time to Time transfer his Right and Interest therein to any other Person; and every such Transfer shall be by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule (E.) to this Act annexed, or to the like Effect. Transfers of Mortgages and Bonds to be stamped.

L. Within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Secretary, and thereupon the Secretary shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage; and after such Entry every such Transfer shall entitle the Transferee to the full Benefit of the original Mortgage or Bond in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the Company may demand a Sum not exceeding the prescribed Sum, or, where no Sum shall be prescribed, the Sum of Two Shillings and Sixpence; and until such Entry the Company shall not be in any Manner responsible to the Transferee in respect of such Mortgage. Transfers of Mortgages and Bonds to be registered.

LI. The Interest of the Money borrowed upon any such Mortgage or Bond shall be paid at the Periods appointed in such Mortgage or Bond, and if no Period be appointed, half-yearly, to the several Parties entitled thereto, and in preference to any Dividends payable to the Shareholders of the Company. Payment of Interest on Monies borrowed.

LII. The Interest on any such Mortgage or Bond shall not be transferrable, except by Deed duly stamped. Transfers of Interest to be stamped.

LIII. The Company may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed, with the Interest thereof, and in such Case the Company shall cause such Period to be inserted in the Mortgage Deed or Bond; and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall, on demand, be paid to the Party entitled to such Mortgage or Bond; and if no other Place of Payment be inserted in such Mortgage Deed or Bond, such Principal and Interest shall be payable at the principal Office or Place of Business of the Company. Repayment of Money borrowed at a Time fixed.

LIV. If no Time be fixed in the Mortgage Deed or Bond for the Repayment of the Money so borrowed, the Party entitled to the Mortgage or Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage or Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and in the like Case the Company may at any Time pay off the Money borrowed, on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee or Bond Creditor shall be delivered to the Secretary, or left at the principal Office of the Company, and if given by the Company shall be given either personally to such Mortgagee or Bond Creditor or left at his Residence, or if such Mortgagee or Bond Creditor be unknown to the Directors, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the *Edinburgh Gazette*, and in some Newspaper as after mentioned. Repayment of Money borrowed where no Time fixed.

LV. If

Interest to cease on Expiration of Notice to pay off Mortgage or Bond.

LV. If the Company shall have given Notice of their Intention to pay off any such Mortgage or Bond at a Time when the same may lawfully be paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable on such Mortgage or Bond, unless on demand of Payment made pursuant to such Notice, or at any Time thereafter, the Company shall fail to pay the Principal and Interest due at the Expiration of such Notice on such Mortgage or Bond.

Arrears of Interest, when to be enforced by Appointment of a Judicial Factor.

LVI. Where by the special Act the Mortgagees of the Company shall be empowered to enforce the Payment of the Arrear of Interest, or the Arrears of Principal and Interest, due on such Mortgages, by the Appointment of a Judicial Factor, then, if within Thirty Days after the Interest accruing upon any such Mortgage or Bond has become payable, and after Demand thereof in Writing, the same be not paid, the Mortgagee may, without Prejudice to his Right to sue for the Interest so in arrear in any competent Court, require the Appointment of a Judicial Factor, by an Application to be made as herein-after provided; and if within Six Months after the Principal Money owing upon any such Mortgage or Bond has become payable, and after Demand thereof in Writing, the same be not paid, the Mortgagee, without Prejudice to his Right to sue for such Principal Money, together with all Arrears of Interest, in any competent Court, may, if his Debt amount to the prescribed Sum alone, or if his Debt does not amount to the prescribed Sum, he may, in conjunction with other Mortgagees, whose Debts, being so in arrear, after Demand as aforesaid, shall, together with his, amount to the prescribed Sum, require the Appointment of a Judicial Factor, by an Application to be made as herein-after provided.

Arrears of Principal and Interest.

Appointment of Judicial Factor.

LVII. Every Application for a Judicial Factor in the Cases aforesaid shall be made to the Court of Session, and on any such Application so made, and after hearing the Parties, it shall be lawful for the said Court, by Order in Writing, to appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed; and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Judicial Factor shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Judicial Factor shall cease, and he shall be bound to account to the Company for his Intromissions, or the Sums received by him, and to pay over to their Treasurer any Balance that may be in his Hands.

Access to Account Books by Mortgagees.

LVIII. At all reasonable Times the Books of Account of the Company shall be open to the Inspection of the respective Mortgagees and Bond Creditors thereof, with Liberty to take Extracts therefrom, without Fee or Reward.

Loans.

And with respect to the Conversion of the borrowed Money into Capital, be it enacted as follows:

Power to convert Loan into Capital.

LIX. It shall be lawful for the Company, if they think fit, unless it be otherwise provided by the special Act, to raise the additional Sum so authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same, or, having borrowed the same, to continue at Interest only a Part of such additional Sum, and to raise Part thereof by creating new Shares; but no such Augmentation of Capital as aforesaid shall take place without the previous Authority of a General Meeting of the Company.

New Shares to be considered same as original Shares.

LX. The Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

If old Shares at a Premium, new Shares to be offered to original Shareholders.

LXI. If at the Time of any such Augmentation of Capital taking place by the Creation of new Shares the then existing Shares be at a Premium, or of greater actual Value than the nominal Value thereof, then, unless it be otherwise provided by the special Act, the Sum so to be raised shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned among the then Shareholders, in proportion to the existing Shares held by them respectively; and such new Shares shall be offered to the then Shareholders in the Proportion aforesaid; and such Offer shall be made by Letter under the Hand of the Secretary given to or sent by Post, addressed to each Shareholder according to his Address in the Shareholders Address Book, or left at his usual or last Place of Abode.

Shares to vest in Parties accepting; otherwise to be disposed of by Directors.

LXII. The said new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares in such Manner as they shall deem most for the Advantage of the Company.

If Shares not at a Premium.

LXIII. If at the Time of such Augmentation of Capital taking place the existing Shares be not at a Premium, then such new Shares may be of such Amount, and may be issued in such Manner and on such Terms, as the Company shall think fit.

Consolidation of Shares.

And with respect to the Consolidation of the Shares into Stock, be it enacted as follows:

Power to consolidate Shares into Stock.

LXIV. It shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any General Meeting of the Company, when due Notice for that Purpose shall have been given, to convert or consolidate all or any Part of the Shares

Shares then existing in the Capital of the Company, and in respect whereof the whole Money subscribed shall have been paid up, into a general Capital Stock, to be divided amongst the Shareholders according to their respective Interests therein. *Consolidation of Shares.*

LXV. After such Conversion or Consolidation shall have taken place all the Provisions contained in this or the special Act which require or imply that the Capital of the Company shall be divided into Shares of any fixed Amount, and distinguished by Numbers, shall, as to so much of the Capital as shall have been so converted or consolidated into Stock, cease and be of no Effect, and the several Holders of such Stock may thenceforth transfer their respective Interests therein, or any Parts of such Interests, in the same Manner and subject to the same Regulations and Provisions as or according to which any Shares in the Capital of the Company might be transferred under the Provisions of this or the special Act; and the Company shall cause an Entry to be made in some Book to be kept for that Purpose of every such Transfer; and for every such Entry they may demand any Sum not exceeding the prescribed Amount, or if no Amount be prescribed a Sum not exceeding Two Shillings and Sixpence. Proprietors of Stock may transfer the same.

LXVI. The Company shall from Time to Time cause the Names of the several Parties who may be interested in any such Stock as aforesaid, with the Amount of the Interest therein possessed by them respectively, to be entered in a Book to be kept for the Purpose, and to be called "The Register of Holders of Consolidated Stock," and such Book shall be accessible at all seasonable Times to the several Holders of Shares or Stock in the Undertaking. Register of Stock.

LXVII. The several Holders of such Stock shall be entitled to participate in the Dividends and Profits of the Company, according to the Amount of their respective Interests in such Stock; and such Interests shall, in proportion to the Amount thereof, confer on the Holders thereof respectively the same Privileges and Advantages, for the Purpose of voting at Meetings of the Company, Qualification for the Office of Directors, and for other Purposes, as would have been conferred by Shares of equal Amount in the Capital of the Company, but so that none of such Privileges or Advantages, except the Participation in the Dividends and Profits of the Company, shall be conferred by any aliquot Part of such Amount of Consolidated Stock as would not, if existing in Shares, have conferred such Privileges or Advantages respectively. Proprietors of Stock entitled to Dividends.

LXVIII. And be it enacted, That all the Money raised by the Company, whether by Subscriptions of the Shareholders, or by Loan or otherwise, shall be applied, firstly, in paying the Costs and Expences incurred in obtaining the special Act, and all Expences incident thereto, and, secondly, in carrying the Purposes of the Company into execution. Application of Capital.

And with respect to the General Meetings of the Company, and the Exercise of the Right of voting by the Shareholders, be it enacted as follows: *General Meetings.*

LXIX. The First General Meeting of the Shareholders of the Company shall be held within the prescribed Time, or if no Time be prescribed within One Month after the passing of the special Act, and the future General Meetings shall be held at the prescribed Periods, and if no Periods be prescribed in the Months of *February* and *August* in each Year, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting; and the Meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all Meetings, whether ordinary or extraordinary, shall be held in the prescribed Place, if any, and if no Place be prescribed then at some Place to be appointed by the Directors. Ordinary Meetings to be held half-yearly.

LXX. No Matters, except such as are appointed by this or the special Act to be done at an Ordinary Meeting, shall be transacted at any such Meeting, unless special Notice of such Matters have been given in the Advertisement convening such Meeting. Business at Ordinary Meetings.

LXXI. Every General Meeting of the Shareholders, other than an Ordinary Meeting, shall be called an "Extraordinary Meeting;" and such Meetings may be convened by the Directors at such Times as they think fit. Extraordinary Meetings;

LXXII. No Extraordinary Meeting shall enter upon any Business not set forth in the Notice upon which it shall have been convened. Business thereat.

LXXIII. It shall be lawful for the prescribed Number of Shareholders, holding in the aggregate Shares to the prescribed Amount, or, where the Number of Shareholders or Amount of Shares shall not be prescribed, it shall be lawful for Twenty or more Shareholders, holding in the aggregate not less than One Tenth of the Capital of the Company, by Writing under their Hands, at any Time to require the Directors to call an Extraordinary Meeting of the Company; and such Requisition shall fully express the Object of the Meeting required to be called, and shall be left at the Office of the Company, or given to at least Three Directors, or left at their last or usual Places of Abode; and forthwith upon the Receipt of such Requisition the Directors shall convene a Meeting of the Shareholders; and if for Twenty-one Days after such Notice the Directors fail to call such Meeting, the prescribed Number of Shareholders, or such other Number as aforesaid, qualified as aforesaid, may call such Meeting by giving Fourteen Days public Notice thereof. Extraordinary Meetings may be required by Shareholders to be convened.

LXXIV. Ten Days public Notice at the least of all Meetings, whether ordinary or extraordinary, shall be given by Advertisement which shall specify the Place, the Day, and the Hour of Meeting; and every Notice of an Extraordinary Meeting, or of an Ordinary Meeting if any other Business than the Business hereby or by the special Act appointed for Ordinary Meetings is to be done thereat, shall specify the Purpose for which the Meeting is called. Notice of Meetings.

LXXV. In order to constitute a Meeting (whether ordinary or extraordinary) there shall be present, either personally or by Proxy, the prescribed Quorum, and if no Quorum be prescribed then Shareholders holding Quorum for a General Meeting.

General Meetings.

holding in the aggregate not less than One Twentieth of the Capital of the Company, and being in Number not less than One for every Five hundred Pounds of such required Proportion of Capital, unless such Number would be more than Twenty, in which Case Twenty Shareholders holding not less than One Twentieth of the Capital of the Company shall be the Quorum; and if within One Hour from the Time appointed for such Meeting the said Quorum be not present no Business shall be transacted at the Meeting other than the declaring of a Dividend, in case that shall be one of the Objects of the Meeting, but such Meeting shall, except in the Case of a Meeting for the Election of Directors herein-after mentioned, be held to be adjourned *sine Die*.

Chairman at General Meetings.

LXXVI. At every Meeting of the Company one or other of the following Persons shall preside as Chairman; that is to say, the Chairman of the Directors, or in his Absence the Deputy Chairman (if any), or in the Absence of the Chairman and Deputy Chairman some one of the Directors of the Company to be chosen for that Purpose by the Meeting, or in the Absence of the Chairman and Deputy Chairman and of all the Directors any Shareholder to be chosen for that Purpose by a Majority of the Shareholders present at such Meeting.

Business at Meetings and Adjournments.

LXXVII. The Shareholders present at any such Meeting shall proceed in the Execution of the Powers of the Company with respect to the Matters for which such Meeting shall have been convened, and those only; and every such Meeting may be adjourned from Time to Time, and from Place to Place; and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Votes of Shareholders.

LXXVIII. At all General Meetings of the Company every Shareholder shall be entitled to vote according to the prescribed Scale of Voting, and where no Scale shall be prescribed every Shareholder shall have One Vote for every Share up to Ten, and he shall have an additional Vote for every Five Shares beyond the first Ten Shares held by him up to One hundred, and an additional Vote for every Ten Shares held by him beyond the first Hundred Shares: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then due upon the Shares held by him.

Manner of voting.

LXXIX. The Votes may be given either personally or by Proxies, being Shareholders, authorized by Writing according to the Form in the Schedule (F.) to this Act annexed, or in a Form to the like Effect, under the Hand of the Shareholder nominating such Proxy, or if such Shareholder be a Corporation then under their Common Seal; and every Proposition at any such Meeting shall be determined by the Majority of Votes of the Parties present, including Proxies, the Chairman of the Meeting being entitled to vote, not only as a Principal and Proxy, but to have a casting Vote if there be an Equality of Votes.

Regulations as to Proxies.

LXXX. No Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy have been transmitted to the Secretary of the Company within the prescribed Period, or, if no Period be prescribed, not less than Forty-eight Hours before the Time appointed for holding the Meeting at which such Proxy is to be used.

Votes of joint Shareholders.

LXXXI. If several Persons be jointly entitled to a Share, the Person whose Name stands first in the Register of Shareholders as one of the Holders of such Share shall, for the Purpose of voting at any Meeting, be deemed the sole Proprietor thereof; and on all Occasions the Vote of such first-named Shareholder, either in Person or by Proxy, shall be allowed as the Vote in respect of such Share, without Proof of the Concurrence of the other Holders thereof.

Votes of Lunatics and Minors, &c.

LXXXII. If any Shareholder be a Lunatic or Idiot, fatuous or furious Person, such Lunatic or Idiot, fatuous or furious Person, may vote by his Tutor, Curator, or other Person appointed to manage his Estate; and if any Shareholder be a Minor he may vote by his Tutors or Curators or any one of them; and every such Vote may be given either in Person or by Proxy.

Proof of a particular Majority of Votes only required if a Poll demanded.

LXXXIII. Whenever in this or the special Act the Consent of any particular Majority of Votes at any Meeting of the Company is required in order to authorize any Proceeding of the Company, such particular Majority shall only be required to be proved in the event of a Poll being demanded at such Meeting; and if such Poll be not demanded then a Declaration by the Chairman that the Resolution authorizing such Proceeding has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient Authority for such Proceeding, without Proof of the Number or Proportion of Votes recorded in favour of or against the same.

Appointment and Rotation of Directors.

And with respect to the Appointment and Rotation of Directors, be it enacted as follows:

Number of Directors.

LXXXIV. The Number of Directors shall be the prescribed Number.

Power to vary the Number of Directors.

LXXXV. Where the Company shall be authorized by the special Act to increase or to reduce the Number of the Directors it shall be lawful for the Company, from Time to Time in General Meeting, after due Notice for that Purpose, to increase or reduce the Number of the Directors within the prescribed Limits, if any, and to determine the Order of Rotation in which such reduced or increased Number shall go out of Office, and what Number shall be a Quorum of their Meetings.

Election of Directors.

LXXXVI. The Directors appointed by the special Act shall, unless thereby otherwise provided, continue in Office until the First Ordinary Meeting to be held in the Year next after that in which the special Act shall have passed; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by the special Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by the special Act being eligible as Members of such new Body; and at the First Ordinary Meeting to be held every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions herein-after contained; and the several Persons elected at any such Meeting, being neither

removed

removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, as herein-after mentioned.

Existing Directors continued on Failure of Meeting for Election of Directors.

LXXXVII. If at any Meeting at which an Election of Directors ought to take place the prescribed Quorum shall not be present within One Hour from the Time appointed for the Meeting no Election of Directors shall be made, but such Meeting shall stand adjourned to the following Day, at the same Time and Place; and if at the Meeting so adjourned the prescribed Quorum be not present within One Hour from the Time appointed for the Meeting, the existing Directors shall continue to act and retain their Powers until new Directors be appointed at the First Ordinary Meeting of the following Year.

Qualification of Directors.

LXXXVIII. No Person shall be capable of being a Director unless he be a Shareholder, nor unless he be possessed of the prescribed Number, if any, of Shares; and no Person holding an Office or Place of Trust or Profit under the Company, or interested in any Contract with the Company, shall be capable of being a Director; and no Director shall be capable of accepting any other Office or Place of Trust or Profit under the Company, or of being interested in any Contract with the Company, during the Time he shall be a Director.

Cases in which Office of Director shall become vacant.

LXXXIX. If any of the Directors at any Time subsequently to his Election accept or continue to hold any other Office or Place of Trust or Profit under the Company, or be either directly or indirectly concerned in any Contract with the Company, or participate in any Manner in the Profits of any Work to be done for the Company, or if such Director at any Time cease to be a Holder of the prescribed Number of Shares in the Company, then in any of the Cases aforesaid the Office of such Director shall become vacant, and thenceforth he shall cease from voting or acting as a Director.

Shareholder of an incorporated Joint Stock Company not disqualified by Contracts.

XC. Provided always, that no Person, being a Shareholder or Member of any incorporated Joint Stock Company, shall be disqualified or prevented from acting as a Director by reason of any Contract entered into between such Joint Stock Company and the Company incorporated by the special Act; but no such Director, being a Shareholder or Member of such Joint Stock Company, shall vote on any Question as to any Contract with such Joint Stock Company.

Rotation of Directors.

XCI. The Directors appointed by the special Act, and continued in Office as aforesaid, or the Directors elected to supply the Places of those retiring as aforesaid, shall, subject to the Provision herein-before contained for increasing or reducing the Number of Directors, retire from Office at the Times and in the Proportions following; the Individuals to retire being in each Instance determined by Ballot among the Directors, unless they shall otherwise agree; (that is to say,)

At the End of the First Year after the First Election of Directors the prescribed Number, and if no Number be prescribed One Third of such Directors, to be determined by Ballot among themselves, unless they shall otherwise agree, shall go out of Office:

At the End of the Second Year the prescribed Number, and if no Number be prescribed One Half of the remaining Number of such Directors, to be determined in like Manner, shall go out of Office:

At the End of the Third Year the prescribed Number, and if no Number be prescribed the Remainder of such Directors, shall go out of Office:

And in each Instance the Places of the retiring Directors shall be supplied by an equal Number of qualified Shareholders; and at the First Ordinary Meeting in every subsequent Year the prescribed Number, and if no Number be prescribed One Third of the Directors, being those who have been longest in Office, shall go out of Office, and their Places shall be supplied in like Manner; nevertheless, every Director so retiring from Office may be re-elected immediately or at any future Time, and after such Re-election shall, with reference to the going out by Rotation, be considered as a new Director: Provided always, that if the prescribed Number of Directors be some Number not divisible by Three, and the Number of Directors to retire be not prescribed, the Directors shall in each Case determine what Number of Directors, as nearly One Third as may be, shall go out of Office, so that the whole Number shall go out of Office in Three Years.

Supply of occasional Vacancies in Office of Directors.

XCII. If any Director die or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other Cause than that of going out of Office by Rotation as aforesaid, the remaining Directors, if they think proper so to do, may elect in his Place some other Shareholder, duly qualified, to be a Director; and the Shareholder so elected to fill up any such Vacancy shall continue in Office as a Director so long only as the Person in whose Place he shall have been elected would have been entitled to continue if he had remained in Office.

Powers of Directors.

And with respect to the Powers of the Directors and the Powers of the Company to be exercised only in General Meetings, be it enacted as follows:

Powers of the Company to be exercised by the Directors.

XCIII. The Directors shall have the Management and Superintendence of the Affairs of the Company, and they may lawfully exercise all the Powers of the Company, except as to such Matters as are directed by this or the special Act to be transacted by a General Meeting of the Company; but all the Powers so to be exercised shall be exercised in accordance with and subject to the Provisions of this and the special Act; and the Exercise of all such Powers shall be subject also to the Control and Regulation of any General Meeting specially convened for the Purpose, but not so as to render invalid any Act done by the Directors prior to any Resolution passed by such General Meeting.

Powers of the Company not to be exercised by the Directors.

XCIV. Except as otherwise provided by the special Act, the following Powers of the Company, (that is to say,) the Choice and Removal of the Directors, except as herein-before mentioned, and the increasing or reducing of their Number where authorized by the special Act, the Choice of Auditors, the Determination as to the Remuneration of the Directors, Auditors, Treasurer, and Secretary, the Determination as to the Amount of Money to be borrowed on Mortgage, the Determination as to the Augmen-

tation of Capital, and the Declaration of Dividends, shall be exercised only at a General Meeting of the Company.

Proceedings of Directors.

And with respect to the Proceedings and Liabilities of the Directors, be it enacted as follows:

Meetings of Directors.

XCV. The Directors shall hold Meetings at such Times as they shall appoint for the Purpose, and they may meet and adjourn as they think proper from Time to Time, and from Place to Place; and at any Time any Two of the Directors may require the Secretary to call a Meeting of the Directors; and in order to constitute a Meeting of the Directors, there shall be present at the least the prescribed Quorum, and when no Quorum shall be prescribed there shall be present at least One Third of the Directors; and all Questions at any such Meeting shall be determined by the Majority of Votes of the Directors present, and in case of an equal Division of Votes the Chairman shall have a casting Vote, in addition to his Vote as one of the Directors.

Permanent Chairman of Directors.

XCVI. At the first Meeting of Directors held after the passing of the special Act, and at the first Meeting of the Directors held after each annual Appointment of Directors, the Directors present at such Meeting shall choose one of the Directors to act as Chairman of the Directors for the Year following such Choice, and shall also, if they think fit, choose another Director to act as Deputy Chairman for the same Period; and if the Chairman or Deputy Chairman die or resign, or cease to be a Director or otherwise become disqualified to act, the Directors present at the Meeting next after the Occurrence of such Vacancy shall choose some other of the Directors to fill such Vacancy; and every such Chairman or Deputy Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened.

Occasional Chairman.

XCVII. If at any Meeting of the Directors neither the Chairman nor Deputy Chairman be present the Directors present shall choose some one of their Number to be Chairman of such Meeting.

Committees of Directors. Powers of Committees.

XCVIII. It shall be lawful for the Directors to appoint One or more Committees consisting of such Number of Directors as they think fit, within the prescribed Limits, if any, and they may grant to such Committees respectively Power on behalf of the Company to do any Acts relating to the Affairs of the Company which the Directors could lawfully do, and which they shall from Time to Time think proper to intrust to them.

Meetings of Committees.

XCIX. The said Committees may meet from Time to Time, and may adjourn from Place to Place, as they think proper, for carrying into effect the Purposes of their Appointment; and no such Committee shall exercise the Powers intrusted to them, except at a Meeting at which there shall be present the prescribed Quorum, or if no Quorum be prescribed then a Quorum to be fixed for that Purpose by the general Body of Directors; and at all Meetings of the Committees one of the Members present shall be appointed Chairman; and all Questions at any Meeting of the Committee shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote in addition to his Vote as a Member of the Committee.

Contracts by Committee or Directors, how to be entered into.

C. The Power which may be granted to any such Committee to make Contracts, as well as the Power of the Directors to make Contracts, on behalf of the Company may lawfully be exercised as follows; (that is to say,)

With respect to any Contract which, if made between private Persons, would be by Law required to be by Deed or by Agreement, in Writing, and signed by the Parties to be charged therewith, then such Committee or the Directors may make such Contract on behalf of the Company, in Writing, either under the Common Seal of the Company, or signed by such Committee or any Two of them, or any Two of the Directors, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would by Law be valid, although made by Parol only, and not reduced into Writing, such Committee, or the Directors, may make such Contract on behalf of the Company, by Parol only, without Writing, and in the same Manner may vary or discharge the same:

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be; and on any Default in the Execution of any such Contract, either by the Company, or any other Party thereto, such Actions or Suits may be brought, either by or against the Company, as might be brought had the same Contracts been made between private Persons only.

Proceedings to be entered in a Book, and to be Evidence.

CI. The Directors shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the Directors, and of the Orders and Proceedings of all Meetings of the Company, and of the Directors and Committees of Directors, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Directors; and every such Entry shall be signed by the Chairman of such Meeting; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Shareholders or Directors or Members of Committee respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all of which last-mentioned Matters shall be presumed, until the contrary be proved.

Informalities in Appointment of Directors not

CII. All Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Directors or Persons acting as aforesaid, or that they or any of them were

were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Director. *to invalidate Proceedings.*

CIII. No Director, by being Party to or executing in his Capacity of Director any Contract or other Instrument on behalf of the Company, or otherwise lawfully executing any of the Powers given to the Directors, shall be subject to be sued or prosecuted, either individually or collectively, by any Person whomsoever; and the Bodies or Goods or Lands of the Directors shall not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into, signed, or executed by them, or by reason of any other lawful Act done by them in the Execution of any of their Powers as Directors; and the Directors, their Heirs, Executors, and Administrators, shall be indemnified out of the Capital of the Company for all Payments made or Liability incurred in respect of any Acts done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the Directors for the Time being of the Company may apply the existing Funds and Capital of the Company for the Purposes of such Indemnity, and may, if necessary for that Purpose, make Calls of the Capital remaining unpaid, if any. *Directors not to be personally liable.* *Indemnity of Directors.*

And with respect to the Appointment and Duties of Auditors, be it enacted, as follows: *Auditors.*

CIV. Except where by the special Act Auditors shall be directed to be appointed otherwise than by the Company, the Company shall at the First Ordinary Meeting after the passing of the special Act elect the prescribed Number of Auditors, and if no Number is prescribed Two Auditors, in like Manner as is provided for the Election of Directors; and at the First Ordinary Meeting of the Company in each Year thereafter the Company shall in like Manner elect an Auditor to supply the Place of the Auditor then retiring from Office, according to the Provision herein-after contained; and every Auditor elected as herein-before provided, being neither removed nor disqualified, nor having resigned, shall continue to be an Auditor until another be elected in his Stead. *Election of Auditors.*

CV. Where no other Qualification shall be prescribed by the special Act, every Auditor shall have at least One Share in the Undertaking, and he shall not hold any Office in the Company, nor be in any other Manner interested in its Concerns, except as a Shareholder. *Qualification of Auditors.*

CVI. One of such Auditors (to be determined in the first instance by Ballot between themselves, unless they shall otherwise agree, and afterwards by Seniority,) shall go out of Office at the First Ordinary Meeting in each Year; but the Auditor so going out shall be immediately re-eligible, and after any such Re-election shall, with respect to the going out of Office by Rotation, be deemed a new Auditor. *Rotation of Auditors.*

CVII. If any Vacancy take place among the Auditors in the course of the current Year, then at any General Meeting of the Company the Vacancy may, if the Company think fit, be supplied by Election of the Shareholders. *Vacancies in Office of Auditor.*

CVIII. The Provision of this Act respecting the Failure of an Ordinary Meeting at which Directors ought to be chosen shall apply, *mutatis mutandis*, to any Ordinary Meeting at which an Auditor ought to be appointed. *Failure of Meeting to elect Auditor.*

CIX. The Directors shall deliver to such Auditors the half-yearly or other periodical Accounts and Balance Sheet Fourteen Days at the least before the ensuing Ordinary Meeting at which the same are required to be produced to the Shareholders, as herein-after provided. *Delivery of Balance Sheet, &c. by Directors to Auditors.*

CX. It shall be the Duty of such Auditors to receive from the Directors the half-yearly or other periodical Accounts and Balance Sheet required to be presented to the Shareholders, and to examine the same. *Duty of Auditors.*

CXI. It shall be lawful for the Auditors to employ such Accountants and other Persons as they may think proper, at the Expence of the Company, and they shall either make a special Report on the said Accounts, or simply confirm the same; and such Report or Confirmation shall be read, together with the Report of the Directors, at the Ordinary Meeting. *Powers of Auditors.*

And with respect to the Accountability of the Officers of the Company, be it enacted as follows: *Accountability of Officers.*

CXII. Before any Person intrusted with the Custody or Control of Monies, whether Treasurer, Collector, or other Officer of the Company, shall enter upon his Office, the Directors shall take sufficient Security from him for the faithful Execution of his Office. *Officers to give Security.*

CXIII. Every Officer employed by the Company shall from Time to Time, when required by the Directors, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account, in Writing under his Hand, of all Monies received by him on behalf of the Company; and such Account shall state how, and to whom, and for what Purpose, such Monies shall have been disposed of; and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Directors, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing by him upon the Balance of such Accounts. *Officers to account on demand.*

CXIV. If any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if, for Three Days after being thereunto required, he fail to deliver up to the Directors, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this or the special Act, or any Act incorporated therewith, or belonging to the Company, then, on Complaint thereof being made to the Sheriff or a Justice, such Sheriff or Justice shall summon or order such Officer to appear before such Sheriff, if the Summons or Order be issued by a Sheriff, or before Two or more Justices, if the Summons or Order be issued by a Justice, at a Time and Place to be set forth in such Summons or Order, to answer such Charge; and upon the Appearance of such Officer, or, in his Absence, upon Proof that such Summons *Summary Remedy against Parties failing to account.*

Accountability of Officers.

Summons or Order was personally served upon him, or left at his last known Place of Abode, such Sheriff or Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer or upon Evidence, or upon Inspection of the Account, that any Monies of the Company are in the Hands of such Officer, or owing by him to the Company, such Sheriff or Justices may order such Officer to pay the same; and if he fail to pay the Amount it shall be lawful for such Sheriff or Justices to grant a Warrant to levy the same by Poinding and Sale, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months.

Officers refusing to deliver up Documents, &c. to be imprisoned.

CXV. If any such Officer refuse to produce and deliver to the said Sheriff or Justices the several Vouchers and Receipts relating to his Accounts, or to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Company, such Sheriff or Justices may lawfully commit such Offender to Gaol, there to remain until he shall have delivered up all the Vouchers and Receipts, if any, in his Possession or Power, relating to such Accounts, and have delivered up all Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power, belonging to the Company.

Where Officer about to abscond, a Warrant may be issued in the first instance.

CXVI. Provided always, That if any Director or other Person acting on behalf of the Company shall make Oath that he has good reason to believe, upon Grounds to be stated in his Deposition, and does believe, that it is the Intention of any such Officer as aforesaid to abscond, it shall be lawful for the Sheriff or Justice before whom the Complaint is made, instead of issuing his Summons or Order, to issue his Warrant for the bringing such Officer before the Sheriff, to answer to the Charge, as herein-before directed, if the Warrant has been issued by the Sheriff, or before any Justice if the Warrant shall have been issued by a Justice; and it shall be lawful for the Justice before whom such Officer may be brought either to discharge such Officer, if he thinks there is no sufficient Ground for his Detention, or to order such Officer to be detained in Custody, so as to be brought before Two Justices at a Time and Place to be named in such Order, unless such Officer give Surety, to the Satisfaction of such Justice, for his Appearance before such Justices, to answer the Complaint of the Company.

Sureties not to be discharged.

CXVII. No such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Company of any Remedy which they might otherwise have against such Officer or any Surety of such Officer.

Accounts.

And with respect to the keeping of Accounts, and the Right of Inspection thereof by the Shareholders, be it enacted as follows:

Accounts to be kept.

CXVIII. The Directors shall cause full and true Accounts to be kept of all Sums of Money received or expended on Account of the Company by the Directors, and all Persons employed by or under them, and of the Matters and Things for which such Sums of Money shall have been received, or disbursed and paid.

Books to be balanced.

CXIX. The Books of the Company shall be balanced at the prescribed Periods, and if no Periods be prescribed, Fourteen Days at least before each Ordinary Meeting; and forthwith on the Books being so balanced an exact Balance Sheet shall be made up, which shall exhibit a true Statement of the Capital Stock, Credits, and Property of every Description belonging to the Company, and the Debts due by the Company at the Date of making such Balance Sheet, and a distinct View of the Profit or Loss which shall have arisen on the Transactions of the Company in the course of the preceding Half Year; and previously to each Ordinary Meeting such Balance Sheet shall be examined by the Directors, or any Three of their Number, and shall be signed by the Chairman or Deputy Chairman of the Directors.

Inspection of Accounts by Shareholders at stated Times.

CXX. The Books so balanced, together with such Balance Sheet as aforesaid, shall for the prescribed Periods, and if no Periods be prescribed, for Fourteen Days previous to each Ordinary Meeting, and for One Month thereafter, be open for the Inspection of the Shareholders at the principal Office or Place of Business of the Company; but the Shareholders shall not be entitled at any Time, except during the Periods aforesaid, to demand the Inspection of such Books, unless in virtue of a written Order signed by Three of the Directors.

Balance Sheet to be produced at the Meeting.

CXXI. And be it enacted, That the Directors shall produce to the Shareholders assembled at such Ordinary Meeting the said Balance Sheet as aforesaid, applicable to the Period immediately preceding such Meeting, together with the Report of the Auditors thereon, as herein-before provided.

Book-keeper to allow Inspection of the Accounts at appointed Times.

CXXII. The Directors shall appoint a Book-keeper to enter the Accounts aforesaid in Books to be provided for the Purpose; and every such Book-keeper shall permit any Shareholder to inspect such Books, and to take Copies or Entries therefrom, at any reasonable Time during the prescribed Periods, and if no Periods be prescribed during One Fortnight before and One Month after every Ordinary Meeting; and if he fail to permit any such Shareholder to inspect such Books, or take Copies or Extracts therefrom, during the Periods aforesaid, he shall forfeit to such Shareholder for every such Offence a Sum not exceeding Five Pounds.

Dividends.

And with respect to the making of Dividends, be it enacted as follows:

Previously to Declaration of Dividends a Scheme to be prepared.

CXXIII. Previously to every Ordinary Meeting at which a Dividend is intended to be declared the Directors shall cause a Scheme to be prepared, showing the Profits, if any, of the Company for the Period current since the preceding Ordinary Meeting at which a Dividend was declared, and apportioning the same, or so much thereof as they may consider applicable to the Purposes of Dividend, among the Shareholders, according to the Shares held by them respectively, the Amount paid thereon, and the Periods during which the same may have been paid, and shall exhibit such Scheme at such Ordinary Meeting, and at such Meeting a Dividend may be declared according to such Scheme.

CXXIV. The

CXXIV. The Company shall not make any Dividend whereby their Capital Stock will be in any degree reduced: Provided always, that the Word "Dividend" shall not be construed to apply to a Return of any Portion of the Capital Stock, with the Consent of all the Mortgagees and Bond Creditors of the Company, due Notice being given for that Purpose at an Extraordinary Meeting to be convened for that Object. Dividend not to be made so as to reduce Capital.

CXXV. Before apportioning the Profits to be divided among the Shareholders the Directors may, if they think fit, set aside thereout such Sum as they may think proper to meet Contingencies, or for enlarging, repairing, or improving the Works connected with the Undertaking, or any Part thereof, and may divide the Balance only among the Shareholders. Power to Directors to set apart a Fund for Contingencies.

CXXVI. No Dividend shall be paid in respect of any Share until all Calls then due in respect of that and every other Share held by the Person to whom such Dividend may be payable shall have been paid. Dividend not to be paid unless all Calls paid.

And with respect to the making of Bye Laws, be it enacted as follows: *Bye Laws.*

CXXVII. It shall be lawful for the Company from Time to Time to make such Bye Laws as they think fit, for the Purpose of regulating the Conduct of the Officers and Servants of the Company, and for providing for the due Management of the Affairs of the Company in all respects whatsoever, and from Time to Time to alter or repeal any such Bye Laws, and make others, provided such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have effect, or to the Provisions of this or the special Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company, and a Copy of such Bye Laws shall be given to every Officer and Servant of the Company affected thereby. Power to make Bye Laws for the Officers of the Company.

CXXVIII. It shall be lawful for the Company by such Bye Laws to impose such reasonable Penalties upon all Persons, being Officers or Servants of the Company, offending against such Bye Laws, as the Company think fit, not exceeding Five Pounds for any One Offence. Fines for Breach of such Bye Laws.

CXXIX. All the Bye Laws to be made by the Company shall be so framed as to allow the Sheriff or Justices before whom any Penalty imposed thereby may be sought to be recovered to order a Part only of such Penalty to be paid, if such Sheriff shall think fit. Bye Laws to be so framed as that Penalties may be mitigated.

CXXX. The Production of a written or printed Copy of the Bye Laws of the Company, having the Common Seal of the Company affixed thereto, shall be sufficient Evidence of such Bye Laws in all Cases of Prosecution under the same. Evidence of Bye Laws.

And with respect to the Settlement of Disputes by Arbitration, be it enacted as follows: *Arbitration.*

CXXXI. When any Dispute directed by this or the special Act, or any Act incorporated therewith, to be settled by Arbitration, shall have arisen, then, unless both Parties shall concur in the Appointment of a single Arbitrator, each Party, on the Request of the other Party, shall by Writing under his Hand nominate and appoint an Arbitrator to whom such Dispute shall be referred; and after any such Appointment shall have been made neither Party shall have Power to revoke the same, without the Consent of the other, nor shall the Death of either Party operate as such Revocation; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing shall have been served by the one Party on the other Party to appoint an Arbitrator, such last-mentioned Party fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both Parties; and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute, and in such Case the Award or Determination of such single Arbitrator shall be final. Appointment of Arbitrators, when Questions are to be determined by Arbitration.

CXXXII. If, before the Matters so referred shall be determined any Arbitrator appointed by either Party die, or become incapable or refuse or for Seven Days neglect to act as Arbitrator, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place; and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so the remaining or other Arbitrator may proceed *ex parte*; and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death, Refusal, or Disability as aforesaid. Vacancy of Arbitrator to be supplied.

CXXXIII. Where more than One Arbitrator shall have been appointed, such Arbitrators shall, before they enter upon the Matters so referred to them, nominate and appoint by Writing under their Hands an Umpire to decide on any such Matters on which they shall differ; and if such Umpire shall die, or refuse or for Seven Days neglect to act, they shall forthwith after such Death, Refusal, or Neglect appoint another Umpire in his Place; and the Decision of every such Umpire on the Matters so referred to him shall be final. Appointment of Umpire.

CXXXIV. If in either of the Cases aforesaid the said Arbitrator shall refuse, or shall for Seven Days after Request of either Party to such Arbitration neglect, to appoint an Umpire, it shall be lawful for the Lord Ordinary, on the Application of either Party to such Arbitration, to appoint an Umpire; and the Decision of such Umpire on the Matters on which the Arbitrators shall differ shall be final. Appointment of Umpire, on Neglect of the Arbitrators.

CXXXV. The said Arbitrators, or their Umpire, may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose, and may also grant Diligence for the Recovery of such Documents as either Party may require, or for citing Witnesses; and, on Application to the Lord Ordinary, Letters of Supplement, or such other Writ as may be necessary, shall be issued by the Lord Ordinary, in support of such Diligence. Power of Arbitrator to call for Books, &c.

CXXXVI. Except

Costs in Discretion of Arbitrator.

CXXXVI. Except where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the Costs of and attending every such Arbitration to be determined by the Arbitrators shall be in the Discretion of the Arbitrators or the Umpire, as the Case may be.

Notices.

And with respect to the giving of Notices, be it enacted as follows:

Service of Notices upon Company.

CXXXVII. Any Summons or Notice, or any Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Company, may be served by the same being left at or transmitted through the Post directed to the principal Office of the Company, or One of their principal Offices where there shall be more than One, or being given personally to the Secretary, or in case there be no Secretary then by being given to any One Director of the Company.

Service by Company on Shareholders.

CXXXVIII. Notices requiring to be served by the Company upon the Shareholders may, unless expressly required to be served personally, be served by the same being transmitted through the Post directed according to the registered Address or other known Address of the Shareholder, within such Period as to admit of its being delivered in the due Course of Delivery within the Period (if any) prescribed for the giving of such Notice; and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was so put into the Post Office.

Notices to joint Proprietors of Shares.

CXXXIX. All Notices directed to be given to the Shareholders shall, with respect to any Share to which Persons are jointly entitled, be given to whichever of the said Persons shall be named first in the Register of Shareholders; and Notice so given shall be sufficient Notice to all the Proprietors of such Share.

Notice by Advertisement.

CXL. All Notices required by this or the special Act, or any Act incorporated therewith, to be given by Advertisement, shall be advertised in the prescribed Newspaper, or if no Newspaper be prescribed, or if the prescribed Newspaper cease to be published, in a Newspaper circulating in the District within which the Company's principal Place of Business shall be situated.

Authentication of Notices.

CXLI. Every Summons, Demand, or Notice, or other such Document requiring Authentication by the Company, may be signed by Two Directors, or by the Treasurer or the Secretary of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Proof of Debts in Bankruptcy.

CXLII. And be it enacted, That if any Person against whom the Company shall have any Claim or Demand become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Secretary or Treasurer of the Company, in all Proceedings against the Estate of such Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency against such Bankrupt or Insolvent, to represent the Company, and act in their Behalf, in all respects as if such Claim or Demand had been the Claim or Demand of such Secretary or Treasurer, and not of the Company.

Tender of Amends.

CXLIII. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or by virtue of any Power or Authority thereby given, and if, before Action brought in respect thereof, such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defender, by Leave of the Court where such Action shall be pending, at any Time before the Record is closed, to pay into Court such Sum of Money as he shall think fit; and thereupon such Proceedings shall be had as in other Cases where Defenders are allowed to pay Money into Court.

Recovery of Damages and Penalties.

And with respect to the Recovery of Damages not specially provided for, be it enacted as follows:

Provision for Damages not otherwise provided for.

CXLIV. In all Cases where any Damages, Costs, or Expences are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the Method of ascertaining the Amount or enforcing the Payment thereof is not provided for, such Amount, in case of Dispute, shall be ascertained and determined by the Sheriff; and if the Amount so ascertained be not paid by the Company or other Party liable to pay the same within Seven Days after Demand, the Amount may be recovered by Poinding and Sale of the Goods of the Company or other Party liable as aforesaid; and the Sheriff shall, on Application, issue his Warrant accordingly.

Distress, &c. against the Treasurer.

CXLV. If sufficient Goods of the Company cannot be found whereon to levy any such Damages, Costs, or Expences, payable by the Company, the same may, if the Amount thereof do not exceed Twenty Pounds, be recovered by Poinding and Sale of the Goods of the Treasurer of the Company; and the Sheriff, on Application, shall issue his Warrant accordingly; but no such Poinding and Sale shall be executed against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence; and if such Treasurer pay any Money under such Distress or Poinding and Sale as aforesaid, he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Company coming into his Custody or Control, or he may sue the Company for the same.

Method of proceeding before the Sheriff or Justices in Questions of Damages, &c.

CXLVI. Where, in this or the special Act, or any Act incorporated therewith, any Question of Expences, Charges, or Damages is referred to the Determination of any Sheriff or Justices, it shall be lawful for the Sheriff or any Justice, upon the Application of either Party, to summon the other Party to appear before such Sheriff, or before Two Justices, as the Case may require, at a Time and Place to be named in such Summons; and upon the Appearance of such Parties, or, in the Absence of any of them, upon Proof of due Service of the Summons, it shall be lawful for such Sheriff, or such Two Justices, as the Case may be, to hear and determine such Question, and for that Purpose to examine

such

such Parties or any of them, and their Witnesses, on Oath; and the Costs of every such Inquiry shall be in the Discretion of such Sheriff or Justices, and he or they shall determine the Amount thereof.

Publication of Penalties.

CXLVII. The Company shall publish the short Particulars of the several Offences for which any Penalty is imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law of the Company affecting other Persons than the Shareholders, Officers, or Servants of the Company, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalty for defacing Boards used for such Publication.

CXLVIII. If any Person pull down or injure any Board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the Purpose of publishing any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and shall defray the Expences attending the Restoration of such Board.

Penalties to be summarily recovered before the Sheriff or Two Justices.

CXLIX. Every Penalty or Forfeiture imposed by this or the special Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before the Sheriff or Two Justices; and on Complaint being made to any Sheriff or Justice he shall issue an Order requiring the Party complained against to appear before himself, if the Order be issued by a Sheriff, or before Two or more Justices, if the Order be issued by a Justice, at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the due Service of such Order, it shall be lawful for any Sheriff or Two Justices to proceed to the hearing of the Complaint; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Sheriff or Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction, as such Sheriff or Justices shall think fit.

Penalties to be levied by Distress.

CL. If forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs shall be levied by Poinding and Sale; and such Sheriff or Justices, or either of them, shall issue his or their Warrant of Poinding and Sale accordingly.

Imprisonment in default of Distress.

CLI. It shall be lawful for any such Sheriff or Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Poinding and Sale to be issued for levying such Penalty or Forfeiture, and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Sheriff or Justices, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Poinding and Sale it shall appear to the Sheriff or Justices, by the Admission of the Offender or otherwise, that no sufficient Poinding and Sale can be had within the Jurisdiction of such Sheriff or Justices whereon to levy such Penalty or Forfeiture, and Costs, he or they may, if he or they think fit, refrain from issuing such Warrant; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Sheriff or Justices, then such Sheriff or Justices shall, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture, and Costs, be sooner paid and satisfied.

Distress, &c. how to be levied.

CLII. Where in this or the special Act, or any Act incorporated therewith, any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Poinding and Sale, such Sum of Money shall be levied by Poinding and Sale of the Goods and Effects of the Party liable to pay the same, and the Overplus arising from the Sale of such Goods and Effects, after satisfying such Sum of Money and the Expences of the Poinding and Sale, shall be returned, on demand, to the Party whose Goods shall have been seized.

Distress, &c. not unlawful for Want of Form.

CLIII. No Poinding and Sale made by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser or Wrongdoer, on account of any Defect or Want of Form in the Summons, Conviction, Warrant, or other Proceeding relating thereto; but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action before the Sheriff Court.

Application of Penalties.

CLIV. The Sheriff or Justices by whom any such Penalty or Forfeiture shall be imposed, where the Application thereof is not otherwise provided for, may award not more than One Half thereof to the Informer, and shall award the Remainder to the Kirk Session of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Penalties to be sued for within Six Months.

CLV. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any Offence made cognizable before the Sheriff or Justices, unless the Complaint respecting such Offence shall have been made before such Sheriff or some Justice within Six Months next after the Commission of such Offence.

Damage to be made good in addition to Penalty.

CLVI. If, through any Act, Neglect, or Default on account whereof any Person shall have incurred any Penalty imposed by this or the special Act, or any Act incorporated therewith, any Damage to the Property of the Company shall have been committed by such Person, he shall be liable to make good such Damage, as well as to pay such Penalty; and the Amount of such Damage shall, in case of Dispute, be determined by the Sheriff or Justices by whom the Party incurring such Penalty shall have been convicted; and on Nonpayment of such Damages, on demand, the same shall be levied by Poinding and Sale, and such Sheriff or Justices shall issue his or their Warrant accordingly.

Penalty on Witnesses making default.

CLVII. It shall be lawful for any Sheriff or Justice to summon any Person to appear before him as a Witness in any Matter in which such Sheriff or Justice, or Two or more Justices, shall have Jurisdiction, under the Provisions of this or the special Act, or any Act incorporated therewith, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Sheriff or Justice, or Justices, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CLVIII. It shall be lawful for any Officer or Agent of the Company, and all Persons called by him to his Assistance, to seize and detain any Person who shall be found committing any Offence against the Provisions of this or the special Act, or any Act incorporated therewith, and whose Name and Residence shall be unknown to such Officer or Agent, and convey him, with all convenient Despatch, before the Sheriff or a Justice, without any Warrant or other Authority than this or the special Act; and such Sheriff or Justice shall proceed with all convenient Despatch in the Matter of the Complaint against such Offender.

Proceedings by Sheriff need not be in Writing.

CLIX. Any Sheriff to whom any Application is authorized to be made, and before whom any Judicial Proceedings shall in consequence take place or become necessary, under or by virtue of this or the special Act, or any Act incorporated therewith, shall and he is hereby authorized and required summarily to call before him all Parties who appear to him to be interested therein, and to proceed forthwith to hear *vivâ voce*, and pronounce Judgment regarding the Matters mentioned in such Application or Proceeding, or to do the several Matters and Things required by this Act to be done by him, without waiting the ordinary Course of the Roll of Causes before him, and without written Pleadings, or a written Record, or reducing any Evidence which may be led by either of the Parties to Writing, unless and except where the said Sheriff shall consider that the Matters mentioned in such Application or Proceedings can with more Advantage be decided with written Pleadings and with a written Record, in which Case he shall proceed to make up a Record, and bring the said Matters to a Conclusion with all convenient Despatch; and the Orders and Judgments of the said Sheriff, when pronounced without a Record, shall be final and conclusive, and not subject to Review by Suspension or Advocation, or to Reduction, on any Ground whatever.

Form of Conviction.

CLX. The Sheriff or Justice, or Justices, before whom any Person shall be convicted of any Offence against this or the special Act, or any Act incorporated therewith, may cause the Conviction to be drawn up according to the Form in the Schedule (G.) to this Act annexed.

Proceedings not to be quashed for Want of Form.

CLXI. No Proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for Want of Form, nor shall the same be removed by Suspension or otherwise into any Superior Court.

Power of Appeal to Sheriff.

CLXII. In all Cases which may come before any Sheriff Substitute under this or the special Act, or any Act incorporated therewith, in which written Pleadings shall have been allowed, and a written Record shall have been made up, and where the Evidence which has been led by the Parties shall have been reduced to Writing, but in no other Case whatever, it shall be competent for any of the Parties thereto, within Seven Days after a final Judgment shall have been pronounced by such Sheriff Substitute, to appeal against the same to the Sheriff of the County, by lodging a Minute of Appeal with the Sheriff Clerk of such County, or his Depute; and the said Sheriff shall thereupon review the Proceedings of the said Sheriff Substitute, and whole Process, and, if he think proper, hear the Parties *vivâ voce* thereon, and pronounce Judgment; and such Judgment shall in no Case be subject to Review by Suspension or Advocation, or to Reduction, on any Ground whatever.

Parties allowed to appeal from Justices to Quarter Sessions, on giving Security.

CLXIII. If any Party shall feel aggrieved by any Determination or Adjudication of any Justice, or Two or more Justices, with respect to any Penalty or Forfeiture under the Provisions of this or the special Act, or any Act incorporated therewith, such Party may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CLXIV. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction

to be made to the Party injured, as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Access to special Act.

And with respect to the Provision to be made for affording Access to the special Act by all Parties interested, be it enacted as follows:

Copies of special Act to be kept and deposited, and allowed to be inspected.

CLXV. The Company shall at all Times after the Expiration of Six Months after the passing of the special Act keep in their principal Office of Business a Copy of the special Act printed by the Printers to Her Majesty, or some of them; and where the Undertaking shall be a Railway, Canal, or other like Undertaking, the Works of which shall not be confined to One Town or Place, shall also within the Space of such Six Months deposit in the Office of each of the Clerks of the Peace of the several Counties into which the Works shall extend, and in the Office of the Town Clerk of every Burgh or City into which, or within One Mile of which, the Works shall extend, a Copy of such special Act, so printed as aforesaid; and the said Clerks of the Peace and Town Clerks shall receive, and they and the Company respectively shall retain, the said Copies of the special Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

Penalty on Failure to keep such Copies.

CLXVI. If the Company shall fail to keep or deposit, as herein-before mentioned, any of the said Copies of the special Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited.

Alteration of Act.

CLXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Certificate of Share.

"The Company."

Number

THIS is to certify, That *A. B.* of is the Proprietor of the Share Number of "The Company," subject to the Regulations of the said Company. Given under the Common Seal of the said Company, the Day of in the Year of our Lord

SCHEDULE (B.)

Form of Transfer of Shares or Stock.

I of in consideration of the Sum of paid to me by of do hereby transfer to the said Share [*or* Shares] numbered in the Undertaking called "The Company" [*or* Pounds Consolidated Stock in the Undertaking called "The Company," standing (*or* Part of the Stock standing) in my Name in the Books of the Company], to hold unto the said his Executors, Administrators, and Assigns [*or* Successors and Assigns], subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said do hereby agree to take the said Share [*or* Shares] [*or* Stock], subject to the same Conditions. [*Here insert Testing Clause according to the Form of the Law of Scotland, if executed in Scotland, and if executed in England, the Form of Attestation usual in England.*]

SCHEDULE (C.)

Form of Mortgage Deed.

"The Company."

Mortgage, Number £

BY virtue [*here name the special Act*], we, "The Company," in consideration of the Sum of Pounds paid to us by *A. B.* of do assign unto the said *A. B.*, his Executors, Administrators, and Assignees, the said Undertaking [and (*in case such Loan shall be in anticipation of the Capital authorized to be raised*) all future Calls on Shareholders], and all the Tolls and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Company in the same, to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, together with Interest for the same at the Rate of for every One hundred Pounds by the Year, be satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof (*in case any Period be agreed upon for that Purpose*), at *or any Place of Payment other than the principal Office of the Company*]. In witness whereof, &c. [*Here insert the Testing Clause of Deeds executed in Scotland.*]

SCHEDULE (D.)

Form of Bond.

"The Company."

Bond, Number £

By virtue of [*here name the special Act*], we "The Company," in consideration of the Sum of Pounds to us in hand paid by *A.B.* of do bind ourselves and our Successors unto the said *A.B.*, his Executors, Administrators, and Assigns, in the Sum of Pounds, to be repaid to the said *A.B.*, his Executors, Administrators, or Assigns, at (*in case any other Place of Payment than the principal Office of the Company be intended*) on the Day of which will be in the Year One thousand eight hundred and , with a Fifth Part more of liquidate Penalty in case of Failure, together with Interest for the same at the Rate of Pounds per Centum per Annum, payable half-yearly on the Day of and Day of . In witness whereof, *&c.* [*Here insert the Testing Clause of Deeds executed in Scotland.*]

SCHEDULE (E.)

Form of Transfer of Mortgage or Bond.

I *A.B.* of in consideration of the Sum of paid to me by *G.H.* of do hereby transfer to the said *G.H.*, his Executors, Administrators, and Assigns, a certain Bond [*or* Mortgage] Number made by "The Company" to bearing Date the Day of for securing the Sum of and Interest [*or, if such Transfer be by Endorsement,* the within Security,] and all my Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage,* and in and to the Tolls, Money, and Property thereby assigned.] [*Here insert Scotch Testing Clause, if executed in Scotland, and if executed in England, the Form of Attestation usual in England.*]

SCHEDULE (F.)

Form of Proxy.

A.B. One of the Proprietors of "The Company," doth hereby appoint *C.D.* of to be the Proxy of the said *A.B.*, in his Absence to vote in his Name upon any Matter relating to the Undertaking proposed at the Meeting of the Proprietors of the said Company to be held on the Day of next, in such Manner as he the said *C.D.* doth think proper. In witness whereof the said *A.B.* hath hereunto set his Hand [*or, if a Corporation, say* the Common Seal of the Corporation], the Day of One thousand eight hundred and

SCHEDULE (G.)

Form of Conviction before

to wit.

Be it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me *C.*, the Sheriff, *or* before us *D.*, *E.*, Two of Her Majesty's Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the [*here name the special Act*]. Given under my Hand [*or* under our Hands], the Day and Year first above written.

C.
D.
E.

CAP. XVIII.

An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature. [8th *May* 1845.]

'WHEREAS it is expedient to comprise in One general Act, sundry Provisions usually introduced into Acts of Parliament relative to the Acquisition of Lands required for Undertakings or Works of a public Nature, and to the Compensation to be made for the same, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several Acts relating to such Undertakings as for ensuring greater Uniformity in the Provisions themselves:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall apply to every Undertaking authorized by any Act which shall hereafter be passed, and which shall authorize the Purchase or taking of Lands for such Undertaking, and this Act shall be incorporated with such Act; and all the Clauses and Provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same shall be applicable to such Undertaking, and shall, as well as the Clauses and Provisions of every other Act which shall be incorporated with such Act, form Part of such Act, and be construed together therewith as forming One Act.

Act to apply to all Undertakings authorized by Acts hereafter to be passed.

And

And with respect to the Construction of this Act and of Acts to be incorporated therewith, be it enacted as follows: Interpretations in this Act:

II. The Expression "the special Act," used in this Act, shall be construed to mean any Act which shall be hereafter passed which shall authorize the taking of Lands for the Undertaking to which the same relates, and with which this Act shall be so incorporated as aforesaid; and the Word "prescribed," used in this Act in reference to any Matter herein stated, shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act, and the Sentence in which such Word shall occur shall be construed as if, instead of the Word "prescribed," the Expression "prescribed for that Purpose in the special Act" had been used; and the Expression "the Works" or "the Undertaking" shall mean the Works or Undertaking, of whatever Nature, which shall by the special Act be authorized to be executed; and the Expression "the Promoters of the Undertaking" shall mean the Parties, whether Company, Undertakers, Commissioners, Trustees, Corporations, or private Persons, by the special Act empowered to execute such Works or Undertaking. "special Act:" "prescribed:" "the Works:" "Promoters of the Undertaking."

III. The following Words and Expressions, both in this and the special Act, shall have the several Meanings hereby assigned to them, unless there be something either in the Subject or Context repugnant to such Construction; (that is to say,) Interpretations in this and the special Act:

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular Number: Number:

Words importing the Masculine Gender only shall include Females: Gender:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure: "Lands:"

The Word "Lease" shall include an Agreement for a Lease: "Lease:"

The Word "Month" shall mean Calendar Month: "Month:"

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster* or *Dublin*, as the Case may require: "Superior Courts:"

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath: "Oath:"

The Word "County" shall include any Riding or other like Division of a County, and shall also include County of a City or County of a Town: "County:"

The Word "Sheriff" shall include Under Sheriff, or other legally competent Deputy; and where any Matter in relation to any Lands is required to be done by any Sheriff, or by any Clerk of the Peace, the Expression "the Sheriff," or the Expression "the Clerk of the Peace," shall in such Case be construed to mean the Sheriff or the Clerk of the Peace of the County, City, Borough, Liberty, Cinque Port, or Place where such Lands shall be situate; and if the Lands in question, being the Property of one and the same Party, be situate not wholly in one County, City, Borough, Liberty, Cinque Port, or Place, the same Expression shall be construed to mean the Sheriff or Clerk of the Peace of any County, City, Borough, Liberty, Cinque Port, or Place where any Part of such Lands shall be situate: "the Sheriff:" "the Clerk of the Peace:"

The Word "Justices" shall mean Justices of the Peace acting for the County, City, Liberty, Cinque Port, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where such Matter shall arise in respect of Lands being the Property, of one of the same Party, situate not wholly in any one County, City, Borough, Liberty, Cinque Port, or Place, the same shall mean a Justice acting for the County, City, Borough, Liberty, Cinque Port, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter; and where any Matter shall be authorized or required to be done by Two Justices, the Expression "Two Justices" shall be understood to mean Two Justices assembled and acting together: "Justices:" "Two Justices:"

Where under the Provisions of this or the special Act, or any Act incorporated therewith, any Notice shall be required to be given to the Owner of any Lands, or where any Act shall be authorized or required to be done with the Consent of any such Owner, the Word "Owner" shall be understood to mean any Person or Corporation who, under the Provisions of this or the special Act, would be enabled to sell and convey Lands to the Promoters of the Undertaking: "Owner:"

The Expression "the Bank" shall mean the Bank of *England* where the same shall relate to Monies to be paid or deposited in respect of Lands situate in *England*, and shall mean the Bank of *Ireland* where the same shall relate to Monies to be paid or deposited in respect of Lands situate in *Ireland*. "the Bank."

IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Lands Clauses Consolidation Act, 1845." Short Title of the Act.

V. 'And whereas it may be convenient in some Cases to incorporate with Acts of Parliament hereafter 'to be passed some Portion only of the Provisions of this Act;' be it therefore enacted, That, for the Purpose of making any such Incorporation, it shall be sufficient in any such Act to enact that the Clauses of this Act with respect to the Matter so proposed to be incorporated (describing such Matter as it is described in this Act in the Words introductory to the Enactment with respect to such Matter) shall be incorporated with such Act, and thereupon all the Clauses and Provisions of this Act with respect to the Matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if the Substance of such Clauses and Provisions were set forth therein with reference to the Matter to which such Act shall relate. Form in which Portions of this Act may be incorporated with other Acts.

And

Purchase of Lands by Agreement.

And with respect to the Purchase of Lands by Agreement, be it enacted as follows:

Power to purchase Lands by Agreement.

VI. Subject to the Provisions of this and the special Act, it shall be lawful for the Promoters of the Undertaking to agree with the Owners of any Lands by the special Act authorized to be taken, and which shall be required for the Purposes of such Act, and with all Parties having any Estate or Interest in such Lands, or by this or the special Act enabled to sell and convey the same, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all Estates and Interests in such Lands of what Kind soever.

Parties under Disability enabled to sell and convey.

VII. It shall be lawful for all Parties, being seised, possessed of, or entitled to any such Lands, or any Estate or Interest therein, to sell and convey or release the same to the Promoters of the Undertaking, and to enter into all necessary Agreements for that Purpose; and particularly it shall be lawful for all or any of the following Parties so seised, possessed, or entitled as aforesaid so to sell, convey, or release; (that is to say,) all Corporations, Tenants in Tail or for Life, married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in trust for charitable or other Purposes, Executors and Administrators, and all Parties for the Time being entitled to the Receipt of the Rents and Profits of any such Lands in possession, or subject to any Estate in Dower, or to any Lease for Life, or for Lives and Years, or for Years, or any less Interest; and the Power so to sell and convey or release as aforesaid may lawfully be exercised by all such Parties, other than married Women entitled to Dower, or Lessees for Life, or for Lives and Years, or for Years, or for any less Interest, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in reversion, remainder, or expectancy after them, or in defeasance of the Estates of such Parties, and as to such married Women, whether they be of full Age or not, as if they were sole and of full Age, and as to such Guardians, on behalf of their Wards, and as to such Committees, on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics and Idiots respectively could have exercised the same Power under the Authority of this or the special Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this and the special Act if they had respectively been under no Disability.

Parties under Disability to exercise other Powers.

VIII. The Power herein-after given to enfranchise Copyhold Lands, as well as every other Power required to be exercised by the Lord of any Manor pursuant to the Provisions of this or the special Act, or any Act incorporated therewith, and the Power to release Lands from any Rent, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance, shall extend to and may lawfully be exercised by every Party herein-before enabled to sell and convey or release Lands to the Promoters of the Undertaking.

Amount of Compensation in case of Parties under Disability to be ascertained by Valuation, and paid into the Bank.

IX. The Purchase Money or Compensation to be paid for any Lands to be purchased or taken from any Party under any Disability or Incapacity, and not having Power to sell or convey such Lands except under the Provisions of this or the special Act, and the Compensation to be paid for any permanent Damage or Injury to any such Lands, shall not, except where the same shall have been determined by the Verdict of a Jury, or by Arbitration, or by the Valuation of a Surveyor appointed by Two Justices under the Provision herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Promoters of the Undertaking, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall upon Application of either Party, after Notice to the other Party, for that Purpose nominate; and each of such Two Surveyors if they agree, or if not then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration in Writing, subscribed by them or him, of the Correctness thereof; and all such Purchase Money or Compensation shall be deposited in the Bank for the Benefit of the Parties interested, in manner herein-after mentioned.

Where Vendor absolutely entitled, Lands may be sold on chief Rents.

X. It shall be lawful for any Person seised in Fee of, or entitled to dispose of absolutely for his own Benefit, any Lands authorized to be purchased for the Purposes of the special Act to sell and convey such Lands or any Part thereof unto the Promoters of the Undertaking, in consideration of an annual Rent-charge payable by the Promoters of the Undertaking, but, except as aforesaid, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Payment of Rents to be charged on Tolls.

XI. The yearly Rents reserved by any such Conveyance shall be charged on the Tolls or Rates, if any, payable under the special Act, and shall be otherwise secured in such Manner as shall be agreed between the Parties, and shall be paid by the Promoters of the Undertaking as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Promoters of the Undertaking, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels of the Promoters of the Undertaking.

Power to purchase Lands required for additional Accommodation.

XII. In case the Promoters of the Undertaking shall be empowered by the special Act to purchase Lands for extraordinary Purposes, it shall be lawful for all Parties who, under the Provisions herein-before contained, would be enabled to sell and convey Lands, to sell and convey the Lands so authorized to be purchased for extraordinary Purposes.

Authority to sell and re-

XIII. It shall be lawful for the Promoters of the Undertaking to sell the Lands which they shall have so acquired for extraordinary Purposes, or any Part thereof, in such Manner, and for such Considerations, and

and to such Persons, as the Promoters of the Undertaking may think fit, and again to purchase other Lands for the like Purposes, and afterwards sell the same, and so from Time to Time; but the total Quantity of Land to be held at any one Time by the Promoters of the Undertaking, for the Purposes aforesaid, shall not exceed the prescribed Quantity. purchase such Lands.

XIV. The Promoters of the Undertaking shall not, by virtue of the Power to purchase Land for extraordinary Purposes, purchase more than the prescribed Quantity from any Party under legal Disability, or who would not be able to sell and convey such Lands except under the Powers of this and the special Act; and if the Promoters of the Undertaking purchase the said Quantity of Land from any Party under such legal Disability, and afterwards sell the whole or any Part of the Land so purchased, it shall not be lawful for any Party being under legal Disability to sell to the Promoters of the Undertaking any other Lands in lieu of the Land so sold or disposed of by them. Restraint on Purchase from incapacitated Persons.

XV. Nothing in this or the special Act contained shall enable any Municipal Corporation to sell for the Purposes of the special Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, any Lands which they could not have sold without such Approbation before the passing of the special Act, other than such Lands as the Company are by the Powers of this or the special Act empowered to purchase or take compulsorily. Municipal Corporations not to sell without the Approbation of the Treasury.

And with respect to the Purchase and taking of Lands otherwise than by Agreement, be it enacted as follows: *Purchase of Lands otherwise than by Agreement.*

XVI. Where the Undertaking is intended to be carried into effect by means of a Capital to be subscribed by the Promoters of the Undertaking, the whole of the Capital or estimated Sum for defraying the Expences of the Undertaking shall be subscribed under Contract binding the Parties thereto, their Heirs, Executors, and Administrators, for the Payment of the several Sums by them respectively subscribed, before it shall be lawful to put in force any of the Powers of this or the special Act, or any Act incorporated therewith, in relation to the compulsory taking of Land for the Purposes of the Undertaking. Capital to be subscribed before compulsory Powers put in force.

XVII. A Certificate under the Hands of Two Justices, certifying that the whole of the prescribed Sum has been subscribed, shall be sufficient Evidence thereof, and on the Application of the Promoters of the Undertaking, and the Production of such Evidence as such Justices think proper and sufficient, such Justices shall grant such Certificate accordingly. Evidence as to Capital having been subscribed.

XVIII. When the Promoters of the Undertaking shall require to purchase or take any of the Lands which by this or the special Act, or any Act incorporated therewith, they are authorized to purchase or take, they shall give notice thereof to all the Parties interested in such Lands, or to the Parties enabled by this Act to sell and convey or release the same, or such of the said Parties as shall, after diligent Inquiry, be known to the Promoters of the Undertaking, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall state the Particulars of the Lands so required, and that the Promoters of the Undertaking are willing to treat for the Purchase thereof, and as to the Compensation to be made to all Parties for the Damage that may be sustained by them by reason of the Execution of the Works. Notice of Intention to take Lands.

XIX. All Notices required to be served by the Promoters of the Undertaking upon the Parties interested in or entitled to sell any such Lands shall either be served personally on such Parties or left at their last usual Place of Abode, if any such can after diligent Inquiry be found, and in case any such Parties shall be absent from the United Kingdom, or cannot be found after diligent Inquiry, shall also be left with the Occupier of such Lands, or, if there be no such Occupier, shall be affixed upon some conspicuous Part of such Lands. Service of Notices on Owners and Occupiers of Lands.

XX. If any such Party be a Corporation aggregate such Notice shall be left at the principal Office of Business of such Corporation, or if no such Office can after diligent Inquiry be found, shall be served on some principal Member, if any, of such Corporation, and such Notice shall also be left with the Occupier of such Lands, or, if there be no such Occupier, shall be affixed upon some conspicuous Part of such Lands. Service of Notice on a Corporation aggregate.

XXI. If, for Twenty-one Days after the Service of such Notice, any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the Promoters of the Undertaking in respect thereof, or if such Party and the Promoters of the Undertaking shall not agree as to the Amount of the Compensation to be paid by the Promoters of the Undertaking for the Interest in such Lands belonging to such Party, or which he is by this or the special Act enabled to sell, or for any Damage that may be sustained by him by reason of the Execution of the Works, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation. *If Parties fail to treat, or in case of Dispute, Question to be settled as after mentioned.*

XXII. If no Agreement be come to between the Promoters of the Undertaking and the Owners of or Parties by this Act enabled to sell and convey or release any Lands taken or required for or injuriously affected by the Execution of the Undertaking, or any Interest in such Lands, as to the Value of such Lands or of any Interest therein, or as to the Compensation to be made in respect thereof, and if in any such Case the Compensation claimed shall not exceed Fifty Pounds, the same shall be settled by Two Justices. Disputes as to Compensation not exceeding 50*l.* to be settled by Two Justices.

XXIII. If the Compensation claimed or offered in any such Case shall exceed Fifty Pounds, and if the Party claiming Compensation desire to have the same settled by Arbitration, and signify such Compensation exceeding 50*l.* to be settled by

Arbitration or Jury, at the Option of the Party claiming Compensation.

such Desire by Notice in Writing to the Promoters of the Undertaking, before they have issued their Warrant to the Sheriff to summon a Jury in respect of such Lands, under the Provisions herein-after contained, stating in such Notice the Nature of the Interest in respect of which such Party claims Compensation, and the Amount of the Compensation so claimed, the same shall be so settled accordingly; but unless the Party claiming Compensation shall as aforesaid signify his Desire to have the Question of such Compensation settled by Arbitration, or if when the Matter shall have been referred to Arbitration the Arbitrators or their Umpire shall for Three Months have failed to make their or his Award, or if no final Award shall be made, the Question of such Compensation shall be settled by the Verdict of a Jury, as herein-after provided.

Method of proceeding for settling Disputes as to Compensation by Justices.

XXIV. It shall be lawful for any Justice, upon the Application of either Party with respect to any Question of disputed Compensation by this or the special Act, or any Act incorporated therewith, authorized to be settled by Two Justices, to summon the other Party to appear before Two Justices, at a Time and Place to be named in the Summons; and upon the Appearance of such Parties, or in the Absence of any of them, upon Proof of due Service of the Summons, it shall be lawful for such Justices to hear and determine such Question, and for that Purpose to examine such Parties or any of them, and their Witnesses, upon Oath; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof.

Appointment of Arbitrator when Questions are to be determined by Arbitration.

XXV. When any Question of disputed Compensation by this or the special Act, or any Act incorporated therewith, authorized or required to be settled by Arbitration, shall have arisen, then, unless both Parties shall concur in the Appointment of a single Arbitrator, each Party, on the Request of the other Party, shall nominate and appoint an Arbitrator, to whom such Dispute shall be referred; and every Appointment of an Arbitrator shall be made on the Part of the Promoters of the Undertaking under the Hands of the said Promoters or any Two of them, or of their Secretary or Clerk, and on the Part of any other Party under the Hand of such Party, or, if such Party be a Corporation Aggregate, under the Common Seal of such Corporation; and such Appointment shall be delivered to the Arbitrator, and shall be deemed a Submission to Arbitration on the Part of the Party by whom the same shall be made; and after any such Appointment shall have been made neither Party shall have Power to revoke the same without the Consent of the other, nor shall the Death of either Party operate as a Revocation; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing, in which shall be stated the Matter so required to be referred to Arbitration, shall have been served by the one Party on the other Party to appoint an Arbitrator, such last-mentioned Party fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both Parties, and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute, and in such Case the Award or Determination of such single Arbitrator shall be final.

Vacancy of Arbitrator to be supplied.

XXVI. If, before the Matters so referred shall be determined, any Arbitrator appointed by either Party die, or become incapable, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place, and if, for the Space of Seven Days after Notice in Writing from the other Party for that Purpose, he fail to do so, the remaining or other Arbitrator may proceed *ex parte;* and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death or Disability as aforesaid.

Appointment of Umpire.

XXVII. Where more than One Arbitrator shall have been appointed such Arbitrators shall, before they enter upon the Matters referred to them, nominate and appoint, by Writing under their Hands, an Umpire to decide on any such Matters on which they shall differ, or which shall be referred to him under the Provisions of this or the special Act, and if such Umpire shall die, or become incapable to act, they shall forthwith after such Death or Incapacity appoint another Umpire in his Place, and the Decision of every such Umpire on the Matters so referred to him shall be final.

Appointment of Umpire on Neglect of the Arbitrators, in case of Railway Companies.

XXVIII. If in either of the Cases aforesaid the said Arbitrators shall refuse, or shall, for Seven Days after Request of either Party to such Arbitration, neglect to appoint an Umpire, the Board of Trade, in any Case in which a Railway Company shall be one Party to the Arbitration, and Two Justices in any other Case, shall, on the Application of either Party to such Arbitration, appoint an Umpire, and the Decision of such Umpire on the Matters on which the Arbitrators shall differ, or which shall be referred to him under this or the special Act, shall be final.

If single Arbitrator die Matter to begin de novo.

XXIX. If, when a single Arbitrator shall have been appointed, such Arbitrator shall die or become incapable to act before he shall have made his Award, the Matters referred to him shall be determined by Arbitration under the Provisions of this or the special Act in the same Manner as if such Arbitrator had not been appointed.

If either Arbitrator refuse to act the other to proceed ex parte.

XXX. If, where more than One Arbitrator shall have been appointed, either of the Arbitrators refuse or for Seven Days neglect to act the other Arbitrator may proceed *ex parte*, and the Decision of such other Arbitrator shall be as effectual as if he had been the single Arbitrator appointed by both Parties.

If Arbitrators fail to make their Award within Twenty-one Days the Matter to go to the Umpire.

XXXI. If where more than One Arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such Arbitrators shall fail to make their Award within Twenty-one Days after the Day on which the last of such Arbitrators shall have been appointed, or within such extended Time (if any) as shall have been appointed for that Purpose by both such Arbitrators under their Hands, the Matters referred to them shall be determined by the Umpire to be appointed as aforesaid.

XXXII. The

XXXII. The said Arbitrators or their Umpire may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose. Power of Arbitrators to call for Books, &c.

XXXIII. Before any Arbitrator or Umpire shall enter into the Consideration of any Matters referred to him, he shall in the Presence of a Justice make and subscribe the following Declaration; that is to say, Arbitrator or Umpire to make a Declaration.

'I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my 'Skill and Ability, hear and determine the Matters referred to me under the Provisions of the Act '[*naming the special Act*]. *A.B.*

'Made and subscribed in the Presence of

And such Declaration shall be annexed to the Award when made; and if any Arbitrator or Umpire having made such Declaration shall wilfully act contrary thereto he shall be guilty of a Misdemeanor.

XXXIV. All the Costs of any such Arbitration, and incident thereto, to be settled by the Arbitrators, shall be borne by the Promoters of the Undertaking, unless the Arbitrators shall award the same or a less Sum than shall have been offered by the Promoters of the Undertaking, in which Case each Party shall bear his own Costs incident to the Arbitration, and the Costs of the Arbitrators shall be borne by the Parties in equal Proportions. Costs of Arbitration how to be borne.

XXXV. The Arbitrators shall deliver their Award in Writing to the Promoters of the Undertaking, and the said Promoters shall retain the same, and shall forthwith, on demand, at their own Expence, furnish a Copy thereof to the other Party to the Arbitration, and shall at all Times, on demand, produce the said Award, and allow the same to be inspected or examined by such Party or any Person appointed by him for that Purpose. Award to be delivered to the Promoters of the Undertaking.

XXXVI. The Submission to any such Arbitration may be made a Rule of any of the Superior Courts, on the Application of either of the Parties. Submission a Rule of Court.

XXXVII. No Award made with respect to any Question referred to Arbitration under the Provisions of this or the special Act shall be set aside for Irregularity or Error in Matter of Form. Award not void through Error in Form.

XXXVIII. Before the Promoters of the Undertaking shall issue their Warrant for summoning a Jury for settling any Case of disputed Compensation they shall give not less than Ten Days Notice to the other Party of their Intention to cause such Jury to be summoned, and in such Notice the Promoters of the Undertaking shall state what Sum of Money they are willing to give for the Interest in such Lands sought to be purchased by them from such Party, and for the Damage to be sustained by him by the Execution of the Works. Promoters of the Undertaking to give Notice before summoning a Jury.

XXXIX. In every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the Promoters of the Undertaking shall issue their Warrant to the Sheriff, requiring him to summon a Jury for that Purpose, and such Warrant shall be under the Common Seal of the Promoters of the Undertaking if they be a Corporation, or if they be not a Corporation under the Hands and Seals of such Promoters or any Two of them; and if such Sheriff be interested in the Matter in dispute such Application shall be made to some Coroner of the County in which the Lands in question, or some Part thereof, shall be situate, and if all the Coroners of such County be so interested, such Application may be made to some Person having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute; and with respect to the Persons last mentioned Preference shall be given to one who shall have most recently served either of the said Offices; and every Ex-Sheriff, Coroner, or Ex-Coroner shall have Power, if he think fit, to appoint a Deputy or Assessor. Warrant for summoning Jury to be addressed to the Sheriff.

XL. Throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term "Sheriff" is used, the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff, such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book and Special Jurors List belonging to the County where the Lands in question shall be situate. Provisions applicable to Sheriff to apply to Coroner.

XLI. Upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at a convenient Time and Place to be appointed by him for that Purpose, such Time not being less than Fourteen nor more than Twenty-one Days after the Receipt of such Warrant, and such Place not being more than Eight Miles distant from the Lands in question, unless by Consent of the Parties interested, and he shall forthwith give Notice to the Promoters of the Works of the Time and Place so appointed by him. Jury to be summoned.

XLII. Out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff, in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn, and if a sufficient Number of Jurymen do not appear in obedience to such Summons the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array. Jury to be impannelled.

XLIII. The Sheriff shall preside on the said Inquiry, and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and if either Party so request in Writing, the Sheriff shall summon before him any Sheriff to preside; Witnesses to be summoned.

Purchase of Lands otherwise than by Agreement.

any Person considered necessary to be examined as a Witness touching the Matters in question, and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts.

Penalty on Sheriff and Jury for Default.

XLIV. If the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry, he shall forfeit Fifty Pounds for every such Offence, and such Penalty shall be recoverable by the Promoters of the Undertaking by Action in any of the Superior Courts; and if any Person summoned and returned upon any Jury under this or the special Act, whether common or special, do not appear, or if appearing he refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds, and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and, in addition to the Penalty hereby imposed, every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of an Issue joined in any of the Superior Courts.

Penalty on Witnesses making default.

XLV. If any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit to the Party aggrieved a Sum not exceeding Ten Pounds.

Notice of Inquiry.

XLVI. Not less than Ten Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Promoters of the Undertaking to the other Party.

If the Party make default the Inquiry not to proceed.

XLVII. If the Party claiming Compensation shall not appear at the Time appointed for the Inquiry such Inquiry shall not be further proceeded in, but the Compensation to be paid shall be such as shall be ascertained by a Surveyor appointed by Two Justices in manner herein-after provided.

Jury to be sworn.

XLVIII. Before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage, and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Sums to be paid for Purchase of Lands and for Damage to be assessed separately.

XLIX. Where such Inquiry shall relate to the Value of Lands to be purchased, and also to Compensation claimed for Injury done or to be done to the Lands held therewith, the Jury shall deliver their Verdict separately for the Sum of Money to be paid for the Purchase of the Lands required for the Works, or of any Interest therein belonging to the Party with whom the Question of disputed Compensation shall have arisen, or which, under the Provisions herein contained, he is enabled to sell or convey, and for the Sum of Money to be paid by way of Compensation for the Damage, if any, to be sustained by the Owner of the Lands by reason of the severing of the Lands taken from the other Lands of such Owner, or otherwise injuriously affecting such Lands by the Exercise of the Powers of this or the special Act, or any Act incorporated therewith.

Verdict and Judgment to be recorded.

L. The Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury, and the Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the General or Quarter Sessions of the County in which the Lands or any Part thereof shall be situate in respect of which such Purchase Money or Compensation shall have been awarded; and such Verdicts and Judgments shall be deemed Records, and the same or true Copies thereof shall be good Evidence in all Courts and elsewhere, and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence, which Copies or Extracts the Clerk of the Peace is hereby required to make out, and to sign and certify the same to be true Copies.

Costs of the Inquiry how to be borne.

LI. On every such Inquiry before a Jury, where the Verdict of the Jury shall be given for a greater Sum than the Sum previously offered by the Promoters of the Undertaking, all the Costs of such Inquiry shall be borne by the Promoters of the Undertaking; but if the Verdict of the Jury be given for the same or a less Sum than the Sum previously offered by the Promoters of the Undertaking, or if the Owner of the Lands shall have failed to appear at the Time and Place appointed for the Inquiry, having received due Notice thereof, one Half of the Costs of summoning, impannelling, and returning the Jury, and of taking the Inquiry and recording the Verdict and Judgment thereon, in case such Verdict shall be taken, shall be defrayed by the Owner of the Lands, and the other Half by the Promoters of the Undertaking, and each Party shall bear his own Costs, other than as aforesaid, incident to such Inquiry.

Particulars of the Costs.

LII. The Costs of any such Inquiry shall, in case of Difference, be settled by One of the Masters of the Court of Queen's Bench of *England* or *Ireland*, according as the Lands are situate, on the Application of either Party, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel and Attornies, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry.

Payment of Costs.

LIII. If any such Costs shall be payable by the Promoters of the Undertaking, and if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, they shall be recoverable by Distress, and on Application to any Justice he shall issue his Warrant accordingly; and if any such Costs shall be payable by the Owner of the Lands or of any Interest therein, the same may be deducted

deducted and retained by the Promoters of the Undertaking, out of any Money awarded by the Jury to such Owner, or determined by the Valuation of a Surveyor under the Provision herein-after contained; and the Payment or Deposit of the Remainder, if any, of such Money shall be deemed Payment and Satisfaction of the whole thereof, or if such Costs shall exceed the Amount of the Money so awarded or determined, the Excess shall be recoverable by Distress, and on Application to any Justice he shall issue his Warrant accordingly.

Purchase of Lands otherwise than by Agreement.

LIV. If either Party desire any such Question of disputed Compensation as aforesaid to be tried before a Special Jury, such Question shall be so tried, provided that Notice of such Desire, if coming from the other Party, be given to the Promoters of the Undertaking before they have issued their Warrant to the Sheriff; and for that Purpose the Promoters of the Undertaking shall by their Warrant to the Sheriff require him to nominate a Special Jury for such Trial; and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Warrant, summon both the Parties to appear before him, by themselves or their Attornies, at some convenient Time and Place appointed by him for the Purpose of nominating a Special Jury (not being less than Five nor more than Eight Days from the Service of such Summons); and at the Place and Time so appointed the Sheriff shall proceed to nominate and strike a Special Jury, in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Superior Courts, and the Sheriff shall appoint a Day, not later than the Eighth Day after striking of such Jury, for the Parties or their Agents to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties; and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty, in the Manner used and accustomed by the proper Officers of the Superior Courts.

Special Jury to be summoned at the Request of either Party.

LV. The Special Jury on such Inquiry shall consist of Twelve of the said Twenty who shall first appear on the Names being called over, the Parties having their lawful Challenges against any of the said Jurymen; and if a full Jury do not appear, or if after such Challenges a full Jury do not remain, then, upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons qualified to act as Special or Common Jurymen, who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured, so as to complete such Jury, all Parties having their lawful Challenges against such Persons; and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury, and such Trial shall be attended in all respects with the like Incidents and Consequences, and the like Penalties shall be applicable, as herein-before provided in the Case of a Trial by Common Jury.

Deficiency of Special Jurymen.

LVI. Any other Inquiry than that for the Trial of which such Special Jury may have been struck and reduced as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Other Inquiries before same Special Jury by Consent.

LVII. No Juryman shall, without his Consent, be summoned or required to attend any such Proceeding as aforesaid more than once in any Year.

Attendance of Jurymen.

LVIII. The Purchase Money or Compensation to be paid for any Lands to be purchased or taken by the Promoters of the Undertaking from any Party who, by reason of Absence from the Kingdom, is prevented from treating, or who cannot after diligent Inquiry be found, or who shall not appear at the Time appointed for the Inquiry before the Jury as herein-before provided for, after due Notice thereof, and the Compensation to be paid for any permanent Injury to such Lands, shall be such as shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose as herein-after mentioned.

Compensation to absent Parties to be determined by a Surveyor appointed by Two Justices.

LIX. Upon Application by the Promoters of the Undertaking to Two Justices, and upon such Proof as shall be satisfactory to them that any such Party is, by reason of Absence from the Kingdom, prevented from treating, or cannot after diligent Inquiry be found, or that any such Party failed to appear on such Inquiry before a Jury as aforesaid, after due Notice to him for that Purpose, such Justices shall, by Writing under their Hands, nominate an able practical Surveyor for determining such Compensation as aforesaid, and such Surveyor shall determine the same accordingly, and shall annex to his Valuation a Declaration in Writing subscribed by him of the Correctness thereof.

Two Justices to nominate a Surveyor.

LX. Before such Surveyor shall enter upon the Duty of making such Valuation as aforesaid, he shall, in the Presence of such Justices, or One of them, make and subscribe the Declaration following at the Foot of such Nomination; (that is to say,)

Declaration to be made by the Surveyor.

'I *A.B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to 'the best of my Skill and Ability, execute the Duty of making the Valuation hereby referred 'to me. *A. B.*

'Made and subscribed in the Presence of .'

And if any Surveyor shall corruptly make such Declaration, or having made such Declaration shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

LXI. The said Nomination and Declaration shall be annexed to the Valuation to be made by such Surveyor, and shall be preserved together therewith by the Promoters of the Undertaking, and they shall at all Times produce the said Valuation and other Documents, on demand, to the Owner of the Lands comprised in such Valuation, and to all other Parties interested therein.

Valuation, &c. to be produced to the Owner of the Lands on demand.

LXII. All the Expences of and incident to every such Valuation shall be borne by the Promoters of the Undertaking.

Expences to be borne by Promoters.

Purchase Money and Compensation, how to be estimated.

LXIII. In estimating the Purchase Money or Compensation to be paid by the Promoters of the Undertaking, in any of the Cases aforesaid, regard shall be had by the Justices, Arbitrators, or Surveyors, as the Case may be, not only to the Value of the Land to be purchased or taken by the Promoters of the Undertaking, but also to the Damage, if any, to be sustained by the Owner of the Lands by reason of the severing of the Lands taken from the other Lands of such Owner, or otherwise injuriously affecting such other Lands by the Exercise of the Powers of this or the special Act, or any Act incorporated therewith.

Where Compensation to absent Party has been determined by a Surveyor, the Party may have the same submitted to Arbitration.

LXIV. When the Compensation payable in respect of any Lands, or any Interest therein, shall have been ascertained by the Valuation of a Surveyor, and deposited in the Bank under the Provisions herein contained, by reason that the Owner of or Party entitled to convey such Lands or such Interest therein as aforesaid could not be found or was absent from the Kingdom, if such Owner or Party shall be dissatisfied with such Valuation it shall be lawful for him, before he shall have applied to the Court of Chancery for Payment or Investment of the Monies so deposited under the Provisions herein contained, by Notice in Writing to the Promoters of the Undertaking, to require the Question of such Compensation to be submitted to Arbitration, and thereupon the same shall be so submitted accordingly, in the same Manner as in other Cases of disputed Compensation herein-before authorized or required to be submitted to Arbitration.

Question to be submitted to the Arbitrators.

LXV. The Question to be submitted to the Arbitrators in the Case last aforesaid shall be, whether the said Sum so deposited as aforesaid by the Promoters of the Undertaking was a sufficient Sum, or whether any and what further Sum ought to be paid or deposited by them.

If further Sum awarded, Promoters to pay or deposit same within 14 Days.

LXVI. If the Arbitrators shall award that a further Sum ought to be paid or deposited by the Promoters of the Undertaking, they shall pay or deposit, as the Case may require, such further Sum within Fourteen Days after the making of such Award, or in default thereof the same may be enforced by Attachment, or recovered with Costs by Action or Suit in any of the Superior Courts.

Costs of the Arbitration.

LXVII. If the Arbitrators shall determine that the Sum so deposited was sufficient, the Costs of and incident to such Arbitration, to be determined by the Arbitrators, shall be in the Discretion of the Arbitrators, but if the Arbitrators shall determine that a further Sum ought to be paid or deposited by the Promoters of the Undertaking, all the Costs of and incident to the Arbitration shall be borne by the Promoters of the Undertaking.

To be settled by Arbitration or Jury, at the Option of the Party claiming Compensation.

LXVIII. If any Party shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, which shall have been taken for or injuriously affected by the Execution of the Works, and for which the Promoters of the Undertaking shall not have made Satisfaction under the Provisions of this or the special Act, or any Act incorporated therewith, and if the Compensation claimed in such Case shall exceed the Sum of Fifty Pounds, such Party may have the same settled either by Arbitration or by the Verdict of a Jury, as he shall think fit; and if such Party desire to have the same settled by Arbitration, it shall be lawful for him to give Notice in Writing to the Promoters of the Undertaking of such his Desire, stating in such Notice the Nature of the Interest in such Lands in respect of which he claims Compensation, and the Amount of the Compensation so claimed therein; and unless the Promoters of the Undertaking be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, the same shall be settled by Arbitration in the Manner herein provided; or if the Party so entitled as aforesaid desire to have such Question of Compensation settled by a Jury, it shall be lawful for him to give notice in Writing of such his Desire to the Promoters of the Undertaking, stating such Particulars as aforesaid, and unless the Promoters of the Undertaking be willing to pay the Amount of Compensation so claimed, and enter into a written Agreement for that Purpose, they shall, within Twenty-one Days after the Receipt of such Notice, issue their Warrant to the Sheriff to summon a Jury for settling the same in the Manner herein provided, and in default thereof they shall be liable to pay to the Party so entitled as aforesaid the Amount of Compensation so claimed, and the same may be recovered by him, with Costs, by Action in any of the Superior Courts.

Application of Compensation.

And with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making Title, be it enacted as follows:

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank.

LXIX. If the Purchase Money or Compensation which shall be payable in respect of any Lands, or any Interest therein, purchased or taken by the Promoters of the Undertaking from any Corporation, Tenant for Life or in Tail, married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor or Administrator, or Person having a partial or qualified Interest only in such Lands, and not entitled to sell or convey the same except under the Provisions of this or the special Act, or the Compensation to be paid for any permanent Damage to any such Lands, amount to or exceed the Sum of Two hundred Pounds, the same shall be paid into the Bank, in the Name and with the Privity of the Accountant General of the Court of Chancery in *England* if the same relate to Lands in *England* or *Wales*, or the Accountant General of the Court of Exchequer in *Ireland* if the same relate to Lands in *Ireland*, to be placed to the Account there of such Accountant General, *ex parte* the Promoters of the Undertaking (describing them by their proper Name), in the Matter of the special Act (citing it), pursuant to the Method prescribed by any Act for the Time being in force for regulating Monies paid into the said Courts; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

In

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

Application of Monies deposited.

In the Purchase of other Lands to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Money shall be paid in respect of any Buildings taken under the Authority of this or the special Act, or injured by the Proximity of the Works, in removing or replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In payment to any Party becoming absolutely entitled to such Money.

Order for Application and Investment meanwhile.

LXX. Such Money may be so applied as aforesaid upon an Order of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities, and the Interest, Dividends, and annual Proceeds thereof paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands.

Sums from 20*l.* to 200*l.* to be deposited or paid to Trustees.

LXXI. If such Purchase Money or Compensation shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, the same shall either be paid into the Bank, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Party so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Promoters of the Undertaking approve thereof and of the Trustees named for the Purpose; and the Money so paid to such Trustees, and the Produce arising therefrom shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

LXXII. If such Money shall not exceed the Sum of Twenty Pounds, the same shall be paid to the Parties entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit, or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

All Sums payable under Contract with Persons not absolutely entitled, to be paid into Bank.

LXXIII. All Sums of Money exceeding Twenty Pounds, which may be payable by the Promoters of the Undertaking in respect of the taking, using, or interfering with any Lands under a Contract or Agreement with any Person who shall not be entitled to dispose of such Lands, or of the Interest therein contracted to be sold by him, absolutely for his own Benefit, shall be paid into the Bank or to Trustees in manner aforesaid; and it shall not be lawful for any contracting Party not entitled as aforesaid to retain to his own Use any Portion of the Sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such Lands, or in lieu of Bridges, Tunnels, or other Accommodation Works, or for assenting to or not opposing the passing of the Bill authorizing the taking of such Lands, but all such Monies shall be deemed to have been contracted to be paid for and on account of the several Parties interested in such Lands, as well in possession as in remainder, reversion, or expectancy: Provided always, that it shall be in the Discretion of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, or the said Trustees, as the Case may be, to allot to any Tenant for Life, or for any other partial or qualified Estate, for his own Use, a Portion of the Sum so paid into the Bank, or to such Trustees as aforesaid, as Compensation for any Injury, Inconvenience, or Annoyance which he may be considered to sustain, independently of the actual Value of the Lands to be taken, and of the Damage occasioned to the Lands held therewith, by reason of the taking of such Lands and the making of the Works.

Court of Chancery may direct Application of Money in respect of Leases or Reversions as they may think just.

LXXIV. Where any Purchase Money or Compensation paid into the Bank under the Provisions of this or the special Act shall have been paid in respect of any Lease for a Life or Lives or Years, or for a Life or Lives and Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might lawfully have had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Upon Deposit being made, the Owners of the Lands to convey, or in default the Lands to vest in the Promotersofthe Undertaking upon a Deed

LXXV. Upon Deposit in the Bank in manner herein-before provided of the Purchase Money or Compensation agreed or awarded to be paid in respect of any Lands purchased or taken by the Promoters of the Undertaking under the Provisions of this or the special Act, or any Act incorporated therewith, the Owner of such Lands, including in such Term all Parties by this Act enabled to sell or convey Lands, shall, when required so to do by the Promoters of the Undertaking, duly convey such Lands to the Promoters of the Undertaking, or as they shall direct; and in default thereof, or if he fail to adduce a good Title to such Lands to their Satisfaction, it shall be lawful for the Promoters of the Undertaking, if they think fit, to execute a Deed Poll under their Common Seal if they be a Corporation, or if they be not a Corporation

Poll being executed.

Corporation under the Hands and Seals of the Promoters, or any Two of them, containing a Description of the Lands in respect of which such Default shall be made, and reciting the Purchase or taking thereof by the Promoters of the Undertaking, and the Names of the Parties from whom the same were purchased or taken, and the Deposit made in respect thereof, and declaring the Fact of such Default having been made, and such Deed Poll shall be stamped with the Stamp Duty which would have been payable upon a Conveyance to the Promoters of the Undertaking of the Lands described therein; and thereupon all the Estate and Interest in such Lands of or capable of being sold and conveyed by the Party between whom and the Promoters of the Undertaking such Agreement shall have been come to, or as between whom and the Promoters of the Undertaking such Purchase Money or Compensation shall have been determined by a Jury, or by Arbitrators, or by a Surveyor appointed by Two Justices as herein provided, and shall have been deposited as aforesaid, shall vest absolutely in the Promoters of the Undertaking, and as against such Parties, and all Parties on behalf of whom they are herein-before enabled to sell and convey, the Promoters of the Undertaking shall be entitled to immediate Possession of such Lands.

Where Parties refuse to convey, or do not show Title, or cannot be found, the Purchase Money to be deposited.

LXXVI. If the Owner of any such Lands purchased or taken by the Promoters of the Undertaking, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid in respect thereof, refuse to accept the same, or neglect or fail to make out a Title to such Lands, or to the Interest therein claimed by him, to the Satisfaction of the Promoters of the Undertaking, or if he refuse to convey or release such Lands as directed by the Promoters of the Undertaking, or if any such Owner be absent from the Kingdom, or cannot after diligent Inquiry be found, or fail to appear on the Inquiry before a Jury, as herein provided for, it shall be lawful for the Promoters of the Undertaking to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank, in the Name and with the Privity of the Accountant General of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, to be placed, except in the Cases herein otherwise provided for, to his Account there, to the Credit of the Parties interested in such Lands (describing them so far as the Promoters of the Undertaking can do), subject to the Control and Disposition of the said Court.

Upon Deposit being made a Receipt to be given, and the Lands to vest upon a Deed Poll being executed.

LXXVII. Upon any such Deposit of Money as last aforesaid being made the Cashier of the Bank shall give to the Promoters of the Undertaking, or to the Party paying in such Money by their Direction, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in; and it shall be lawful for the Promoters of the Undertaking, if they think fit, to execute a Deed Poll under their Common Seal if they be a Corporation, or if they be not a Corporation under the Hands and Seals of the said Promoters, or any Two of them, containing a Description of the Lands in respect whereof such Deposit shall have been made, and declaring the Circumstances under which and the Names of the Parties to whose Credit such Deposit shall have been made, and such Deed Poll shall be stamped with the Stamp Duty which would have been payable upon a Conveyance to the Promoters of the Undertaking of the Lands described therein; and thereupon all the Estate and Interest in such Lands of the Parties for whose Use and in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Promoters of the Undertaking, and as against such Parties they shall be entitled to immediate Possession of such Lands.

Application of Monies so deposited.

LXXVIII. Upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands in respect whereof the same shall have been so deposited, or any Part of such Lands, or any Interest in the same, the said Court of Chancery in *England* or the Court of Exchequer in *Ireland* may in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the Public Funds or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

Party in possession to be deemed the Owner.

LXXIX. If any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession of such Lands, as being the Owners thereof, or in receipt of the Rents of such Lands, as being entitled thereto, at the Time of such Lands being purchased or taken, shall be deemed to have been lawfully entitled to such Lands, until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid, the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in Cases of Money deposited.

LXXX. In all Cases of Monies deposited in the Bank under the Provisions of this or the special Act, or an Act incorporated therewith, except where such Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, or by reason of the wilful Neglect of any Party to make out a good Title to the Land required, it shall be lawful for the Court of Chancery in *England* or the Court of Exchequer in *Ireland* to order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Promoters of the Undertaking; (that is to say,) the Costs of the Purchase or taking of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid,

aforesaid, and of the Orders for the Payment of the Dividends and Interests of the Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Securities whereon the same shall be invested, and of all Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants: Provided always, that the Costs of One Application only for Reinvestment in Land shall be allowed, unless it shall appear to the Court of Chancery in *England* or the Court of Exchequer in *Ireland* that it is for the Benefit of the Parties interested in the said Monies that the same should be invested in the Purchase of Lands, in different Sums and at different Times, in which Case it shall be lawful for the Court, if it think fit, to order the Costs of any such Investments to be paid by the Promoters of the Undertaking.

Application of Compensation.

And with respect to the Conveyances of Lands, be it enacted as follows:

Conveyances.

LXXXI. Conveyances of Lands to be purchased under the Provisions of this or the special Act, or any Act incorporated therewith, may be according to the Forms in the Schedules (A.) and (B.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit, or by Deed in any other Form which the Promoters of the Undertaking may think fit; and all Conveyances made according to the Forms in the said Schedules or as near thereto as the Circumstances of the Case will admit shall be effectual to vest the Lands thereby conveyed in the Promoters of the Undertaking, and shall operate to merge all Terms of Years attendant by express Declaration, or by Construction of Law, on the Estate or Interest sot hereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever, of and in the Lands comprised in such Conveyances which shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged, they shall in Equity afford the same Protection as if they had been kept on foot, and assigned to a Trustee for the Promoters of the Undertaking to attend the Reversion and Inheritance.

Form of Conveyances.

LXXXII. The Costs of all such Conveyances shall be borne by the Promoters of the Undertaking, and such Costs shall include all Charges and Expences incurred, on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Promoters of the Undertaking may require, and all other reasonable Expences incident to the Investigation, Deduction, and Verification of such Title.

Costs of Conveyances.

LXXXIII. If the Promoters of the Undertaking and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be taxed by one of the Taxing Masters of the Court of Chancery, or by a Master in Chancery in *Ireland*, upon an Order of the same Court, to be obtained upon Petition in a summary Way by either of the Parties; and the Promoters of the Undertaking shall pay what the said Master shall certify to be due in respect of such Costs to the Party entitled thereto, or in default thereof the same may be recovered in the same Way as any other Costs payable under an Order of the said Court, or the same may be recovered by Distress in the Manner herein-before provided in other Cases of Costs; and the Expence of taxing such Costs shall be borne by the Promoters of the Undertaking, unless upon such Taxation One Sixth Part of the Amount of such Costs shall be disallowed, in which Case the Costs of such Taxation shall be borne by the Party whose Costs shall be so taxed, and the Amount thereof shall be ascertained by the said Master, and deducted by him accordingly in his Certificate of such Taxation.

Taxation of Costs of Conveyances.

And with respect to the Entry upon Lands by the Promoters of the Undertaking, be it enacted as follows:

Entry on Lands.

LXXXIV. The Promoters of the Undertaking shall not, except by Consent of the Owners and Occupiers, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes and under the Powers of this or the special Act, until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank, in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands, and of probing or boring to ascertain the Nature of the Soil, and of setting out the Line of the Works, it shall be lawful for the Promoters of the Undertaking, after giving not less than Three nor more than Fourteen Days Notice to the Owners or Occupiers thereof, to enter upon such Lands without previous Consent, making Compensation for any Damage thereby occasioned to the Owners or Occupiers thereof.

Payment of Price to be made previous to Entry, except to survey, &c.

LXXXV. Provided also, that if the Promoters of the Undertaking shall be desirous of entering upon and using any such Lands before an Agreement shall have been come to or an Award made, or Verdict given for the Purchase Money or Compensation to be paid by them in respect of such Lands, it shall be lawful for the Promoters of the Undertaking to deposit in the Bank by way of Security, as herein-after mentioned, either the Amount of Purchase Money or Compensation claimed by any Party interested in or entitled to sell and convey such Lands, and who shall not consent to such Entry, or such a Sum as shall, by a Surveyor appointed by Two Justices in the Manner herein-before provided in the Case of Parties who cannot be found, be determined to be the Value of such Lands, or of the Interest therein which such Party is entitled to or enabled to sell and convey, and also to give to such Party a Bond, under the Common Seal of the Promoters if they be a Corporation, or if they be not a Corporation under the Hands and Seals of the said Promoters, or any Two of them, with Two sufficient Sureties to be

Promoters to be allowed to enter on Lands before Purchase, on making Deposit by way of Security and giving Bond.

Entry on Lands.

be approved of by Two Justices in case the Parties differ, in a penal Sum equal to the Sum so to be deposited, conditioned for Payment to such Party, or for Deposit in the Bank for the Benefit of the Parties interested in such Lands, as the Case may require, under the Provisions herein contained, of all such Purchase Money or Compensation, as may in manner herein-before provided be determined to be payable by the Promoters of the Undertaking in respect of the Lands so entered upon, together with Interest thereon, at the Rate of Five Pounds *per Centum per Annum*, from the Time of entering on such Lands, until such Purchase Money or Compensation shall be paid to such Party, or deposited in the Bank for the Benefit of the Parties interested in such Lands, under the Provisions herein contained; and upon such Deposit by way of Security being made as aforesaid, and such Bond being delivered or tendered to such non-consenting Party as aforesaid, it shall be lawful for the Promoters of the Undertaking to enter upon and use such Lands, without having first paid or deposited the Purchase Money or Compensation in other Cases required to be paid or deposited by them before entering upon any Lands to be taken by them under the Provisions of this or the special Act.

Upon Deposit being made Cashier to give Receipt.

LXXXVI. The Money so to be deposited as last aforesaid shall be paid into the Bank in the Name and with the Privity of the Accountant General of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, to be placed to his Account there to the Credit of the Parties interested in or entitled to sell and convey the Lands so to be entered upon, and who shall not have consented to such Entry, subject to the Control and Disposition of the said Court; and upon such Deposit being made, the Cashier of the Bank shall give to the Promoters of the Undertaking, or to the Party paying in such Money by their Direction, a Receipt for such Money, specifying therein for what Purpose and to whose Credit the same shall have been paid in.

Deposit to remain as a Security, and to be applied under the Direction of the Court.

LXXXVII. The Money so deposited as last aforesaid shall remain in the Bank, by way of Security to the Parties whose Lands shall so have been entered upon for the Performance of the Condition of the Bond to be given by the Promoters of the Undertaking, as herein-before mentioned, and the same may, on the Application by Petition of the Promoters of the Undertaking, be ordered to be invested in Bank Annuities or Government Securities, and accumulated; and upon the Condition of such Bond being fully performed it shall be lawful for the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, upon a like Application, to order the Money so deposited, or the Funds in which the same shall have been invested, together with the Accumulation thereof, to be repaid or transferred to the Promoters of the Undertaking, or if such Condition shall not be fully performed, it shall be lawful for the said Court to order the same to be applied in such Manner as it shall think fit for the Benefit of the Parties for whose Security the same shall so have been deposited.

The Company may pay the Deposit Money into the Bank by way of Security during the Time that the Office of the Accountant General is closed.

LXXXVIII. If at any Time the Company be unable, by reason of the closing of the Office of the Accountant General of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, to obtain his Authority in respect of the Payment of any Sum of Money so authorized to be deposited in the Bank by way of Security as aforesaid, it shall be lawful for the Company to pay into the Bank to the Credit of such Party or Matter as the Case may require (subject nevertheless to being dealt with as herein-after provided, and not otherwise), such Sum of Money as the Promoters of the Undertaking shall, by some Writing signed by their Secretary or Solicitors for the Time being, addressed to the Governor and Company of the Bank in that Behalf, request, and upon any such Payment being made the Cashier of the Bank shall give a Certificate thereof; and in every such Case, within Ten Days after the re-opening of the said Accountant General's Office, the Solicitor for the Promoters of the Undertaking shall there bespeak the Direction for the Payment of such Sum into the Name of the Accountant General, and upon Production of such Direction at the Bank of *England* the Money so previously paid in shall be placed to the Credit of the said Accountant General accordingly, and the Receipt for the said Payment be given to the Party making the same in the usual Way for the Purpose of being filed at the Report Office.

Penalty on the Promoters of the Undertaking entering upon Lands without Consent before Payment of the Purchase Money.

LXXXIX. If the Promoters of the Undertaking or any of their Contractors shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of the special Act, without such Consent as aforesaid, or without having made such Payment for the Benefit of the Parties interested in the Lands, or such Deposit by way of Security as aforesaid, the Promoters of the Undertaking shall forfeit to the Party in possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking Possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the Promoters of the Undertaking or their Contractors shall, after Conviction in such Penalty as aforesaid, continue in unlawful Possession of any such Lands, the Promoters of the Undertaking shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of such Lands, with Costs, by Action in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Promoters of the Undertaking to the Payment of any such Penalties as aforesaid, if they shall *bonâ fide* and without Collusion have paid the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Promoters of the Undertaking may have reasonably believed to be entitled thereto, or shall have deposited the same in the Bank for the Benefit of the Parties interested in the Lands, or made such Deposit by way of Security in respect thereof as herein-before mentioned, although such Person may not have been legally entitled thereto.

Decision of Justices not conclusive, &c.

XC. On the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Promoters of the Undertaking.

Proceedings in case of Refusal to deliver Possession of Lands.

XCI. If in any Case in which, according to the Provisions of this or the special Act, or any Act incorporated therewith, the Promoters of the Undertaking are authorized to enter upon and take possession of any Lands required for the Purposes of the Undertaking, the Owner or Occupier of any such Lands or any other Person refuse to give up the Possession thereof, or hinder the Promoters of the Undertaking from entering upon or taking possession of the same, it shall be lawful for the Promoters of the Undertaking to issue their Warrant to the Sheriff to deliver Possession of the same to the Person appointed in such Warrant to receive the same, and upon the Receipt of such Warrant the Sheriff shall deliver Possession of any such Lands accordingly, and the Costs accruing by reason of the issuing and Execution of such Warrant, to be settled by the Sheriff, shall be paid by the Person refusing to give Possession, and the Amount of such Costs shall be deducted and retained by the Promoters of the Undertaking from the Compensation, if any, then payable by them to such Party, or if no such Compensation be payable to such Party, or if the same be less than the Amount of such Costs, then such Costs, or the Excess thereof beyond such Compensation, if not paid on demand, shall be levied by Distress, and upon Application to any Justice for that Purpose he shall issue his Warrant accordingly.

Parties not to be required to sell Part of a House.

XCII. And be it enacted, That no Party shall at any Time be required to sell or convey to the Promoters of the Undertaking a Part only of any House or other Building or Manufactory, if such Party be willing and able to sell and convey the whole thereof.

Intersected Lands.

And with respect to small Portions of intersected Land, be it enacted as follows:

Owners of intersected Lands may insist on Sale.

XCIII. If any Lands not being situate in a Town or built upon shall be so cut through and divided by the Works as to leave, either on both Sides or on one Side thereof, a less Quantity of Land than Half a Statute Acre, and if the Owner of such small Parcel of Land require the Promoters of the Undertaking to purchase the same along with the other Land required for the Purposes of the special Act, the Promoters of the Undertaking shall purchase the same accordingly, unless the Owner thereof have other Land adjoining to that so left into which the same can be thrown, so as to be conveniently occupied therewith; and if such Owner have any other Land so adjoining, the Promoters of the Undertaking shall, if so required by the Owner, at their own Expence, throw the Piece of Land so left into such adjoining Land, by removing the Fences and levelling the Sites thereof, and by soiling the same in a sufficient and workmanlike Manner.

Promoters of the Undertaking may insist on Purchase where Expence of Bridges, &c. exceeds the Value.

XCIV. If any such Land shall be so cut through and divided as to leave on either Side of the Works a Piece of Land of less Extent than Half a Statute Acre, or of less Value than the Expence of making a Bridge, Culvert, or such other Communication between the Land so divided as the Promoters of the Undertaking are, under the Provisions of this or the special Act, or any Act incorporated therewith, compellable to make, and if the Owner of such Lands have not other Lands adjoining such Piece of Land, and require the Promoters of the Undertaking to make such Communication, then the Promoters of the Undertaking may require such Owner to sell to them such Piece of Land, and any Dispute as to the Value of such Piece of Land, or as to what would be the Expence of making such Communication, shall be ascertained as herein provided for Cases of disputed Compensation; and on the Occasion of ascertaining the Value of the Land required to be taken for the Purposes of the Works, the Jury or the Arbitrators, as the Case may be, shall, if required by either Party, ascertain by their Verdict or Award the Value of any such severed Piece of Land, and also what would be the Expence of making such Communication.

Copyholds.

And with respect to Copyhold Lands, be it enacted as follows:

Conveyance of Copyhold Lands to be enrolled.

XCV. Every Conveyance to the Promoters of the Undertaking, of any Lands which shall be of Copyhold or Customary Tenure, or of the Nature thereof, shall be entered on the Rolls of the Manor of which the same shall be held or parcel; and on Payment to the Steward of such Manor of such Fees as would be due to him on the Surrender of the same Lands to the Use of a Purchaser thereof he shall make such Enrolment; and every such Conveyance, when so enrolled, shall have the like Effect, in respect of such Copyhold or Customary Lands, as if the same had been of Freehold Tenure, nevertheless, until such Lands shall have been enfranchised by virtue of the Powers herein-after contained, they shall continue subject to the same Fines, Rents, Heriots, and Services as were theretofore payable and of Right accustomed.

Copyhold Lands to be enfranchised.

XCVI. Within Three Months after the Enrolment of the Conveyance of any such Copyhold or Customary Lands or within One Month after the Promoters of the Undertaking shall enter upon and make use of the same for the Purposes of the Works, whichever shall first happen, or if more than One Parcel of such Lands holden of the same Manor shall have been taken by them, then within One Month after the last of such Parcels shall have been so taken or entered on by them, the Promoters of the Undertaking shall procure the whole of the Lands holden of such Manor so taken by them to be enfranchised, and for that Purpose shall apply to the Lord of the Manor whereof such Lands are holden to enfranchise the same, and shall pay to him such Compensation in respect thereof as shall be agreed upon between them and him, and if the Parties fail to agree respecting the Amount of the Compensation to be paid for such Enfranchisement the same shall be determined as in other Cases of disputed Compensation; and in estimating such Compensation the Loss in respect of the Fines, Heriots, and other Services payable on Death, Descent, or Alienation, or any other Matters which would be lost by the

Copyholds.

vesting of such Copyhold or Customary Lands in the Promoters of the Undertaking, or by the Enfranchisement of the same, shall be allowed for.

Lord of the Manor to enfranchise on Payment of Compensation.

XCVII. Upon Payment or Tender of the Compensation so agreed upon or determined, or on Deposit thereof in the Bank in any of the Cases herein-before in that Behalf provided, the Lord of the Manor whereof such Copyhold or Customary Lands shall be holden shall enfranchise such Lands, and the Lands so enfranchised shall for ever thereafter be held in Free and Common Soccage; and in default of such Enfranchisement by the Lord of the Manor, or if he fail to adduce a good Title thereto to the Satisfaction of the Promoters of the Undertaking, it shall be lawful for them, if they think fit, to execute a Deed Poll, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them, and thereupon the Lands in respect of the Enfranchisement whereof such Compensation shall have been deposited as aforesaid shall be deemed to be enfranchised, and shall be for ever thereafter held in Free and Common Soccage.

Apportionment of Copyhold Rents.

XCVIII. If any such Copyhold or Customary Lands be subject to any customary or other Rent, and Part only of the Land subject to any such Rent be required to be taken for the Purposes of the special Act, the Apportionment of such Rent may be settled by Agreement between the Owner of the Lands and the Lord of the Manor on the one Part, and the Promoters of the Undertaking on the other Part, and if such Apportionment be not so settled by Agreement, then the same shall be settled by Two Justices; and the Enfranchisement of any Copyhold or Customary Lands taken by virtue of this or the special Act, or the Apportionment of such Rents, shall not affect in other respects any Custom by or under which any such Copyhold or Customary Lands not taken for such Purposes shall be held; and if any of the Lands so required be released from any Portion of the Rents to which they were subject jointly with any other Lands, such last-mentioned Lands shall be charged with the Remainder only of such Rents; and with reference to any such apportioned Rents, the Lord of the Manor shall have all the same Rights and Remedies over the Lands to which such apportioned Rent shall have been assigned or attributed as he had previously over the whole of the Lands subject to such Rents for the whole of such Rents.

Common Lands.

And with respect to any such Lands being Common or Waste Lands, be it enacted as follows:

Compensation for Common Lands, where held of a Manor, &c. how to be paid.

XCIX. The Compensation in respect of the Right in the Soil of any Lands subject to any Rights of Common shall be paid to the Lord of the Manor, in case he shall be entitled to the same, or to such Party, other than the Commoners, as shall be entitled to such Right in the Soil; and the Compensation in respect of all other commonable and other Rights in or over such Lands, including therein any commonable or other Rights to which the Lord of the Manor may be entitled, other than his Right in the Soil of such Lands, shall be determined and paid and applied in manner herein-after provided with respect to Common Lands the Right in the Soil of which shall belong to the Commoners; and upon Payment or Deposit in the Bank of the Compensation so determined all such commonable and other Rights shall cease and be extinguished.

Lord of the Manor, &c. to convey to the Promoters of the Undertaking, on receiving Compensation for his Interest.

C. Upon Payment or Tender to the Lord of the Manor, or such other Party as aforesaid, of the Compensation which shall have been agreed upon or determined in respect of the Right in the Soil of any such Lands, or on Deposit thereof in the Bank in any of the Cases herein-before in that Behalf provided, such Lord of the Manor, or such other Party as aforesaid, shall convey such Lands to the Promoters of the Undertaking, and such Conveyance shall have the Effect of vesting such Lands in the Promoters of the Undertaking, in like Manner as if such Lord of the Manor, or such other Party as aforesaid, had been seised in Fee Simple of such Lands at the Time of executing such Conveyance; and in default of such Conveyance it shall be lawful for the Promoters of the Undertaking, if they think fit, to execute a Deed Poll, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them, and thereupon the Lands in respect whereof such last-mentioned Compensation shall have been deposited as aforesaid shall vest absolutely in the Promoters of the Undertaking, and they shall be entitled to immediate Possession thereof, subject nevertheless to the commonable and other Rights theretofore affecting the same, until such Rights shall have been extinguished by Payment or Deposit of the Compensation for the same in manner herein-after provided.

Compensation for Common Lands where not held of a Manor how to be ascertained.

CI. The Compensation to be paid with respect to any such Lands, being Common Lands, or in the Nature thereof, the Right to the Soil of which shall belong to the Commoners, as well as the Compensation to be paid for the commonable and other Rights in or over Common Lands the Right in the Soil whereof shall not belong to the Commoners, other than the Compensation to the Lord of the Manor, or other Party entitled to the Soil thereof, in respect of his Right in the Soil thereof, shall be determined by Agreement between the Promoters of the Undertaking and a Committee of the Parties entitled to commonable or other Rights in such Lands, to be appointed as next herein-after mentioned.

A Meeting of the Parties interested to be convened.

CII. It shall be lawful for the Promoters of the Undertaking to convene a Meeting of the Parties entitled to commonable or other Rights over or in such Lands to be held at some convenient Place in the Neighbourhood of the Lands, for the Purpose of their appointing a Committee to treat with the Promoters of the Undertaking for the Compensation to be paid for the Extinction of such commonable or other Rights; and every such Meeting shall be called by public Advertisement to be inserted once at least in Two consecutive Weeks in some Newspaper circulating in the County or in the respective Counties and in the Neighbourhood in which such Lands shall be situate, the last of such Insertions being not more than Fourteen nor less than Seven Days prior to any such Meeting; and Notice of such Meeting shall also, not less than Seven Days previous to the holding thereof, be affixed upon the Door of the Parish

Church

Church where such Meeting is intended to be held, or if there be no such Church some other Place in the Neighbourhood to which Notices are usually affixed; and if such Lands be parcel or holden of a Manor, a like Notice shall be given to the Lord of such Manor. *Common Lands.*

CIII. It shall be lawful for the Meeting so called to appoint a Committee, not exceeding Five in Number, of the Parties entitled to any such Rights; and at such Meeting the Decision of the Majority of the Persons entitled to Commonable Rights present shall bind the Minority and all absent Parties. Meeting to appoint a Committee.

CIV. It shall be lawful for the Committee so chosen to enter into an Agreement with the Promoters of the Undertaking for the Compensation to be paid for the Extinction of such commonable and other Rights, and all Matters relating thereto, for and on behalf of themselves and all other Parties interested therein; and all such Parties shall be bound by such Agreement; and it shall be lawful for such Committee to receive the Compensation so agreed to be paid, and the Receipt of such Committee, or of any Three of them, for such Compensation, shall be an effectual Discharge for the same; and such Compensation, when received, shall be apportioned by the Committee among the several Persons interested therein, according to their respective Interests, but the Promoters of the Undertaking shall not be bound to see to the Apportionment or to the Application of such Compensation, nor shall they be liable for the Misapplication or Nonapplication thereof. Committee to agree with the Promoters of the Undertaking.

CV. If upon such Committee being appointed they shall fail to agree with the Promoters of the Undertaking as to the Amount of the Compensation to be paid as aforesaid, the same shall be determined as in other Cases of disputed Compensation. Disputes to be settled as in other Cases.

CVI. If, upon being duly convened by the Promoters of the Undertaking, no effectual Meeting of the Parties entitled to such commonable or other Rights shall take place, or if, taking place, such Meeting fail to appoint such Committee, the Amount of such Compensation shall be determined by a Surveyor, to be appointed by Two Justices, as herein-before provided in the Case of Parties who cannot be found. If no Committee appointed, Amount to be determined by a Surveyor.

CVII. Upon Payment or Tender to such Committee, or any Three of them, or if there shall be no such Committee then upon Deposit in the Bank in the Manner provided in the like Case of the Compensation which shall have been agreed upon or determined in respect of such commonable or other Rights, it shall be lawful for the Promoters of the Undertaking, if they think fit, to execute a Deed Poll, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them, and thereupon the Lands in respect of which such Compensation shall have been so paid or deposited shall vest in the Promoters of the Undertaking, freed and discharged from all such commonable or other Rights, and they shall be entitled to immediate Possession thereof; and it shall be lawful for the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, by an Order to be made upon Petition, to order Payment of the Money so deposited to a Committee to be appointed as aforesaid, or to make such other Order in respect thereto, for the Benefit of the Parties interested, as it shall think fit. Upon Payment of Compensation payable to Commoners the Lands to vest.

And with respect to Lands subject to Mortgage, be it enacted, as follows: *Lands in Mortgage.*

CVIII. It shall be lawful for the Promoters of the Undertaking to purchase or redeem the Interest of the Mortgagee of any such Lands which may be required for the Purposes of the special Act, and that whether they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right or in trust for any other Party, and whether he be in possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the Purposes of the special Act, and in order thereto the Promoters of the Undertaking may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage, together with his Costs and Charges, if any, and also Six Months additional Interest, and thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the Promoters of the Undertaking, or as they shall direct, or the Promoters of the Undertaking may give Notice in Writing to such Mortgagee that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, then at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Promoters of the Undertaking to the Mortgagee of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences, if any, such Mortgagee shall convey or release his Interest in the Lands comprised in such Mortgage to the Promoters of the Undertaking, or as they shall direct. Power to redeem Mortgages.

CIX. If, in either of the Cases aforesaid, upon such Payment or Tender, any Mortgagee shall fail to convey or release his Interest in such Mortgage as directed by the Promoters of the Undertaking, or if he fail to adduce a good Title thereto to their Satisfaction, then it shall be lawful for the Promoters of the Undertaking to deposit in the Bank, in the Manner provided by this Act in like Cases, the Principal and Interest, together with the Costs, if any, due on such Mortgage, and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due; and it shall be lawful for them, if they think fit, to execute a Deed Poll, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them; and thereupon, as well as upon such Conveyance by the Mortgagee, if any such be made, all the Estate and Interest of such Mortgagee, and of all Persons in trust for him, or for whom he may be a Trustee, in such Lands, shall Deposit of Mortgage Money on Refusal to accept.

vest in the Promoters of the Undertaking, and they shall be entitled to immediate Possession thereof in case such Mortgagee were himself entitled to such Possession.

Sum to be paid when Mortgage exceeds the Value of the Lands.

CX. If any such mortgaged Lands shall be of less Value than the Principal, Interest, and Costs secured thereon, the Value of such Lands, or the Compensation to be made by the Promoters of the Undertaking in respect thereof, shall be settled by Agreement between the Mortgagee of such Lands and the Party entitled to the Equity of Redemption thereof on the one Part, and the Promoters of the Undertaking on the other Part, and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Promoters of the Undertaking to the Mortgagee in satisfaction of his Mortgage Debt so far as the same will extend, and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the Promoters of the Undertaking, or as they shall direct.

Deposit of Money when refused on Tender.

CXI. If, upon such Payment or Tender as aforesaid being made, any such Mortgagee fail so to convey his Interest in such Mortgage, or to adduce a good Title thereto to the Satisfaction of the Promoters of the Undertaking, it shall be lawful for them to deposit the Amount of such Value or Compensation in the Bank, in the Manner provided by this Act in like Cases, and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Money due thereon; and it shall be lawful for the Promoters of the Undertaking, if they think fit, to execute a Deed Poll, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them; and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in trust for him, shall become absolutely vested in the Promoters of the Undertaking, and they shall be entitled to immediate Possession thereof in case such Mortgagee were himself entitled to such Possession; nevertheless, all Rights and Remedies possessed by the Mortgagee against the Mortgagor, by virtue of any Bond or Covenant or other Obligation, other than the Right to such Lands, shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit.

Sum to be paid where Part only of mortgaged Lands taken.

CXII. If a Part only of any such mortgaged Lands be required for the Purposes of the special Act, and if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Land on the one Part, and the Promoters of the Undertaking on the other, and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Promoters of the Undertaking to such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend; and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands the Value whereof shall have been so paid; and a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Promoters of the Undertaking, at their Expence, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Deposit of Money when refused on Tender.

CXIII. If, upon Payment or Tender to any such Mortgagee of the Amount of the Value or Compensation so agreed upon or determined, such Mortgagee shall fail to convey or release to the Promoters of the Undertaking, or as they shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto to the Satisfaction of the Promoters of the Undertaking, it shall be lawful for the Promoters of the Undertaking to pay the Amount of such Value or Compensation into the Bank, in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank, and such Payment or Deposit shall be accepted by such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of the Portion of the mortgaged Lands so required from all Money due thereon; and it shall be lawful for the Promoters of the Undertaking, if they think fit, to execute a Deed Poll, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them; and thereupon such Lands shall become absolutely vested in the Promoters of the Undertaking, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in trust for him, and in case such Mortgagee were himself entitled to such Possession they shall be entitled to immediate Possession thereof; nevertheless, every such Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of the Mortgage Money, or the Residue thereof (as the Case may be), and the Interest thereof respectively, upon and out of the Residue of such mortgaged Lands, or the Portion thereof not required for the Purposes of the special Act, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage.

Compensation to be made in certain Cases if Mortgage paid

CXIV. Provided always, That in any of the Cases herein-before provided with respect to Lands subject to Mortgage, if in the Mortgage Deed a Time shall have been limited for Payment of the Principal Money thereby secured, and under the Provisions herein-before contained the Mortgagee shall have been required to accept Payment of his Mortgage Money, or of Part thereof, at a Time earlier than the Time

so limited, the Promoters of the Undertaking shall pay to such Mortgagee, in addition to the Sum which shall have been so paid off, all such Costs and Expences as shall be incurred by such Mortgagee in respect of or which shall be incidental to the Re-investment of the Sum so paid off, such Costs in case of Difference to be taxed and Payment thereof enforced in the Manner herein provided with respect to the Costs of Conveyances; and if the Rate of Interest secured by such Mortgage be higher than at the Time of the same being so paid off can reasonably be expected to be obtained on re-investing the same, regard being had to the then current Rate of Interest, such Mortgagee shall be entitled to receive from the Promoters of the Undertaking, in addition to the Principal and Interest herein-before provided for, Compensation in respect of the Loss to be sustained by him by reason of his Mortgage Money being so prematurely paid off, the Amount of such Compensation to be ascertained, in case of Difference, as in other Cases of disputed Compensation; and until Payment or Tender of such Compensation as aforesaid, the Promoters of the Undertaking shall not be entitled, as against such Mortgagee, to Possession of the mortgaged Lands under the Provision herein-before contained. off before the stipulated Time.

And with respect to Lands charged with any Rent Service, Rent-charge, or chief or other Rent, or other Payment or Incumbrance not herein-before provided for, be it enacted as follows: *Rent-charges.*

CXV. If any Difference shall arise between the Promoters of the Undertaking and the Party entitled to any such Charge upon any Lands required to be taken for the Purposes of the special Act, respecting the Consideration to be paid for the Release of such Lands therefrom, or from the Portion thereof affecting the Lands required for the Purposes of the special Act, the same shall be determined as in other Cases of disputed Compensation. Release of Lands from Rent-charges.

CXVI. If Part only of the Lands charged with any such Rent Service, Rent-charge, chief or other Rent, Payment, or Incumbrance, be required to be taken for the Purposes of the special Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owner of the Lands on the one Part, and the Promoters of the Undertaking on the other Part, and if such Apportionment be not so settled by Agreement the same shall be settled by Two Justices; but if the remaining Part of the Lands so jointly subject be a sufficient Security for such Charge, then, with Consent of the Owner of the Lands so jointly subject, it shall be lawful for the Party entitled to such Charge to release therefrom the Lands required, on condition or in consideration of such other Lands remaining exclusively subject to the whole thereof. Release of Part of Lands from Charge.

CXVII. Upon Payment or Tender of the Compensation so agreed upon or determined to the Party entitled to any such Charge as aforesaid, such Party shall execute to the Promoters of the Undertaking a Release of such Charge; and if he fail so to do, or if he fail to adduce a good Title to such Charge, to the Satisfaction of the Promoters of the Undertaking, it shall be lawful for them to deposit the Amount of such Compensation in the Bank in the Manner herein-before provided in like Cases, and also, if they think fit, to execute a Deed Poll, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them, and thereupon the Rent Service, Rent-charge, chief or other Rent, Payment, or Incumbrance, or the Portion thereof in respect whereof such Compensation shall so have been paid, shall cease and be extinguished. Deposit in case of Refusal to release.

CXVIII. If any such Lands be so released from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Lands, such last-mentioned Lands shall alone be charged with the whole of such Charge, or with the Remainder thereof, as the Case may be, and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Lands, for the whole or for the Remainder of the Charge, as the Case may be, as he had previously over the whole of the Lands subject to such Charge; and if upon any such Charge or Portion of Charge being so released the Deed or Instrument creating or transferring such Charge be tendered to the Promoters of the Undertaking for the Purpose, they or Two of them shall subscribe, or if they be a Corporation shall affix their Common Seal to a Memorandum of such Release endorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of the special Act, and if the Lands be released from Part of such Charge, what Proportion of such Charge shall have been released, and how much thereof continues payable, or if the Lands so required shall have been released from the whole of such Charge, then that the remaining Lands are thenceforward to remain exclusively charged therewith; and such Memorandum shall be made and executed at the Expence of the Promoters of the Undertaking, and shall be Evidence in all Courts and elsewhere of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts. Charge to continue on Lands not taken.

And with respect to Lands subject to Leases, be it enacted as follows: *Leases.*

CXIX. If any Lands shall be comprised in a Lease for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of the special Act, the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands; and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the Promoters of the Undertaking on the other Part, and if such Apportionment be not so settled by Agreement between the Parties, such Apportionment shall be settled by Two Justices; and after such Apportionment the Lessee of such Lands shall, as to all future accruing Rent, be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required for the Purposes of the special Act; and as to the Lands not so required, and as against the Lessee, the Lessor shall have all the same Rights and Remedies for the Recovery of such Portion of Rent as previously Where Part only of Lands under Lease taken, the Rent to be apportioned.

to

Leases.

to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purposes of the special Act, in the same Manner as they would have done in case such Part only of the Land had been included in the Lease.

Tenants to be compensated.

CXX. Every such Lessee as last aforesaid shall be entitled to receive from the Promoters of the Undertaking Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise by reason of the Execution of the Works.

Compensation to be made to Tenants at Will, &c.

CXXI. If any such Lands shall be in the Possession of any Person having no greater Interest therein than as a Tenant for a Year or from Year to Year, and if such Person be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, and for any just Allowance which ought to be made to him by an in-coming Tenant, and for any Loss or Injury he may sustain, or if a Part only of such Lands be required, Compensation for the Damage done to him in his Tenancy by severing the Lands held by him, or otherwise injuriously affecting the same; and the Amount of such Compensation shall be determined by Two Justices, in case the Parties differ about the same; and upon Payment or Tender of the Amount of such Compensation all such Persons shall respectively deliver up to the Promoters of the Undertaking, or to the Person appointed by them to take possession thereof, any such Lands in their Possession required for the Purposes of the special Act.

Where greater Interest claimed than from Year to Year, Lease to be produced.

CXXII. If any Party, having a greater Interest than as Tenant at Will, claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Lands, the Promoters of the Undertaking may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power; and if, after Demand made in Writing by the Promoters of the Undertaking, such Lease or Grant, or such best Evidence thereof, be not produced within Twenty-one Days, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

Limit of Time for compulsory Purchase.

CXXIII. And be it enacted, That the Powers of the Promoters of the Undertaking for the compulsory Purchase or taking of Lands for the Purposes of the special Act shall not be exercised after the Expiration of the prescribed Period, and if no Period be prescribed not after the Expiration of Three Years from the passing of the special Act.

Interests omitted to be purchased.

And with respect to Interests in Lands which have by Mistake been omitted to be purchased, be it enacted as follows:

Promoters of the Undertaking empowered to purchase Interests in Lands the Purchase whereof may have been omitted by Mistake.

CXXIV. If, at any Time after the Promoters of the Undertaking shall have entered upon any Lands which under the Provisions of this or the special Act, or any Act incorporated therewith, they were authorized to purchase, and which shall be permanently required for the Purposes of the special Act, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands which the Promoters of the Undertaking shall through Mistake or Inadvertence have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period allowed for the Purchase of Lands shall have expired or not, the Promoters of the Undertaking shall remain in the undisturbed Possession of such Lands, provided, within Six Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Promoters of the Undertaking, or in case the same shall be disputed then within Six Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Promoters of the Undertaking shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the mesne Profits or Interest which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Promoters of the Undertaking thereon and the Time of the Payment of such Purchase Money or Compensation by the Promoters of the Undertaking, so far as such mesne Profits or Interest may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the Promoters of the Undertaking had purchased such Estate, Right, Interest, or Charge before their entering upon such Land, or as near thereto as Circumstances will admit.

How Value of such Lands to be estimated.

CXXV. In estimating the Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any mesne Profits thereof, the Jury, or Arbitrators, or Justices, as the Case may be, shall assess the same according to what they shall find to have been the Value of such Lands, Estate, or Interest, and Profits, at the Time such Lands were entered upon by the Promoters of the Undertaking, and without regard to any Improvements or Works made in the said Lands by the Promoters of the Undertaking, and as though the Works had not been constructed.

Promoters of the Undertaking to pay the Costs of Litigation as to such Lands.

CXXVI. In addition to the said Purchase Money, Compensation, or Satisfaction, and before the Promoters of the Undertaking shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall have been disputed by the Company, and determined in favour of the Party claiming the same, pay the full Costs and Expences of any Proceedings at Law or in Equity for the Determination or Recovery of the same to the Parties with whom any such Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

And

Sale of superfluous Land.

And with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of this or the special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof, be it enacted as follows:

Lands not wanted to be sold, or in default to vest in Owners of adjoining Lands.

CXXVII. Within the prescribed Period, or if no Period be prescribed within Ten Years after the Expiration of the Time limited by the special Act for the Completion of the Works, the Promoters of the Undertaking shall absolutely sell and dispose of all such superfluous Lands, and apply the Purchase Money arising from such Sales to the Purposes of the special Act; and in default thereof all such superfluous Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Lands to be offered to Owner of Lands from which they were originally taken or to adjoining Owners.

CXXVIII. Before the Promoters of the Undertaking dispose of any such superfluous Lands they shall, unless such Lands be situate within a Town, or be Lands built upon or used for Building Purposes, first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same, or cannot after diligent Inquiry be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption such Offer shall be made to such Persons in succession, one after another, in such Order as the Promoters of the Undertaking shall think fit.

Right of Pre-emption to be claimed within Six Weeks.

CXXIX. If any such Persons be desirous of purchasing such Lands, then within Six Weeks after such Offer of Sale they shall signify their Desire in that Behalf to the Promoters of the Undertaking, or if they decline such Offer, or if for Six Weeks they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease; and a Declaration in Writing made before a Justice by some Person not interested in the Matter in question, stating that such Offer was made and was refused, or not accepted within Six Weeks from the Time of making the same, or that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not after diligent Inquiry be found, or were not capable of entering into a Contract for the Purchase of such Lands, shall in all Courts be sufficient Evidence of the Facts therein stated.

Differences as to Price to be settled by Arbitration.

CXXX. If any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Promoters of the Undertaking do not agree as to the Price thereof, then such Price shall be ascertained by Arbitration, and the Costs of such Arbitration shall be in the Discretion of the Arbitrators.

Lands to be conveyed to the Purchasers.

CXXXI. Upon Payment or Tender to the Promoters of the Undertaking of the Purchase Money so agreed upon or determined as aforesaid they shall convey such Lands to the Purchasers thereof by Deed under the Common Seal of the Promoters of the Undertaking, if they be a Corporation, or if not a Corporation under the Hands and Seals of the Promoters of the Undertaking or any Two of the Directors or Managers thereof acting by the Authority of the Body; and a Deed so executed shall be effectual to vest the Lands comprised therein in the Purchaser of such Lands for the Estate which shall so have been purchased by him; and a Receipt under such Common Seal, or under the Hands of Two of the Directors or Managers of the Undertaking as aforesaid, shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received.

Effect of the Word "grant" in Conveyances.

CXXXII. In every Conveyance of Lands to be made by the Promoters of the Undertaking under this or the special Act the Word "grant" shall operate as express Covenants by the Promoters of the Undertaking, for themselves and their Successors, or for themselves, their Heirs, Executors, Administrators, and Assigns, as the Case may be, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Promoters of the Undertaking, they were at the Time of the Execution of such Conveyance seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Promoters of the Undertaking, and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Promoters of the Undertaking and their Successors from all Incumbrances created by the Promoters of the Undertaking:

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Promoters of the Undertaking, or their Successors, and all other Persons claiming under them:

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants, as they might do if such Covenants were expressly inserted in such Conveyances.

CXXXIII. And

Land Tax and Poor's Rate to be made good.

CXXXIII. And be it enacted, That if the Promoters of the Undertaking become possessed by virtue of this or the special Act, or any Act incorporated therewith, of any Lands charged with the Land Tax, or liable to be assessed to the Poor's Rate, they shall from Time to Time, until the Works shall be completed and assessed to such Land Tax or Poor's Rate, be liable to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate by reason of such Lands having been taken or used for the Purposes of the Works, and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the passing of the special Act; and on demand of such Deficiency the Promoters of the Undertaking, or their Treasurer, shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Promoters of the Undertaking think fit to redeem such Land Tax, they may do so in accordance with the Powers in that Behalf given by the Acts for the Redemption or the Land Tax.

Service of Notices upon Company.

CXXXIV. And be it enacted, That any Summons or Notice, or any Writ or other Proceeding at Law or in Equity, requiring to be served upon the Promoters of the Undertaking, may be served by the same being left at or transmitted through the Post directed to the principal Office of the Promoters of the Undertaking, or One of the principal Offices where there shall be more than One, or being given or transmitted through the Post directed to the Secretary, or in case there be no Secretary the Solicitor of the said Promoters.

Tender of Amends.

CXXXV. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if, before Action brought in respect thereof, such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Recovery of Penalties.

And with respect to the Recovery of Forfeitures, Penalties, and Costs, be it enacted as follows:

Penalties to be summarily recovered before Two Justices.

CXXXVI. Every Penalty or Forfeiture imposed by this or the special Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before Two Justices; and on Complaint being made to any Justice he shall issue a Summons requiring the Party complained against to appear before Two Justices at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the due Service of such Summons, it shall be lawful for any Two Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

CXXXVII. If, forthwith upon any such Adjudication as aforesaid, the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs shall be levied by Distress, and such Justices or either of them shall issue their or his Warrant of Distress accordingly.

Distress how to be levied.

CXXXVIII. Where in this or the special Act, or any Act incorporated therewith, any Sum of Money, whether in the Nature of Penalty, Costs, or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and the Expences of the Distress and Sale, shall be returned, on demand, to the Party whose Goods shall have been distrained.

Application of Penalties.

CXXXIX. The Justices by whom any such Penalty or Forfeiture shall be imposed may, where the Application thereof is not otherwise provided for, award not more than One Half thereof to the Informer, and shall award the Remainder to the Overseers of the Poor of the Parish in which the Offence shall have been committed to be applied in aid of the Poor's Rate of such Parish, or if the Place wherein the Offence shall have been committed shall be extra-parochial then such Justices shall direct such Remainder to be applied in aid of the Poor's Rate of such extra-parochial Place, or if there shall not be any Poor's Rate therein in aid of the Poor's Rate of any adjoining Parish or District.

Distress against the Treasurer.

CXL. If any such Sum shall be payable by the Promoters of the Undertaking, and if sufficient Goods of the said Promoters cannot be found whereon to levy the same, it may, if the Amount thereof do not exceed Twenty Pounds, be recovered by Distress of the Goods of the Treasurer of the said Promoters, and the Justices aforesaid, or either of them, on Application, shall issue their or his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer or left at his Residence; and if such Treasurer pay any Money under such Distress as aforesaid he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Promoters of the Undertaking coming into his Custody or Control, or he may sue them for the same.

CXLI. No Distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case. Distress not unlawful for Want of Form.

CXLII. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence. Penalties to be sued for within Six Months.

CXLIII. It shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this or the special Act at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath, or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence. Penalty on Witnesses making default.

CXLIV. The Justices before whom any Person shall be convicted of any Offence against this or the special Act, or any Act incorporated therewith, may cause the Conviction to be drawn up according to the Form in the Schedule (C.) to this Act annexed. Form of Conviction.

CXLV. No Proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts. Proceedings not to be quashed for Want of Form.

CXLVI. If any Party shall feel aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this or the special Act, or any Act incorporated therewith, such Party may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon. Parties allowed to appeal to Quarter Sessions on giving Security.

CXLVII. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable. Court to make such Order as they think reasonable.

CXLVIII. Provided always, and be it enacted, That notwithstanding any thing herein or in the special Act, or any Act incorporated therewith, contained, every Penalty or Forfeiture imposed by this or the special Act or any Act incorporated therewith, or by any Bye Law in pursuance thereof, in respect of any Offence which shall take place within the Metropolitan Police District, shall be recovered, enforced, accounted for, and, except where the Application thereof is otherwise specially provided for, shall be paid to the Receiver of the Metropolitan Police District, and shall be applied in the same Manner as Penalties or Forfeitures, other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis*, and every Order or Conviction of any of the Police Magistrates in respect of any such Forfeiture or Penalty shall be subject to the like Appeal and upon the same Terms as is provided in respect of any Order or Conviction of any of the said Police Magistrates by the said last-mentioned Act; and every Magistrate by whom any Order or Conviction shall have been made shall have the same Power of binding over the Witnesses who shall have been examined, and such Witnesses shall be enfitled to the same Allowance of Expences as he or they would have had or been entitled to in case the Order, Conviction, and Appeal had been made in pursuance of the Provisions of the said last-mentioned Act. Receiver of the Metropolitan Police District to receive Penalties incurred within his District. 2 & 3 Vict. c. 71.

CXLIX. And be it enacted, That any Person who upon any Examination upon Oath under the Provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury. Persons giving false Evidence liable to Penalties of Perjury.

And with respect to the Provision to be made for affording Access to the special Act by all Parties interested, be it enacted as follows: *Access to special Act.*

CL. The Company shall, at all Times after the Expiration of Six Months after the passing of the special Act, keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty, or some of them; and where the Undertaking shall be a Railway, Canal, or other like Undertaking, the Works of which shall not be confined to One Town or Place, shall also within the Copies of special Act to be kept and deposited, and

allowed to be inspected.

Space of such Six Months deposit in the Office of each of the Clerks of the Peace of the several Counties into which the Works shall extend a Copy of such special Act so printed as aforesaid; and the said Clerks of the Peace shall receive, and they and the Company respectively shall retain, the said Copies of the special Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

Penalty on Company failing to keep, &c.

CLI. If the Company shall fail to keep or deposit, as herein-before mentioned, any of the said Copies of the special Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited.

Extent of Act.

CLII. And be it enacted, That this Act shall not extend to *Scotland.*

Alteration of Act.

CLIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Form of Conveyance.

I of in consideration of the Sum of paid to me [*or, as the Case may be,* into the Bank of England [*or* Bank of Ireland], in the name and with the Privity of the Accountant General of the Court of Chancery, ex parte "The Promoters of the Undertaking" [*naming them*], *or* to *A.B.* of and *C.D.* of Two Trustees appointed to receive the same], pursuant to the [*here name the special Act*], by the [*here name the Company or other Promoters of the Undertaking*], incorporated [*or* constituted] by the said Act, do hereby convey to the said Company [*or other Description*], their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Company [*or other Description*], their Successors and Assigns, for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord

SCHEDULE (B.)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns as herein-after mentioned, by "The Promoters of the Undertaking" [*naming them*], incorporated [*or* constituted] by virtue of the [*here name the special Act*], do hereby convey to the said Company [*or other Description*], their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest, in and to the same and every Part thereof, to hold the said Premises to the said Company [*or other Description*], their Successors and Assigns, for ever, according to the true Intent and Meaning of the said Act, they the said Company [*or other Description*], their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, one clear yearly Rent of by equal quarterly [*or* half-yearly, *as agreed upon,*] Portions henceforth, on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I hereunto set my Hand and Seal, the Day of in the Year of our Lord

SCHEDULE (C.)

Form of Conviction.

to wit.

Be it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before us *C.*, *D.*, Two of Her Majesty's Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the [*here name the special Act*]. Given under our Hands and Seals, the Day and Year first above written.

C., *D.*

CAP. XIX.

An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature in *Scotland.* [8th *May* 1845.]

'WHEREAS it is expedient to comprise in One general Act sundry Provisions usually introduced into Acts of Parliament relative to the Acquisition of Lands in *Scotland* required for Undertakings or Works of a public Nature, and the Compensation to be made for the same, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several Acts relating to such Undertakings as for ensuring greater Uniformity in the Provisions themselves:' Be it therefore

therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall apply to every Undertaking in *Scotland* authorized by any Act of Parliament which shall hereafter be passed, and which shall authorize the taking of Lands for such Undertaking, and this Act shall be incorporated with such Act; and all the Provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same shall be applicable to such Undertaking, and shall, as well as the Clauses and Provisions of every other Act which shall be incorporated with such Act, form Part of such Act, and be construed together therewith as forming One Act.

This Act to apply to all Undertakings authorized by Acts hereafter passed.

And with respect to the Construction of this Act, and other Acts to be incorporated therewith, be it enacted as follows:

Interpretations in this Act:

II. The Expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed, and which shall authorize the taking of Lands for the Undertaking to which the same relates, and with which this Act shall be so incorporated as aforesaid; and the Word "prescribed" used in this Act, in reference to any Matter herein stated, shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act, and the Sentence in which such Word shall occur shall be construed as if instead of the Word "prescribed" the Expression "prescribed for that Purpose in the special Act" had been used; and the Expression "the Works" or "the Undertaking" shall mean the Works or Undertaking, of whatever Nature, which shall by the special Act be authorized to be executed; and the Expression "the Promoters of the Undertaking" shall mean the Parties, whether Company, Undertakers, Commissioners, Trustees, Corporations, or private Persons, by the special Act empowered to execute such Works or Undertaking.

"special Act:"

"prescribed:"

"the Works:"

"Promoters of the Undertaking."

III. And be it enacted, That the following Words and Expressions both in this and the special Act shall have the several Meanings hereby assigned to them, unless there be something either in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretations in this and the special Act.

Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include the Singular Number:

Number:

Words importing the Masculine Gender only shall include Females:

Gender:

The Word "Lands" shall extend to Houses, Lands, Tenements, and Heritages of any Description or Tenure:

"Lands:"

The Word "Lease" shall include a Missive of Lease:

"Lease:"

The Word "Month" shall mean Calendar Month:

"Month:"

The "Lord Ordinary" shall mean the Lord Ordinary of the Court of Session in *Scotland* officiating on the Bills in Time of Vacation, or the junior Lord Ordinary, if in Time of Session, as the Case may be:

"Lord Ordinary:"

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath:

"Oath:"

The Word "County" shall include any Ward or other like Division of a County:

"County:"

The Word "Sheriff" shall include the Sheriff Substitute:

"Sheriff:"

The Word "Justices" shall mean Justices of the Peace acting for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where such Matter shall arise in respect of Lands, being the Property of one and the same Party, situate not wholly in any one County, City, Liberty, or Place, the same shall mean a Justice acting for the County, City, Liberty, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter; and where any Matter shall be authorized or required to be done by Two Justices, the Expression "Two Justices" shall be understood to mean Two or more Justices assembled and acting together:

"Justices:"

"Two Justices:"

Where, under the Provisions of this or the special Act, or any Act incorporated therewith, any Notice shall be required to be given to the Owner of any Lands, or where any Act shall be authorized or required to be done with the Consent of any such Owner, the Word "Owner" shall be understood to mean any Person or Corporation, or Trustees or others, who, under the Provisions of this or the special Act, would be enabled to sell and convey Lands to the Promoters of the Undertaking:

"Owner:"

The Expression "the Bank" shall mean any one of the incorporated or chartered Banks in *Scotland*.

"the Bank."

IV. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Lands Clauses Consolidation (*Scotland*) Act, 1845."

Short Title of the Act.

V. 'And whereas it may be convenient in some Cases to incorporate with Acts of Parliament hereafter 'to be passed some Portion only of the Provisions of this Act;' be it therefore enacted, That for the Purpose of making any such Incorporation it shall be sufficient in any such Act to enact that the Clauses of this Act with respect to the Matter so proposed to be incorporated (describing such Matter as it is described in this Act in the Words introductory to the Enactment with respect to such Matter) shall be incorporated with such Act; and thereupon all the Clauses and Provisions of this Act with respect to the Matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if the Substance of such Clauses and Provisions were set forth therein with reference to the Matter to which such Act shall relate.

Form in which Portions of this Act may be incorporated with other Acts.

Purchase of Lands by Agreement.

And with respect to the Purchase of Lands by Agreement, be it enacted as follows:

Power to purchase Lands by Agreement.

VI. Subject to the Provisions of this and the special Act, it shall be lawful for the Promoters of the Undertaking to agree with the Owners of any Lands by the special Act authorized to be taken, and which shall be required for the Purposes of such Act, and with all Parties having any Right or Interest in such Lands, or by this or the special Act enabled to sell and convey the same, for the absolute Purchase of any such Lands, or such Parts thereof as they shall think proper, and for the Purchase of all Rights and Interests in such Lands of what Kind soever.

Parties under Disability enabled to sell and convey.

VII. It shall be lawful for all Parties being possessed of any Lands, or any such Right or Interest therein, to contract for, sell, convey, and dispose of such Lands, or of such Right therein, to the Promoters of the Undertaking, and to enter into all necessary Agreements for these Purposes, and particularly it shall be lawful for the Parties following so to do; (that is to say,) all Corporations, Heirs of Entail, Life-renters or Persons holding any other partial or qualified Estate or Interest, married Women seised in their own Right or entitled to Terce or Dower, or any other Right or Interest, Husbands, Tutors, Curators, and other Guardians for Infants, Minors, Lunatics or Idiots, fatuous or furious Persons, or for Persons under any other Disability or Incapacity, Judicial Factors, Trustees or Feoffees in trust for charitable or other Purposes, Executors, and Administrators; and the Power so to contract for, sell, convey, and dispose of as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in reversion or expectancy after them, and as to such married Women as if they were sole, and as to such Tutors, Curators, Guardians, Judicial Factors, and Trustees, on behalf of those for whom they respectively act, whether Infants, Minors, Issue unborn, Bankrupts, Lunatics, Idiots, fatuous and furious Persons, married Women, or other incapacitated Persons, and that to the same Extent as such Infants, Minors, Bankrupts, Lunatics, Idiots, fatuous and furious Persons, married Women, and other incapacitated Persons respectively could have exercised the same Power under the Authority of this and the special Act if they had respectively been under no Disability.

Parties under Disability may exercise other Powers.

VIII. The Power herein-after given to discharge any Lands from Feu Duties or Casualties of Superiority, as well as every other Power required to be exercised by any Superior pursuant to the Provisions of this or the special Act, or any Act incorporated therewith, and the Power to discharge Lands from any Rent, Payment, Charge, Feu Duties, Ground Annuals, or other real Burdens or Incumbrances, and to agree for the Apportionment of any such Rent, Payment, Charge, Feu Duties, Ground Annuals, or other real Burdens and Incumbrances, shall extend to and may lawfully be exercised by every Party herein-before enabled to contract for, sell, dispose of, or convey Lands or Rights or Interests therein to the Company.

Amount of Compensation, in case of Parties under Disability, to be ascertained by Valuation, and paid into the Bank.

IX. The Purchase Money or Compensation to be paid for any Lands, or any Rights or Interests therein, to be purchased or taken from any Party under any Disability or Incapacity, and not having Power to sell or convey such Lands, or Rights or Interests therein, except under the Provisions of this or the special Act, and the Compensation to be paid for any permanent Damage or Injury to any such Lands, shall not, except where the same shall have been determined by the Sheriff, or by the Verdict of a Jury, or by Arbitration, or by the Valuation of a Valuator appointed by the Sheriff under the Provision herein-after contained, be less than shall be determined by the Valuation of Two able practical Valuators, one of whom shall be nominated by the Promoters of the Undertaking, and the other by the other Party, and if such Two Valuators cannot agree in the Valuation then by such Third Valuator as the Sheriff shall, upon Application of either Party, after Notice to the other Party, for that Purpose nominate; and each of such Two Valuators, if they agree, or if not, then the Valuator nominated by the said Sheriff, shall annex to the Valuation a Declaration in Writing subscribed by them or him, of the Correctness thereof; and all such Purchase Money or Compensation shall be deposited in the Bank, for the Benefit of the Parties interested, in manner herein-after mentioned.

Where Vendor absolutely entitled, Lands may be sold on Feu Duties, &c.; Payment of which to be charged on Tolls.

X. It shall be lawful for all Parties entitled to dispose of absolutely any Lands authorized to be purchased for the Purposes of the special Act to convey such Lands or any Part thereof unto the Promoters of the Undertaking in consideration of an annual Feu Duty or Ground Annual payable by the Promoters of the Undertaking.

XI. The Feu Duties or Ground Annuals stipulated by any such Conveyance shall be charged on the Tolls or Rates, if any, payable under the special Act, and shall be otherwise secured in such Manner as shall be agreed between the Parties, and shall be paid by the Promoters of the Undertaking as such Feu Duties or Ground Annuals become payable; and if at any Time the same be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Feu Duties or Ground Annuals shall be payable may either recover the same from the Promoters of the Undertaking, with Expences of Suit, by Action in any competent Court, or it shall be lawful for him to levy the same by Poinding and Sale of the Goods and Effects of the Promoters of the Undertaking.

Power to purchase Lands required for additional Accommodation.

XII. In case the Promoters of the Undertaking shall be empowered by the special Act to purchase Lands for extraordinary Purposes, it shall be lawful for all Parties who, under the Provisions herein-before contained, would be enabled to sell, feu, and convey Lands, to sell, feu, and convey the Lands so authorized to be purchased for extraordinary Purposes.

Authority to sell and repurchase such Lands.

XIII. It shall be lawful for the Promoters of the Undertaking to sell the Lands which they shall have so acquired for extraordinary Purposes, or any Part thereof, in such Manner and for such Considerations and to such Persons as the Promoters of the Undertaking may think fit, and again to purchase other Lands for the like Purposes, and afterwards sell the same, and so from Time to Time, but the total Quantity

Quantity of Land to be held at any one Time by the Promoters of the Undertaking for the Purposes aforesaid shall not exceed the prescribed Quantity.

Restraint on Purchase from incapacitated Persons.

XIV. The Promoters of the Undertaking shall not, by virtue of the Power to purchase Land for extraordinary Purposes, purchase or acquire more than the prescribed Quantity from any Party under legal Disability, or who would not be able to sell or convey such Lands, except under the Powers of this and the special Act; and if the Promoters of the Undertaking purchase or acquire the said Quantity of Land from any Party under such legal Disability, and afterwards sell or dispose of the whole or any Part of the Land so purchased, it shall not be lawful for any Party, being under legal Disability, to sell or convey to the Promoters of the Undertaking any other Lands in lieu of the Land so sold or disposed of by them.

Capital to be subscribed before compulsory Powers of Purchase put in force.

XV. Where the Undertaking is intended to be carried into effect by means of a Capital to be subscribed by the Promoters of the Undertaking, the whole of the Capital of the Company or estimated Sum for defraying the Expences of the Undertaking shall be subscribed under Contract binding the Parties thereto, their Heirs, Executors, and Administrators, for the Payment of the several Sums by them respectively subscribed before it shall be lawful to put in force any of the Powers of this or the special Act, or any Act incorporated therewith, in relation to the compulsory taking of Land for the Purposes of the Undertaking.

Certificate of Sheriff Evidence that Capital has been subscribed.

XVI. A Certificate, under the Hands of the Sheriff, certifying that the whole of the prescribed Sum has been subscribed, shall be sufficient Evidence thereof; and on the Application of the Promoters of the Undertaking, and the Production of such Evidence as such Sheriff thinks proper and sufficient, such Sheriff shall grant such Certificate accordingly.

Purchase of Lands otherwise than by Agreement.

And with respect to the Purchase and taking of Lands otherwise than by Agreement, be it enacted as follows:

Notice of Intention to take Lands.

XVII. When the Promoters of the Undertaking shall require to purchase any of the Lands which by this or the special Act, or any Act incorporated therewith, they are authorized to purchase or take, they shall give Notice thereof to all the Parties interested in such Lands, or to the Parties enabled by this or the special Act to sell and convey the same, or their Rights and Interests therein, or such of the said Parties as shall, after diligent Inquiry, be known to the Promoters of the Undertaking, and by such Notice shall demand from such Parties the Particulars of their Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall state the Particulars of the Lands so required, and that the Promoters of the Undertaking are willing to treat for the Purchase thereof, and as to the Compensation to be made to all Parties for the Damage that may be sustained by them by reason of the Execution of the Works.

Service of Notices on Owners and Occupiers of Lands.

XVIII. All Notices required to be served by the Promoters of the Undertaking upon the Parties interested in or entitled to sell any such Lands shall either be served personally on such Parties, or left at their last usual Place of Abode, if any such can, after diligent Inquiry, be found; and in case any such Parties shall be absent from the United Kingdom, or cannot be found after diligent Inquiry, such Notices when the same are to be given to an Owner of Lands shall be served on the Factor or Agent, if any, of such Owner, and shall also be left with the Occupier of such Lands, or, if there be no such Occupier, shall be affixed upon some conspicuous Part of such Lands.

If Parties fail to treat, or in case of Dispute, Question to be settled as after mentioned.

XIX. If for Twenty-one Days after the Service of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the Promoters of the Undertaking in respect thereof, or if such Party and the Promoters of the Undertaking shall not agree as to the Amount of the Compensation to be paid by the Promoters of the Undertaking for the Interest in such Lands belonging to such Party, or which he is by this or the special Act enabled to sell, or for any Damage that may be sustained by him by reason of the Execution of the Works, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Dispute as to Compensation may be referred to Arbitration.

XX. If no Agreement be come to between the Promoters of the Undertaking and the Owners of or Parties by this or the special Act enabled to sell and convey any Lands taken or required for or injuriously affected by the Execution of the Undertaking, or any Interest in such Lands, as to the Value of such Lands, or of any Interest therein, or as to the Compensation to be made in respect thereof, it shall be lawful for the Parties to refer the same to Arbitration.

Settlement of Claim not exceeding 50*l.*

XXI. If the Compensation claimed and disputed shall not exceed Fifty Pounds, unless both Parties agree to refer such Compensation to Arbitration, the same shall be settled by the Sheriff.

Method of proceeding for settling Disputes as to Compensation by Sheriff.

XXII. It shall be lawful for the Sheriff, upon the Application of either Party with respect to any such Question of disputed Compensation, to issue an Order for the other Party to appear before such Sheriff, at a Time and Place to be named in the Order; and upon the Appearance of such Parties, or in the Absence of any of them upon Proof of due Service of the Order, it shall be lawful for such Sheriff to hear and determine such Question, and for that Purpose to examine such Parties or any of them, and their Witnesses, upon Oath, without written Pleadings or reducing the Evidence to Writing; and the Expences of every such Inquiry, excepting the remunerative Expences of the Sheriff, shall be in the Discretion of such Sheriff, and he shall settle the Amount thereof; and the Determination of the Sheriff upon such Question shall be final and conclusive, and not subject to Review or Appeal in any Form or Court whatever.

Where Compensation claimed exceeds

XXIII. If the Compensation claimed or offered in any Case shall exceed Fifty Pounds, and if the Party claiming such Compensation desire to have the same settled by Arbitration, and signify such Desire to the Promoters

50*l.*, it may be settled by Arbitration if Claimant so desire.

Promoters of the Undertaking, before they have presented their Petition to the Sheriff to summon a Jury in respect of such Lands, under the Provisions herein-after contained, by a Notice in Writing, stating in such Notice the Nature of the Interest in such Lands in respect of which he claims Compensation, and the Amount of the Compensation so claimed, and unless the Promoters of the Undertaking be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, the same shall be settled by Arbitration in the Manner herein-after provided.

Appointment of Arbiters when Questions are to be determined by Arbitration.

XXIV. When any Question of disputed Compensation by this or the special Act, or any Act incorporated therewith, authorized or required to be settled by Arbitration, shall have arisen, then, unless both Parties shall concur in the Appointment of a single Arbiter, each Party, on the Request of the other Party, shall nominate and appoint an Arbiter, to whom such Dispute shall be referred; and every Appointment of an Arbiter shall be made on the Part of the Company under the Hand of the Secretary or any Two of the Directors of the Company, and on the Part of any other Party under the Hand of such Party, or if such Party be a Company or Corporation under the Hand of the proper Officer or Person authorized by such Company or Corporation, and such Appointment shall be delivered to the Arbiters and shall be deemed a Submission to Arbitration on the Part of the Party by whom the same shall be made; and after any such Appointment shall have been made neither Party shall have Power to revoke the same without the Consent of the other, nor shall the Death of either Party operate as such Revocation; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing, in which shall be stated the Matters so required to be referred to Arbitration, shall have been served by the one Party on the other Party to appoint an Arbiter, such other Party fail to appoint an Arbiter, then upon such Failure the Party making the Request, and having himself appointed an Arbiter, may appoint such Arbiter to act on behalf of both Parties, and such Arbiter may proceed to hear and determine the Matters which shall be in dispute, and in such Case the Award or Determination of such single Arbiter shall be final.

Vacancy of Arbiter to be supplied.

XXV. If, before the Matters so referred shall be determined, any Arbiter appointed by either Party die, or become incapable, the Party by whom such Arbiter was appointed may nominate and appoint in Writing some other Person to act in his Place, and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so, the remaining or other Arbiter may proceed *ex parte;* and every Arbiter so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbiter at the Time of such his Death or Disability as aforesaid.

Appointment of Oversman.

XXVI. Where more than One Arbiter shall have been appointed such Arbiters shall, before they enter upon the Matters referred to them, nominate and appoint, by Writing under their Hands, an Oversman to decide on any such Matters on which they shall differ, or which shall be referred to him under the Provisions of this or the special Act; and if such Oversman shall die, or become incapable to act, they shall forthwith after such Death or Incapacity appoint another Oversman in his Place; and the Decision of every such Oversman on the Matters on which the Arbiters shall differ shall be final.

Lord Ordinary empowered to appoint an Oversman on Neglect of the Arbiters.

XXVII. If in either of the Cases aforesaid the said Arbiters shall refuse, or shall, for Seven Days after Request of either Party to such Arbitration, neglect to appoint an Oversman, it shall be lawful for the Lord Ordinary, on the Application of either Party to such Arbitration, to appoint an Oversman, and the Decision of such Oversman on the Matters on which the Arbiters shall differ, or which shall be referred to him under this or the special Act, shall be final.

In case of Death of single Arbiter, the Matter to begin de novo.

XXVIII. If, when a single Arbiter shall have been appointed, such Arbiter shall die, or become incapable to act, before he shall have made his Award, the Matters referred to him shall be determined by Arbitration, under the Provisions of this or the special Act, in the same Manner as if such Arbiter had not been appointed.

If either Arbiter refuse to act, the other to proceed ex parte.

XXIX. If, when more than One Arbiter shall have been appointed, either of the Arbiters refuse or for Seven Days neglect to act, the other Arbiter may proceed *ex parte*, and the Decision of such Arbiter shall be as effectual as if he had been the single Arbiter appointed by both Parties.

If Arbiters fail to make their Award within 21 Days, the Matter to go to the Umpire.

XXX. If, where more than One Arbiter shall have been appointed, and neither of them shall refuse or neglect to act as aforesaid, such Arbiters shall fail to make their Award within Twenty-one Days after the Day on which the last of such Arbiters shall have been appointed, or within such extended Time as shall have been appointed for that Purpose by both such Arbiters under this Act, the Matters referred to them shall be determined by the Umpire to be appointed as aforesaid.

Power of Arbiters to call for Books, &c.

XXXI. The said Arbiters or their Oversman may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose, and take all Evidence competent according to the Law of *Scotland*.

Costs of Arbitration how to be borne.

XXXII. All the Expences of any such Arbitration and incident thereto, to be settled by the Arbiters or Oversman, as the Case may be, shall be borne by the Promoters of the Undertaking, unless the Arbiters or Oversman shall award the same Sum as or a less Sum than shall have been offered by the Promoters of the Undertaking, in which Case each Party shall bear his own Expences incident to the Arbitration; and in all Cases the Expences of the Arbiters or Oversman, as the Case may be, and of recording the Decreet Arbitral or Award in the Books of the Council and Session, shall be borne by the Promoters of the Undertaking.

Award to be delivered to the Promoters of

XXXIII. The Arbiters shall make their Decreet Arbitral or Award in Writing, and shall cause the same to be recorded in the Books of Council and Session, or shall deliver the same to the Promoters of the

the Undertaking, to be by them so recorded, and the said Promoters shall, on demand, at their own Expence, furnish an Extract thereof from the said Books to the other Party to the Arbitration; and Extracts of Decreets Arbitral or Awards shall bear Faith in all Courts and Cases the same as the original Writings, unless the Originals be improven. the Undertaking.

XXXIV. No Award made with respect to any Question referred to Arbitration under the Provisions of this or the special Act, shall be set aside for Irregularity or Error in Matter of Form. Award not to be set aside for Error in Form.

XXXV. If the Party claiming Compensation shall not, as herein-before provided, signify his Desire to have the Question of such Compensation settled by Arbitration, or if, when the Matter shall have been referred to Arbitration, the Arbiters or their Umpire shall for Three Months have failed to make their or his Award, the Question of such Compensation shall be settled by the Verdict of a Jury, as herein-after provided. Settlement of Arbitration, &c.

XXXVI. But if any Party entitled to any Compensation in respect of any such Lands or Interest therein, exceeding Fifty Pounds as aforesaid, shall desire to have the Amount of such Compensation determined by a Jury, it shall in like Manner be lawful for him to give Notice in Writing to the Promoters of the Undertaking of such his Desire, stating in such Notice the Nature of the Interest in such Lands in respect of which he claims Compensation, and the Amount of the Compensation so claimed by him; and unless the Promoters of the Undertaking be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall, unless the Question shall previously have been agreed to be settled by Arbitration, present their Petition to the Sheriff to summon a Jury for settling the same in the Manner herein-after provided, and in default thereof they shall be liable to pay to the Party so entitled as aforesaid the Amount of Compensation so claimed, and the same may be recovered by him, with Costs, by Action in any competent Court. Party claiming Compensation may require a Jury to be summoned.

XXXVII. Before the Promoters of the Undertaking shall present their Petition for summoning a Jury for settling any Case of disputed Compensation they shall give not less than Ten Days Notice to the other Party of their Intention to cause such Jury to be summoned; and in such Notice the Promoters of the Undertaking shall state what Sum of Money they are willing to give for the Interest in such Lands sought to be purchased by them from such Party, and for the Damage to be sustained by him by the Execution of the Works. Promoters of the Undertaking to give Notice before summoning a Jury.

XXXVIII. In every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the Promoters of the Undertaking shall present their Petition to the Sheriff to summon a Jury for that Purpose; and such Petition shall, if the Promoters be a Company or Corporation, be signed by the Secretary or proper Officer or Person authorized by such Company or Corporation, and if they be not a Company or Corporation such Petition shall be signed by the Promoters, or any Two of them if more than One. Petition for summoning Jury to be addressed to the Sheriff.

XXXIX. Upon the Receipt of such Petition as aforesaid the Sheriff shall summon a Jury of Twenty-five indifferent Persons, duly qualified to act as Common Jurymen for the Trial of Civil Causes in the Court of Session, to meet at a Time and Place to be named by the Sheriff in the Warrant for that Purpose. Jurymen to be summoned.

XL. Not less than Ten Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Promoters of the Undertaking to the other Party, or to his known Agent. Notice of Inquiry.

XLI. Out of the Jurors appearing upon such Summons a Jury of Thirteen Persons shall be drawn by Ballot; and if a sufficient Number of Jurymen do not appear in obedience to such Summons the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges for Cause against any of the Jurymen; and each Party may have Three peremptory Challenges. Jury to be impannelled.

XLII. The Sheriff shall preside on the said Inquiry; and the Party claiming Compensation shall be deemed the Pursuer, and the Proceedings at such Trials shall be conducted in like Manner as in Criminal Trials; and, if either Party so request, the Sheriff shall order the Jury, or any Seven or more of them, to view the Place or Matter in controversy. Sheriff to preside; Jury may view.

XLIII. If any Person summoned and returned upon any Jury under this or the special Act, whether common or special, do not appear, or if appearing he refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and, in addition to the Penalty hereby imposed, every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of a Civil Cause in the Court of Session. Penalty on Jury for Default.

XLIV. If either Party so request in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question. Witnesses to be summoned.

XLV. If any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit to the Party aggrieved a Sum not exceeding Ten Pounds, and, in addition to the Penalty hereby imposed, shall be subject to the same Regulations, Pains, and Penalties as if such Witness, having been duly summoned, had failed to appear, or having appeared had refused to be examined in any other Cause. Penalty on Witnesses making default.

XLVI. If

If the Party make default the Inquiry not to proceed.

XLVI. If the Party claiming Compensation shall not appear at the Time appointed for the Inquiry such Inquiry shall not be further proceeded in, but the Compensation to be paid shall be such as shall be ascertained by a Valuator appointed by the Sheriff in manner herein-after provided.

Jury to be sworn.

XLVII. Before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Sums to be paid for Purchase of Lands and for Damage, to be assessed separately.

XLVIII. Where such Inquiry shall relate to the Value of Lands to be purchased, and also to Compensation claimed for Injury done or to be done to the Lands held therewith, the Jury shall deliver their Verdict by a Majority of their Number separately for the Sum of Money to be paid for the Purchase of the Lands required for the Works, or of any Interest therein belonging to the Party with whom the Question of disputed Compensation shall have arisen, or which under the Provisions herein contained, such Party is entitled to sell or convey, and for the Sum of Money to be paid by way of Compensation for the Damage, if any, to be sustained by the Owner of the Lands by reason of severing of the Lands taken from the other Lands of such Owner, or otherwise injuriously affecting such Lands by the Exercise of the Powers of this or the special Act, or any Act incorporated therewith: Provided always, that if the Parties agree to dispense with such Separation the Verdict may be returned for One Sum.

Verdict and Judgment to be recorded.

XLIX. The Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Sheriff Court among the Records of that Court; and such Verdicts and Judgments shall be deemed Records, and the same or official Copies thereof shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Expences of the Inquiry how to be borne.

L. On every such Inquiry before a Jury all the Expences of such Inquiry shall be borne by the Promoters of the Undertaking, unless the Verdict of the Jury be given for the same or a less Sum than the Sum previously offered by the Promoters of the Undertaking, or unless the Owner of or Party interested in the Lands shall have failed to appear at the Time and Place appointed for the Inquiry, having received due Notice thereof, in either of which Cases One Half of the Expences of the Promoters of the Undertaking shall be defrayed by the Owner of or Party interested in the Lands.

Particulars of the Expences.

LI. The Expenees of any such Inquiry shall, in case of Difference, be settled by the Sheriff on the Application of either Party; and such Expences shall include all reasonable Charges and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel and Agents, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, including the Remuneration to the Sheriff for his Time and Labour, and his reasonable travelling Expences, which Remuneration for Time and Labour, exclusive of travelling Expences, shall be Five Guineas and no more for any Inquiry as aforesaid, whether with or without a Jury, unless such Inquiry shall occupy more than One Day or Period of Eight Hours, in which Case there shall be paid to the Sheriff a Sum of Five Guineas for each Day or Period of Eight Hours the Inquiry may occupy, including the Time necessarily occupied in travelling to and from the Place of Trial: Provided always, that the Time occupied in travelling shall not in reference to any Inquiry be computed at more than Two Days; and in all Cases of Inquiry as aforesaid before the Sheriff, with or without a Jury, the Remuneration or Expences of the Sheriff shall be borne by the Promoters of the Undertaking.

Payment of Expences.

LII. If any such Costs shall be payable by the Promoters of the Undertaking, and if within Seven Days after Demand such Expences be not paid to the Party entitled to receive the same, they shall be recoverable by Poinding and Sale, and on Application to the Sheriff he shall issue his Warrant accordingly; and if any such Expences shall be payable by the Owner of the Lands, or of any Interest therein, the same may be deducted and retained by the Promoters of the Undertaking out of any Money awarded by the Jury to such Owner or Party interested, or determined by the Valuation of a Valuator under the Provision herein-after contained; and the Payment or Deposit of the Remainder, if any, of such Money shall be deemed Payment and Satisfaction of the whole thereof, or, if such Expences shall exceed the Amount of the Money so awarded or determined, the Excess shall be recoverable by Poinding and Sale, and on Application to the Sheriff he shall issue his Warrant accordingly.

Special Jury to be summoned at the Request of either Party.

LIII. If either Party desire any such Question of disputed Compensation as aforesaid to be tried before a Special Jury, such Question shall be so tried, provided that Notice of such Desire, if coming from the other Party, be given to the Promoters of the Undertaking before they have presented their Petition to the Sheriff; and for that Purpose the Promoters of the Undertaking shall, by their Petition to the Sheriff require him to nominate a Special Jury for such Trial; and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Petition, summon both the Parties to appear before him, by themselves or their Agents, at some convenient Time and Place appointed by him, for the Purpose of nominating a Special Jury (not being less than Five Days from the Service of such Summons); and at the Place and Time so appointed the Sheriff shall proceed to nominate a Special Jury in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated by the Sheriff in other Cases, and the Sheriff shall appoint a Day for the Parties or their Agents to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties; and

and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty, in the Manner used and accustomed in reducing Special Juries in the Court of Session.

Deficiency of Special Jurymen.

LIV. The Special Jury on such Inquiry shall consist of Thirteen of the said Twenty who shall first appear on the Names being called over, the Parties having their lawful Challenges against any of the said Jurymen; and if a full Jury do not appear, or if after such Challenges a full Jury do not remain, then, upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons, qualified to act as Special or Common Jurymen, who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured so as to complete such Jury, all Parties having their lawful Challenges against such Persons; and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury; and such Trial shall be attended in all respects with the like Incidents and Consequences, and the like Penalties shall be applicable as herein-before provided in the Case of a Trial by Common Jury.

Other Inquiries before same Special Jury by Consent.

LV. Any other Inquiry than that for the Trial of which such Special Jury may have been struck and reduced as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Compensation to absent Parties to be determined by a Valuator, appointed by the Sheriff.

LVI. The Purchase Money or Compensation to be paid for any Lands to be purchased or taken by the Promoters of the Undertaking from any Party who, by reason of Absence from the Kingdom, is prevented from treating, or who cannot after diligent Inquiry be found, or who shall not appear at the Time appointed for the Inquiry before the Jury, after due Notice thereof, and the Compensation to be paid for any permanent Injury to such Lands, shall be such as shall be determined by the Valuation of such Valuator as the Sheriff shall nominate for that Purpose, as herein-after mentioned.

Sheriff to nominate a Valuator.

LVII. Upon Application by the Promoters of the Undertaking to the Sheriff, and upon such Proof as shall be satisfactory to him that any such Party is, by reason of Absence from the Kingdom, prevented from treating, or cannot after diligent Inquiry be found, or that any such Party failed to appear on such Inquiry before a Jury as aforesaid, after due Notice to him for that Purpose, such Sheriff shall, by Writing under his Hand, nominate a Valuator for determining such Compensation as aforesaid, and such Valuator shall determine the same accordingly, and shall annex to his Valuation a Declaration in Writing, subscribed by him, of the Correctness thereof.

Declaration to be made by the Valuator.

LVIII. Before such Valuator shall enter upon the Duty of making such Valuation as aforesaid he shall, in the Presence of such Sheriff, make and subscribe the Oath following at the Foot of such Nomination; (that is to say,)

'I *A.B.* do solemnly swear, That I will faithfully, impartially, and honestly, according to the best of my 'Skill and Ability, execute the Duty of making the Valuation hereby referred to me. So help me 'GOD.

A.B.

'Sworn and subscribed in the Presence of'

And if any Valuator shall corruptly make such Oath, or having made such Oath shall wilfully act contrary thereto, he shall be guilty of and incur the Pains of Perjury.

Valuation, &c. to be produced to the Owner of the Lands, &c.

LIX. The said Nomination and Declaration shall be annexed to the Valuation to be made by such Valuator, and shall be preserved together therewith, by the Promoters of the Undertaking, and they shall at all Times produce the said Valuation and other Documents, on demand, to the Owner of the Lands comprised in such Valuation, and to all other Parties interested therein.

Promoters to bear Expence.

LX. All the Expences of and incident to every such Valuation shall be borne by the Promoters of the Undertaking.

Purchase Money and Compensation how to be estimated.

LXI. In estimating the Purchase Money or Compensation to be paid by the Promoters of the Undertaking in any of the Cases aforesaid regard shall be had not only to the Value of the Land to be purchased or taken by the Promoters of the Undertaking, but also to the Damage, if any, to be sustained by the Owner of the Lands by reason of the severing of the Lands taken from the other Lands of such Owner, or otherwise injuriously affecting such Lands by the Exercise of the Powers of this or the special Act, or any other Act incorporated therewith.

Compensation may be apportioned among different Parties.

LXII. On estimating the Purchase Money or Compensation to be paid by the Promoters of the Undertaking in any of the Cases aforesaid, the Sheriff, Arbiters, Valuator, or Jury, as the Case may be, shall apportion the said Compensation among the Parties who may be interested in the said Lands as joint Owners or Lessees, or as holding some Security or Burden or Claim thereon or Interest therein, and who shall have been Parties to the said Trial or Arbitration or Valuation: Provided always, that nothing herein contained shall prevent any Person having a separate Interest from having the same separately tried.

Where Compensation to absent Party has been determined by a Valuator the Party may have the same submitted to Arbitration.

LXIII. When the Compensation payable in respect of any Lands, or any Interest therein, shall have been ascertained by the Valuation of a Valuator, and deposited in the Bank under the Provisions herein contained, by reason that the Owner of or Party entitled to convey such Lands, or such Interest therein as aforesaid, could not be found, or was absent from the Kingdom, and if such Owner or Party shall be dissatisfied with such Valuation, it shall be lawful for him, before he shall have applied to the Court of Session for Payment or Investment of the Monies so deposited under the Provisions herein contained, by Notice in Writing to the Promoters of the Undertaking, to require the Question of such Compensation to be submitted to Arbitration, and thereupon the same shall be so submitted to and settled by Arbitration in the Manner herein-before provided for settling Disputes by Arbitration.

Question to be submitted to the Arbiters.

LXIV. The Question to be submitted to the Arbiters in the Case last aforesaid shall be, whether the said Sum so deposited as aforesaid by the Promoters of the Undertaking was a sufficient Sum, or whether any and what further Sum ought to be paid or deposited by them.

If further Sum awarded, Promoters to pay or deposit same within 14 Days.

LXV. If the Arbiters shall decide that a further Sum ought to be paid or deposited by the Promoters of the Undertaking they shall pay or deposit, as the Case may require, such further Sum within Fourteen Days after the making of such Decreet Arbitral or Award, or in default thereof the same may be enforced by Diligence, or recovered, with Expences, by Action in any competent Court.

Expences of the Arbitration.

LXVI. If the Arbiters shall determine that the Sum so deposited was sufficient, the Expences of and incident to such Arbitration, to be determined by the Arbiters, shall be in the Discretion of the Arbiters; but if the Arbiters shall determine that a further Sum ought to be paid or deposited by the Promoters of the Undertaking, all the Expences of and incident to the Arbitration shall be borne by the Promoters of the Undertaking.

Application of Compensation.

And with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making Title, be it enacted as follows:

Purchase Money payable to Parties under Disability, amounting to 200*l.*, to be deposited in the Bank.

LXVII. The Purchase Money or Compensation which shall be payable in respect of any Lands, or any Interest therein, purchased or taken by the Promoters of the Undertaking from any Corporation, Heir of Entail, Life-renter, married Woman seised in her own Right or entitled to Terce or Dower, or any other Right or Interest, Husband, Tutors, Curators, or other Guardians for any Infant, Minor, Lunatic, or Idiot, fatuous or furious Person, or for any Person under any other Disability or Incapacity, Judicial Factor, Trustee, Executor, or Administrator, or Person having a partial or qualified Interest only in such Lands, and not entitled to sell or convey the same, except under the Provisions of this or the special Act, or the Compensation to be paid for any permanent Damage to any such Lands, shall, if it amount to or exceed the Sum of Two hundred Pounds, the same shall be paid into the Bank, to the Intent that such Monies shall be applied, under the Authority of the Court of Session, to some One or more of the following Purposes; (that is to say,)

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith on the same Heirs, or for the same Trusts or Purposes, or affecting succeeding Heirs of Entail in any such Lands, whether imposed and constituted by the Entailer, or in virtue of Powers given by the Entail, or in virtue of Powers conferred by any Act of Parliament;

In the Purchase of other Lands to be conveyed, limited, and settled upon the same Heirs, and the like Trusts and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this or the special Act, or injured by the Proximity of the Works, or in removing or replacing such Buildings, or substituting others in their Stead, in such Manner as the said Court shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for Application, and Investment meanwhile.

LXVIII. Such Money may be so applied as aforesaid upon an Order of the Court of Session, made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it shall be retained in the Bank at Interest, or shall be laid out and invested in the Public Funds or in Heritable Securities, and the Interest, Dividends, and annual Proceeds thereof shall from Time to Time, under the like Order, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands.

Sums from 20*l.* to 200*l.* to be deposited, or paid to Trustees.

LXIX. If such Purchase Money or Compensation shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, the same shall either be paid into the Bank, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Tutors, Curators, Judicial Factors, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Promoters of the Undertaking approve thereof, and of the Trustees named for the Purpose; and the Money so paid to such Trustees, and the Produce arising therefrom, shall, at the Expence of the Promoters of the Undertaking, be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank, but it shall not be necessary to obtain any Order of Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

LXX. If such Money shall not exceed the Sum of Twenty Pounds the same shall be paid to the Parties entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Tutors, Curators, Judicial Factors, or Trustees of such Persons.

All Sums payable under Contract with Persons not absolutely entitled to be paid into the Bank.

LXXI. All Sums of Money exceeding Twenty Pounds which may be payable by the Promoters of the Undertaking, in respect of the taking, using, or interfering with any Lands under a Contract or Agreement with any Person who shall not be entitled to dispose of such Lands, or of the Interest therein contracted to be sold by him, absolutely for his own Benefit, shall be paid into the Bank or to Trustees in manner aforesaid; and it shall not be lawful for any contracting Party, not entitled as aforesaid, to retain to his own Use any Portion of the Sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such Lands, or for assenting to or not opposing

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Application of Compensation.

the passing of the Bill authorizing the taking of such Lands, or in lieu of Bridges, Tunnels, or other Accommodation Works, but all such Monies shall be deemed to have been contracted to be paid for and on account of the several Parties interested in such Lands, as well in possession as in succession or expectancy: Provided always, that it shall be in the Discretion of the Court of Session or the said Trustees, as the Case may be, to allot to any Life-renter or Person holding for any other partial or qualified Right or Interest, for his own Use, a Portion of the Sum so paid into the Bank or to such Trustees as aforesaid as Compensation for any Injury, Inconvenience, or Annoyance which he may be considered to sustain, independently of the actual Value of the Lands to be taken, and of the Damage occasioned to the Lands held therewith by reason of the taking of such Lands and the making of the Works.

Court of Session may direct Application of Money in respect of Leases or Reversions as they may think just.

LXXII. Where any Purchase Money or Compensation paid into the Bank under the Provisions of this or the special Act shall have been paid in respect of any Lease for Lives or Years, or any Right or Interest in Lands less than the Fee thereof, or of any Reversion dependent on any such Lease, or Right or Interest, it shall be lawful for the Court of Session, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might lawfully have had from the Lease, Right, Interest, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

On the Purchase of Lands to be entailed, not necessary to insert the Provisions verbatim.

LXXIII. If such Money shall be laid out and invested in the Purchase of Lands to be held under Entail, or under Uses, Trusts, Intents, and Purposes, it shall not be necessary to ingross verbatim in the Titles to such new Lands the Provisions of the Entail or other Investiture of the said old Lands, or to mention specifically the Uses, Trusts, Intents, and Purposes for and upon which the said new Lands are to be held, but it shall be sufficient to state the Dates of executing and recording the Deed or Deeds containing the Provisions and Conditions subject to which, or the Uses, Trusts, Intents, and Purposes to, for, and upon which, the said old Lands were held, and to declare that the said new Lands shall be held subject to the same Provisions and Conditions, and to, for, and upon the like Uses, Trusts, Intents, and Purposes, and to record the Title Deed containing such general Reference in the Register of Tailzies, Sasines, or other proper Record, according to the Nature of such Title Deed, which the Keepers of the said Registers are hereby authorized and required to do without a special Order to that Effect: Provided always, that upon the first Occasion of completing Titles to the said entailed Estates the Lands acquired to the Estate may be introduced into the Titles then completed, after which they shall descend regularly as Part and Portion of the entailed Estates.

Upon Deposit being made, the Owners of the Lands to convey, or in default the Lands to vest in the Promoters of the Undertaking, upon a notarial Instrument being executed.

LXXIV. Upon Deposit in the Bank in manner herein-before provided of the Purchase Money or Compensation agreed or awarded to be paid in respect of any Lands purchased or taken by the Promoters of the Undertaking, under the Provisions of this or the special Act, or any Act incorporated therewith, the Owner of such Lands, including in such Term all Parties by this Act enabled to sell or convey Lands, shall, when required so to do by the Promoters of the Undertaking, duly convey such Lands to the Promoters of the Undertaking, or as they shall direct; and in default thereof, or if he fail to adduce a good Title to such Lands, it shall be lawful for the Promoters of the Undertaking, if they think fit, to expede an Instrument under the Hands of a Notary Public, containing a Description of the Lands in respect of which such Default shall be made, and reciting the Purchase or taking thereof by the Promoters of the Undertaking, and the Names of the Parties from whom the same were purchased or taken, and the Deposit made in respect thereof, and declaring the Fact of such Default having been made; and such Instrument shall be stamped with the Stamp Duty which would have been payable upon a Conveyance to the Promoters of the Undertaking of the Lands described therein; and thereupon all the Estate and Interest in such Lands of or capable of being sold and conveyed by the Party between whom and the Promoters of the Undertaking such Agreement shall have been come to, or as between whom and the Promoters of the Undertaking such Purchase Money or Compensation shall have been determined by the Sheriff, by a Jury, or by Arbiters, or by a Valuation appointed by the Sheriff, as herein provided, and shall have been deposited as aforesaid, shall vest absolutely in the Promoters of the Undertaking; and as against such Parties, and all Parties on behalf of whom they are herein-before enabled to sell and convey, the Promoters of the Undertaking shall be entitled to immediate Possession of such Lands; and such Instrument, being registered in the Register of Sasines in manner herein-after provided in regard to Conveyances of Lands, shall have the same Effect as a Conveyance so registered.

Where Parties refuse to convey, or do not show Title, or cannot be found, the Purchase Money to be deposited.

LXXV. If the Owner of any such Lands purchased or taken by the Promoters of the Undertaking, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid in respect thereof, refuse to accept the same, or neglect or fail to make out a Title to such Lands, or to the Interest therein claimed by him, to the Satisfaction of the Promoters of the Undertaking, or if he refuse or is unable validly to convey such Lands as directed by the Promoters of the Undertaking, or to discharge or obtain a Discharge of any Burden or Incumbrance thereon which was not specially excepted from Discharge, or if any such Owner be absent from the Kingdom, or cannot after diligent Inquiry be found, or fail to appear, on the Inquiry before a Jury, as herein provided for, it shall be lawful for the Promoters of the Undertaking to deposit the Purchase Money or Compensation payable in respect of such Lands or any Interest therein in the Bank, to be placed, except in the Cases herein otherwise provided for, to an Account to be opened in the Name of the Parties interested in

such Lands (describing them, so far as the Promoters of the Undertaking can do), subject to the Control and Disposition of the Court of Session.

Upon Deposit being made, a Receipt to be given, and the Lands to vest, upon a notarial Instrument being executed.

LXXVI. Upon any such Deposit of Money as last aforesaid being made, the Cashier or other proper Officer of such Bank shall give to the Promoters of the Undertaking, or to the Party paying in such Money by their Direction, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in; and it shall be lawful for the Promoters of the Undertaking, if they think fit, to expede an Instrument under the Hands of a Notary Public, containing a Description of the Lands in respect whereof such Deposit shall have been made, and declaring the Circumstances under which and the Names of the Parties to whose Credit such Deposit shall have been made, and such Instrument shall be stamped with the Stamp Duty which would have been payable upon a Conveyance to the Promoters of the Undertaking of the Lands described therein; and thereupon all the Estate and Interest in such Lands of the Parties for whose Use and in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Promoters of the Undertaking, and as against such Parties they shall be entitled to immediate Possession of such Lands; and such Instrument, being registered in the Register of Sasines in manner herein-after directed in regard to Conveyances of Lands, shall have the same Effect as a Conveyance so registered.

Application of Monies so deposited.

LXXVII. Upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands in respect whereof the same shall have been so deposited, or any Part of such Lands, or any Interest in the same, the said Court of Session may, in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the Public Funds, or on Heritable Securities, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

Party in possession to be deemed to be the Owner.

LXXVIII. If any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession of such Lands, as being the Owners thereof, at the Time of such Lands being purchased or taken, shall be deemed to have been lawfully entitled to such Lands, until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Expences in Cases of Money deposited.

LXXIX. In all Cases of Monies deposited in the Bank under the Provisions of this or the special Act, or any Act incorporated therewith, except where such Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to feu or convey the Lands in respect whereof the same shall be payable, or by reason of his Refusal or Inability to discharge or obtain a Discharge of any Burden on such Lands which was not specially excepted from Discharge, or by reason of the Failure or Neglect of any Party to make out a good Title to the Land required, it shall be lawful for the Court of Session to order the Expences of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Promoters of the Undertaking; (that is to say,) the Expence of the Purchase or taking of the Lands, or which shall have been incurred in consequence thereof, other than such Expences as are herein otherwise provided for, and the Expence of the Investment of such Monies in Government or Real Securities, and of the Re-investment thereof in the Purchase of other Lands, and of re-entailing any of such Lands, and incident thereto, and also the Expence of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Securities upon which such Monies shall be invested, and for the Payment of the Principal of such Monies, or of the Securities whereon the same shall be invested, and of all Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants: Provided always, that the Expence of One Application only for Re-investment in Land shall be allowed, unless it shall appear to the Court of Session that it is for the Benefit of the Parties interested in the said Monies that the same should be invested in the Purchase of Lands in different Sums and at different Times, in which Case it shall be lawful for the Court, if they think fit, to order the Expences of any such Investments to be paid by the Promoters of the Undertaking.

Conveyances.

And with respect to the Conveyances of Lands, be it enacted as follows:

Form of Conveyances.

LXXX. Feus and Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedules (A.) and (B.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit; which Feus and Conveyances, being duly executed, and being registered in the Particular Register of Sasines kept for the County, Burgh, or District in which the Lands are locally situated, or in the General Register of Sasines for *Scotland* kept at *Edinburgh*, within Sixty Days from the last Date thereof, which the respective Keepers of the said Registers are hereby authorized and required to do, shall give and constitute a good and undoubted Right and complete and valid feudal Title in all Time coming to the Promoters of the Undertaking, and their Successors and Assigns, to the Premises therein described, any Law or Custom to the contrary notwithstanding: Provided always, that it shall not be necessary for the Promoters of the Undertaking to record in any Register of Sasines any Feus or Conveyances in their Favour which shall contain a Procuratory of Resignation or Precept of Sasine,

Sasine, or which may be completed by Infeftment; and the Title of the Company under such last-mentioned Feus or Conveyances shall be regulated by the ordinary Law of *Scotland*, until the said Feus or Conveyances, or the Instruments of Sasine thereon, shall have been recorded in a Register of Sasines. *Conveyances.*

Expences of Conveyances.

LXXXI. The Expences of all Conveyances of Lands shall be borne by the Promoters of the Undertaking; and such Expences shall include all Charges and Expences, incurred on the Part as well of the Seller as of the Purchaser, of all Conveyances of any such Lands, and of any Interests therein, and of establishing the Title to such Lands, and all other reasonable Expences incident to the Investigation of such Title.

Taxation of Expences of Conveyances.

LXXXII. If the Promoters of the Undertaking and the Party entitled to any such Expences shall not agree as to the Amount thereof, such Amount shall be ascertained and decerned for by the Lord Ordinary, on a summary Petition presented to him by the Party entitled to recover the same; and the Promoters of the Undertaking shall pay to the Party entitled thereto what the said Lord Ordinary shall decree for or in respect of such Expences, or in default thereof the same may be recovered in the same Way as any other Expences payable under an Order or Decree of the Court, or the same may be recovered by Poinding and Sale in the Manner herein-before provided in other Cases of Expences; and the Expence of taxing such Expences shall be borne by the Promoters of the Undertaking, unless upon such Taxation One Sixth Part of the Amount of such Expences shall be disallowed, in which Case the Expences of such Taxation, and of or incident to the Application to the Lord Ordinary, shall be borne by the Party whose Expences shall be so taxed, and the Amount thereof shall be ascertained by the said Lord Ordinary, and deducted by him accordingly in his Judgment or Decerniture.

Entry on Lands.

And with respect to the Entry upon Lands by the Promoters of the Undertaking, be it enacted as follows:

Payment of Price to be made previous to Entry, except to Survey, &c.

LXXXIII. The Promoters of the Undertaking shall not, except by Consent of the Owners and Occupiers, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes and under the Powers of this or the special Act, until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands, and of probing or boring to ascertain the Nature of the Soil, and of setting out the Line of the Works, it shall be lawful for the Promoters of the Undertaking, after giving not less than Three nor more than Fourteen Days Notice to the Owners or Occupiers thereof, to enter upon such Lands without previous Consent, making Compensation for any Damage thereby occasioned to the Owners or Occupiers thereof.

Promoters to be allowed to enter on Lands before Purchase, on making Deposit by way of Security and giving Bond.

LXXXIV. Provided also, That if the Promoters of the Undertaking shall be desirous of entering upon and using any such Lands before an Agreement shall have been come to, or an Award made or Verdict given, for the Purchase Money or Compensation to be paid by them in respect of such Lands, it shall be lawful for the Promoters of the Undertaking to deposit in the Bank by way of Security, as herein-after mentioned, either the Amount of Purchase Money or Compensation claimed by any Party interested in or entitled to sell and convey such Lands, and who shall not consent to such Entry, or such a Sum as shall by a Valuator, appointed by the Sheriff in the Manner herein-before provided in the Case of Parties who cannot be found, be determined to be the Value of such Lands, or of the Interest therein which such Party is entitled to, or enabled to sell and convey, and also, if required so to do, to give to such Party a Bond, under the Hand of the Secretary or proper Officer or Person authorized, if the Promoters be a Company or Corporation, or if they be not a Company or Corporation under the Hand of the Promoters, or any Two of them if more than One, with Two sufficient Securities, to be approved of by the Sheriff in case the Parties differ, for a Sum equal to the Sum so to be deposited, for Payment to such Party, or for making a Deposit in the Bank for the Benefit of the Parties interested in such Lands, as the Case may require, under the Provisions herein contained, of all such Purchase Money or Compensation as may in manner herein-before provided be determined to be payable by the Promoters of the Undertaking in respect of the Lands so entered upon, together with Interest thereon at the Rate of Five Pounds *per Centum per Annum* from the Time of entering on such Lands until such Purchase Money or Compensation shall be paid to such Party, or deposited in the Bank for the Benefit of the Parties interested in such Lands, under the Provisions herein contained; and upon such Deposit by way of Security being made as aforesaid, and such Bond being delivered or tendered to such non-consenting Party as aforesaid, it shall be lawful for the Promoters of the Undertaking to enter upon and use such Lands without having first paid or deposited the Purchase Money or Compensation in other Cases required to be paid or deposited by them before entering upon any Lands to be taken by them under the Provisions of this or the special Act.

Deposit to be paid into Bank, and Cashier to give a Receipt.

LXXXV. The Money so to be deposited as last aforesaid shall be paid into the Bank, to be placed to an Account to be opened in the Name of the Parties interested in or entitled to sell and convey the Lands so to be entered upon, and who shall not have consented to such Entry, subject to the Control and Disposition of the Court of Session; and upon such Deposit being made the Cashier or other proper Officer of the Bank shall give to the Promoters of the Undertaking, or to the Party paying in such Money by their Direction, a Receipt for such Money, specifying therein for what Purpose and to whose Credit the same shall have been paid in.

LXXXVI. The

Entry on Lands.

Deposit to remain as a Security, and to be applied under the Direction of the Court.

LXXXVI. The Money so deposited as last aforesaid shall remain in the Bank by way of Security to the Parties whose Lands shall so have been entered upon for the Performance of the Bond to be given by the Promoters of the Undertaking, as herein-before mentioned, and the same may, on the Application by Petition of the Promoters of the Undertaking, be ordered to be invested in the Public Funds or upon Heritable Securities, and accumulated; and upon the Conditions of such Bond being fully performed it shall be lawful for the Court of Session, upon a like Application, to order the Money so deposited, or the Funds in which the same shall have been invested, together with the Accumulation thereof, to be repaid or transferred to the Promoters of the Undertaking, or, if such Conditions shall not be fully performed, it shall be lawful for the said Court to order the same to be applied in such Manner as it shall think fit for the Benefit of the Parties for whose Security the same shall so have been deposited.

Penalty on the Promoters of the Undertaking entering upon Lands without Consent, before Payment of the Purchase Money.

LXXXVII. If the Promoters of the Undertaking or any of their Contractors shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of the special Act, without such Consent as aforesaid, or without having made such Payment for the Benefit of the Parties interested in the Lands, or such Deposit by way of Security as aforesaid, the Promoters of the Undertaking shall forfeit to the Party in possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before the Sheriff; and if the Promoters of the Undertaking or their Contractors shall, after Conviction in such Penalty as aforesaid, continue in unlawful Possession of any such Lands, the Promoters of the Undertaking shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of such Lands, with Expences, by Action in any competent Court: Provided always, that nothing herein contained shall be held to subject the Promoters of the Undertaking to the Payment of any such Penalties as aforesaid, if they shall *bonâ fide* and without Collusion have paid the Composition agreed or awarded to be paid in respect of the said Lands to any Person whom the Promoters of the Undertaking may have reasonably believed to be entitled thereto, or shall have deposited the same in the Bank for the Benefit of the Parties interested in the Lands, or made such Deposit by way of Security in respect thereof as herein-before mentioned, although such Person may not have been legally entitled thereto.

Decision of Sheriff not conclusive, &c.

LXXXVIII. On the Trial of any Action for any such Penalty as aforesaid the Decision of the Sheriff, under the Provision herein-before contained, shall not be held conclusive as to the Right of Entry on any such Lands by the Promoters of the Undertaking.

Proceedings in case of Refusal to deliver Possession of Lands.

LXXXIX. If in any Case in which, according to the Provisions of this or the special Act, or any Act incorporated therewith, the Promoters of the Undertaking are authorized to enter upon and take possession of any Lands required for the Purposes of the Undertaking, the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the Promoters of the Undertaking from entering upon or taking possession of the same, it shall be lawful for the Promoters of the Undertaking to apply by Petition to the Sheriff for Possession of the same, and upon such Application the Sheriff may authorize and order Possession of any such Lands accordingly; and the Expences accruing by reason of such Application, to be settled and decerned for by the Sheriff, shall be paid by the Person wrongfully refusing to give or hindering Possession; and the Amount of such Expences shall be deducted and retained by the Promoters of the Undertaking from the Compensation, if any, then payable by them to such Party; or if no such Compensation be payable to such Party, or if the same be less than the Amount of such Expences, then such Expences, or the Excess thereof beyond such Compensation, if not paid on demand, may be levied by Poinding and Sale, and the Sheriff may issue his Warrant accordingly.

Parties not to be required to sell Part of a House.

XC. And be it enacted, That no Party shall at any Time be required to sell or convey to the Promoters of the Undertaking a Part only of any House or other Building or Manufactory, if such Party be willing and able to sell and convey the whole thereof.

Intersected Lands.

And with respect to small Portions of intersected Land, be it enacted as follows:

Power to Owners of intersected Lands to insist on Sale.

XCI. If any Lands, not being situate in a Town or built upon, shall be so cut through and divided by the Works as to leave, either on both Sides or on one Side thereof, a less Quantity of Land than Half a Statute Acre, and if the Owner of such small Parcel of Land require the Promoters of the Undertaking to purchase the same along with the other Land required for the Purposes of the special Act, the Promoters of the Undertaking shall purchase the same accordingly, unless the Owner thereof have other Land adjoining to that so left into which the same can be thrown; and if such Owner have any other Land so adjoining, the Promoters of the Undertaking shall, if so required by the Owner, at their own Expence, throw the Piece of Land so left into such adjoining Land, by removing the Fences and levelling the Sites thereof, and by soiling the same in a sufficient and workmanlike Manner.

Power of Promoters of the Undertaking to insist on Purchase where Expence of Bridges, &c. exceeds the Value.

XCII. If any such Land shall be so cut through and divided as to leave on either Side of the Works a Piece of Land of less Extent than Half a Statute Acre, or of less Value than the Expence of making a Bridge, Culvert, or such other Communication between the Land so divided as the Promoters of the Undertaking are, under the Provisions of this or the special Act, or any Act incorporated therewith, compellable to make, and if the Owner of such Lands have not other Lands adjoining such Piece of Land, and require the Promoters of the Undertaking to make such Communication, then the Promoters of the Undertaking may require such Owner to sell to them such Piece of Land; and any Dispute as to the Value of such Piece of Land, or as to what would be the Expence of making such Communication, shall

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be ascertained as herein provided for Cases of disputed Compensation; and on the Occasion of ascertaining the Value of the Land required to be taken for the Purposes of the Works, the Sheriff, or the Jury, or the Arbiters, as the Case may be, shall, if required by either Party, ascertain by their Verdict or Award the Value of any such severed Piece of Land, and also what would be the Expence of making such Communication.

Intersected Lands.

Common Lands.

And with respect to such Lands as shall be of the Nature of Commonty, be it enacted as follows:

Proceedings in regard to Lands in Commonty, &c.

XCIII. The Promoters of the Undertaking may convene a Meeting of the Parties entitled to any Rights of Property or Servitude, or other Rights, in or over such Lands, to be held at some convenient Place in the Neighbourhood of the Lands, for the Purpose of their appointing a Committee to treat with the Promoters of the Undertaking for the Compensation to be paid for the Extinction of such Rights; and every such Meeting shall be called by public Advertisement, to be inserted Once at least in Two consecutive Weeks in some Newspaper circulating in the County or in the respective Counties and in the Neighbourhood in which such Lands shall be situate, the last of such Insertions being not more than Fourteen nor less than Seven Days prior to any such Meeting; and Notice of such Meeting shall also, not less than Seven Days previous to the holding thereof, be affixed upon the Door of the Church of the Parish where such Meeting is intended to be held, or, if there be no such Church, some other Place in the Neighbourhood to which Notices are usually affixed; and if such Lands be Part of a Barony a like Notice shall be given to the Superior or Baron.

Meeting to appoint a Committee.

XCIV. The Meeting so called may appoint a Committee, not exceeding Five in Number, of the Parties entitled to any such Rights; and at such Meeting the Decision of the Majority of the Persons entitled to such Rights present shall bind the Minority and all absent Parties; but such Meeting shall not be effectual for the Purpose unless Five at least of the Parties entitled attend the same, if there be so many as Five in all of the Parties entitled to such Rights.

Committee to agree with Promoters of the Undertaking.

XCV. It shall be lawful for the Committee so chosen to enter into an Agreement with the Promoters of the Undertaking for the Compensation to be paid for the Extinction of such Rights, and all Matters relating thereto, for and on behalf of themselves and all other Parties interested therein, and all such Parties shall be bound by such Agreement, and it shall be lawful for such Committee to receive the Compensation so agreed to be paid; and the Receipt of such Committee, or of any Three of them, for such Compensation, shall be an effectual Discharge for the same; and such Compensation, when received, shall be apportioned by the Committee among the several Persons interested therein, according to their respective Interests; but the Promoters of the Undertaking shall not be bound to see to the Apportionment or to the Application of such Compensation, nor shall they be liable for the Misapplication or Nonapplication thereof.

Disputes to be settled as in other Cases.

XCVI. If upon such Committee being appointed they shall fail to agree with the Promoters of the Undertaking as to the Amount of the Compensation to be paid as aforesaid, the same shall be determined as in other Cases of disputed Compensation, the said Committee being deemed and held to be the Proprietors of the said Rights, with reference to all Proceedings for ascertaining the Value thereof.

If no Committee be appointed, the Amount to be determined by a Valuator.

XCVII. If, upon being duly convened by the Promoters of the Undertaking, no effectual Meeting of the Parties entitled to such Rights shall take place, or if, taking place, such Meeting fail to appoint such Committee, the Amount of such Compensation shall be determined by a Valuator, to be appointed by the Sheriff as herein-before provided in the Case of Parties who cannot be found.

Upon Payment of Compensation payable to Commoners, the Lands to vest.

XCVIII. Upon Payment or Tender to such Committee, or any Three of them, or if there shall be no such Committee, then upon Deposit in the Bank in the Manner provided in the like Case of the Compensation which shall have been agreed upon or determined in respect of such Rights, and it shall be lawful for the Promoters of the Undertaking, if they think fit, to execute a Disposition, duly stamped, in the Manner herein-before provided in the Case of the Purchase of Lands by them, and thereupon the Lands in respect of which such Compensation shall have been so paid or deposited shall vest in the Promoters of the Undertaking freed and discharged from all such Rights, and they shall be entitled to immediate Possession thereof; and it shall be lawful for the Court of Session, by an Order made upon Petition, to order Payment of the Money so deposited as aforesaid, and to make such other Order in respect thereto, for the Benefit of the Parties interested, as it shall think fit.

Lands in Mortgage.

And with respect to Lands subject to any Security by real Lien, Wadset, Heritable Bond, redeemable Bond of Annuity, or other Right in Security, be it enacted as follows:

Power to redeem Heritable Securities.

XCIX. It shall be lawful for the Promoters of the Undertaking to purchase or redeem the Interest of any Holder of any Security upon such Lands the whole or Part of which may be required for the Purposes of the special Act, and that whether such Promoters shall have previously purchased the Right to such Lands under Burden of the Security thereon or not, and whether the Holder of such Security be entitled thereto in his own Right or in trust for any other Party, and whether he be in possession of such Lands by virtue of such Security or not, and whether such Security affect such Lands solely, or jointly with any other Lands not required for the Purposes of the special Act; and in order thereto the Promoters of the Undertaking may pay or Tender to the Holder of such Security the Principal and Interest due on such Security, together with his Expences and Charges, if any, and also Six Months additional Interest, and thereupon such Holder shall immediately convey his Interest in the Lands comprised in such Security to the Promoters of the Undertaking, or as they shall direct; or the Promoters of the Undertaking may give Notice in Writing to such Holder that they will pay off the Principal and Interest due on such Security at the End of Six Months, computed from the Day of giving such Notice; and

Lands in Mortgage.

if they shall have given any such Notice, or if the Party entitled to the Lands under Burden of such Security shall have given Six Months Notice of his Intention to redeem the same, then, at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Promoters of the Undertaking to the Holder of such Security of the Principal Money thereon due, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Expences and Charges, if any, such Holder shall convey or discharge his Interest in the Lands comprised in such Security to the Promoters of the Undertaking, or as they shall direct.

Deposit of Money on Refusal to accept Redemption.

C. If, in either of the Cases aforesaid, upon such Payment or Tender, any Holder of such Securities shall fail to convey or discharge his Interest therein as directed by the Promoters of the Undertaking, or if he fail to adduce a good Title thereto, then it shall be lawful for the Promoters of the Undertaking to deposit in the Bank, in the Manner provided by this Act in like Cases, the Principal and Interest, together with the Expences, if any, due on such Security, and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due; and it shall be lawful for them, if they think fit, to expede an Instrument under the Hands of a Notary Public, duly stamped, and to register the same in the Manner herein-before provided in the Case of the Purchase of Lands by them; and thereupon, as well as upon such Conveyance by the Holder of the Security, if any such be made, all the Estate and Interest of such Holder, and of all Persons in trust for him, or for whom he may be a Trustee, in such Lands, shall vest in the Promoters of the Undertaking, and they shall be entitled to immediate Possession thereof in case such Holder were himself entitled to such Possession.

Sum to be paid when Security exceeds Value of Lands.

CI. If any such Lands subject to such Security as aforesaid shall be of less Value than the Principal, Interest, and Expences secured thereon, the Value of such Lands, or the Compensation to be made by the Promoters of the Undertaking in respect thereof, shall be settled by Agreement between the Holder of such Security and the Party claiming or entitled to the Lands under Burden on the one Part, and the Promoters of the Undertaking on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Promoters of the Undertaking to the Holder of the Security, in satisfaction of his Claim, so far as the same will extend; and upon Payment or Tender thereof such Holder shall, at the Expence of the Promoters of the Undertaking, dispone and assign his Debt, so far as paid, and his Security, and all his Interest in such Lands, to the Promoters of the Undertaking, or as they shall direct, and thereupon the Party claiming or entitled to the said Lands under Burden of the Security shall cease to be interested in or have any Right thereto, or to any Part thereof.

Deposit of Money when refused on Tender.

CII. If upon such Payment or Tender as aforesaid being made any Holder of such Security fail so to convey his Interest therein, or to adduce a good Title thereto to the Promoters of the Undertaking, it shall be lawful for them to deposit the Amount of such Value or Compensation in the Bank in the Manner provided by this Act in like Cases; and every such Payment or Deposit shall be accepted by the Holder of the Security in Satisfaction of his Claim, so far as the same will extend, and shall be a full Discharge of the Lands from all Money due thereon; and it shall be lawful for the Promoters of the Undertaking to expede an Instrument under the Hands of a Notary Public, duly stamped, and to register the same in the Manner herein-before provided in the Case of the Purchase of Lands by them; and thereupon such Lands, as to all such Right and Interest as were then vested in the Holder of the Security, or any Person in trust for him, or in the Party claiming or entitled to the Lands under Burden of the Security, shall become absolutely vested in the Promoters of the Undertaking, and they shall be entitled to immediate Possession thereof; nevertheless, all Rights and Remedies possessed by the Holder of such Security for recovering Payment of his Debt, or the Residue thereof, (as the Case may be,) or the Interest thereof respectively, and all Expences, shall remain in force as a Claim against the Grantor of such Security, and against all other Parties bound for the same, but not as a Claim on the said Lands, or against the Promoters of the Undertaking.

Sum to be paid where Part only of Lands under Security taken.

CIII. If a Part only of any such Lands subject to any Security as aforesaid be required for the Purposes of the special Act, and if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Holder of the Security shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to discharge the Part so required, and if the Promoters of the Undertaking be unwilling to advance the Debt on an Assignment thereto, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof, or otherwise, shall be settled by Agreement between the Holder of the Security and the Party entitled to the Land under Burden of the Security on the one Part, and the Promoters of the Undertaking on the other; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Promoters of the Undertaking to the Holder of the Security, in satisfaction of his Debt, so far as the same will extend, and thereupon such Holder shall convey or discharge to them, or as they shall direct, all his Interest in such Lands the Value whereof shall have been so paid, and the Party claiming or entitled to the said Lands under Burden of the Security shall cease to be interested in or have any Right thereto or to any Part thereof; and a Memorandum of what shall have been so paid shall be endorsed on the Deed or Instrument creating such Security, and shall be signed by the Holder thereof; and a Copy of such Memorandum shall at the same Time (if required) be furnished by

by the Promoters of the Undertaking, at their Expence, to the Party entitled to the Lands under Burden of the Security.

Deposit of Money when refused on Tender.

CIV. If upon Payment or Tender to any Holder of such Security of the Amount of the Value or Compensation so agreed upon or determined such Holder shall fail to convey or discharge to the Promoters of the Undertaking, or as they shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto, it shall be lawful for the Promoters of the Undertaking to pay the Amount of such Value or Compensation into the Bank in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and such Payment or Deposit shall be accepted by the Holder of such Security in satisfaction of his Claim, so far as the same will extend, and shall be a full Discharge of the Portion of the Lands so required from all Money due thereon, and shall bar the Claim of the Party claiming or entitled to the said Lands under Burden of the Security; and it shall be lawful for the Promoters of the Undertaking, if they think fit, to expede an Instrument under the Hands of a Notary Public, duly stamped, and to register the same in the Manner herein-before provided in the Case of the Purchase of Lands by them, and thereupon such Lands shall become absolutely vested in the Promoters of the Undertaking, as to all such Right and Interest as were then vested in the Holder of such Security, or any Person in trust for him, and in case such Holder were himself entitled to such Possession they shall be entitled to immediate Possession thereof; nevertheless, every such Holder shall have the same Powers and Remedies for recovering or compelling Payment of his Claim, or the Residue thereof, (as the Case may be,) and the Interest thereof respectively, upon and out of the Residue of the Lands subject to such Security, or the Portion thereof not required for the Purposes of the special Act, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Security.

If Sums secured paid off before the stipulated Time, Promoters to pay Expences incidental to Re-investment.

CV. Provided always, That in any of the Cases herein-before provided with respect to Lands subject to Securities, if in the Deed or Instrument creating the same a Time shall have been limited within which the Holder of the Security shall not be obliged to receive Payment of the Principal Money thereby secured, and under the Provisions herein-before contained the Holder of the Security shall have been required to accept Payment of his Claim or of Part thereof, at a Time earlier than the Time so limited, the Promoters of the Undertaking shall pay to the Holders of the Security, in addition to the Sum which shall have been so paid off, all such Expences as shall be incurred by him in respect of or which shall be incidental to the Re-investment of the Sum so paid off; such Expences, in case of Difference, to be taxed, and Payment thereof enforced, in the Manner herein provided with respect to the Expences of Conveyances.

Compensation in respect of Loss of Interest.

CVI. If the Rate of Interest secured by such Deed be higher than at the Time of the same being so paid off can reasonably be expected to be obtained on re-investing the same, regard being had to the then current Rate of Interest, the Holder of such Security shall be entitled to receive from the Promoters of the Undertaking, in addition to the Principal and Interest herein-before provided for, Compensation in respect of the Loss to be sustained by him by reason of his Claim being so prematurely paid off, the Amount of such Compensation to be ascertained in case of Difference, as in other Cases of disputed Compensation; and until Payment or Tender of such Compensation as aforesaid the Promoters of the Undertaking shall not be entitled, as against such Holder, to Possession of the Lands under the Provision herein-before contained.

Lands subject to Rent-charges.

And with respect to any Lands which shall be charged with any Feu Duty, Ground Annual, Casualty of Superiority, or any Rent or other annual or recurring Payment or Incumbrance not herein-before provided for, be it enacted as follows:

Company to continue the Payment of Feu Duties, &c.

CVII. It shall be lawful for the Promoters of the Undertaking to enter upon and continue in possession of such Lands, without redeeming the Charges thereon, provided they pay the Amount of such annual or recurring Payment when due, and otherwise fulfil all Obligations accordingly, and provided they shall not be called upon by the Party entitled to the Charge to redeem the same.

Discharge of Lands from such Charge.

CVIII. If any Difference shall arise between the Promoters of the Undertaking and the Party entitled to any such Charge upon any Lands required to be taken for the Purposes of the special Act, respecting the Consideration to be paid for the Discharge of such Lands therefrom, or from the Portion thereof affecting the Lands required for the Purposes of the special Act, the same shall be determined as in other Cases of disputed Compensation.

Discharge of Part of Lands from Charge.

CIX. If Part only of the Lands charged with any such Feu Duty, Ground annual, Casualty of Superiority, or any Rent, Payment, or Incumbrance, be required to be taken for the Purposes of the special Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owner of the Lands on the one Part, and the Promoters of the Undertaking on the other Part, and if such Apportionment be not so settled by Agreement the same shall be settled by the Sheriff; but if the remaining Part of the Lands so jointly subject be a sufficient Security for such Charge, then, with Consent of the Owner of the Lands so jointly subject, it shall be lawful for the Party entitled to such Charge to discharge therefrom the Lands required, on condition or in consideration of such other Lands remaining exclusively subject to the whole thereof.

Deposit in case of Refusal to discharge.

CX. Upon Payment or Tender of the Compensation so agreed upon or determined to the Party entitled to any such Charge as aforesaid, such Party shall execute to the Promoters of the Undertaking a Discharge thereof; and if he fail so to do, or if he fail to adduce a good Title to such Charge, it shall be

Lands subject to Rent-charges.

be lawful for them to deposit the Amount of such Compensation in the Bank in the Manner herein-before provided in like Cases; and also, if they think fit, to expede an Instrument under the Hands of a Notary Public, duly stamped, and to register the same in the Manner herein-before provided in the Case of the Purchase of Lands by them; and thereupon the Feu Duty, Ground annual, Casualty of Superiority, Rent, Payment, or Incumbrance, or the Portion thereof in respect whereof such Compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on Lands not taken.

CXI. If any such Lands be so discharged from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Lands, such last-mentioned Lands shall alone be charged with the whole of such Charge, or with the Remainder thereof, as the Case may be, and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Lands, for the whole or for the Remainder of the Charge, as the Case may be, as he had previously over the whole of the Lands subject to such Charge; and upon any such Charge or Portion of Charge being so discharged the Promoters of the Undertaking, if required so to do, shall execute and grant in due Form a probative Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of the special Act, and if the Lands be discharged from Part of such Charge, what Proportion of such Charge shall have been discharged, and how much thereof continues payable, or if the Lands so required shall have been discharged from the whole of such Charge, then that the remaining Lands are thenceforward to remain exclusively charged therewith; and such Deed or Instrument shall be made and executed at the Expence of the Promoters of the Undertaking, and shall be competent Evidence in all Courts and elsewhere of the Facts therein stated.

Lands subject to Leases.

And with respect to Lands subject to Leases, be it enacted as follows:

Where Part only of Lands under Lease taken, the Rent to be apportioned.

CXII. If any Lands shall be comprised in a Lease or Missive of Lease for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of the special Act, the Rent payable in respect of the Lands comprised in such Lease or Missive of Lease shall be apportioned between the Lands so required and the Residue of such Lands, and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the Promoters of the Undertaking on the other Part, and if such Apportionment be not so settled by Agreement between the Parties such Apportionment shall be settled by the Sheriff; and after such Apportionment the Lessee of such Lands shall, as to all future accruing Rent, be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required for the Purposes of the special Act; and as to the Lands not so required, and as against the Lessee, the Lessor shall have all the same Rights and Remedies for the Recovery of such Portion of Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease or Missive of Lease; and all the Obligations, Conditions, and Agreements of such Lease or Missive of Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purposes of the special Act in the same Manner as they would have been in case such Part only of the Land had been included in the Lease or Missive of Lease.

Tenants to be compensated.

CXIII. Every such Lessee as last aforesaid shall be entitled to receive from the Promoters of the Undertaking Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise by reason of the Execution of the Works.

Compensation to be made to Tenants for a Year, &c.

CXIV. If any such Lands shall be in the Possession of any Person having no greater Interest therein than as Tenant for a Year or from Year to Year, and if such Person be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, and for any just Allowance which ought to be made to him by any in-coming Tenant, and for any Loss or Injury he may sustain, or if a Part only of such Lands be required, Compensation for the Damage done to him in his Tenancy by the severing of the Lands held by him, or otherwise injuriously affecting the same, and the Amount of such Compensation shall be determined by the Sheriff, in case the Parties differ about the same; and upon Payment or Tender of the Amount of such Compensation all such Persons shall respectively deliver up to the Promoters of the Undertaking, or to the Person appointed by them to take possession thereof, any such Lands in their Possession required for the Purposes of the special Act.

Where greater Interest claimed than from Year to Year the Lease or Missive to be produced.

CXV. If any Party, having a greater Interest than as Tenant for a Year or from Year to Year, claim Compensation in respect of any unexpired Term or Interest under any Lease, Missive of Lease, or Grant of any such Lands, the Promoters of the Undertaking may require such Party to produce the Lease, Missive of Lease, or Grant in respect of which such Claim shall be made, or other legal Evidence thereof in his Power; and if, after Demand made in Writing by the Promoters of the Undertaking, such Lease, Missive of Lease, or Grant, or other legal Evidence thereof, be not produced within Twenty-one Days, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

Limit of Time for compulsory Purchase.

CXVI. And be it enacted, That the Powers of the Promoters of the Undertaking for the compulsory Purchase or taking of Lands for the Purposes of the special Act shall not be exercised after the Expiration of the prescribed Period, and if no Period be prescribed, not after the Expiration of Three Years from the passing of the special Act.

Interests omitted to be purchased.

And with respect to Interest in Lands which have by Mistake been omitted to be purchased, be it enacted as follows:

Promoters of the Under-

CXVII. If at any Time after the Promoters of the Undertaking shall have entered upon any Lands which under the Provisions of this or the special Act, or any Act incorporated therewith, they were authorized

to

to purchase, and which shall be permanently required for the Purposes of the special Act, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands which the Promoters of the Undertaking shall through Mistake or Inadvertency have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period allowed for the Purchase of Lands shall have expired or not, the Promoters of the Undertaking shall remain in the undisturbed Possession of such Lands, provided, within Six Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Promoters of the Undertaking, or in case the same shall be disputed, then within Six Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Promoters of the Undertaking shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Profits or Interest which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Promoters of the Undertaking thereon and the Time of the Payment of such Purchase Money or Compensation by the Promoters of the Undertaking, so far as such Profits or Interest may be recoverable in Law; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the Promoters of the Undertaking had purchased such Estate, Right, Interest, or Charge before their entering upon such Land, or as near thereto as Circumstances will admit.

taking empowered to purchase Interests in Lands the Purchase whereof may have been omitted by Mistake.

CXVIII. In estimating the Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any Profits thereof, the Jury, or Arbiters, or Sheriff, as the Case may be, shall assess the same according to what they shall find to have been the Value of such Lands, Estate, or Interest, and Profits, at the Time such Lands were entered upon by the Promoters of the Undertaking, and without regard to any Improvements or Works made in the said Lands by the Promoters of the Undertaking, and as though the Works had not been constructed.

How Value of such Lands to be estimated.

CXIX. In addition to the said Purchase Money, Compensation, or Satisfaction, and before the Promoters of the Undertaking shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall have been disputed by the Company, and determined in favour of the Party claiming the same, pay the full Expences of any Proceedings at Law or in Equity for the Determination or Recovery of the same to the Parties with whom any such Litigation in respect thereof shall have taken place; and such Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Promoters of the Undertaking to pay the Expences of Litigation as to such Lands.

Sale of superfluous Lands.

And with respect to Lands acquired by the Promoters of the Undertaking, under the Provisions of this or the special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof, be it enacted as follows:

CXX. Within the prescribed Period, or if no Period be prescribed within Ten Years after the Expiration of the Time limited by the special Act for the Completion of the Works, the Promoters of the Undertaking shall absolutely sell and dispose of all such superfluous Lands in such Manner as they may deem most advantageous, and apply the Purchase Money arising from such Sales to the Purposes of the special Act, and in default thereof all such superfluous Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto in proportion to the Extent of their Lands respectively adjoining the same.

Lands not wanted to be sold, or in default to vest in Owners of adjoining Lands.

CXXI. Before the Promoters of the Undertaking dispose of any such superfluous Lands they shall, unless such Lands be situate within a Town, or be Lands built upon, or be used for building Purposes, first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same, or cannot, after diligent Inquiry, be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption such Offer shall be made to such Persons in succession, one after another, in such Order as the Promoters of the Undertaking shall think fit.

Lands to be offered to Owner of Lands from which they were severed, or to adjoining Owners.

CXXII. If any such Persons be desirous of purchasing such Lands, then, within Six Weeks after such Offer of Sale, they shall signify their Desire in that Behalf to the Promoters of the Undertaking; or if they decline such Offer, or if for Six Weeks they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting, in respect of the Lands included in such Offer, shall cease; and a Declaration in Writing, made before the Sheriff by some Person not interested in the Matter in question, stating that such Offer was made, and was refused, or not accepted within Six Weeks from the Time of making the same, or that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not, after diligent Inquiry, be found, or were not capable of entering into a Contract for the Purchase of such Lands, shall in all Courts be sufficient Evidence of the Facts therein stated.

Right of Pre-emption to be claimed within Six Weeks.

CXXIII. If any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Promoters of the Undertaking do not agree as to the Price thereof, then such Price shall be ascertained by Arbitration, and the Expences of such Arbitration shall be in the Discretion of the Arbiters.

Differences as to Price to be settled by Arbitration.

Lands to be conveyed to the Purchasers.

CXXIV. Upon Payment or Tender to the Promoters of the Undertaking of the Purchase Money so agreed upon or determined as aforesaid they shall convey such Lands to the Purchasers thereof by Deed, under the Common Seal of the Promoters of the Undertaking, if they be a Corporation, or if not a Corporation under the Hands of the Promoters of the Undertaking or any Two of the Directors or Managers thereof acting by the Authority of the Body; and a Deed so executed shall be effectual to vest the Lands comprised therein in the Purchaser of such Lands for the Estate which shall so have been purchased by him, and a Receipt under such Common Seal, or under the Hands of Two of the Directors or Managers of the Undertaking, as aforesaid, shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received.

Effect of Word "dispone" in Conveyances.

CXXV. And be it enacted, That in every Conveyance of Lands to be made by the Promoters of the Undertaking under this or the special Act the Word "dispone" shall operate as a Clause of absolute Warrandice by the Promoters of the Undertaking, for themselves and their Successors, or for themselves, their Heirs, Executors, Administrators, and Assigns, as the Case may be, to the respective Disponees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Disponees according to the Quality or Nature of such Conveyances, and of the Estate or Interest therein expressed to be thereby conveyed, except so far as the same shall be restrained or limited by express Words contained in such Conveyance.

Superiorities not to be affected.

CXXVI. And be it enacted, That the Rights and Titles to be granted in manner herein mentioned in and to any Lands taken and used for the Purposes of this Act shall, unless otherwise specially provided for, in nowise affect or diminish the Right of Superiority in the same, which shall remain entire in the Person granting such Rights and Titles; but in the event of the Lands so used or taken being a Part or Portion of other Lands held by the same Owner under the same Titles, the said Company shall not be liable for any Feu Duties or Casualties to the Superiors thereof, nor shall the said Company be bound to enter with the said Superiors: Provided always, that before entering into possession of any Lands full Compensation shall be made to the said Superiors for all Loss which they may sustain by being deprived of any Casualties, or otherwise by reason of any Procedure under this Act.

Land Tax and Poor's Rate to be made good.

CXXVII. And be it enacted, That if the Promoters of the Undertaking become possessed, by virtue of this or the special Act, or any Act incorporated therewith, of any Lands charged with the Land Tax, or liable to be assessed to the Poor's Rate or Prison Assessment, they shall from Time to Time, until the Works shall be completed and assessed to such Land Tax and Poor's Rate and Prison Assessment, be liable to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate and Prison Assessment by reason of such Lands having been taken or used for the Purposes of the Work; and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the passing of the special Act; and on Demand of such Deficiency the Promoters of the Undertaking or their Treasurer shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Promoters of the Undertaking think fit to redeem such Land Tax, they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Notices.

And with respect to the giving of Notices, be it enacted as follows:

Service of Notices upon the Promoters of the Undertaking.

CXXVIII. Any Summons or Notice, or any Writ or other Proceeding at Law or Equity required to be served upon the Promoters of the Undertaking, may be served by the same being left at or transmitted through the Post, directed to the principal Office of the Promoters of the Undertaking, or One of the principal Offices where there shall be more than One, or being given personally, or transmitted through the Post, directed to the Secretary, or in case there be no Secretary then by being given to the Solicitor of the said Promoters.

Tender of Amends.

CXXIX. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if, before Action brought in respect thereof, such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defender, by Leave of the Court where such Action shall be pending, at any Time before the Record is closed to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defenders are allowed to pay Money into Court.

Recovery of Penalties.

And with respect to the Recovery of Forfeitures, Penalties, and Expences, be it enacted as follows:

Penalties to be summarily recovered before the Sheriff or Two Justices.

CXXX. Every Penalty or Forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before the Sheriff or Two Justices; and on Complaint being made to any Sheriff or Justice he shall issue an Order requiring the Party complained against to appear before himself, if the Order be issued by a Sheriff, or before Two or more Justices, if the Order be issued by a Justice, at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the due Service of such Order, it shall be lawful for any Sheriff or Two Justices to proceed to the hearing of the Complaint; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Sheriff or Justices to convict the Offender, and upon such Conviction to adjudge the Offender

Offender to pay the Penalty or Forfeiture incurred, as well as such Expences attending the Conviction as such Sheriff or Justices shall think fit.

Penalties to be levied by Poinding and Sale.

CXXXI. If forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Expences as aforesaid, be not paid, the Amount of such Penalty and Expences may be levied by Poinding and Sale, and such Sheriff or Justices shall issue his or their Warrant of Poinding and Sale accordingly.

Poinding, &c. against the Treasurer.

CXXXII. If any such Sum shall be payable by the Promoters of the Undertaking, and if sufficient Goods of the said Promoters cannot be found whereon to levy the same, it may, if the Amount thereof do not exceed Twenty Pounds, be recovered by Poinding and Sale of the Goods of the Treasurer of the said Promoters, and the Sheriff, on Application, shall issue his Warrant accordingly; but no such Poinding and Sale shall be executed against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence; and if such Treasurer pay any Money under such Poinding and Sale as aforesaid he may retain the Amount so paid by him, and all Expences occasioned thereby, out of any Money belonging to the Promoters of the Undertaking coming into his Custody or Control, or he may sue the Promoters of the Undertaking for the same.

Poinding, &c. how to be levied.

CXXXIII. Where in this or the special Act, or any Act incorporated therewith, any Sum of Money, whether in the Nature of Penalty, Expences, or otherwise, is directed to be levied by Poinding and Sale, such Sum of Money shall be levied by Poinding and Sale of the Goods and Effects of the Party liable to pay the same, and the Overplus arising from the Sale of such Goods and Effects, after satisfying such Sum of Money, and the Expences of the Poinding and Sale, shall be returned, on demand, to the Party whose Goods shall have been seized.

Poinding not unlawful for Want of Form.

CXXXIV. No Poinding and Sale made by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser or Wrong-doer, on account of any Defect or Want of Form in the Summons, Conviction, Warrant, or other Proceeding relating thereto, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action before the Sheriff Court.

Application of Penalties.

CXXXV. The Sheriff or Justices by whom any such Penalty or Forfeiture shall be imposed, where the Application thereof is not otherwise provided for, may award not more than One Half thereof to the Informer, and shall award the Remainder to the Kirk Session, or Treasurer or Collector of the Funds for the Poor, of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Penalties to be sued for within Six Months.

CXXXVI. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any Offence made cognizable before the Sheriff or Justices, unless the Complaint respecting such Offence shall have been made before such Sheriff or some Justice within Six Months next after the Commission of such Offence.

Form of Conviction.

CXXXVII. The Sheriff or Justice or Justices before whom any Person shall be convicted of any Offence against this or the special Act, or any Act incorporated therewith, may cause the Conviction to be drawn up according to the Form in the Schedule (C.) to this Act annexed.

Proceedings not to be quashed for Want of Form, &c.

CXXXVIII. No Proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for Want of Form, nor shall the same be removed by Suspension or otherwise into any Superior Court.

Power of Appeal from Sheriff Substitute to Sheriff.

CXXXIX. In all Cases which may come before any Sheriff Substitute under this or the special Act, or any Act incorporated therewith, in which written Pleadings shall have been allowed, and a written Record shall have been made up, and where the Evidence which has been led by the Parties shall have been reduced to Writing, but in no other Case whatever, it shall be competent for any of the Parties thereto, within Seven Days after a final Judgment shall have been pronounced by such Sheriff Substitute, to appeal against the same to the Sheriff of the County, by lodging a Minute of Appeal with the Sheriff Clerk of such County or his Depute; and the said Sheriff shall thereupon review the Proceedings of the said Sheriff Substitute, and whole Process, and, if he think proper, hear the Parties *vivâ voce* thereon, and pronounce Judgment; and such Judgment shall in no Case be subject to Review by Suspension or Advocation, or by Reduction, on any Ground whatever.

Parties allowed to appeal from Justices to Quarter Sessions, on giving Security.

CXL. If any Party shall feel aggrieved by any Determination or Adjudication of any Justice or Two or more Justices, with respect to any Penalty or Forfeiture under the Provisions of this or the special Act, or any Act incorporated therewith, such Party may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CXLI. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such

such Order concerning the Expences, both of the Adjudication and of the Appeal, as they may think reasonable.

Access to special Act.

And with respect to the Provision to be made for affording Access to the special Act by all Parties interested, be it enacted as follows:

Copies of special Act to be kept and deposited, and allowed to be inspected.

CXLII. The Company shall at all Times, after the Expiration of Six Months after the passing of the special Act, keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty, or some of them; and where the Undertaking shall be a Railway, Canal, or other like Undertaking, the Works of which shall not be confined to One County, shall also within the Space of such Six Months deposit in the Office of each of the Sheriff Clerks of the several Counties into which the Works shall extend a Copy of such special Act, so printed as aforesaid; and the said Sheriff Clerks shall receive, and they and the Company respectively shall retain, the said Copies of the special Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

Penalty on Company failing to keep and deposit Act.

CXLIII. If the Company shall fail to keep or deposit, as herein-before mentioned, any of the said Copies of the special Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited.

Alteration of Act.

CXLIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Form of Conveyance.

I of in consideration of the Sum of paid to me [*or, as the Case may be,* into the Bank (*or* to *A.B.* of and *C.D.* of Two Trustees appointed to receive the same)], pursuant to an Act passed, *&c.*, intituled, *&c.*, by the [*here name the Company*], incorporated by the said Act, do hereby sell, alienate, dispone, convey, assign, and make over from me, my Heirs and Successors, to the said Company, their Successors and Assignees, for ever, according to the true Intent and Meaning of the said Act, all [*describing the Premises to be conveyed*], together with all Rights and Pertinents thereto belonging, and all such Right, Title, and Interest in and to the same as I and my foresaids are or shall become possessed of, or are by the said Act empowered to convey. [*Here insert the Conditions (if any) of the Conveyance, and a Registration Clause for Preservation and Diligence, and a Testing Clause, according to the Form of the Law of Scotland.*]

SCHEDULE (B.)

Form of Conveyance in consideration of Feu Duty or Rent-charge.

I of in consideration of the Feu Duty or Rent to be paid to me, my Heirs and Assigns, as herein-after mentioned, by the [*here name the Company*], established and incorporated by virtue of an Act passed, *&c.*, intituled, *&c.*, do hereby dispone, convey, and make over from me, my Heirs and Successors, to the said Company, their Successors and Assignees, for ever, according to the true Intent and Meaning of the said Act, all [*describing the Premises to be conveyed*], together with all Rights and Pertinents thereunto belonging, and all my Right, Title, and Interest in and to the same and every Part thereof, they the said Company, their Successors and Assignees, yielding and paying unto me, my Heirs and Assignees, One clear annual Feu Duty or Rent of by equal half-yearly Portions henceforth on the [*stating the Days. Here insert Conditions of the Conveyance (if any), and insert a Registration Clause for Preservation and Diligence, and a Testing Clause, according to the Form of the Law of Scotland*].

SCHEDULE (C.)

Form of Conviction before

to wit.

BE it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me *C.*, the Sheriff [*or* before us *D.*, *E.*, Two of Her Majesty's Justices of the Peace] for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the [*here name the special Act*]. Given under my Hand [*or* under our Hands], the Day and Year first above written.

C.
D.
E.

CAP. XX.

An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways. [8th *May* 1845.]

'WHEREAS it is expedient to comprise in One general Act sundry Provisions usually introduced into Acts of Parliament authorizing the Construction of Railways, and that, as well for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several Acts relating to such Undertakings, as for ensuring greater Uniformity in the Provisions themselves: And whereas a Bill is now pending in Parliament, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature*, and which is intended to be called "The Lands Clauses Consolidation Act, 1845:" May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall apply to every Railway which shall by any Act which shall hereafter be passed be authorized to be constructed, and this Act shall be incorporated with such Act; and all the Clauses and Provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same shall be applicable to such Undertaking, and shall, as well as the Clauses and Provisions of every other Act which shall be incorporated with such Act, form Part of such Act, and be construed together therewith as forming One Act.

Operation of this Act confined to future Railways.

And with respect to the Construction of this Act and of other Acts to be incorporated therewith, be it enacted as follows:

Interpretations in this Act:

II. The Expression "the special Act," used in this Act, shall be construed to mean any Act which shall be hereafter passed authorizing the Construction of a Railway, and with which this Act shall be so incorporated as aforesaid; and the Word "prescribed," used in this Act in reference to any Matter herein stated, shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act; and the Sentence in which such Word shall occur shall be construed as if, instead of the Word "prescribed," the Expression "prescribed for that Purpose in the special Act" had been used; and the Expression "the Lands" shall mean the Lands which shall by the special Act be authorized to be taken or used for the Purposes thereof; and the Expression "the Undertaking" shall mean the Railway and Works, of whatever Description, by the special Act authorized to be executed.

"special Act:" "prescribed:" "the Lands:" "the Undertaking."

III. The following Words and Expressions, both in this and the special Act, shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretations in this and the special Act:

Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include also the Singular Number: — Number:

Words importing the Masculine Gender only shall include Females: — Gender:

The Word "Lands" shall include Messuages, Lands, Tenements, and Hereditaments of any Tenure: — "Lands:"

The Word "Lease" shall include an Agreement for a Lease: — "Lease:"

The Word "Toll" shall include any Rate or Charge or other Payment payable under the special Act for any Passenger, Animal, Carriage, Goods, Merchandize, Articles, Matters, or Things conveyed on the Railway: — "Toll:"

The Word "Goods" shall include Things of every Kind conveyed upon the Railway: — "Goods:"

The Word "Month" shall mean Calendar Month: — "Month:"

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster* or *Dublin*, as the Case may require: — "Superior Courts:"

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath: — "Oath:"

The Word "County" shall include any Riding or other like Division of a County, and shall also include County of a City or County of a Town: — "County:"

The Word "Sheriff" shall include Under Sheriff or other legally competent Deputy; and where any Matter in relation to any Lands is required to be done by any Sheriff or Clerk of the Peace, the Expression "the Sheriff," or the Expression "the Clerk of the Peace," shall in such Case be construed to mean the Sheriff or the Clerk of the Peace of the County, City, Borough, Liberty, Cinque Port, or Place where such Lands shall be situate; and if the Lands in question, being the Property of one and the same Party, be situate not wholly in one County, City, Borough, Liberty, Cinque Port, or Place, the same Expression shall be construed to mean the Sheriff or Clerk of the Peace of any County, City, Borough, Liberty, Cinque Port, or Place where any Part of such Lands shall be situate: — "the Sheriff:" "the Clerk of the Peace:"

The Word "Justice" shall mean Justice of the Peace acting for the County, City, Borough, Liberty, Cinque Port, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where such Matter shall arise in respect of Lands, being the Property of one and the same Party, situate not wholly in any one County, City, Borough, Liberty, Cinque Port, or Place, shall mean a Justice acting for the County, City, Borough, Liberty, Cinque Port, or Place where any Part of such Lands shall be situate, and who shall not be interested — "Justice:"

interested in such Matter; and where any Matter shall be authorized or required to be done by Two Justices, the Expression "Two Justices" shall be understood to mean Two Justices assembled and acting together:

"Two Justices:"

"Owner:" Where under the Provisions of this or the special Act any Notice shall be required to be given to the Owner of any Lands, or where any Act shall be authorized or required to be done with the Consent of any such Owner, the Word "Owner" shall be understood to mean any Person or Corporation who, under the Provisions of this or the special Act, or any Act incorporated therewith, would be enabled to sell and convey Lands to the Company:

"the Company:" The Expression "the Company" shall mean the Company or Party which shall be authorized by the special Act to construct the Railway:

"the Railway:" The Expression "the Railway" shall mean the Railway and Works by the special Act authorized to be constructed:

"Board of Trade:" The Expression "the Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations:

"the Bank:" The Expression "the Bank" shall mean the Bank of *England*, where the same shall relate to Monies to be paid or deposited in respect of Lands situate in *England*; and shall mean the Bank of *Ireland* where the same shall relate to Monies to be paid or deposited in respect of Lands situate in *Ireland*:

"Turnpike Road," Ireland: The Expression "Turnpike Road" shall, when applied to any Road in *Ireland*, include any Road upon which Her Majesty's Mails are or shall be carried in Mail Carriages; or such other Roads as the Commissioners of Public Works in *Ireland* shall consider to require Arches of greater Width or Height than by this Act is required for public Carriage Roads:

"Surveyor," Ireland: The Expression "Surveyor," applied to a Road or Highway, shall, as to Railways in *Ireland*, include the County Surveyor:

"Overseers of the Poor," Ireland. The Expression "Overseers of the Poor," when applied to *Ireland*, shall include the Poor Law Guardians of the Electoral Division and the Clerk of the Guardians of the Union through which such Railway may pass.

Short Title of the Act. IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Railways Clauses Consolidation Act, 1845."

Form in which Portions of this Act may be incorporated in other Acts. V. 'And whereas it may be convenient, in some Cases, to incorporate with Acts hereafter to be passed 'some Portion only of the Provisions of this Act;' be it therefore enacted, That, for the Purpose of making any such Incorporation, it shall be sufficient in any such Act to enact that the Clauses of this Act with respect to the Matter so proposed to be incorporated (describing such Matter as it is described in this Act, in the Words introductory to the Enactment with respect to such Matter,) shall be incorporated with such Act, and thereupon all the Clauses and Provisions of this Act with respect to the Matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if the Substance of such Clauses and Provisions were set forth therein with reference to the Matter to which such Act shall relate.

Construction of Railway.

And with respect to the Construction of the Railway and the Works connected therewith, be it enacted as follows:

The Construction of the Railway to be subject to the Provisions of this Act and the Lands Clauses Consolidation Act. VI. In exercising the Power given to the Company by the special Act to construct the Railway, and to take Lands for that Purpose, the Company shall be subject to the Provisions and Restrictions contained in this Act and in the said Lands Clauses Consolidation Act; and the Company shall make to the Owners and Occupiers of and all other Parties interested in any Lands taken or used for the Purposes of the Railway, or injuriously affected by the Construction thereof, full Compensation for the Value of the Lands so taken or used, and for all Damage sustained by such Owners, Occupiers, and other Parties, by reason of the Exercise, as regards such Lands, of the Powers by this or the special Act, or any Act incorporated therewith, vested in the Company; and, except where otherwise provided by this or the special Act, the Amount of such Compensation shall be ascertained and determined in the Manner provided by the said Lands Clauses Consolidation Act for determining Questions of Compensation with regard to Lands purchased or taken under the Provisions thereof; and all the Provisions of the said last-mentioned Act shall be applicable to determining the Amount of any such Compensation, and to enforcing the Payment or other Satisfaction thereof.

Errors and Omissions in Plans to be corrected. VII. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the Plans or Books of Reference mentioned in the special Act, or in the Schedule to the special Act, it shall be lawful for the Company, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction, to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerks of the Peace of the several Counties in which the Lands affected thereby shall be situate, and shall also be deposited with the Parish Clerks of the several Parishes in *England*, and with the Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*, in which the Lands affected thereby shall be situate; and such Certificate shall be kept by such Clerks of the Peace, Parish Clerks, and Postmasters respectively along with the other Documents to which they relate; and thereupon such Plan,

Plan, Book of Reference, or Schedule shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Company to make the Works in accordance with such Certificate.

Works not to be proceeded with until Plans of all Alterations authorized by Parliament have been deposited.

VIII. It shall not be lawful for the Company to proceed in the Execution of the Railway unless they shall have previously to the Commencement of such Work deposited with the Clerks of the Peace of the several Counties in or through which the Railway is intended to pass a Plan and Section of all such Alterations from the original Plan and Section as shall have been approved of by Parliament, on the same Scale and containing the same Particulars as the original Plan and Section of the Railway, and shall also have deposited with the Clerks of the several Parishes in *England*, and the Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*, in or through which such Alterations shall have been authorized to be made, Copies or Extracts of or from such Plans and Sections as shall relate to such Parishes respectively.

Clerks of the Peace, &c. to receive Plans of Alterations, and allow Inspection. 7 W. 4. & 1 Vict. c. 83.

IX. The said Clerks of the Peace, Parish Clerks, and Postmasters shall receive the said Plans and Sections of Alterations, and Copies and Extracts thereof respectively, and shall retain the same, as well as the said original Plans and Sections, and shall permit all Persons interested to inspect any of the Documents aforesaid, and to make Copies and Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default as is provided in the Case of the original Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

Copies of Plans, &c. to be Evidence.

X. True Copies of the said Plans and Books of Reference, or of any Alteration or Correction thereof, or Extract therefrom, certified by any such Clerk of the Peace, which Certificate such Clerk of the Peace shall give to all Parties interested, when required, shall be received in all Courts of Justice and elsewhere as Evidence of the Contents thereof.

Limiting Deviation from Datum Line described on Sections, &c.

XI. In making the Railway it shall not be lawful for the Company to deviate from the Levels of the Railway, as referred to the common Datum Line described in the Section approved of by Parliament, and as marked on the same, to any Extent exceeding in any Place Five Feet, or, in passing through a Town, Village, Street, or Land continuously built upon, Two Feet, without the previous Consent in Writing of the Owners and Occupiers of the Land in which such Deviation is intended to be made; or in case any Street or public Highway shall be affected by such Deviation, then the same shall not be made without the like Consent of the Trustees or Commissioners having the Control of such Street or public Highway, or, if there be no such Trustees or Commissioners, without the like Consent of Two or more Justices of the Peace in Petty Sessions assembled for that Purpose, and acting for the District in which such Street or public Highway may be situated, or without the like Consent of the Commissioners for any public Sewers, or the Proprietors of any Canal, Navigation, Gas Works, or Waterworks affected by such Deviation: Provided always, that it shall be lawful for the Company to deviate from the said Levels to a further Extent without such Consent as aforesaid, by lowering solid Embankments or Viaducts, provided that the requisite Height of Headway as prescribed by Act of Parliament be left for Roads, Streets, or Canals passing under the same: Provided also, that Notice of every Petty Sessions to be holden for the Purpose of obtaining such Consent of Two Justices as is herein-before required shall, Fourteen Days previous to the holding of such Petty Sessions, be given in some Newspaper circulating in the County, and also be affixed upon the Door of the Parish Church in which such Deviation or Alteration is intended to be made, or, if there be no Church, some other Place to which Notices are usually affixed.

Proviso.

Proviso.

Public Notice to be given previous to making greater Deviations.

XII. Before it shall be lawful for the Company to make any greater Deviation from the Level than Five Feet, or, in any Town, Village, Street, or Land continuously built upon, Two Feet, after having obtained such Consent as aforesaid, it shall be incumbent on the Company to give Notice of such intended Deviation by public Advertisement, inserted Once at least in Two Newspapers, or Twice at least in One Newspaper, circulating in the District or Neighbourhood where such Deviation is intended to be made, Three Weeks at least before commencing to make such Deviation; and it shall be lawful for the Owner of any Lands prejudicially affected thereby, at any Time before the Commencement of the making of such Deviation, to apply to the Board of Trade, after giving Ten Days Notice to the Company, to decide whether, having regard to the Interests of such Applicants, such proposed Deviation is proper to be made; and it shall be lawful for the Board of Trade, if they think fit, to decide such Question accordingly, and by their Certificate in Writing either to disallow the making of such Deviation or to authorize the making thereof, either simply or with any such Modification as shall seem proper to the Board of Trade; and after any such Certificate shall have been given by the Board of Trade it shall not be lawful for the Company to make such Deviation, except in conformity with such Certificate.

Power to the Owners of adjoining Lands to appeal to the Board of Trade against such Deviations.

Arches, Tunnels, &c. to be made as marked on deposited Plans.

XIII. Where in any Place it is intended to carry the Railway on an Arch or Arches or other Viaduct, as marked on the said Plan or Section, the same shall be made accordingly; and where a Tunnel is marked on the said Plan or Section as intended to be made at any Place, the same shall be made accordingly, unless the Owners, Lessees, and Occupiers of the Land in which such Tunnel is intended to be made shall consent that the same shall not be so made.

Limiting Deviations from Gradients, Curves, &c.

XIV. It shall not be lawful for the Company to deviate from or alter the Gradients, Curves, Tunnels, or other engineering Works described in the said Plan or Section, except within the following Limits, and under the following Conditions; (that is to say,)

Subject to the above Provisions in regard to altering Levels, it shall be lawful for the Company to diminish the Inclination or Gradients of the Railway to any Extent, and to increase the said Inclination or Gradients as follows; (that is to say,) in Gradients of an Inclination not exceeding

Construction of Railway.

One in a Hundred, to any Extent not exceeding Ten Feet *per* Mile, to any further Extent which shall be certified by the Board of Trade to be consistent with the public Safety, and not prejudicial to the public Interest; and in Gradients of or exceeding the Inclination of One in a Hundred, to any Extent not exceeding Three Feet *per* Mile, or to any further Extent which shall be so certified by the Board of Trade as aforesaid;

It shall be lawful for the Company to diminish the Radius of any Curve described in the said Plan to any Extent which shall leave a Radius of not less than Half a Mile, or to any further Extent authorized by such Certificate as aforesaid from the Board of Trade:

It shall be lawful for the Company to make a Tunnel, not marked on the said Plan or Section, instead of a Cutting, or a Viaduct instead of a solid Embankment, if authorized by such Certificate as aforesaid from the Board of Trade.

Lateral Deviations.

XV. It shall be lawful for the Company to deviate from the Line delineated on the Plans so deposited, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated upon the said Plans, nor to a greater Extent in passing through a Town, Village, or Lands continuously built upon than Ten Yards, or elsewhere to a greater Extent than One hundred Yards from the said Line, and that the Railway by means of such Deviation be not made to extend into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Books of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein or in the special Act provided for in Cases of unintentional Errors in the said Books of Reference.

Works to be executed.

XVI. Subject to the Provisions and Restrictions in this and the special Act, and any Act incorporated therewith, it shall be lawful for the Company, for the Purpose of constructing the Railway, or the Accommodation Works connected therewith herein-after mentioned, to execute any of the following Works; (that is to say,)

Inclined Planes, &c.

They may make or construct, in, upon, across, under, or over any Lands, or any Streets, Hills, Valleys, Roads, Railroads or Tramroads, Rivers, Canals, Brooks, Streams, or other Waters, within the Lands described in the said Plans, or mentioned in the said Books of Reference or any Correction thereof, such temporary or permanent Inclined Planes, Tunnels, Embankments, Aqueducts, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Cuttings, and Fences as they think proper:

Alteration of Course of Rivers, &c.

They may alter the Course of any Rivers not navigable, Brooks, Streams, or Watercourses, and of any Branches of navigable Rivers, such Branches not being themselves navigable, within such Lands, for the Purpose of constructing and maintaining Tunnels, Bridges, Passages, or other Works over or under the same, and divert or alter, as well temporarily as permanently, the Course of any such Rivers or Streams of Water, Roads, Streets, or Ways, or raise or sink the Level of any such Rivers or Streams, Roads, Streets, or Ways, in order the more conveniently to carry the same over or under or by the Side of the Railway, as they may think proper;

Drains, &c.

They may make Drains or Conduits into, through, or under any Lands adjoining the Railway, for the Purpose of conveying Water from or to the Railway;

Warehouses, &c.

They may erect and construct such Houses, Warehouses, Offices, and other Buildings, Yards, Stations, Wharfs, Engines, Machinery, Apparatus, and other Works and Conveniences as they think proper;

Alterations and Repairs.

They may from Time to Time alter, repair, or discontinue the before-mentioned Works or any of them, and substitute others in their Stead; and

General Power.

They may do all other Acts necessary for making, maintaining, altering, or repairing, and using the Railway:

Proviso as to Damages.

Provided always, that in the Exercise of the Powers by this or the special Act granted the Company shall do as little Damage as can be, and shall make full Satisfaction in manner herein and in the special Act, and any Act incorporated therewith, provided, to all Parties interested, for all Damage by them sustained by reason of the Exercise of such Powers.

Works below High-water Mark not to be executed without the Consent of the Lords of the Admiralty.

XVII. It shall not be lawful for the Company to construct on the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, where and so far up the same as the Tide flows and reflows, any Work, or to construct any Railway or Bridge across any Creek, Bay, Arm of the Sea, or navigable River, where and so far up the same as the Tide flows and reflows, without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hands of Two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Lord High Admiral, or the said Commissioners, may approve of, such Approval being signified as last aforesaid; and where any such Work, Railway, or Bridge shall have been constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consents or Approvals; and if any such Work, Railway, or Bridge shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof

to

to its former Condition, at the Cost and Charge of the Company; and the Amount thereof may be recovered in the same Manner as a Penalty is recoverable against the Company.

Alteration of Water and Gas Pipes, &c.

XVIII. It shall be lawful for the Company, for the Purpose of constructing the Railway, to raise, sink, or otherwise alter the Position of any of the Watercourses, Water Pipes, or Gas Pipes belonging to any of the Houses adjoining or near to the Railway, and also the Mains and other Pipes laid down by any Company or Society who may furnish the Inhabitants of such Houses or Places with Water or Gas, and also to remove all other Obstructions to such Construction, so as the same respectively be done with as little Detriment and Inconvenience to such Company, Society, or Inhabitants as the Circumstances will admit, and be done under the Superintendence of the Company to which such Water Pipes or Gas Pipes belong, and of the several Commissioners or Trustees, or Persons having Control of the Pavements, Sewers, Roads, Streets, Highways, Lanes, and other public Passages and Places within the Parish or District where such Mains, Pipes, or Obstructions shall be situate, or of their Surveyor, if they or he think fit to attend, after receiving not less than Forty-eight Hours Notice for that Purpose.

Company not to disturb Pipes until they have laid down others.

XIX. Provided always, That it shall not be lawful for the Company to remove or displace any of the Mains or Pipes (other than private Service Pipes), Syphons, Plugs, or other Works belonging to any such Company or Society, or to do any thing to impede the Passage of Water or Gas into or through such Mains or Pipes, until good and sufficient Mains or Pipes, Syphons, Plugs, and all other Works necessary or proper for continuing the Supply of Water or Gas as sufficiently as the same was supplied by the Mains or Pipes proposed to be removed or displaced, shall, at the Expence of the Company, have been first made and laid down in lieu thereof, and be ready for Use, in a Position as little varying from that of the Pipes or Mains proposed to be removed or displaced as may be consistent with the Construction of the Railway, and to the Satisfaction of the Surveyor or Engineer of such Water or Gas Company or Society, or in case of Disagreement between such Surveyor or Engineer and the Company, as a Justice shall direct.

Pipes not to be laid contrary to any Act, &c.

XX. It shall not be lawful for the Company to lay down any such Pipes contrary to the Regulations of any Act of Parliament relating to such Water or Gas Company or Society, or to cause any Road to be lowered for the Purposes of the Railway, without leaving a Covering of not less than Eighteen Inches from the Surface of the Road over such Mains or Pipes.

Company to make good all Damage.

XXI. The Company shall make good all Damage done to the Property of the Water or Gas Company or Society, by the Disturbance thereof, and shall make full Compensation to all Parties for any Loss or Damage which they may sustain by reason of any Interference with the Mains, Pipes, or Works of such Water or Gas Company or Society, or with the private Service Pipes of any Person, supplied by them with Water.

When Railway crosses Pipes, Company to make a Culvert.

XXII. If it shall be necessary to construct the Railway or any of the Works over any Mains or Pipes of any such Water or Gas Company or Society, the Company shall, at their own Expence, construct and maintain a good and sufficient Culvert over such Main or Pipe, so as to leave the same accessible for the Purpose of Repairs.

Penalty for obstructing Supply of Gas or Water.

XXIII. If by any such Operations as aforesaid the Company shall interrupt the Supply of any Water or Gas they shall forfeit Twenty Pounds for every Day that such Supply shall be so interrupted, and such Penalty shall be appropriated to the Benefit of the Poor of the Parish in which such Obstruction shall occur, in such Manner as the Overseers of the Poor of the Parish shall direct.

Penalty for obstructing Construction of Railway.

XXIV. If any Person wilfully obstruct any Person acting under the Authority of the Company in the lawful Exercise of their Power, in setting out the Line of the Railway, or pull up or remove any Poles or Stakes driven into the Ground for the Purpose of so setting out the Line of the Railway, or deface or destroy any Marks made for the same Purpose, he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Drainage of Lands.

And whereas there are large Tracts of Land in *Ireland* subject to Flood and Injury by Water, and the Rivers, Streams, and Watercourses are in many Places obstructed by Shoals, insufficient Bridges, Culverts, Weirs, and other Works, whereby the Waters thereof are elevated above their natural Level: And whereas an Act of Parliament was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to empower Landed Proprietors in* Ireland *to sink, embank, and remove Obstructions in Rivers:* And whereas another Act was passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in* Ireland; and by the said last-mentioned Act Public Commissioners were appointed to carry the said last-recited Act into execution: And whereas it is essential, for carrying into effect the Purposes of the said Acts, and for the Improvement of Agriculture, that ample Provision be made in all Railway Works in *Ireland* for the free and uninterrupted Passage of the Waters at such Level as will be sufficient not only for the present but all future Discharge of the Waters from Lands crossed by or being on either Side of such Works, and that the Bridges of Railways crossing all Watercourses, Rivers, Lakes, or Estuaries which are or hereafter may be made navigable shall be so constructed as to admit of the commodious Navigation of the same: Therefore, with respect to the Provision to be made for the Drainage of Land in *Ireland* which may be crossed by the Railway, and for the Protection of the Navigation connected therewith, be it enacted as follows;

1 & 2 W. 4. c. 57.

5 & 6 Vict. c. 89.

The Company from Time to Time to

XXV. If the special Act shall authorize the Construction of a Railway in *Ireland*, the Company shall and they are hereby required, from Time to Time, before proceeding to construct any Portion of the

submit to the Drainage Commissioners in Ireland Plans, &c. of the Portion of the Railway which they are about to execute.

the Railway, to submit to the Commissioners acting in execution of the said Act of the Sixth Year of Her present Majesty, or any Act amending the same, such Plans, Sections, and Surveys as shall be necessary to enable the said Commissioners to decide upon the Number and Adequacy of the Waterways of all Bridges, Culverts, Tunnels, Watercourses, and other Works across the Line of such Portion as aforesaid of the Railway, for the free and uninterrupted Discharge of the Waters from all Lands crossed by or lying on either Side of or near the Railway, at such Level as shall in the Opinion of the said Commissioners be sufficient for the present and prospective Drainage and Improvement of such Lands, and (in Cases of Rivers, Lakes, Estuaries, or Watercourses, which are now or may be capable of being made navigable) upon the Height and Adequacy of all Bridges and Works crossing the same, for the commodious Navigation thereof.

Such Commissioners to investigate and report on the Works necessary for Drainage.

XXVI. The said Commissioners shall and they are hereby required, without any unnecessary Delay, to investigate, by such Means as to them shall seem fit, the Adequacy of all such Works for such Purposes as aforesaid, and to decide and certify, by a Writing under their Hands, or the Hands of any Two of them, the Number, Situation, and least possible Dimensions as to Breadth, Depth, and Height of the several Openings of such Bridges, Culverts, Tunnels, or other Works connected with such Portion of the Railway as aforesaid, which shall be necessary for the Passage of Water, or for Navigation under or across such Railway; and it shall not be lawful for the Company to proceed with the Execution of any of the Works connected with any Portion of the Railway without having first obtained such Certificate as aforesaid respecting such Portion of the Railway, under the Hands of the said Commissioners or any Two of them, as aforesaid; nor shall the Company be at liberty to deviate from such Certificate in respect to such Works, nor to execute the same otherwise than in conformity therewith, without the previous Approbation in Writing of the said Commissioners.

Summary Application to the Court of Chancery to enforce the Execution of such Works.

XXVII. It shall be lawful for the said Commissioners to apply by Petition in a summary Way to the Court of Chancery, complaining of any Omission on the Part of the Company to submit such Plans, Sections, and Surveys to the said Commissioners as aforesaid, or of the Omission to construct any such Bridge, Culvert, Tunnel, or other Works for the Passage of Water, in such Manner as shall be so certified by the said Commissioners, and thereupon it shall be lawful for the said Court to direct such Works to be made or constructed by the Company in such Manner as shall be conformable to the Certificate of the said Commissioners, and to the said Court shall seem necessary or proper, and to make from Time to Time such further or other Order for restraining the Company or any other Persons from proceeding with any of the Works connected with such Portion of Railway, except in conformity with the Certificate of the said Commissioners, and to issue any Writ of Injunction for the Purpose aforesaid; and such Court shall have Power to award Costs to be paid by such Company or Persons.

Saving of the Powers of the Drainage Commissioners.

XXVIII. Nothing in this or the special Act shall extend or be construed to prejudice or affect the Powers or Authorities of the Commissioners acting in execution of the said Act of the Sixth Year of Her present Majesty, but all such Powers shall be in full Force as to the Formation of any Cut, River, or Watercourse across the Railway, but such Powers shall not be exercised so as to prevent or obstruct the working or using of the Railway.

The Drainage Commissioners in Ireland to have Power to decide Questions as to the Execution of Works or to execute Works for carrying Watercourses across the Railway.

XXIX. And whereas it is expedient to encourage the Establishment of Manufactories to be worked by Water Power in *Ireland;* be it therefore enacted, That whenever it may be requisite for the Formation of a Watercourse for manufacturing Purposes to construct an Arch, Culvert, Tunnel, or Watercourse beneath or an Aqueduct above any Railway in *Ireland*, and that Differences shall have arisen between the Directors of such Railway and the Person interested in obtaining the Water Power, either as to the Manner in which such Works shall be executed, or the Amount of Compensation which should be paid, it shall be lawful to refer the Questions in issue to the Commissioners acting under the said recited Act of the Fifth and Sixth Years of the Reign of Her Majesty Queen *Victoria*, and their Decision thereon shall be final and conclusive; and if the said Commissioners shall be of opinion that the proposed Works can be executed without Injury to the Railway, and if they shall think proper so to do, they may undertake the Execution of so much of the said Works as shall be in connexion with such Railway, at the Expence of the Parties for whose Benefit the Watercourse shall be made, with the same Powers and Authorities as are given by the said Act for the Execution of any Works for Drainage.

Temporary Use of Lands.

And with respect to the temporary Occupation of Lands near the Railway during the Construction thereof, be it enacted as follows:

Company may occupy temporarily private Roads within Five hundred Yards of the Railway.

XXX. Subject to the Provisions herein and in the special Act contained, it shall be lawful for the Company, at any Time before the Expiration of the Period by the special Act limited for the Completion of the Railway, to enter upon and use any existing private Road, being a Road gravelled or formed with Stones or other hard Materials, and not being an Avenue or a planted or ornamental Road, or an Approach to any Mansion House, within the prescribed Limits, if any, or, if no Limits be prescribed, not being more than Five hundred Yards distant from the Centre of the Railway as delineated on the Plans; but before the Company shall enter upon or use any such existing Road they shall give Three Weeks Notice of their Intention to the Owners and Occupiers of such Road, and of the Lands over which the same shall pass, and shall in such Notice state the Time during which, and the Purposes for which, they intend to occupy such Road, and shall pay to the Owners and Occupiers of such Road, and of the Lands through which the same shall pass, such Compensation for the Use and Occupation of such Road, either

either in a gross Sum of Money or by half-yearly Instalments, as shall be agreed upon between such Owners and Occupiers respectively and the Company, or in case they differ about the Compensation the same shall be settled by Two Justices, in the same Manner as any Compensation not exceeding Fifty Pounds is directed to be settled by the said Lands Clauses Consolidation Act. *Temporary Use of Lands.*

XXXI. It shall be lawful for the Owners and Occupiers of any such Road, and of the Lands over which the same passes, within Ten Days after the Service of the aforesaid Notice, by Notice in Writing to the Company to object to the Company making use of such Road, on the Ground that other Roads, such as the Company are herein-before authorized to use for the Purposes aforesaid, or that some public Road, would be more fitting to be used for the same; and upon the Objection being so made such Proceedings may be had as are herein-after mentioned with respect to Lands temporarily occupied by the Company, in respect of which Three Weeks Notice is herein-after required to be given, and in the same Manner as if in the Provisions relative to such Proceedings the Word Road or Roads, or the Words Road and the Land over which the same passes, as the Case may require, had been substituted in such Provisions for the Word Lands. Power to Owners and Occupiers of Road and Land to object that other Roads should be taken.

XXXII. Subject to the Provisions herein and in the special Act contained, it shall be lawful for the Company, at any Time before the Expiration of the Period by the special Act limited for the Completion of the Railway, without making any previous Payment, Tender, or Deposit, to enter upon any Lands within the prescribed Limits, or, if no Limits be prescribed, not being more than Two hundred Yards distant from the Centre of the Railway, as delineated on the Plans, and not being a Garden, Orchard, or Plantation attached or belonging to a House, nor a Park, planted Walk, Avenue, or Ground ornamentally planted, and not being nearer to the Mansion House of the Owner of any such Lands than the prescribed Distance, or if no Distance be prescribed, then not nearer than Five hundred Yards therefrom, and to occupy the said Lands so long as may be necessary for the Construction or Repair of that Portion of the Railway, or of the Accommodation Works connected therewith, herein-after mentioned, and to use the same for any of the following Purposes; (that is to say,) Power to take temporary Possession of Land without previous Payment of Price.

For the Purpose of taking Earth or Soil by Side Cuttings therefrom;

For the Purpose of depositing Spoil thereon;

For the Purpose of obtaining Materials therefrom for the Construction or Repair of the Railway or such Accommodation Works as aforesaid; or

For the Purpose of forming Roads thereon to or from or by the Side of the Railway:

And in exercise of the Powers aforesaid it shall be lawful for the Company to deposit and also to manufacture and work upon such Lands Materials of every Kind used in constructing the Railway, and also to dig and take from out of any such Lands any Clay, Stone, Gravel, Sand, or other Things that may be found therein useful or proper for constructing the Railway or any such Roads as aforesaid, and for the Purposes aforesaid to erect thereon Workshops, Sheds, and other Buildings of a temporary Nature: Provided always, that nothing in this Act contained shall exempt the Company from an Action for Nuisance or other Injury, if any done, in the Exercise of the Powers herein-before given, to the Lands or Habitations of any Party other than the Party whose Lands shall be so taken or used for any of the Purposes aforesaid: Provided also, that no Stone or Slate Quarry, Brick Field, or other like Place, which at the Time of the passing of the special Act shall be commonly worked or used for getting Materials therefrom for the Purpose of selling or disposing of the same, shall be taken or used by the Company, either wholly or in part, for any of the Purposes lastly herein-before mentioned.

XXXIII. In case any such Lands shall be required for Spoil Banks or for Side Cuttings, or for obtaining Materials for the Construction or Repair of the Railway, the Company shall before entering thereon (except in the Case of Accident to the Railway requiring immediate Reparation) give Three Weeks Notice in Writing to the Owners and Occupiers of such Lands of their Intention to enter upon the same for such Purposes; and in case the said Lands are required for any of the other Purposes herein-before mentioned the Company shall (except in the Cases aforesaid) give Ten Days like Notice thereof, and the Company shall in such Notices respectively state the Substance of the Provisions herein-after contained respecting the Right of such Owner or Occupier to require the Company to purchase any such Lands, or to receive Compensation for the temporary Occupation thereof, as the Case may be. Company to give Notice previous to such temporary Possession.

XXXIV. The said Notice shall either be served personally on such Owners and Occupiers, or left at their last usual Place of Abode, if any such can, after diligent Inquiry, be found, and in case any such Owner shall be absent from the United Kingdom, or cannot be found after diligent Inquiry shall also be left with the Occupier of such Lands, or, if there be no such Occupier, shall be affixed upon some conspicuous Part of such Lands. Service of Notices on Owners and Occupiers of Lands.

XXXV. In any Case in which a Notice of Three Weeks is herein-before required to be given it shall be lawful for the Owner or Occupier of the Lands therein referred to, within Ten Days after the Service of such Notice, by Notice in Writing to the Company to object to the Company making Use of such Lands, either on the ground that the Lands proposed to be taken for the Purposes aforesaid, or some Part thereof, or of the Materials contained therein, are essential to be retained by such Owner, in order to the beneficial Enjoyment of other neighbouring Lands belonging to him, or on the ground that other Lands lying contiguous or near to those proposed to be taken would be more fitting to be used for such Purposes by the Company; and upon Objection being so made such Proceedings may be had as herein-after mentioned. Power to Owner to object that other Lands ought to be taken.

XXXVI. If the Objection so made be on the ground that the Lands proposed to be taken, or some Part thereof, or of the Materials contained therein, are essential to be retained by the Owner in order to Power to Two Justices to order that the

Lands and Materials shall not be taken.

to the beneficial Enjoyment of other neighbouring Lands belonging to him, it shall be lawful for any Justice, on the Application of such Owner, to summon the Company to appear before Two Justices at a Time and Place to be named in the Summons, such Time not being later than the Expiration of the said Twenty-one Days Notice; and on the Appearance of the Company, or, in their Absence, upon Proof of due Service of the Summons, it shall be lawful for such Justices to inquire into the Truth of such Ground of Objection; and if it appear to such Justices that for some special Reason, to be stated in the Order after mentioned, the Lands so proposed to be taken, or any Part thereof, or of the Materials contained therein, are essential to be retained by the Owner of such Lands in order to the beneficial Enjoyment of other neighbouring Lands belonging to him, and ought not therefore to be taken or used by the Company, it shall be lawful for such Justices, by Writing under their Hands, to order that the Lands so proposed to be taken, or some Part thereof, or of the Materials contained therein, to be specified in such Order, shall not be taken or used by the Company, and after Service of such Order on the Company it shall not be lawful for them to take or use, without the previous Consent in Writing of the Owner thereof, any of the Lands or Materials which by such Order they are ordered not to take or use.

Power to Justices to order other Lands to be taken.

XXXVII. If the Objection so made as aforesaid be on the ground that other Lands lying contiguous to those proposed to be taken, and being sufficient in Quantity, and such as the Company are hereinbefore authorized to use for the Purposes aforesaid, would be more fitting to be used by the Company, and if in such Case the Company shall refuse to occupy such other Lands in lieu of those mentioned in the Notice, it shall be lawful for any Justice, on the Application of such Owner or Occupier, to summon the Company and the Owners and Occupiers of such other Lands to appear before Two Justices at a Time and Place to be named in such Summons, such Time not being more than Fourteen Days after such Application nor less than Seven Days from the Service of such Summons; and on the Appearance of the Parties, or, in the Absence of any of them, upon Proof of due Service of the Summons, it shall be lawful for such Justices to determine summarily which of the said Lands shall be used by the Company for the Purposes aforesaid, and to authorize the Company to occupy and use the same accordingly.

Power to the Justices to summon other Owners before them.

XXXVIII. If in the Case last mentioned it shall appear to such Justices, upon the Inquiry before them, that the Lands of any other Party not summoned before them, being sufficient in Quantity, and such as the Company are herein-before authorized to take or use for the Purposes aforesaid, would be more fitting to be used by the Company than the Lands of the Person who shall have been so summoned as aforesaid, it shall be lawful for the said Justices to adjourn such Inquiry, and to summon such other Person to appear before them at any Time, not being more than Fourteen Days from such Inquiry nor less than Seven Days from the Service of such Summons; and on the Appearance of the Parties, or, in the Absence of any of them, on Proof of due Service of the Summons, it shall be lawful for such Justices to determine finally which Lands shall be used for the Purposes aforesaid, and to authorize the Company to occupy and use the same accordingly.

The Company to give Sureties if required.

XXXIX. Before entering, under the Provisions herein-before contained, upon any such Lands as shall be required for Spoil Banks or for Side Cuttings, or for obtaining Materials or forming Roads as aforesaid, the Company shall, if required by the Owner or Occupier thereof, Seven Days at least before the Expiration of the Notice to take such Lands as herein-before mentioned, find Two sufficient Persons, to be approved of by a Justice, in case the Parties differ, who shall enter into a Bond to such Owner or Occupier in a Penalty of such Amount as shall be approved of by such Justice, in case the Parties differ, conditioned for the Payment of such Compensation as may become payable in respect of the same in manner herein mentioned.

Company to separate the Lands before using them.

XL. Before the Company shall use any such Lands for any of the Purposes aforesaid they shall, if required so to do by the Owner or Occupier thereof, separate the same by a sufficient Fence from the Lands adjoining thereto, with such Gates as may be required by the said Owner or Occupier for the convenient Occupation of such Lands, and shall also, to all private Roads used by them as aforesaid, put up Fences and Gates in like Manner, in all Cases where the same may be necessary to prevent the straying of Cattle from or upon the Lands traversed by such Roads, and in case of any Difference between the Owners or Occupiers of such Roads and Lands and the Company as to the Necessity for such Fences and Gates, such Fences and Gates as any Two Magistrates shall deem necessary for the Purposes aforesaid, on Application being made to them in like Manner as herein-before is provided in respect to the Use of such Roads.

Lands taken for getting Materials, &c. to be worked as the Surveyor of Owner may direct.

XLI. That if any Land shall be taken or used by the Company, under the Provisions of this or the special Act, for the Purpose of getting Materials therefrom for the Construction or Repair of the Railway, or the Accommodation Works connected therewith, they shall work the same in such Manner as the Surveyor or Agent of the Owner of such Land shall direct, or, in case of Disagreement between such Surveyor or Agent and the Company, in such Manner as any Justice shall direct, on the Application of either Party, after Notice of the hearing the Application shall have been given to the other Party.

Owners of Lands may compel Company to purchase Lands so temporarily occupied.

XLII. In all Cases in which the Company shall in exercise of the Powers aforesaid enter upon any Lands for the Purpose of making Spoil Banks or Side Cuttings thereon, or for obtaining therefrom Materials for the Construction or Repair of the Railway, it shall be lawful for the Owners or Occupiers of such Lands, or Parties having such Estates or Interests therein as, under the Provisions in the said Lands Clauses Consolidation Act mentioned, would enable them to sell or convey Lands to the Company, at any Time during the Possession of any such Lands by the Company, and before such Owners or Occupiers shall have accepted Compensation from the Company in respect of such temporary Occupation,

to

to serve a Notice in Writing on the Company requiring them to purchase the said Lands, or the Estates and Interests therein capable of being sold and conveyed by them respectively; and in such Notice such Owners or Occupiers shall set forth the Particulars of such their Estate or Interest in such Lands, and the Amount of their Claim in respect thereof; and the Company shall thereupon be bound to purchase the said Lands, or the Estate and Interest therein capable of being sold and conveyed by the Parties serving such Notice.

Temporary Use of Lands.

XLIII. In any of the Cases aforesaid, where the Company shall not be required to purchase such Lands, and in all other Cases where they shall take temporary Possession of Lands by virtue of the Powers herein or in the special Act granted, it shall be incumbent on the Company, within One Month after their Entry upon such Lands, upon being required so to do, to pay to the Occupier of the said Lands the Value of any Crop or Dressing that may be thereon, as well as full Compensation for any other Damage of a temporary Nature which he may sustain by reason of their so taking possession of his Lands, and shall also from Time to Time during their Occupation of the said Lands pay half-yearly to such Occupier or to the Owner of the Lands, as the Case may require, a Rent to be fixed by Two Justices, in case the Parties differ, and shall also within Six Months after they shall have ceased to occupy the said Lands, and not later than Six Months after the Expiration of the Time by the special Act limited for the Completion of the Railway, pay to such Owner and Occupier, or deposit in the Bank for the Benefit of all Parties interested, as the Case may require, Compensation for all permanent or other Loss, Damage, or Injury that may have been sustained by them by reason of the Exercise, as regards the said Lands, of the Powers herein or in the special Act granted, including the full Value of all Clay, Stone, Gravel, Sand, and other Things taken from such Lands.

Compensation to be made for temporary Occupation.

XLIV. The Amount and Application of the Purchase Money and other Compensation payable by the Company in any of the Cases aforesaid shall be determined in the Manner provided by the said Lands Clauses Consolidation Act for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof.

Compensation to be ascertained under the Lands Clauses Act.

Lands for additional Stations.

XLV. And be it enacted, That it shall be lawful for the Company, in addition to the Lands authorized to be compulsorily taken by them under the Powers of this or the special Act, to contract with any Party willing to sell the same for the Purchase of any Land adjoining or near to the Railway, not exceeding in the whole the prescribed Number of Acres for extraordinary Purposes; (that is to say,)

Land to be taken for additional Stations, &c.

For the Purpose of making and providing additional Stations, Yards, Wharfs, and Places for the Accommodation of Passengers, and for receiving, depositing, and loading or unloading Goods or Cattle to be conveyed upon the Railway, and for the Erection of Weighing Machines, Toll Houses, Offices, Warehouses, and other Buildings and Conveniences:

For the Purpose of making convenient Roads or Ways to the Railway, or any other Purpose which may be requisite or convenient for the Formation or Use of the Railway.

Crossing of Roads and Construction of Bridges.

And with respect to the crossing of Roads, or other Interference therewith, be it enacted as follows:

Crossing of Roads.

XLVI. If the Line of the Railway cross any Turnpike Road or public Highway, then (except where otherwise provided by the special Act) either such Road shall be carried over the Railway, or the Railway shall be carried over such Road, by means of a Bridge, of the Height and Width and with the Ascent or Descent by this or the special Act in that Behalf provided; and such Bridge, with the immediate Approaches, and all other necessary Works connected therewith, shall be executed and at all Times thereafter maintained at the Expence of the Company: Provided always, that, with the Consent of Two or more Justices in Petty Sessions, as after mentioned, it shall be lawful for the Company to carry the Railway across any Highway, other than a Public Carriage Road, on the Level.

Provision in Cases where Roads are crossed on a Level.

XLVII. If the Railway cross any Turnpike Road or public Carriage Road on a Level, the Company shall erect and at all Times maintain good and sufficient Gates across such Road, on each Side of the Railway where the same shall communicate therewith, and shall employ proper Persons to open and shut such Gates; and such Gates shall be kept constantly closed across such Road on both Sides of the Railway, except during the Time when Horses, Cattle, Carts, or Carriages passing along the same shall have to cross such Railway; and such Gates shall be of such Dimensions and so constructed as when closed to fence in the Railway, and prevent Cattle or Horses passing along the Road from entering upon the Railway; and the Person intrusted with the Care of such Gates shall cause the same to be closed as soon as such Horses, Cattle, Carts, or Carriages shall have passed through the same, under a Penalty of Forty Shillings for every Default therein: Provided always, that it shall be lawful for the Board of Trade, in any Case in which they are satisfied that it will be more conducive to the public Safety that the Gates on any level Crossing over any such Road should be kept closed across the Railway, to order that such Gates shall be kept so closed, instead of across the Road, and in such Case such Gates shall be kept constantly closed across the Railway, except when Engines or Carriages passing along the Railway shall have Occasion to cross such Road, in the same Manner and under the like Penalty as above directed with respect to the Gates being kept closed across the Road.

As to crossing of Turnpike Roads adjoining Stations.

XLVIII. Where the Railway crosses any Turnpike Road on a Level adjoining to a Station, all Trains on the Railway shall be made to slacken their Speed before arriving at such Turnpike Road, and shall not cross the same at any greater Rate of Speed than Four Miles an Hour; and the Company shall be subject to all such Rules and Regulations with regard to such Crossings as may from Time to Time be made by the Board of Trade.

XLIX. Every

Construction of Bridges over Roads.

XLIX. Every Bridge to be erected for the Purpose of carrying the Railway over any Road shall (except where otherwise provided by the special Act) be built in conformity with the following Regulations; (that is to say,)

The Width of the Arch shall be such as to leave thereunder a clear Space of not less than Thirty-five Feet if the Arch be over a Turnpike Road, and of Twenty-five Feet if over a public Carriage Road, and of Twelve Feet if over a private Road:

The clear Height of the Arch from the Surface of the Road shall not be less than Sixteen Feet for a Space of Twelve Feet if the Arch be over a Turnpike Road, and Fifteen Feet for a Space of Ten Feet if over a public Carriage Road; and in each of such Cases the clear Height at the springing of the Arch shall not be less than Twelve Feet:

The clear Height of the Arch for a Space of Nine Feet shall not be less than Fourteen Feet over a private Carriage Road:

The Descent made in the Road in order to carry the same under the Bridge shall not be more than One Foot in Thirty Feet if the Bridge be over a Turnpike Road, One Foot in Twenty Feet if over a public Carriage Road, and One Foot in Sixteen Feet if over a private Carriage Road not being a Tramroad or Railroad, or if the same be a Tramroad or Railroad the Descent shall not be greater than the prescribed Rate of Inclination, and if no Rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

onstruction of Bridges over Railway.

L. Every Bridge erected for carrying any Road over the Railway shall (except as otherwise provided by the special Act) be built in conformity with the following Regulations; (that is to say,)

There shall be a good and sufficient Fence on each Side of the Bridge of not less Height than Four Feet, and on each Side of the immediate Approaches of such Bridge of not less than Three Feet:

The Road over the Bridge shall have a clear Space between the Fences thereof of Thirty-five Feet if the Road be a Turnpike Road, and Twenty-five Feet if a public Carriage Road, and Twelve Feet if a private Road:

The Ascent shall not be more than One Foot in Thirty Feet if the Road be a Turnpike Road, One Foot in Twenty Feet if a public Carriage Road, and One Foot in Sixteen Feet if a private Carriage Road, not being a Tramroad or Railroad, or if the same be a Tramroad or Railroad the Ascent shall not be greater than the prescribed Rate of Inclination, and if no Rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

The Width of the Bridges need not exceed the Width of the Road in certain Cases.

LI. Provided always, That in all Cases where the average available Width for the Passage of Carriages of any existing Roads within Fifty Yards of the Points of crossing the same is less than the Width herein-before prescribed for Bridges over or under the Railway, the Width of such Bridges need not be greater than such average available Width of such Roads, but so nevertheless that such Bridges be not of less Width, in the Case of a Turnpike Road or public Carriage Road, than Twenty Feet: Provided also, that if at any Time after the Construction of the Railway the average available Width of any such Road shall be increased beyond the Width of such Bridge on either Side thereof, the Company shall be bound, at their own Expence, to increase the Width of the said Bridge to such Extent as they may be required by the Trustees or Surveyors of such Road, not exceeding the Width of such Road as so widened, or the maximum Width herein or in the special Act prescribed for a Bridge in the like Case over or under the Railway.

Existing Inclinations of Roads crossed or diverted need not be improved.

LII. Provided also, That if the mesne Inclination of any Road within Two hundred and fifty Yards of the Point of crossing the same, or the Inclination of such Portion of any Road as may require to be altered, or for which another Road shall be substituted, shall be steeper than the Inclination herein-before required to be preserved by the Company, then the Company may carry any such Road over or under the Railway, or may construct such altered or substituted Road at an Inclination not steeper than the said mesne Inclination of the Road so to be crossed, or of the Road so requiring to be altered, or for which another Road shall be substituted.

Before Roads interfered with, others to be substituted.

LIII. If, in the Exercise of the Powers by this or the special Act granted, it be found necessary to cross, cut through, raise, sink, or use any Part of any Road, whether Carriage Road, Horse Road, Tramroad, or Railway, either public or private, so as to render it impassable for or dangerous or extraordinarily inconvenient to Passengers or Carriages, or to the Persons entitled to the Use thereof, the Company shall, before the Commencement of any such Operations, cause a sufficient Road to be made instead of the Road to be interfered with, and shall at their own Expence maintain such substituted Road in a State as convenient for Passengers and Carriages as the Road so interfered with, or as nearly so as may be.

Penalty for not substituting a Road.

LIV. If the Company do not cause another sufficient Road to be so made before they interfere with any such existing Road as aforesaid, they shall forfeit Twenty Pounds for every Day during which such substituted Road shall not be made after the existing Road shall have been interrupted; and such Penalty shall be paid to the Trustees, Commissioners, Surveyor, or other Person having the Management of such Road, if a public Road, and shall be applied for the Purposes thereof, or in case of a private Road the same shall be paid to the Owner thereof, and every such Penalty shall be recoverable with Costs by Action in any of the Superior Courts.

Party suffering Damage from Interruption of Road to recover in an

LV. If any Party entitled to a Right of Way over any Road so interfered with by the Company shall suffer any special Damage by reason that the Company shall fail to cause another sufficient Road to be made before they interfere with the existing Road, it shall be lawful for such Party to recover the Amount of such special Damage from the Company, with Costs, by Action on the Case in any of the Superior Courts,

Courts, and that whether any Party shall have sued for such Penalty as aforesaid or not, and without Prejudice to the Right of any Party to sue for the same. Action on the Case.

LVI. If the Road so interfered with can be restored compatibly with the Formation and Use of the Railway, the same shall be restored to as good a Condition as the same was in at the Time when the same was first interfered with by the Company, or as near thereto as may be; and if such Road cannot be restored compatibly with the Formation and Use of the Railway, the Company shall cause a new or substituted Road, or some other sufficient substituted Road, to be put into a permanently substantial Condition, equally convenient as the former Road, or as near thereto as Circumstances will allow; and the former Road shall be restored, or the substituted Road put into such Condition as aforesaid, as the Case may be, within the following Periods after the first Operation on the former Road shall have been commenced, unless the Trustees or Parties having the Management of the Road to be restored by Writing under their Hands consent to an Extension of the Period, and in such Case within such extended Period; (that is to say,) if the Road be a Turnpike Road, within Six Months, and if the Road be not a Turnpike Road, within Twelve Months. Period for Restoration of Roads interfered with.

LVII. If any such Road be not so restored, or the substituted Road so completed as aforesaid, within the Periods herein or in the special Act fixed for that Purpose, the Company shall forfeit to the Trustees, Commissioners, Surveyor, or other Person having the Management of the Road interfered with by the Company, if a public Road, or if a private Road to the Owner thereof, Five Pounds for every Day after the Expiration of such Periods respectively during which such Road shall not be so restored or the substituted Road completed; and it shall be lawful for the Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be laid out in executing the Work in respect whereof such Penalty was incurred. Penalty for failing to restore Road.

LVIII. If in the course of making the Railway the Company shall use or interfere with any Road they shall from Time to Time make good all Damage done by them to such Road; and if any Question shall arise as to the Damage done to any such Road by the Company, or as to the Repair thereof by them, such Question shall be referred to the Determination of Two Justices; and such Justices may direct such Repairs to be made in the State of such Road, in respect of the Damage done by the Company, and within such Period as they think reasonable, and may impose on the Company, for not carrying into effect such Repairs, any Penalty not exceeding Five Pounds *per* Day as to such Justices shall seem just; and such Penalty shall be paid to the Surveyor or other Person having the Management of the Road interfered with by the Company, if a public Road, and be applied for the Purposes of such Road, or if a private Road the same shall be paid to the Owner thereof: Provided always, that in determining any such Question with regard to a Turnpike Road the said Justices shall have regard to and shall make full Allowance for any Tolls that may have been paid by the Company on such Road in the course of the using thereof. Company to repair Roads used by them.

LIX. When the Company shall intend to apply for the Consent of Two Justices, as herein-before provided, so as to authorize them to carry the Railway across any Highway other than a public Carriage Road on the Level, they shall, Fourteen Days at least previous to the holding of the Petty Sessions at which such Application is intended to be made, cause Notice of such intended Application to be given in some Newspaper circulating in the County, and also to be affixed upon the Door of the Parish Church of the Parish in which such Crossing is intended to be made, or if there be no such Church some other Place to which Notices are usually affixed; and if it appear to any Two or more Justices acting for the District in which such Highway at the proposed Crossing thereof is situate, and assembled in Petty Sessions, after such Notice as aforesaid, that the Railway can, consistently with a due Regard to the public Safety and Convenience, be carried across such Highway on the Level, it shall be lawful for such Justices to consent that the same may be so carried accordingly. Proceedings on Application to Justices to consent to level Crossings of Bridleways and Footways.

LX. If either Party shall feel aggrieved by the Determination of such Justices upon any such Application as aforesaid, it shall be lawful for such Party, in like Manner and subject to the like Conditions as are herein-after provided in the Case of Appeals in respect of Penalties and Forfeitures, to appeal to the Quarter Sessions of the County or Place in which the Cause of Appeal shall have arisen; and it shall be lawful for the Justices in such Quarter Sessions, upon the hearing of such Appeal, either to confirm or quash the Determination, or to make such other Order in regard to the Method of carrying the Railway across such Highway as aforesaid, as to them shall seem fit, and to make such Order concerning the Costs both of the original Application and of the Appeal as to them shall seem reasonable. Appeal against the Determination of the Justices.

LXI. If the Railway shall cross any Highway other than a public Carriageway on the Level, the Company shall at their own Expence make and at all Times maintain convenient Ascents and Descents and other convenient Approaches, with Handrails or other Fences, and shall, if such Highway be a Bridleway, erect and at all Times maintain good and sufficient Gates, and if the same shall be a Footway, good and sufficient Gates or Stiles on each Side of the Railway where the Highway shall communicate therewith. Company to make sufficient Approaches, &c. to Bridleways and Footways crossing on the Level.

LXII. If, where the Railway shall cross any Highway on the Level, the Company fail to make convenient Ascents and Descents or other convenient Approaches, and such Handrails, Fence, Gates, and Stiles as they are herein-before required to make, it shall be lawful for Two Justices, on the Application of the Surveyor of Roads, or of any Two Householders within the Parish or District where such Crossing shall be situate, after not less than Ten Days Notice to the Company, to order the Company to make such Ascent and Descent or other Approach, or such Handrails, Fences, Gates, or Stiles as aforesaid, within a Period to be limited for that Purpose by such Justices; and if the Company fail to comply with Justices to have Power to order Approaches and Fences to be made to Highways crossing on the Level.

such Order they shall forfeit Five Pounds for every Day that they fail so to do; and it shall be lawful for the Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be applied, in such Manner and by such Person as they think fit, in executing the Work in respect whereof such Penalty was incurred.

Screens for Turnpike Roads.

Screen for Roads to be made, if required by the Board of Trade.

LXIII. If the Commissioners or Trustees of any Turnpike Road, or the Surveyor of any Highway apprehend Danger to the Passengers on such Road in consequence of Horses being frightened by the Sight of the Engines or Carriages travelling upon the Railway, it shall be lawful for such Commissioners, or Trustees, or Surveyor, after giving Fourteen Days Notice to the Company, to apply to the Board of Trade with respect thereto; and if it shall appear to the said Board that such Danger might be obviated or lessened by the Construction of any Works in the Nature of a Screen near to or adjoining the Side of such Road, it shall be lawful for them, if they shall think fit, to certify the Works necessary or proper to be executed by the Company for the Purpose of obviating or lessening such Danger, and by such Certificate to require the Company to execute such Works within a certain Time after the Service of such Certificate, to be appointed by the said Board.

Penalty for failing to construct.

LXIV. Where by any such Certificate as aforesaid the Company shall have been required to execute any such Work in the Nature of a Screen, they shall execute and complete the same within the Period appointed for that Purpose in such Certificate; and if they fail so to do they shall forfeit to the said Commissioners, or Trustees, or Surveyor, Five Pounds for every Day during which such Works shall remain uncompleted beyond the Period so appointed for their Completion; and it shall be lawful for the Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be laid out in executing the Work in respect whereof such Penalty was incurred.

Construction of Bridges.

Justices to have Power to order Repair of Bridges, &c.

LXV. Where, under the Provisions of this or the special Act, or any Act incorporated therewith, the Company are required to maintain or keep in repair any Bridge, Fence, Approach, Gate, or other Work executed by them, it shall be lawful for Two Justices, on the Application of the Surveyor of Roads, or of any Two Householders of the Parish or District where such Work may be situate, complaining that any such Work is out of repair, after not less than Ten Days Notice to the Company, to order the Company to put such Work into complete Repair within a Period to be limited for that Purpose by such Justices; and if the Company fail to comply with such Order they shall forfeit Five Pounds for every Day that they fail so to do; and it shall be lawful for the Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be applied, in such Manner and by such Persons as they think fit, in putting such Work into repair.

Board of Trade empowered to modify the Construction of certain Roads, Bridges, &c., where a strict Compliance with the Act is impossible or inconvenient.

LXVI. 'And whereas Expence might frequently be avoided, and public Convenience promoted, by a 'Reference to the Board of Trade upon the Construction of public Works of an engineering Nature 'connected with the Railway, where a strict Compliance with the Provisions of this or the special Act 'might be impossible, or attended with Inconvenience to the Company, and without adequate Advantage 'to the Public;' be it enacted, That in case any Difference in regard to the Construction, Alteration, or Restoration of any Road or Bridge, or other public Work of an engineering Nature, required by the Provisions of this or the special Act, shall arise between the Company and any Trustees, Commissioners, Surveyors, or other Persons having the Control of or being authorized by Law to enforce the Construction of such Road, Bridge, or Work, it shall be lawful for either Party, after giving Fourteen Days Notice in Writing of their Intention so to do to the other Party, to apply to the Board of Trade to decide upon the proper Manner of constructing, altering, or restoring such Road, Bridge, or other Work; and it shall be lawful for the Board of Trade, if they shall think fit, to decide the same accordingly, and to authorize, by Certificate in Writing, any Arrangement or Mode of Construction in regard to any such Road, Bridge, or other Work which shall appear to them either to be in substantial Compliance with the Provisions of this and the special Act, or to be calculated to afford equal or greater Accommodation to the Public using such Road, Bridge, or other Work; and after any such Certificate shall have been given by the Board of Trade, the Road, Bridge, or other Work therein mentioned shall be constructed by the Company in conformity with the Terms of such Certificate, and being so constructed shall be deemed to be constructed in conformity with the Provisions of this and the special Act: Provided always, that no such Certificate shall be granted by the Board of Trade unless they shall be satisfied that existing private Rights or Interests will not be injuriously affected thereby.

Authentication of Certificates of the Board of Trade, Service of Notices, &c.

LXVII. And be it enacted, That all Regulations, Certificates, Notices, and other Documents in Writing purporting to be made or issued by or by the Authority of the Board of Trade, and signed by some Officer appointed for that Purpose by the Board of Trade, shall, for the Purposes of this and the special Act, and any Act incorporated therewith, be deemed to have been so made and issued, and that without Proof of the Authority of the Person signing the same, or of the Signature thereto, which Matters shall be presumed until the contrary be proved; and Service of any such Document, by leaving the same at one of the principal Offices of the Railway Company, or by sending the same by Post addressed to the Secretary at such Office, shall be deemed good Service upon the Company; and all Notices and other Documents required by this or the special Act to be given to or laid before the Board of Trade shall be delivered at, or sent by Post addressed to, the Office of the Board of Trade in *London*.

Works for Protection and Accommodation of Lands.

And with respect to Works for the Accommodation of Lands adjoining the Railway, be it enacted as follows:

LXVIII. The Company shall make and at all Times thereafter maintain the following Works for the Accommodation of the Owners and Occupiers of Lands adjoining the Railway; (that is to say,)

Such

Such and so many convenient Gates, Bridges, Arches, Culverts, and Passages over, under, or by the Sides of or leading to or from the Railway as shall be necessary for the Purpose of making good any Interruptions caused by the Railway to the Use of the Lands through which the Railway shall be made; and such Works shall be made forthwith after the Part of the Railway passing over such Lands shall have been laid out or formed, or during the Formation thereof: Gates, Bridges, &c.:

Also sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences for separating the Land taken for the Use of the Railway from the adjoining Lands not taken, and protecting such Lands from Trespass, or the Cattle of the Owners or Occupiers thereof from straying thereout, by reason of the Railway, together with all necessary Gates made to open towards such adjoining Lands, and not towards the Railway, and all necessary Styles; and such Posts, Rails, and other Fences shall be made forthwith after the taking of any such Lands, if the Owners thereof shall so require, and the said other Works as soon as conveniently may be: Fences:

Also all necessary Arches, Tunnels, Culverts, Drains, or other Passages, either over or under or by the Sides of the Railway, of such Dimensions as will be sufficient at all Times to convey the Water as clearly from the Lands lying near or affected by the Railway as before the making of the Railway, or as nearly so as may be; and such Works shall be made from Time to Time as the Railway Works proceed: Drains:

Also proper Watering Places for Cattle where by reason of the Railway the Cattle of any Person occupying any Lands lying near thereto shall be deprived of Access to their former Watering Places; and such Watering Places shall be so made as to be at all Times as sufficiently supplied with Water as theretofore, and as if the Railway had not been made, or as nearly so as may be; and the Company shall make all necessary Watercourses and Drains for the Purpose of conveying Water to the said Watering Places: Watering Places.

Provided always, that the Company shall not be required to make such Accommodation Works in such a Manner as would prevent or obstruct the working or using of the Railway, nor to make any Accommodation Works with respect to which the Owners and Occupiers of the Lands shall have agreed to receive and shall have been paid Compensation instead of the making them.

LXIX. If any Difference arise respecting the Kind or Number of any such Accommodation Works, or the Dimensions or Sufficiency thereof, or respecting the maintaining thereof, the same shall be determined by Two Justices; and such Justices shall also appoint the Time within which such Works shall be commenced and executed by the Company. Differences as to Accommodation Works to be settled by Justices.

LXX. If for Fourteen Days next after the Time appointed by such Justices for the Commencement of any such Works the Company shall fail to commence such Works, or having commenced shall fail to proceed diligently to execute the same in a sufficient Manner, it shall be lawful for the Party aggrieved by such Failure himself to execute such Works or Repairs; and the reasonable Expences thereof shall be repaid by the Company to the Party by whom the same shall so have been executed; and if there be any Dispute about such Expences the same shall be settled by Two Justices: Provided always, that no such Owner or Occupier or other Person shall obstruct or injure the Railway, or any of the Works connected therewith, for a longer Time nor use them in any other Manner than is unavoidably necessary for the Execution or Repair of such Accommodation Works. Execution of Works by Owners on default by the Company.

LXXI. If any of the Owners or Occupiers of Lands affected by such Railway shall consider the Accommodation Works made by the Company, or directed by such Justices to be made by the Company, insufficient for the commodious Use of their respective Lands, it shall be lawful for any such Owner or Occupier, at any Time, at his own Expence, to make such further Works for that Purpose as he shall think necessary, and as shall be agreed to by the Company, or, in case of Difference, as shall be authorized by Two Justices. Power to Owners of Land to make additional Accommodation Works.

LXXII. If the Company so desire, all such last-mentioned Accommodation Works shall be constructed under the Superintendence of their Engineer, and according to Plans and Specifications to be submitted to and approved by such Engineer; nevertheless the Company shall not be entitled to require, either that Plans should be adopted which would involve a greater Expence than that incurred in the Execution of similar Works by the Company, or that the Plans selected should be executed in a more expensive Manner than that adopted in similar Cases by the Company. Such Works to be constructed under the Superintendence of the Company's Engineer.

LXXIII. The Company shall not be compelled to make any further or additional Accommodation Works for the Use of Owners and Occupiers of Land adjoining the Railway after the Expiration of the prescribed Period, or, if no Period be prescribed, after Five Years from the Completion of the Works, and the opening of the Railway for public Use. Accommodation Works not to be required after 5 Years.

LXXIV. Until the Company shall have made the Bridges or other proper Communications which they shall under the Provisions herein, or in the special Act, or any Act incorporated therewith, contained, have been required to make between Lands intersected by the Railway, and no longer, the Owners and Occupiers of such Lands, and any other Persons whose Right of Way shall be affected by the Want of such Communication, and their respective Servants, may at all Times freely pass and repass, with Carriages, Horses, and other Animals, directly (but not otherwise) across the Part of the Railway made in or through their respective Lands, solely for the Purpose of occupying the same Lands, or for the Exercise of such Right of Way, and so as not to obstruct the Passage along the Railway, or to damage the same; nevertheless, if the Owner or Occupier of any such Lands have in his Arrangements with the Company received or agreed to receive Compensation for or on account of any such Communications, Owners to be allowed to cross until Accommodation Works are made.

instead of the same being formed, such Owner or Occupier, or those claiming under him, shall not be entitled so to cross the Railway.

Penalty on Persons omitting to fasten Gates.

LXXV. If any Person omit to shut and fasten any Gate set up at either Side of the Railway, for the Accommodation of the Owners or Occupiers of the adjoining Lands, as soon as he, and the Carriage, Cattle or other Animals, under his Care, have passed through the same, he shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

Branch Railways.

Power to Parties to make private Branch Railways communicating with the Railway. 5 & 6 Vict. c. 55.

LXXVI. And be it enacted, That this or the special Act shall not prevent the Owners or Occupiers of Lands adjoining to the Railway, or any other Persons, from laying down, either upon their own Lands or upon the Lands of other Persons, with the Consent of such Persons, any collateral Branches of Railway to communicate with the Railway, for the Purpose of bringing Carriages to or from or upon the Railway, but under and subject to the Provisions and Restrictions of an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and the Company shall, if required, at the Expence of such Owners and Occupiers and other Persons, and subject also to the Provisions of the said last-mentioned Act, make Openings in the Rails, and such additional Lines of Rail as may be necessary for effecting such Communication, in Places where the Communication can be made with Safety to the Public, and without Injury to the Railway and without Inconvenience to the Traffic thereon; and the Company shall not take any Rate or Toll or other Monies for the passing of any Passengers, Goods, or other Things along any Branch so to be made by any such Owner or Occupier or other Person; but this Enactment shall be subject to the following Restrictions and Conditions; (that is to say,)

Restrictions and Conditions.

No such Branch Railway shall run parallel to the Railway:

The Company shall not be bound to make any such Openings in any Place which they shall have set apart for any specific Purpose with which such Communication would interfere, nor upon any Inclined Plane or Bridge, nor in any Tunnel:

The Persons making or using such Branch Railways shall be subject to all Bye Laws and Regulations of the Company from Time to Time made with respect to passing upon or crossing the Railway, and otherwise; and the Persons making or using such Branch Railways shall be bound to construct, and from Time to Time, as Need may require, to renew, the offset Plates and Switches according to the most approved Plan adopted by the Company, and under the Direction of their Engineer.

Working of Mines.

And with respect to Mines lying under or near the Railway, be it enacted as follows:

Company not to be entitled to Minerals.

LXXVII. The Company shall not be entitled to any Mines of Coal, Ironstone, Slate, or other Minerals under any Land purchased by them, except only such Parts thereof as shall be necessary to be dug or carried away or used in the Construction of the Works, unless the same shall have been expressly purchased; and all such Mines, excepting as aforesaid, shall be deemed to be excepted out of the Conveyance of such Lands, unless they shall have been expressly named therein and conveyed thereby.

Mines lying near the Railway not to be worked if the Company willing to purchase them.

LXXVIII. If the Owner, Lessee, or Occupier of any Mines or Minerals lying under the Railway, or any of the Works connected therewith, or within the prescribed Distance, or, where no Distance shall be prescribed, Forty Yards therefrom, be desirous of working the same, such Owner, Lessee, or Occupier shall give to the Company Notice in Writing of his Intention so to do Thirty Days before the Commencement of working; and upon the Receipt of such Notice it shall be lawful for the Company to cause such Mines to be inspected by any Person appointed by them for the Purpose; and if it appear to the Company that the working of such Mines or Minerals is likely to damage the Works of the Railway, and if the Company be willing to make Compensation for such Mines or any Part thereof to such Owner, Lessee, or Occupier thereof, then he shall not work or get the same; and if the Company, and such Owner, Lessee, or Occupier, do not agree as to the Amount of such Compensation, the same shall be settled as in other Cases of disputed Compensation.

If Company unwilling to purchase, Owner may work the Mines.

LXXIX. If before the Expiration of such Thirty Days the Company do not state their Willingness to treat with such Owner, Lessee, or Occupier for the Payment of such Compensation, it shall be lawful for him to work the said Mines or any Part thereof for which the Company shall not have agreed to pay Compensation, so that the same be done in a Manner proper and necessary for the beneficial working thereof, and according to the usual Manner of working such Mines in the District where the same shall be situate; and if any Damage or Obstruction be occasioned to the Railway or Works by improper working of such Mines, the same shall be forthwith repaired or removed, as the Case may require, and such Damage made good, by the Owner, Lessee, or Occupier of such Mines or Minerals, and at his own Expence; and if such Repair or Removal be not forthwith done, or, if the Company shall so think fit, without waiting for the same to be done by such Owner, Lessee, or Occupier, it shall be lawful for the Company to execute the same, and recover from such Owner, Lessee, or Occupier the Expence occasioned thereby, by Action in any of the Superior Courts.

Mining Communications.

LXXX. If the working of any such Mines under the Railway or Works, or within the above-mentioned Distance therefrom, be prevented as aforesaid by reason of apprehended Injury to the Railway, it shall be lawful for the respective Owners, Lessees, and Occupiers of such Mines, and whose Mines shall extend so as to lie on both Sides of the Railway, to cut and make such and so many Airways, Headways, Gateways, or Water Levels through the Mines, Measures, or Strata, the working whereof shall be so prevented, as may be requisite to enable them to ventilate, drain, and work their said Mines, but no such Airway, Headway, Gateway, or Water Level shall be of greater Dimensions or Section than the prescribed Dimensions and Sections, and where no Dimensions shall be described not greater

greater than Eight Feet wide and Eight Feet high, nor shall the same be cut or made upon any Part of the Railway or Works, or so as to injure the same, or to impede the Passage thereon.

Company to make Compensation for Injury done to Mines;

LXXXI. The Company shall from Time to Time pay to the Owner, Lessee, or Occupier of any such Mines extending so as to lie on both Sides of the Railway all such additional Expences and Losses as shall be incurred by such Owner, Lessee, or Occupier by reason of the Severance of the Lands lying over such Mines by the Railway, or of the continuous working of such Mines being interrupted as aforesaid, or by reason of the same being worked in such Manner and under such Restrictions as not to prejudice or injure the Railway, and for any Minerals not purchased by the Company which cannot be obtained by reason of making and maintaining the Railway; and if any Dispute or Question shall arise between the Company and such Owner, Lessee, or Occupier as aforesaid, touching the Amount of such Losses or Expences, the same shall be settled by Arbitration.

and also for any Airway or other Work made necessary by the Railway.

LXXXII. If any Loss or Damage be sustained by the Owner or Occupier of the Lands lying over any such Mines the working whereof shall have been so prevented as aforesaid (and not being the Owner, Lessee, or Occupier of such Mines), by reason of the making of any such Airway or other Work as aforesaid, which or any like Work would not have been necessary to be made but for the working of such Mines having been so prevented as aforesaid, the Company shall make full Compensation to such Owner or Occupier of the Surface Lands for the Loss or Damage so sustained by him.

Power to Company to enter and inspect the working of Mines.

LXXXIII. For better ascertaining whether any such Mines are being worked or have been worked so as to damage the Railway or Works, it shall be lawful for the Company, after giving Twenty-four Hours Notice in Writing, to enter upon any Lands through or near which the Railway passes wherein any such Mines are being worked or are supposed so to be, and to enter into and return from any such Mines or the Works connected therewith; and for that Purpose it shall be lawful for them to make use of any Apparatus or Machinery belonging to the Owner, Lessee, or Occupier of such Mines, and to use all necessary Means for discovering the Distance from the Railway to the Parts of such Mines which are being worked or about so to be.

Penalty for Refusal to inspect.

LXXXIV. If any such Owner, Lessee, or Occupier of any such Mine shall refuse to allow any Person appointed by the Company for that Purpose to enter into and inspect any such Mines or Works in manner aforesaid, every Person so offending shall for every such Refusal forfeit to the Company a Sum not exceeding Twenty Pounds.

If Mines improperly worked, the Company may require Means to be adopted for the Safety of the Railway.

LXXXV. If it appear that any such Mines have been worked contrary to the Provisions of this or the special Act, the Company may, if they think fit, give Notice to the Owner, Lessee, or Occupier thereof to construct such Works and to adopt such Means as may be necessary or proper for making safe the Railway, and preventing Injury thereto; and if after such Notice any such Owner, Lessee, or Occupier do not forthwith proceed to construct the Works necessary for making safe the Railway, the Company may themselves construct such Works, and recover the Expence thereof from such Owner, Lessee, or Occupier by Action in any of the Superior Courts.

Passengers and Goods on Railway.

And with respect to the carrying of Passengers and Goods upon the Railway, and the Tolls to be taken thereon, be it enacted as follows:

Company to employ locomotive Power, Carriages, &c.

LXXXVI. It shall be lawful for the Company to use and employ locomotive Engines or other moving Power, and Carriages and Waggons to be drawn or propelled thereby, and to carry and convey upon the Railway all such Passengers and Goods as shall be offered to them for that Purpose, and to make such reasonable Charges in respect thereof as they may from Time to Time determine upon, not exceeding the Tolls by the special Act authorized to be taken by them.

Company empowered to contract with other Companies.

LXXXVII. It shall be lawful for the Company from Time to Time to enter into any Contract with any other Company, being the Owners or Lessees or in possession of any other Railway, for the Passage over or along the Railway by the special Act authorized to be made of any Engines, Coaches, Waggons, or other Carriages of any other Company, or which shall pass over any other Line of Railway, or for the Passage over any other Line of Railway of any Engines, Coaches, Waggons, or other Carriages of the Company, or which shall pass over their Line of Railway, upon the Payment of such Tolls and under such Conditions and Restrictions as may be mutually agreed upon; and for the Purpose aforesaid it shall be lawful for the respective Parties to enter into any Contract for the Division or Apportionment of the Tolls to be taken upon their respective Railways.

Contracts not to affect Persons not Parties thereto.

LXXXVIII. Provided always, That no such Contract as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the respective Companies, Parties to such Contracts, shall for the Time being be respectively authorized and entitled to demand or receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of any of the said Railways, upon the same Terms and Conditions, and on Payment of the same Tolls, as they would have been in case no such Contract had been entered into.

Company not to be liable to a greater Extent than Common Carriers.

LXXXIX. Nothing in this or the special Act contained shall extend to charge or make liable the Company further or in any other Case than where, according to the Laws of the Realm, Stage Coach Proprietors and Common Carriers would be liable, nor shall extend in any Degree to deprive the Company of any Protection or Privilege which Common Carriers or Stage Coach Proprietors may be entitled to; but, on the contrary, the Company shall at all Times be entitled to the Benefit of every such Protection and Privilege.

XC. 'And

Power to vary Tolls.

XC. 'And whereas it is expedient that the Company should be enabled to vary the Tolls upon the 'Railway so as to accommodate them to the Circumstances of the Traffic, but that such Power of 'varying should not be used for the Purpose of prejudicing or favouring particular Parties, or for the 'Purpose of collusively and unfairly creating a Monopoly, either in the Hands of the Company or of 'particular Parties;' it shall be lawful, therefore, for the Company, subject to the Provisions and Limitations herein and in the special Act contained, from Time to Time to alter or vary the Tolls by the special Act authorized to be taken, either upon the whole or upon any particular Portions of the Railway, as they shall think fit; provided that all such Tolls be at all Times charged equally to all Persons, and after the same Rate, whether *per* Ton *per* Mile or otherwise, in respect of all Passengers, and of all Goods or Carriages of the same Description, and conveyed or propelled by a like Carriage or Engine, passing only over the same Portion of the Line of Railway under the same Circumstances; and no Reduction or Advance in any such Tolls shall be made either directly or indirectly in favour of or against any particular Company or Person travelling upon or using the Railway.

Tolls to be charged equally under like Circumstances.

How Tolls to be calculated where Railways amalgamated.

XCI. 'And whereas Authority has been given by various Acts of Parliament to Railway Companies 'to demand Tolls for the Conveyance of Passengers and Goods and for other Services over the Fraction 'of a Mile equal to the Toll which they are authorized to demand for One Mile;' therefore, in Cases in which any Railway shall be amalgamated with any other adjoining Railway or Railways, such Tolls shall be calculated and imposed at such Rates as if such amalgamated Railways had originally formed One Line of Railway.

Railway to be free on Payment of Tolls.

XCII. It shall not be lawful for the Company at any Time to demand or take a greater Amount of Toll, or make any greater Charge for the Carriage of Passengers or Goods, than they are by this and the special Act authorized to demand; and upon Payment of the Tolls from Time to Time demandable all Companies and Persons shall be entitled to use the Railway, with Engines and Carriages properly constructed as by this and the special Act directed, subject nevertheless to the Provisions and Restrictions of the said Act of the Sixth Year of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*, and to the Regulations to be from Time to Time made by the Company by virtue of the Powers in that Behalf hereby and by the special Act conferred upon them.

5 & 6 Vict. c. 55.

List of Tolls to be exhibited on a Board.

XCIII. A List of all the Tolls authorized by the special Act to be taken, and which shall be exacted by the Company, shall be published by the same being painted upon One Toll Board or more in distinct Black Letters on a White Ground, or White Letters on a Black Ground, or by the same being printed in legible Characters on Paper affixed to such Board, and by such Board being exhibited in some conspicuous Place on the Stations or Places where such Tolls shall be made payable.

Milestones.

XCIV. The Company shall cause the Length of the Railway to be measured, and Milestones, Posts, or other conspicuous Objects to be set up and maintained along the whole Line thereof, at the Distance of One Quarter of a Mile from each other, with Numbers or Marks inscribed thereon denoting such Distances.

Tolls to be taken only whilst Board exhibited and Milestones set up.

XCV. No Tolls shall be demanded or taken by the Company for the Use of the Railway during any Time at which the Boards herein-before directed to be exhibited shall not be so exhibited, or at which the Milestones herein-before directed to be set up and maintained shall not be so set up and maintained; and if any Person wilfully pull down, deface, or destroy any such Board or Milestone, he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Tolls to be paid as directed by the Company.

XCVI. The Tolls shall be paid to such Persons, and at such Places upon or near to the Railway, and in such Manner and under such Regulations, as the Company shall, by Notice to be annexed to the List of Tolls, appoint.

In default of Payment of Tolls, Goods, &c. may be detained and sold.

XCVII. If, on demand, any Person fail to pay the Tolls due in respect of any Carriage or Goods, it shall be lawful for the Company to detain and sell such Carriage, or all or any Part of such Goods, or if the same shall have been removed from the Premises of the Company, to detain and sell any other Carriages or Goods within such Premises belonging to the Party liable to pay such Tolls, and out of the Monies arising from such Sale to retain the Tolls payable as aforesaid, and all Charges and Expences of such Detention and Sale, rendering the Overplus, if any, of the Monies arising by such Sale, and such of the Carriages or Goods as shall remain unsold, to the Person entitled thereto, or it shall be lawful for the Company to recover any such Tolls by Action at Law.

Account of Lading, &c. to be given.

XCVIII. Every Person being the Owner or having the Care of any Carriage or Goods passing or being upon the Railway shall, on demand, give to the Collector of Tolls at the Places where he attends for the Purpose of receiving Goods or of collecting Tolls for the Part of the Railway on which such Carriage or Goods may have travelled or be about to travel, an exact Account in Writing signed by him of the Number or Quantity of Goods conveyed by any such Carriage, and of the Point on the Railway from which such Carriage or Goods have set out or are about to set out, and at what Point the same are intended to be unloaded or taken off the Railway; and if the Goods conveyed by any such Carriage, or brought for Conveyance as aforesaid, be liable to the Payment of different Tolls, then such Owner or other Person shall specify the respective Numbers or Quantities thereof liable to each or any of such Tolls.

Penalty for not giving Account of Lading.

XCIX. If any such Owner or other such Person fail to give such Account, or to produce his Way-bill or Bill of Lading, to such Collector or other Officer or Servant of the Company demanding the same, or if he give a false Account, or if he unload or take off any Part of his Lading or Goods at any other Place than shall be mentioned in such Account, with Intent to avoid the Payment of any Tolls payable in respect thereof, he shall for every such Offence forfeit to the Company a Sum not exceeding Ten Pounds

Pounds for every Ton of Goods, or for any Parcel not exceeding One Hundred Weight, and so in proportion for any less Quantity of Goods than One Ton, or for any Parcel exceeding One Hundred Weight, (as the Case may be,) which shall be upon any such Carriage; and such Penalty shall be in addition to the Toll to which such Goods may be liable. *Passengers and Goods on Railway.*

C. If any Dispute arise concerning the Amount of the Tolls due to the Company, or concerning the Charges occasioned by any Detention or Sale thereof under the Provisions herein or in the special Act contained, the same shall be settled by a Justice; and it shall be lawful for the Company in the meanwhile to detain the Goods, or (if the Case so require) the Proceeds of the Sale thereof. Disputes as to Amount of Tolls chargeable.

CI. If any Difference arise between any Toll Collector or other Officer or Servant of the Company and any Owner of or Person having the Charge of any Carriage passing or being upon the Railway, or of any Goods conveyed or to be conveyed by such Carriage, respecting the Weight, Quantity, Quality, or Nature of such Goods, such Collector or other Officer may lawfully detain such Carriage or Goods, and examine, weigh, gauge, or otherwise measure the same; and if upon such measuring or Examination such Goods appear to be of greater Weight or Quantity or of other Nature than shall have been stated in the Account given thereof, then the Person who shall have given such Account shall pay, and the Owner of such Carriage, or the respective Owners of such Goods, shall also, at the Option of the Company, be liable to pay, the Costs of such measuring and examining; but if such Goods appear to be of the same or less Weight or Quantity than and of the same Nature as shall have been stated in such Account, then the Company shall pay such Costs, and they shall also pay to such Owner of or Person having Charge of such Carriage, and to the respective Owners of such Goods, such Damage (if any) as shall appear to any Justice, on a summary Application to him for that Purpose, to have arisen from such Detention. Differences as to Weights, &c.

CII. If at any Time it be made to appear to any Justice, upon the Complaint of the Company, that any such Detention, measuring, or examining of any Carriage or Goods, as herein-before mentioned, was without reasonable Ground, or that it was vexatious on the Part of such Collector or other Officer, then the Collector or other Officer shall himself pay the Costs of such Detention and measuring, and the Damage occasioned thereby; and in default of immediate Payment of any such Costs or Damage the same may be recovered by Distress of the Goods of such Collector, and such Justice shall issue his Warrant accordingly. Toll Collector to be liable for wrongful Detention of Goods.

CIII. If any Person travel or attempt to travel in any Carriage of the Company, or of any other Company or Party using the Railway, without having previously paid his Fare, and with Intent to avoid Payment thereof, or if any Person having paid his Fare for a certain Distance, knowingly and wilfully proceed in any such Carriage beyond such Distance, without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof, or if any Person knowingly and wilfully refuse or neglect, on arriving at the Point to which he has paid his Fare, to quit such Carriage, every such Person shall for every such Offence forfeit to the Company a Sum not exceeding Forty Shillings. Penalty on Passengers practising Frauds on the Company.

CIV. If any Person be discovered, either in or after committing or attempting to commit any such Offence as in the preceding Enactment mentioned, all Officers and Servants and other Persons on behalf of the Company, or such other Company or Party as aforesaid, and all Constables, Gaolers, and Peace Officers, may lawfully apprehend and detain such Person until he can conveniently be taken before some Justice, or until he be otherwise discharged by due Course of Law. Detention of Offenders.

CV. No Person shall be entitled to carry, or to require the Company to carry, upon the Railway, any Aquafortis, Oil of Vitriol, Gunpowder, Lucifer Matches, or any other Goods which in the Judgment of the Company may be of a dangerous Nature; and if any Person send by the Railway any such Goods without distinctly marking their Nature on the Outside of the Package containing the same, or otherwise giving Notice in Writing to the Book-keeper or other Servant of the Company with whom the same are left, at the Time of so sending, he shall forfeit to the Company Twenty Pounds for every such Offence; and it shall be lawful for the Company to refuse to take any Parcel that they may suspect to contain Goods of a dangerous Nature, or require the same to be opened to ascertain the Fact. Penalty for bringing dangerous Goods on the Railway.

CVI. If any Collector of Tolls or other Officer employed by the Company be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector or other Officer, or the Wife, Widow, or any of the Family or Representatives of any such Collector or other Officer, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Company, or to any Person appointed by them for that Purpose, any Station, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Company in the Possession or Custody of any such Collector or Officer at the Occurrence of any such Event as aforesaid, then, upon Application being made by the Company to any Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon such Station or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the Company or any Person appointed by them for that Purpose. Delivery of Matters in Possession or Custody of Toll Collector at Removal.

CVII. And be it enacted, That the Company shall every Year cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this or the special Act for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Directors or some of them, and by the Auditors, and shall, if required, transmit a Copy of the said Account, free of Charge, to the Overseers of the Poor of the Annual Account to be made up, and a Copy transmitted to the Clerk of the Peace, &c.

Passengers and Goods on Railway.

the several Parishes through which the Railway shall pass, and also to the Clerks of the Peace of the Counties through which the Railway shall pass, on or before the Thirty-first Day of *January* then next; which last-mentioned Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Account as aforesaid, if required so to do by any such Clerk of the Peace or Overseers of the Poor, they shall forfeit for every such Omission the Sum of Twenty Pounds.

Bye Laws.

And with respect to the regulating of the Use of the Railway, be it enacted as follows:

Company to regulate the Use of the Railway.

CVIII. It shall be lawful for the Company, from Time to Time, subject to the Provisions and Restrictions in this and the special Act contained, to make Regulations for the following Purposes; (that is to say,)

For regulating the Mode by which and the Speed at which Carriages using the Railway are to be moved or propelled;

For regulating the Times of the Arrival and Departure of any such Carriages;

For regulating the loading or unloading of such Carriages, and the Weights which they are respectively to carry;

For regulating the Receipt and Delivery of Goods and other Things which are to be conveyed upon such Carriages;

For preventing the smoking of Tobacco, and the Commission of any other Nuisance, in or upon such Carriages, or in any of the Stations or Premises occupied by the Company;

And generally, for regulating the travelling upon, or using and working of the Railway:

But no such Regulation shall authorize the closing of the Railway or prevent the Passage of Engines or Carriages on the Railway, at reasonable Times, except at any Time when in consequence of any of the Works being out of repair, or from any other sufficient Cause, it shall be necessary to close the Railway or any Part thereof.

Power to make Regulations by Bye Laws. 3 & 4 Vict. c. 97.

CIX. For better enforcing the Observance of all or any of such Regulations it shall be lawful for the Company, subject to the Provisions of an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways*, to make Bye Laws, and from Time to Time to repeal or alter such Bye Laws, and make others, provided that such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have Effect, or to the Provisions of this or the special Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company; and any Person offending against any such Bye Law shall forfeit for every such Offence any Sum not exceeding Five Pounds, to be imposed by the Company in such Bye Laws as a Penalty for any such Offence; and if the Infraction or Non-observance of any such Bye Law or other such Regulation as aforesaid be attended with Danger or Annoyance to the Public, or Hindrance to the Company in the lawful Use of the Railway, it shall be lawful for the Company summarily to interfere to obviate or remove such Danger, Annoyance, or Hindrance, and that without Prejudice to any Penalty incurred by the Infraction of any such Bye Law.

Publication of such Bye Laws.

CX. The Substance of such last-mentioned Bye Laws, when confirmed or allowed according to the Provisions of any Act in force regulating the Allowance or Confirmation of the same, shall be painted on Boards, or printed on Paper and pasted on Boards, and hung up and affixed and continued on the Front or other conspicuous Part of every Wharf or Station belonging to the Company according to the Nature or Subject Matter of such Bye Laws respectively, and so as to give public Notice thereof to the Parties interested therein or affected thereby; and such Boards shall from Time to Time be renewed as often as the Bye Laws thereon or any Part thereof shall be obliterated or destroyed; and no Penalty imposed by any such Bye Law shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

Such Bye Laws to be binding on all Parties.

CXI. Such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same; and for Proof of the Publication of any such Bye Laws it shall be sufficient to prove that a printed Paper or painted Board, containing a Copy of such Bye Laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged then that such Paper or Board was replaced as soon as conveniently might be.

Leasing of Railway.

And with respect to leasing the Railway, be it enacted as follows:

Exercise of Power to lease the Railway.

CXII. Where the Company shall be authorized by the special Act to lease the Railway or any Part thereof to any Company or Person, the Lease to be executed in pursuance of such Authority shall contain all usual and proper Covenants on the Part of the Lessee for maintaining the Railway, or the Portion thereof comprised in such Lease, in good and efficient Repair and working Condition during the Continuance thereof, and for so leaving the same at the Expiration of the Term thereby granted, and such other Provisions, Conditions, Covenants, and Agreements as are usually inserted in Leases of a like Nature.

Powers vested in the Company may be exercised by the Lessees.

CXIII. Such Lease shall entitle the Company or Person to whom the same shall be granted to the free Use of the Railway or Portion of Railway comprised therein, and during the Continuance of any such Lease all the Powers and Privileges granted to and which might otherwise be exercised and enjoyed by the Company, or the Directors thereof, or their Officers, Agents, or Servants, by virtue of this or the special Act, with regard to the Possession, Enjoyment, and Management of the Railway, or of the Part thereof

thereof comprised in such Lease, and the Tolls to be taken thereon, shall be exercised and enjoyed by the Lessee, and the Officers and Servants of such Lessee, under the same Regulations and Restrictions as are by this or the special Act imposed on the Company, and their Directors, Officers, and Servants; and such Lessee shall, with respect to the Railway comprised in such Lease, be subject to all the Obligations by this or the special Act imposed on the Company.

Leasing of Railway.

Carriages and Engines.

And with respect to the Engines and Carriages to be brought on the Railway, be it enacted as follows:

Engines to consume their Smoke.

CXIV. Every locomotive Steam Engine to be used on the Railway shall, if it use Coal or other similar Fuel emitting Smoke, be constructed on the Principle of consuming and so as to consume its own Smoke; and if any Engine be not so constructed the Company or Party using such Engine shall forfeit Five Pounds for every Day during which such Engine shall be used on the Railway.

Engines to be approved by the Company, and Certificate of Approval given.

CXV. No locomotive or other Engine, or other Description of moving Power, shall at any Time be brought upon or used on the Railway unless the same have first been approved of by the Company; and within Fourteen Days after Notice given to the Company by any Party desirous of bringing any such Engine on the Railway the Company shall cause their Engineer or other Agent to examine such Engine at any Place within Three Miles Distance from the Railway to be appointed by the Owner thereof, and to report thereon to the Company; and within Seven Days after such Report, if such Engine be proper to be used on the Railway, the Company shall give a Certificate to the Party requiring the same of their Approval of such Engine; and if at any Time the Engineer or other Agent of the Company report that any Engine used upon the Railway is out of repair, or unfit to be used upon the Railway, the Company may require the same to be taken off, or may forbid its Use upon the Railway until the same shall have been repaired to the Satisfaction of the Company, and upon the Engine being so repaired the Company shall give a Certificate to the Party requiring the same of their Approval of such Engine; and if any Difference of Opinion arise between the Company and the Owner of any such Engine as to the Fitness or Unfitness thereof for the Purpose of being used on the Railway, such Difference shall be settled by Arbitration.

Unfit Engines to be removed.

Penalty for using improper Engines.

CXVI. If any Person, whether the Owner or other Person having the Care thereof, bring or use upon the Railway any locomotive or other Engine, or any moving Power, without having first obtained such Certificate of Approval as aforesaid, or if, after Notice given by the Company to remove any such Engine from the Railway, such Person do not forthwith remove the same, or if, after Notice given by the Company not to use any such Engine on the Railway, such Person do so use such Engine, without having first repaired the same to the Satisfaction of the Company, and obtained such Certificate of Approval, every such Person shall in any of the Cases aforesaid forfeit to the Company a Sum not exceeding Twenty Pounds; and in any such Case it shall be lawful for the Company to remove such Engine from the Railway.

Carriages to be constructed according to Company's Regulations.

CXVII. No Carriage shall pass along or be upon the Railway (except in directly crossing the same as herein or by the special Act authorized,) unless such Carriage be at all Times, so long as it shall be used or shall remain on the Railway, of the Construction and in the Condition which the Regulations of the Company for the Time being shall require; and if any Dispute arise between the Company and the Owner of any such Carriage as to the Construction or Condition thereof, in reference to the then existing Regulations of the Company, such Dispute shall be settled by Arbitration.

Regulations to apply also to Company's Carriages.

CXVIII. The Regulations from Time to Time to be made by the Company respecting the Carriages to be used on the Railway shall be drawn up in Writing, and be authenticated by the Common Seal of the Company, and shall be applicable alike to the Carriages of the Company and to the Carriages of other Companies or Persons using the Railway; and a Copy of such Regulations shall, on demand, be furnished by the Secretary of the Company to any Person applying for the same.

Penalty for using improper Carriages.

CXIX. If any Carriage, not being of such Construction or in such Condition as the Regulations of the Company for the Time being require, be made to pass or be upon any Part of the Railway (except as aforesaid), the Owner thereof, or any Person having for the Time being the Charge of such Carriage, shall forfeit to the Company a Sum not exceeding Ten Pounds for every such Offence, and it shall be lawful for the Company to remove any such Carriage from the Railway.

Owner's Name, &c. to be registered, and exhibited on Carriages.

CXX. The respective Owners of Carriages using the Railway shall cause to be entered with the Secretary or other Officer of the Company appointed for that Purpose the Names and Places of Abode of the Owners of such Carriages respectively, and the Numbers, Weights, and Gauges of their respective Carriages; and such Owners shall also, if so required by the Company, cause the same Particulars to be painted in legible Characters on some conspicuous Part of the Outside of every such Carriage, so as to be always open to View; and every such Owner shall, whenever required by the Company, permit his Carriage to be weighed, measured, or gauged at the Expence of the Company.

On Non-compliance Carriage may be removed.

CXXI. If the Owner of any Carriage fail to comply with the Requisitions contained in the preceding Enactment, it shall be lawful for the Company to refuse to allow such Carriage to be brought upon the Railway, or to remove the same therefrom until such Compliance.

Carriages improperly loaded, or suffered to obstruct the Road, may be unloaded or removed.

CXXII. If the Loading of any Carriage using the Railway be such as to be liable to Collision with other Carriages properly loaded, or to be otherwise dangerous, or if the Person having the Care of any Carriage or Goods upon the Railway suffer the same or any Part thereof to remain on the Railway so as to obstruct the Passage or working thereof, it shall be lawful for the Company to cause such Carriage or Goods to be unloaded and removed in any Manner proper for preventing such Collision or Obstruction, and

and to detain such Carriage or Goods, or any Part thereof, until the Expences occasioned by such unloading, Removal, or Detention be paid.

Company not to be liable for Damage by such unloading, &c.

CXXIII. The Company shall not be liable for any Damage or Loss occasioned by any such unloading, Removal, or Detention as aforesaid, except for Damage wilfully or negligently done to any Carriage or Goods so unloaded, removed, or detained; nor shall they be liable for the safe Custody of any such Carriage or Goods so detained, unless the same be wrongfully detained by them, and then only for so long a Time as the same shall have been so wrongfully detained.

Owners liable for Damage by their Servants.

CXXIV. The respective Owners of Engines and Carriages passing or being upon the Railway shall be answerable for any Trespass or Damage done by their Engines or Carriages, or by any of the Servants or Persons employed by them, to or upon the Railway, or the Machinery or Works belonging thereto, or to or upon the Property of any other Person; and every such Servant or other Person may lawfully be convicted of such Trespass or Damage before any Two Justices of the Peace, either by the Confession of the Party offending, or upon the Oath of some credible Witness; and upon such Conviction every such Owner shall pay to the Company, or to the Person injured, as the Case may be, the Damage to be ascertained by such Justices, so that the same do not exceed Fifty Pounds.

Owners may recover from Servants.

CXXV. It shall be lawful for any Owner of an Engine or Carriage who shall pay the Amount of any Damage caused by the Misfeasance or Negligence of any Servant or other Person employed by him to recover the Amount so paid by him from such Servant or other Person by the same Means as the Company are enabled to recover the Amount of such Damage from the Owner of any Engine or Carriage.

Arbitration.

And with respect to the Settlement of Disputes by Arbitration, be it enacted as follows:

Appointment of Arbitrators when Questions are to be determined by Arbitration.

CXXVI. When any Dispute authorized or directed by this or the special Act, or any Act incorporated therewith, to be settled by Arbitration, shall have arisen, then, unless both Parties shall concur in the Appointment of a single Arbitrator, each Party, on the Request of the other Party, shall nominate and appoint an Arbitrator to whom such Dispute shall be referred; and every Appointment of an Arbitrator shall be made on the Part of the Company, under the Hand of the Secretary or any Two of the Directors of the Company, and on the Part of any other Party under the Hand of such Party, or if such Party be a Corporation aggregate, under the Common Seal of such Corporation, and such Appointment shall be delivered to the Arbitrators, and shall be deemed a Submission to Arbitration on the Part of the Party by whom the same shall be made; and after any such Appointment shall have been made neither Party shall have Power to revoke the same without the Consent of the other, nor shall the Death of either Party operate as a Revocation; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing, in which shall be stated the Matters so required to be referred to Arbitration, shall have been served by the one Party on the other Party to appoint an Arbitrator, such last-mentioned Party fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both Parties; and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute; and in such Case the Award or Determination of such single Arbitrator shall be final.

Vacancy of Arbitrator to be supplied.

CXXVII. If before the Matters so referred shall be determined any Arbitrator appointed by either Party die, or become incapable to act, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place, and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so the remaining or other Arbitrator may proceed *ex parte;* and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death or Incapacity as aforesaid.

Appointment of Umpire.

CXXVIII. Where more than One Arbitrator shall have been appointed, such Arbitrators shall, before they enter upon the Matters referred to them, nominate and appoint by Writing under their Hands an Umpire to decide on any such Matters on which they shall differ, or which shall be referred to him under this or the special Act; and if such Umpire shall die, or become incapable to act, they shall forthwith after such Death or Incapacity appoint another Umpire in his Place; and the Decision of every such Umpire on the Matters so referred to him shall be final.

Board of Trade empowered to appoint an Umpire, on Neglect of the Arbitrators.

CXXIX. If in either of the Cases aforesaid the said Arbitrators shall refuse, or shall for Seven Days after Request of either Party to such Arbitration neglect to appoint an Umpire, the Board of Trade shall, on the Application of either Party to such Arbitration, appoint an Umpire; and the Decision of such Umpire on the Matters on which the Arbitrators shall differ, or which shall be referred to him under this or the special Act, shall be final.

In case of Death of single Arbitrator the Matter to begin de novo.

CXXX. If where a single Arbitrator shall have been appointed, such Arbitrator shall die, or become incapable to act, before he shall have made his Award, the Matters referred to him shall be determined by Arbitration, under the Provisions of this or the special Act, in the same Manner as if such Arbitrator had not been appointed.

If either Arbitrator refuse to act the other to proceed ex parte.

CXXXI. If, where more than One Arbitrator shall have been appointed, either of the Arbitrators refuse, or for Seven Days neglect to act, the other Arbitrator may proceed *ex parte*, and the Decision of such other Arbitrator shall be as effectual as if he had been the single Arbitrator appointed by both Parties.

If Arbitrators fail to make Award within 21 Days the

CXXXII. If, where more than One Arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such Arbitrators shall fail to make their Award within Twenty-one Days after the Day on which the last of such Arbitrators shall have been appointed, or within such

extended

extended Time, if any, as shall have been appointed for that Purpose by both such Arbitrators under their Hands, the Matter referred to them shall be determined by the Umpire to be appointed as aforesaid. *Matter to go to the Umpire.*

CXXXIII. The said Arbitrators or their Umpire may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose. *Power for Arbitrators to call for Books, &c.*

CXXXIV. Before any Arbitrator or Umpire shall enter into the Consideration of any Matters referred to him he shall, in the Presence of a Justice, make and subscribe the following Declaration; that is to say, *Arbitrator and Umpire to make Declaration.*

'I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my 'Skill and Ability, hear and determine the Matters referred to me, under the Provisions of the Act '[*naming the special Act*]. *A.B.*

'Made and subscribed in the Presence of'

And such Declaration shall be annexed to the Award when made; and if any Arbitrator or Umpire, having made such Declaration, shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

CXXXV. Except where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the Costs of and attending every such Arbitration, to be determined by the Arbitrators, shall be in the Discretion of the Arbitrators. *Costs in Discretion of Arbitrators.*

CXXXVI. The Submission to any such Arbitration may be made a Rule of any of the Superior Courts, on the Application of either of the Parties. *Submission a Rule of Court.*

CXXXVII. No Award made with respect to any Question referred to Arbitration under the Provisions of this or the special Act shall be set aside for Irregularity or Error in Matter of Form. *Award not void for Error in Form.*

CXXXVIII. And be it enacted, That any Summons or Notice, or any Writ, or other Proceeding at Law or in Equity requiring to be served upon the Company, may be served by the same being left at or transmitted through the Post directed to the principal Office of the Company, or One of their principal Offices where there shall be more than One, or being given personally to the Secretary, or in case there be no Secretary then by being given to any One Director of the Company. *Service of Notices upon Company.*

CXXXIX. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court. *Tender of Amends.*

Recovery of Damages and Penalties.

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, be it enacted as follows:

CXL. In all Cases where any Damages, Costs, or Expences are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the Method of ascertaining the Amount or enforcing the Payment thereof is not provided for, such Amount, in case of Dispute, shall be ascertained and determined by Two Justices; and if the Amount so ascertained be not paid by the Company or other Party liable to pay the same within Seven Days after Demand, the Amount may be recovered by Distress of the Goods of the Company or other Party liable as aforesaid; and the Justices by whom the same shall have been ordered to be paid, or either of them, or any other Justice, on Application, shall issue their or his Warrant accordingly. *Provision for Damages not otherwise provided for.*

CXLI. If sufficient Goods of the Company cannot be found whereon to levy any such Damages, Costs, and Expences payable by the Company, the same may, if the Amount thereof do not exceed Twenty Pounds, be recovered by Distress of the Goods of the Treasurer of the Company; and the Justices aforesaid, or either of them, on Application, shall issue their or his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence; and if such Treasurer pay any Money under such Distress as aforesaid he may retain the Amount so paid by him, and all Cost and Expences occasioned thereby, out of any Money belonging to the Company, coming into his Custody or Control, or he may sue the Company for the same. *Distress against the Treasurer.*

CXLII. Where in this or the special Act any Question of Compensation, Expences, Charges, or Damages, or other Matter, is referred to the Determination of any One Justice or more, it shall be lawful for any Justice, upon the Application of either Party, to summon the other Party to appear before One Justice, or before Two Justices, as the Case may require, at a Time and Place to be named in such Summons; and upon the Appearance of such Parties, or in the Absence of any of them, upon Proof of due Service of the Summons, it shall be lawful for such One Justice, or such Two Justices, as the Case may be, to hear and determine such Question, and for that Purpose to examine such Parties or any of them, and their Witnesses, on Oath; and the Cost of every such Inquiry shall be in the Discretion of such Justices, and they shall determine the Amount thereof. *Method of proceeding before Justices in Questions of Damages, &c.*

CXLIII. The Company shall publish the short Particulars of the several Offences for which any Penalty is imposed by this or the special Act, or by any Bye Law of the Company affecting other Persons than the Shareholders, Officers, or Servants of the Company, and of the Amount of every such Penalty, *Publication of Penalties.*

Recovery of Damages and Penalties.

and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalty for defacing Boards used for such Publication.

CXLIV. If any Person pull down or injure any Board put up or affixed as required by this or the special Act for the Purpose of publishing any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and shall defray the Expences attending the Restoration of such Board.

Penalties to be summarily recovered before Two Justices.

CXLV. Every Penalty or Forfeiture imposed by this or the special Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before Two Justices; and on Complaint being made to any Justice he shall issue a Summons requiring the Party complained against to appear before Two Justices at a Time and Place to be named in such Summons, and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the due Service of such Summons, it shall be lawful for any Two Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

CXLVI. If forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs shall be levied by Distress, and such Justices, or either of them, shall issue their or his Warrant of Distress accordingly.

Imprisonment in default of Distress.

CXLVII. It shall be lawful for any such Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of such Justice whereon to levy such Penalty or Forfeiture and Costs, he may, if he thinks fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Distress how to be levied.

CXLVIII. Where in this or the special Act, or any Act incorporated therewith, any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CXLIX. No Distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Application of Penalties.

CL. The Justices by whom any such Penalty or Forfeiture shall be imposed may, where the Application thereof is not otherwise provided for, award not more than One Half thereof to the Informer, and shall award the Remainder to the Overseers of the Poor of the Parish in which the Offence shall have been committed, to be applied in aid of the Poor's Rate of such Parish, or if the Place wherein the Offence shall have been committed shall be extra-parochial, then such Justices shall direct such Remainder to be applied in aid of the Poor's Rate of such extra-parochial Place, or, if there shall not be any Poor's Rate therein, in aid of the Poor's Rate of any adjoining Parish or District.

Penalties to be sued for within Six Months.

CLI. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Damage to be made good in addition to Penalty.

CLII. If, through any Act, Neglect, or Default on account whereof any Person shall have incurred any Penalty imposed by this or the special Act, any Damage to the Property of the Company shall have been committed by such Person, he shall be liable to make good such Damage as well as to pay such

such Penalty; and the Amount of such Damages shall, in case of Dispute, be determined by the Justices by whom the Party incurring such Penalty shall have been convicted; and on Nonpayment of such Damages, on demand, the same shall be levied by Distress, and such Justices, or One of them, shall issue their or his Warrant accordingly. *Recovery of Damages and Penalties.*

CLIII. It shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this or the special Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence. Penalty on Witnesses making Default.

CLIV. It shall be lawful for any Officer or Agent of the Company, and all Persons called by him to his Assistance, to seize and detain any Person who shall have committed any Offence against the Provisions of this or the special Act, and whose Name and Residence shall be unknown to such Officer or Agent, and convey him, with all convenient Despatch, before some Justice, without any Warrant or other Authority than this or the special Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender. Transient Offenders.

CLV. The Justices before whom any Person shall be convicted of any Offence against this or the special Act, or any Act incorporated therewith, may cause the Conviction to be drawn up according to the Form in the Schedule to this Act annexed. Form of Conviction.

CLVI. No Proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts. Proceedings not to be quashed for Want of Form, &c.

CLVII. If any Party shall feel aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this or the special Act, or any Act incorporated therewith, such Party may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon. Parties allowed to appeal to Quarter Sessions on giving Security.

CLVIII. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable. Court to make such Order as they think reasonable.

CLIX. Provided always, and be it enacted, That notwithstanding any thing herein or in the special Act or any Act incorporated therewith, contained, every Penalty or Forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law in pursuance thereof, in respect of any Offence which shall take place within the Metropolitan Police District, shall be recovered, enforced, accounted for, and, except where the Application thereof is otherwise specially provided for, shall be paid to the Receiver of the Metropolitan Police District, and shall be applied in the same Manner as Penalties or Forfeitures, other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis;* and every Order or Conviction of any of the Police Magistrates in respect of any such Forfeiture or Penalty shall be subject to the like Appeal, and upon the same Terms, as is provided in respect of any Order or Conviction of any of the said Police Magistrates by the said last-mentioned Act; and every Magistrate by whom any Order or Conviction shall have been made shall have the same Power of binding over the Witnesses who shall have been examined, and such Witnesses shall be entitled to the same Allowance of Expences as he or they would have had or been entitled to in case the Order, Conviction, and Appeal had been made in pursuance of the Provisions of the said last-mentioned Act. Receiver of Metropolitan Police District to receive Penalties incurred within his District. 2 & 3 Vict. c. 71.

CLX. And be it enacted, That every Person who, upon any Examination upon Oath, under the Provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury. Persons giving false Evidence liable to Penalties of Perjury.

CLXI. And be it declared and enacted, That all Sums of Money which have been or shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery of *Ireland*, under the Provisions of an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Custody of certain Monies paid in pursuance of the Standing Orders of either House of Parliament by Subscribers to Works or Undertakings to be effected under* Money paid into the Bank of Ireland to be exempt from Ushers Poundage. 1 & 2 Vict. c. 117.

under the Authority of Parliament, shall and may be paid out and applied under any Order of the said Court of Chancery exempt from Ushers Poundage.

Access to special Act.

And with respect to the Provision to be made for affording Access to the special Act by all Parties interested, be it enacted as follows:

Copies of special Act to be kept and deposited, and allowed to be inspected.

CLXII. The Company shall at all Times after the Expiration of Six Months after the passing of the special Act keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty, or some of them; shall also within the Space of such Six Months deposit in the Office of each of the Clerks of the Peace of the several Counties into which the Works shall extend a Copy of such special Act, so printed as aforesaid; and the said Clerks of the Peace shall receive, and they and the Company respectively shall retain, the said Copies of the special Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

Penalty on Failure to keep Copies.

CLXIII. If the Company shall fail to keep or deposit, as herein-before mentioned, any of the said Copies of the special Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited.

Extent of Act.

CLXIV. And be it enacted, That this Act shall not extend to *Scotland*.

Alteration of Act.

CLXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE referred to by the foregoing Act.

to wit.

Be it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before us *C.*, *D.*, Two of Her Majesty's Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the [*here name the special Act*]. Given under our Hands and Seals the Day and Year first above written.

C.
D.

CAP. XXI.

An Act to amend an Act of the Fifty-third of *George* the Third, for appointing a Stipendiary Magistrate for the Townships of *Manchester* and *Salford*; and to provide a Stipendiary Magistrate for the Division of *Manchester*. [8th *May* 1845.]

53 G. 3. c. 72.

'Whereas an Act was passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace within the Townships of* Manchester *and* Salford *in the Hundred of* Salford *in the County Palatine of* Lancaster; *and to provide, by means of a Rate in the said Townships and otherwise, a competent Salary to a Justice of the Peace acting within the said Townships; and to enable the Constables of* Manchester *and* Salford *to take Recognizances in certain Cases:* And whereas by the said Act it was provided that the Justice to be appointed under the Provisions thereof should reside within One Mile of the Exchange in the Town of *Manchester*, or of the *New Bailey* Court House in the Town of *Salford*, and should daily (*Sundays* excepted) attend at the *New Bailey* Court House in *Salford*; and it was thereby also provided that the said Township of *Manchester* should contribute Seven Eighth Parts, and the said Township of *Salford* One Eighth Part of the Salary payable to such Justice, which Salary was by the said Act fixed at the Sum of One thousand Pounds *per Annum*: And whereas since the passing of the said Act Her present Majesty has been pleased (in pursuance of the Powers and Provisions of an

5 & 6 W. 4. c. 76.

Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales,) to grant a Charter of Incorporation to the said Township of *Manchester*, and the adjoining Townships of *Chorlton-upon-Medlock*, *Hulme*, *Ardwick*, *Cheetham*, and the extra-parochial District of *Beswick*, and also to grant a Charter of Incorporation to the said Township of *Salford*, and Part of the adjoining Township of *Broughton*, and has by such several Charters conferred upon the said incorporated Boroughs of *Manchester* and *Salford* respectively all the Powers and Provisions of the said last-mentioned Act: And whereas a separate Commission of the Peace has been granted to and for the Borough of *Manchester*, and a salaried Police Magistrate has been appointed for the same Borough; and by an Act passed in the Eighth Year of the

7 & 8 Vict. c. 80.

Reign of Her present Majesty, intituled *An Act to alter and amend an Act of the Fifty-third Year of King* George *the Third for the Appointment of a Stipendiary Magistrate to act within the Townships of* Manchester *and* Salford, all the Powers and Provisions of the said recited Act of the Fifty-third Year of King *George* the Third, so far as they authorized, directed, or required the Payment by the said Township of *Manchester* of any Part of the Salary payable to the Police Magistrate thereunder appointed, or which authorized the making or levying of any Rate within the said Township of

Manchester

'*Manchester* for the Purpose of raising such Salary or any Part thereof, and also any Provisions which 'directed, authorized, or required the Payment to the said Township of *Manchester*, or to any Person or 'Persons on behalf of such Township, of any Part or Portion of the Recognizances taken and estreated in 'the said County Palatine of *Lancaster*, have been repealed: And whereas the several Townships or Places 'of *Worsley*, *Barton-upon-Irwell*, *Clifton*, *Pendlebury*, *Pendleton*, *Flixton*, *Urmston*, *Blakely*, *Bradford*, '*Broughton*, *Burnage*, *Chorlton-with-Hardy*, *Crumpsall*, *Didsbury*, *Failsworth*, *Gorton*, *Harpurhey*, '*Lavenshulme*, *Moss-side*, *Moston*, *Newton*, *Openshaw*, *Reddish*, *Rusholme*, *Salford*, *Stretford*, *Withington*, *Great Heaton*, *Little Heaton*, *Prestwich*, and *Heaton Norris*, now compose the Division of '*Manchester*, and have hitherto had the Benefit of the Services of the Justice appointed under the said 'herein-before first-recited Act; and it is desirable, for the due and uniform Administration of Justice 'within the said Division, which contains a Population of One hundred and fifty thousand or thereabouts, 'and for the Protection and Security of the Persons and Property of the Inhabitants thereof, that a fit 'and proper Person appointed or to be appointed under the said first-recited Act should continue to 'execute the Office of a Justice of the Peace within the said Division, and to receive a competent Remu-'neration for his Trouble: And whereas it is just and expedient that the said Municipal Borough of '*Salford* should contribute a definite Portion of the Salary payable to the said Justice, and that such 'Part of the said Townships of *Broughton* and *Heaton Norris* as are not included in either of the said 'Boroughs of *Salford* and *Stockport*, and all the said other Townships, Parts of Townships, or Places 'herein-before enumerated or mentioned, and now composing the Division of *Manchester* as aforesaid, 'should also contribute to the Payment of such Salary; and with that Intent it is necessary that the 'Provisions of the said first-recited Act should be amended, and that Provision should be made for the 'Appointment and Payment of Clerks to the said Justice, and that the said Act should be in other 'respects varied and altered:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *July* One thousand eight hundred and forty-five so much of the said recited Act of the Fifty-third Year of King *George* the Third as requires or directs that the Justice to be appointed as therein mentioned shall reside within One Mile of the Exchange in *Manchester* or of the *New Bailey* Court House in *Salford* aforesaid, and so much thereof as requires or directs that the said Justice shall attend daily (*Sundays* excepted) at the *New Bailey* Court House aforesaid, and also so much thereof as directs or authorizes the Payment of a Salary of One thousand Pounds *per Annum* to the said Justice, and the levying or raising the same by Rate or otherwise, shall be and the same is hereby repealed.

Repeal of Parts of first-recited Act.

II. And be it enacted, That the Justice appointed or to be appointed under the said first-recited Act as aforesaid may reside at any Place within either of the Municipal Boroughs of *Manchester* and *Salford*, or elsewhere within the said Division of *Manchester*.

Residence of the Justice.

III. And be it enacted, That the said Justice shall daily (except on *Sundays*, *Christmas Day*, and *Good Friday*, and such other Days as herein-after excepted,) attend at the *New Bailey* Court House in *Salford* aforesaid for the Transaction and Disposal of Business and Matters within his Jurisdiction arising or happening elsewhere than within the Limits of the said Municipal Borough of *Salford*, and shall also Three Days in each Week attend and hold Sittings at the Town Hall in the Borough of *Salford* aforesaid for the Transaction and Disposal of such Business and Matters only as shall arise or happen within the Limits of the said Municipal Borough of *Salford* and not elsewhere.

Sittings of the Justice in Salford.

IV. Provided always, and be it enacted, That from and after the said First Day of *July* One thousand eight hundred and forty-five, and after proper Court Houses and other Accommodations shall have been provided for the Administration of Justice at the Cost of the Townships or Places next herein-after mentioned, the said Justice shall attend and hold a Sitting on One Day at least in every Fortnight at or within the said Townships of *Worsley* and *Barton-upon-Irwell*, or one of them, and also within the said Townships of *Heaton Norris* and *Stretford* respectively.

Sittings in Worsley, &c.

V. Provided also, that as it is expedient and necessary that the Justices acting at *Worsley* and *Barton-upon-Irwell*, or one of them, and *Heaton Norris*, should hold more frequent Sittings at *Worsley* or *Barton-upon-Irwell*, or one of them, and at *Heaton Norris*, on account of the extensive Population of those Townships respectively, than is herein provided for the sitting of the Stipendiary Justice, be it therefore enacted, That it shall be lawful for the County Justices acting at such Townships respectively to hold such more frequent Sittings; and in that Case the Justices acting in and for the said Division shall appoint a separate Clerk for each of the said Places, with Salaries not exceeding Fifty Pounds *per Annum* for each Clerk, to attend such Sittings as well as the Sitting in such Townships as are herein provided for; and all Fees taken and received at any such Sittings shall be brought into the Fee Fund, and paid over to the Treasurer thereof, as herein provided: Provided always, that the same Course of Proceeding for the Appointment of a Clerk for each of the said Places, or for his Removal, shall be observed as is herein directed with respect to the Appointment or Removal of the Clerk for Divisional Business.

In case of holding more frequent Sittings at Worsley, &c. the Justices may appoint a separate Clerk for each of the Places.

VI. Provided also, and be it enacted, That it shall be lawful for the Justices of the Peace for the said County of *Lancaster* acting in and for the said Division of *Manchester*, at any Meeting of such Justices holden for the Purpose, and of which Meeting and of the Object thereof Ten Days Notice at least, by Post or otherwise, shall have been given to every such Justice, if they shall think it expedient so to do, from Time to Time to fix and direct a Sitting or Sittings to be periodically holden by the Justice so appointed

Justices of Division may direct a Sitting to be periodically holden within any

other of the Townships.

appointed or to be appointed as aforesaid at or within any other or others of the said Townships or Places herein-before mentioned as now composing the said Division of *Manchester*, and the said Justice shall from Time to Time attend and hold his Sitting at or within the Township or Townships to be so fixed for that Purpose accordingly.

Providing for Attendance of Justice at Salford being supplied by any other Justice, and regulating Times of sitting in other Places than New Bailey Court House.

VII. Provided always, and be it enacted, That the Attendance of the said Justice, either at the said *New Bailey* Court House or Town Hall in *Salford*, or elsewhere, as aforesaid, may be supplied by any other Justice of the Peace for the said County Palatine of *Lancaster*, and also as regards the Sittings at the Town Hall in *Salford* by any Justice of the Peace of or for the Borough of *Salford*; Provided also, that the said Justice shall not be required to attend at the *New Bailey* Court House or at the Town Hall in *Salford* aforesaid on any Day which shall be appointed for his sitting or Attendance elsewhere than at one of those Places: Provided nevertheless, that the Number of Days on which the said Justice shall attend or hold Sittings elsewhere than at the *New Bailey* Court House or the Town Hall in *Salford* aforesaid shall not exceed Three Days in a Week.

Justices of the Peace for Lancashire and for the Borough of Salford to have Jurisdiction within such Borough.

VIII. And be it enacted, That all Offences, Business, and Matters whatsoever committed or arising within the Limits of the said Municipal Borough of *Salford* shall be cognizable, not only by the Justice or Justices for the County Palatine of *Lancaster*, but also by the Justice or Justices of or for the said Municipal Borough; and all and every such Justice or Justices of or for the said Municipal Borough shall in and for the said Borough have all such and the like Powers and Jurisdiction whatsoever, as fully and effectually, in all respects whatsoever, as all and every the Justice or Justices of the said County Palatine of *Lancaster* acting in and for the said Division of *Manchester* have or hath or shall or may have in and for the said Division.

Authorizing the Suspension of Sittings directed by Justices elsewhere than at New Bailey Court House.

IX. And be it enacted, That the Justices of the Peace for the said County of *Lancaster* acting in and for the Division of *Manchester* aforesaid shall have the Power, at any Meeting of such Justices, of which Meeting and of the Object thereof Ten Days Notice shall have been previously sent or given to every such Justice, by Post or otherwise, to direct that any Sitting or Sittings of the said Justice for the Time being appointed under the said first-recited Act, previously directed to be held elsewhere than at the *New Bailey* Court House or Town Hall in *Salford*, or within the said Townships of *Worsley* and *Barton-upon-Irwell*, or one of them, or within the Townships of *Heaton Norris* and *Stretford* aforesaid, as herein-before authorized, shall be suspended or discontinued, and the same shall be thereupon suspended or discontinued accordingly.

For Appointment of Divisional Clerks to the Justices, and their Removal.

X. And be it enacted, That it shall be lawful for the said Justices acting in and for the Division of *Manchester* aforesaid, and they are hereby required, at any Meeting to be holden for the Purpose, and of which Meeting and of the Object thereof Ten Days previous Notice shall have been sent or given to every such Justice, by Post or otherwise, to appoint One fit Person, and that it shall be lawful for the Justices in and for the Municipal Borough of *Salford* and the Stipendiary Justice to be appointed as aforesaid, and they are hereby required, to appoint another fit Person, to be respectively Clerks to the said Justice for the Time being appointed or to be appointed under the said first-recited Act as aforesaid, and so from Time to Time as often as there shall be a Vacancy in the Office of either of such Clerks, by Death, Resignation, Removal, or otherwise, the said Justices respectively re-appointing upon all Vacancies to the Office of the Clerks originally appointed by such Justices respectively as aforesaid: Provided always, that the said Clerks respectively may be removed from their said Office, the one appointed by the said Justices at the Pleasure of the said Justices acting in and for the said Division of *Manchester*, signified by any Resolution or Order of such Justices at a Meeting, whereof and of the Object thereof Ten Days previous Notice shall have been sent or given to every such Justice as aforesaid, and the other of such Clerks at the Pleasure of the Justices of and for the Municipal Borough of *Salford* aforesaid and the Stipendiary Justice aforesaid: Provided also, that the Clerk to be appointed by the said Justices acting in and for the Division as aforesaid shall be attendant upon the said Justice appointed or to be appointed under the said first-recited Act as aforesaid, for the Transaction and Disposal of all Business and Matters arising or happening within the said Division of *Manchester* elsewhere than within the Limits of the said Municipal Borough of *Salford*, and shall be called the Clerk for Divisional Business, but he shall not be required to attend any Sittings at or within the Townships of *Worsley* or *Barton-upon-Irwell* or *Heaton Norris*; and that the Clerk to be appointed by the Justices of and for the Municipal Borough of *Salford* as aforesaid and the Stipendiary Justice as aforesaid shall be attendant upon the said Justice for the Transaction and Disposal of all Business and Matters arising or happening within the Limits of the said Municipal Borough of *Salford*, and shall be called the Clerk for Borough Business.

Authorizing the Payment of Stipend to the Justice and to the Clerk.

XI. And be it enacted, That so long as the said Justice for the Time being appointed or to be appointed under the said first-recited Act, and the said Clerk to such Justice for Divisional Business, shall respectively continue to discharge the Duties of their said respective Offices, there shall be paid out of the Funds or Monies by this Act directed and authorized to be raised or provided for that Purpose, to the said Justice the yearly Sum of Eight hundred Pounds, and to the said Clerk to such Justice for Divisional Business a yearly Sum not exceeding Five hundred Pounds, which said last-mentioned yearly Sum shall be paid to and received by the said Clerk in lieu of all Fees and Monies which he may legally demand or receive by virtue or in respect of his said Office or Employment, and which are herein-after directed to be paid over by him to the Credit of the General Fee Fund herein-after mentioned, and shall include as well the Remuneration for the Services of such Clerk as the Payments he may be required to make for all necessary Assistants, the said several Sums to be paid by Four equal quarterly Payments, and

and so *pro ratâ* a Proportion of such quarterly Payments up to the Time of the Death of the said Officers respectively, or their respectively ceasing to act.

300*l.* per Annum to be paid out of the Salford Borough Fund towards the Justice's Salary.

XII. And be it enacted, That so long as the said Justice appointed or to be appointed under the said first-recited Act as aforesaid shall continue to discharge the Duties of his said Office as aforesaid the yearly Sum of Three hundred Pounds shall be paid out of the Borough Fund of the said Municipal Borough of *Salford*, as the Contribution or Quota of the said Municipal Borough towards the said yearly Salary herein-before directed to be paid to the said Justice as aforesaid, and for that Purpose the Treasurer of the said Municipal Borough for the Time being shall out of the Borough Fund pay the said yearly Sum of Three hundred Pounds, by Four equal quarterly Payments in every Year, to the Treasurer for the Time being of the General Fee Fund herein-after mentioned and directed to be formed, or if there shall be no such Treasurer, to the said Clerk to the said Justice for Divisional Business, who shall carry the same to the Credit of the said General Fee Fund, to be applied as Part thereof; and such Payments shall discharge the said Municipal Borough of *Salford* from all further Liability whatsoever, in respect of the Period or Periods on account of which such Payments shall have been made, to contribute to the Salary herein-before directed to be paid to the said Justice as aforesaid, or to the said General Fee Fund, on any other Account whatsoever, nor shall the said Municipal Borough of *Salford* or any Officer thereof be in any way responsible for the Application of the said General Fee Fund or any Part thereof.

Town Council of Salford may order a Sum not exceeding 400*l.* to be paid to the Clerk out of the Borough Fund.

XIII. And be it enacted, That it shall be lawful for the Council of the said Borough of *Salford* at any Time or Times to order and direct the Payment out of the Borough Fund of the said Municipal Borough to the said Clerk to the said Justice for Borough Business, for the Services of himself and any Assistant or Assistants in that Office, of such yearly or other Sum or Sums of Money, not exceeding in the whole the yearly Sum of Four hundred Pounds, and at such Times and in such Manner as the said Council shall think reasonable and proper in that Behalf; and the Treasurer of the said Borough shall thereupon pay such Sum or Sums of Money accordingly out of the said Borough Fund, the same to be received by such Clerk in lieu of all Fees and Monies which he may legally demand or receive by virtue or in respect of his said Office or Employment, and which he is herein-after directed to pay over to the Treasurer of the said Borough in aid of the Borough Fund.

No Fees to be taken but at the public Places of Sitting.

XIV. And be it enacted, That from and after the First Day of *July* One thousand eight hundred and forty-five no Justice of the Peace for the said County of *Lancaster* acting in and for the said Division of *Manchester*, nor any Clerk of any such Justice, nor any Person on behalf of any such Justice or Clerk, shall directly or indirectly, upon any Pretence whatever, take or receive any Fee, Reward, Gratuity, or Recompence for any Act or Business by any such Justice or Clerk done or to be done in the Execution of his said Office or Employment within the said Division elsewhere than at the said *New Bailey* Court House or the said Town Hall in *Salford* aforesaid, or at *Worsley* or *Barton-upon-Irwell* or at *Heaton Norris*, or such other Place or Places as is, are, or shall be appointed under the Authority of this Act for the Sitting or Sittings of the said Justice for the Time being appointed or to be appointed under the said first-recited Act as aforesaid, upon Pain of forfeiting the Sum of One hundred Pounds for every such Offence, one Moiety thereof to the said Clerk for Divisional Business of the said Justice so appointed or to be appointed as aforesaid, to be by him carried to the Account of the Fee Fund herein-after mentioned, and to be considered Part of and applicable to the same Purposes as the said Fund, and the other Moiety thereof, with full Costs of Suit, to the Person who shall sue for the same in any of Her Majesty's Courts of Record at *Westminster*; and that any Summons or other Process which shall, after the said First Day of *July* One thousand eight hundred and forty-five, be issued by any Justice of the Peace of the County of *Lancaster*, requiring any Person residing within the said Division of *Manchester* to appear at any Place without the said Division to answer any Information or Complaint touching any Matter arising within the said Division, shall be utterly void and of none effect, any Law, Custom, or Usage to the contrary notwithstanding; provided that nothing in this Act contained shall be construed to extend to any Fees taken, payable, or demandable at any General or Quarter Sessions of the Peace.

Process returnable at any Place without the Division void.

Clerk to the Justice for Borough Business to receive all Fees, and keep an Account thereof, and pay them to the Treasurer of the Borough.

XV. And be it enacted, That the said Clerk of the said Justice appointed or to be appointed under the said first-recited Act for Borough Business as aforesaid, or some Person to be appointed for that Purpose by the Council of the said Borough, shall receive all Fees and Monies chargeable and to be received for and in respect of any Act, Business, or Matter to be done or transacted by any Justice or Justices, or any Clerk or Clerks of any Justice or Justices, in the Execution or by virtue of his or their Office or Employment as Justice of Peace or Clerk as aforesaid at the said Town Hall in *Salford* aforesaid, and shall keep a full, true, and particular Account in Writing of all such Fees and Monies, and shall once in every Quarter of a Year, or oftener if required, render such Account to the Council of the said Municipal Borough of *Salford* (the said Account to be verified by the Declaration of the said Clerk for Borough Business before some Justice of the Peace acting in and for the said Division of *Manchester* or Borough of *Salford*, which Declaration every or any such Justice is hereby empowered to receive), and shall, at such Time and in such Manner as the said Council shall direct, pay all such Fees and Monies as he shall so from Time to Time receive unto the Treasurer for the Time being of the said Borough of *Salford*, who shall carry the same to the Account and Credit of the Borough Fund of the same Borough, to be applied as Part thereof.

Clerk to Justice for Divisional Business to receive Fees, and

XVI. And be it enacted, That the said Clerk to the said Justice appointed or to be appointed under the said first-recited Act for Divisional Business as aforesaid shall receive all Fees and Monies chargeable and to be received in respect of any Act or Business to be done or transacted by any Justice or Justices,

render an Account thereof; or the Clerk or Clerks of any Justice or Justices, in the Execution or by virtue of his or their Office or Employment as Justice of Peace or Clerk as aforesaid at the said *New Bailey* Court House in *Salford* aforesaid, or at any other Place or Places (other than and except the said Town Hall in *Salford* aforesaid, and other than and except *Worsley* or *Barton-upon-Irwell* and *Heaton Norris* aforesaid,) appointed or to be from Time to Time appointed for the sitting of the said Stipendiary Justice, as herein-before provided, and shall keep a full, true, and particular Account in Writing of all such Fees and Monies, and shall once in every Quarter of a Year, or oftener if required, render to the said Justices acting in and for the said Division of *Manchester* a true Account, verified by the Declaration of the said Clerk before some Justice acting in and for the said Division (which Declaration every or any such Justice is hereby empowered and authorized to receive), of all Fees and Monies received by him, and of all Payments made thereout, under the Authority of this Act, during the Period of such Account, in such Form and with such Particulars as the said Justices acting for the Division aforesaid shall from Time to Time require;

as also the Clerks for Worsley, &c. and the same Duties shall be performed in like Manner by the said Clerks respectively to be appointed for *Worsley* or *Barton-upon-Irwell* and *Heaton Norris* aforesaid, as fully as if the same were herein repeated with respect to them respectively.

Fees received by Clerk for Divisional Business and by the Clerks for Worsley, &c. to be carried to Account of a General Fund.

XVII. And be it enacted, That all Fees and Monies which the said Clerk for Divisional Business or the Clerk for *Worsley* or *Barton-upon-Irwell* and *Heaton Norris* respectively shall so receive as aforesaid shall be carried to the Account of a General Fund, to be called "The Fee Fund of the Justices for the Division of *Manchester*," and which Fund, or so much thereof as shall not be from Time to Time required or applied for the Purposes herein-after mentioned, shall be placed and remain in such Bank within the Town of *Manchester* or *Salford* as the Justices acting for the said Division shall from Time to Time direct: Provided always, that it shall be lawful for the said Justices, at any Meeting holden and previously notified as herein-before mentioned, if they shall think it necessary or expedient so to do, from Time to Time to appoint any fit Person to be Treasurer of the said Fee Fund, with such yearly or other Salary or Allowance, not exceeding the yearly Sum of Eighty Pounds, to be paid out of the same Fund, as the said Justices shall think fit, and to take such Security, in such Form and Manner as may be deemed requisite or advisable for the due Performance of his Office, such Treasurer to be removable from his said Office at the Pleasure of the said Justices; and the said Justices shall have Power from Time to Time to make all such Orders and Regulations for securing the same Fund, and for keeping the Accounts relative thereto, as to such Justices shall seem expedient; and the said Fund shall be from Time to Time applied in or towards the Payment of the respective Salaries, Printing, Stationery, and other Charges and Expences by this Act directed or authorized to be paid thereout, and the Expences consequent upon any Sittings which may be held elsewhere than at the *New Bailey* Court House or at the Town Hall in *Salford* aforesaid, in pursuance of this Act.

Clerks disqualified from acting as Attornies in certain Cases.

XVIII. And be it enacted, That no Clerk appointed under this Act, except as herein-after provided, shall during the Continuance of his Office, or within Six Calendar Months after he shall have resigned or shall have been removed from such Office, be concerned, either by himself or any Partner, or in any Manner, directly or indirectly, as an Attorney or Agent in any Matter brought or to be brought before the Justices whose Clerk he is, or in any Prosecution at any Court of Sessions of the Peace, or of Oyer and Terminer and Gaol Delivery, arising out of or consequent upon any Proceeding before the Justices whose Clerk he is; and any Clerk who shall offend against this Enactment shall forfeit the Sum of Fifty Pounds, to be recovered, by any Person who will sue for the same, by Action of Debt or Information, to be commenced within Six Calendar Months next after the Commission of the Offence; but nothing herein contained shall subject any such Clerk to any Penalty for any Act done by him in the Discharge of his official Duty: Provided also, that the said Clerk for Borough Business, being paid by a fixed Salary in lieu of Fees and other Emoluments as aforesaid, both for his Services as Clerk to the said Justices and for conducting Prosecutions, may continue to conduct any Prosecutions at the General or Quarter Sessions of the Peace, or any adjourned Sessions thereof, or at the Assizes for any Offence committed within the Municipal Borough of *Salford*, provided that such Clerk account for and pay over all Fees and Emoluments arising from such Prosecutions or received by him to the Treasurer of the said Borough, in aid of the Borough Fund.

Justices may make Rates for Payment of Expences under this Act.

XIX. And be it enacted, That for better providing for and securing the Payment of the several Salaries, Charges, and Expences payable under this Act, it shall be lawful for the Justices of the Peace acting in and for the said County of *Lancaster*, at any General Quarter Sessions of the Peace holden by Adjournment within the Hundred of *Salford* aforesaid, and they are hereby required, from Time to Time to make a Rate or Rates, Assessment or Assessments (not exceeding the Amount herein-after limited) on all the rateable Property within the Limits of the said several Townships, Parts of Townships, or Places not included within the Limits of the said Municipal Boroughs of *Salford* and *Stockport*, and which, together with the said Municipal Borough of *Salford*, are within the said Division of *Manchester* as aforesaid, for the Purpose of raising so much Money as, together with the Fee Fund herein-before mentioned (the Amount or probable Amount of which shall from Time to Time be ascertained or estimated by the said Justices as correctly as may be), shall be sufficient for the Payment of the said several Salaries, Charges, and Expences herein mentioned; such Rate or Rates, Assessment or Assessments, to be made in the same Manner as is now by Law directed, authorized, or practised for making County Rates.

Mode of ascertaining Value of

XX. Provided always, and be it enacted, That the annual Value of the rateable Property within the Limits of the said several Townships, Parts of Townships, or Places rateable under this Act as aforesaid,

as such Value shall have been or from Time to Time may be ascertained and determined for the Purpose of assessing the County Rate upon or within the same Townships, Parts of Townships, or Places respectively, shall or may be from Time to Time adopted and taken by the said Justices as the Basis of any Assessment and Rating to be made by them for the Purposes of this Act as aforesaid, without any separate or other Valuation of such Property or any Part thereof being made or required. rateable Property.

XXI. And be it enacted, That all and every the Powers, Authorities, Provisions, Clauses, and Regulations given or contained by or in any Act or Acts of Parliament now subsisting and in force for or relating to the making, assessing, collecting, levying, paying, or enforcing of County Rates in *England*, shall, so far as the Nature of the Case will admit, and except as is herein otherwise specially provided, be deemed and taken to apply to the said Rate or Rates so by this Act directed or authorized to be made as aforesaid, as if the same Powers, Authorities, Provisions, Clauses, and Regulations were here severally repeated and re-enacted with reference to such Rate or Rates, and in the same Manner, and as fully and effectually in all respects, as if such Rate or Rates respectively were a County Rate assessed or to be assessed upon the said several Townships, Parts of Townships, or Places intended to be hereby made liable to the Payment thereof as aforesaid: Provided always, that the Sum to be raised by a Rate or Rates under the Authority of this Act as aforesaid shall not in any One Year exceed the Sum of One Penny in the Pound upon the annual Value of the rateable Property in the several Townships, Parts of Townships, or Places aforesaid. Powers of County Rate Acts applied to this Act.

XXII. Provided also, and be it enacted, That the Overseer or Overseers of the Poor of the said several Townships or Places liable to the Payment of the Rate to be made under the Authority of this Act as aforesaid, and as regards such Portions of the said Townships of *Heaton Norris* and *Broughton* respectively as are not included in the said several Municipal Boroughs of *Stockport* and *Salford* respectively, the respective Overseers of the Poor of the same Townships, or other the Person or Persons whose Duty it shall be to collect and levy the said Rate, shall, within the Time to be limited or expressed for that Purpose in or by the Order of the said Justices making such Rate as aforesaid, which Order shall of itself, and without any other Precept or Warrant whatsoever, be a sufficient Authority for the levying of the said Rate by such Overseer or Overseers, or other Person or Persons whose Duty it shall be to levy the same as aforesaid, levy and collect such Rate, and pay the Amount thereof into the Hands of the said Treasurer of the said Fee Fund, or if there be no such Treasurer, into the Hands of the said Clerk for Divisional Business, who shall carry the same to the Account of the said Fee Fund herein-before directed to be formed as aforesaid, and the same, together with the said Fees or other Monies to be from Time to Time received by the said Treasurer or Clerk for Divisional Business as aforesaid, shall constitute One aggregate Fund applicable for the Payment of the said several Salaries and other Charges and Payments by this Act directed or authorized to be paid thereout; and in case any such Overseer or Overseers of the Poor, or other Person or Persons whose Duty it shall be to collect or levy such Rate as aforesaid, shall neglect, make default, or refuse to pay the same within the Time to be limited or specified for that Purpose as aforesaid, to the said Treasurer or Clerk hereby appointed and authorized to receive the same as aforesaid, it shall and may be lawful for any Justice of the Peace of the said County of *Lancaster*, upon Complaint thereof made by such Treasurer or Clerk as aforesaid, to levy the same by Distress and Sale of the Offender's Goods. Overseers of the Poor to levy the Rates.

XXIII. Provided also, and be it enacted, That all or any Forfeitures or Penalties to be inflicted or recoverable under or by virtue of any of the statutable Powers or Provisions hereby extended or made applicable to the said Rate hereby directed to be made and levied as aforesaid, in respect of such Rate, or any Proceeding relating thereunto, shall, when recovered, be paid to the said Treasurer of the said Fee Fund or to the said Clerk for Divisional Business as aforesaid, and shall be by him carried to the Account of the said General Fee Fund, and be applied as Part thereof. Application of Penalties.

XXIV. And be it enacted, That it shall be lawful for the Chancellor and Council of the Duchy of *Lancaster* for the Time being and they are hereby required, from Time to Time to make Orders upon the Receiver General of the said Duchy to pay over the Amount of Monies (not exceeding the Sum of Eight hundred Pounds in any One Year) which shall or may be hereafter levied or received to Her Majesty's Use upon or by reason of Recognizances taken and estreated in the said County Palatine of *Lancaster*, to the said Treasurer of the Fee Fund aforesaid, or to the said Clerk for Divisional Business, the same to be by such Treasurer or Clerk carried to the Account and to be applied in aid and as Part of the said General Fee Fund hereby directed to be raised or provided as aforesaid, any thing in an Act passed in the Tenth Year of Her late Majesty Queen *Anne*, intituled *An Act for the better Support of Her Majesty's Household, and of the Honour and Dignity of the Crown*, or any other Law or Statute to the contrary notwithstanding: Provided always, that nothing herein contained shall control or abridge the Powers of the said Chancellor and Council to relieve and mitigate estreated Recognizances and Levies made therein in certain Cases of Hardship and Distress, as they are used to do. Application of Monies received for Recognizances estreated.

XXV. And be it declared and enacted, That all and every the Powers, Authorities, Provisions, and Enactments given by or contained in the said herein-before first-recited Act, except as the same or any of them are expressly repealed or altered by or shall be inconsistent with the Provisions of this Act, shall remain in full force and virtue as if this Act had not been passed. Certain Powers of first-recited Act to remain in force.

XXVI. And be it enacted, That one Moiety of the Costs, Charges, and Expences of or incident to the soliciting, obtaining, and passing this Act, or which have been incurred with reference to the Object thereof, shall be paid out of the Borough Fund of the said Borough of *Salford*, and the Treasurer of the same Borough is hereby directed and required to pay the same accordingly; and the other Moiety For Payment of Expences of Act.

thereof shall be paid out of the said General Fee Fund to be raised under the Authority and for the Purposes of this Act as aforesaid.

Interpretation of Words.

XXVII. And be it enacted, That the several Words used in this Act shall bear the following Interpretation, unless there shall be something in the Subject Matter or Context repugnant thereto; that is to say,

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular:

Words importing the Masculine Gender only shall include Females.

Public Act.

XXVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

CAP. XXII.

An Act to enable the Commissioners of *Greenwich* Hospital to widen and improve *Fisher Lane*, in *Greenwich*; and for other Purposes connected with the Estates of the said Commissioners.

[8th *May* 1845.]

'WHEREAS it would contribute to the Improvement of the Royal Hospital at *Greenwich*, and the Estate of the said Commissioners of *Greenwich* Hospital in the Vicinity thereof, that a certain Street, Lane, or Highway, called or known by the Name of "*Fisher Lane*," in the Town of *Greenwich* aforesaid, should be improved and widened, so as to make the same a good and sufficient Street for Carriages, and that the several Roads or Ways following, (that is to say,) a Road or Way called "*Friar's Road*," and another Road or Way commencing on the East Side of *King William Street*, and proceeding thence Eastward up to the West Side of *Friar's Road*, and Part of another Road, Highway, or Place, called "The *Ship Dock*," commencing at the North End of *Friar's Road*, and Part of another Road or Highway called "*Stable Yard Street*," and an Alley called "*White Horse Alley*," all of them situate in the Parish of *Greenwich*, all herein-after more particularly described, should be stopped up: And whereas the said Commissioners of *Greenwich* Hospital are willing to take upon themselves the Execution of the above-mentioned Alterations and Improvements, and it is expedient that adequate Powers should be given to them to enable them to carry the same into effect; and in making and completing the said Alterations and Improvements they will have Occasion for certain Houses, Buildings, Lands, and Hereditaments situate in the said Parish of *Greenwich*, mentioned and comprised in the Schedule to this Act, but good and effectual Conveyances thereof cannot be obtained, nor can the said several Objects be effected, without the Aid and Authority of Parliament:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Commissioners of *Greenwich* Hospital and their Successors shall be and they are hereby empowered to widen the said Lane or Highway called "*Fisher Lane*," and to form the said Lane or Highway into a Street, commencing at the East Side of *King William Street*, towards and up to the *Ship Dock* aforesaid, and to make such Street of an uniform Width of not less than Fifty Feet, so that the same shall thenceforth be and continue a public Parish Highway and Carriageway for the Use of all Persons whomsoever, and to make the Alterations and Improvements herein mentioned, and otherwise to carry the Purposes of this Act into execution in manner herein-after mentioned.

Commissioners of Greenwich Hospital empowered to widen Fisher Lane, &c.

Power to purchase Houses, Lands, &c.

II. And be it enacted, That in forming the said Street, and making the said Alterations and Improvements, it shall be lawful for the said Commissioners of *Greenwich* Hospital and their Successors, and they are hereby authorized and empowered, when they shall deem it necessary, within Three Years from the passing of this Act, to treat and agree for the Purchase of any of the Houses, Buildings, Lands, Tenements, or Hereditaments mentioned and comprised in the Schedule to this Act annexed, and of any subsisting Leases, Terms, Estates, and Interests therein or charged thereon, which the said Commissioners or their Successors may deem necessary or expedient to be purchased for the Purposes of this Act.

If Houses, &c. not purchased or valued within a certain Time, Powers of Purchase to cease.

III. And be it enacted, That if the said Commissioners of *Greenwich* Hospital, or their Successors, shall not within the Space of Three Years, to be computed from the passing of this Act, purchase or cause to be valued the Houses, Buildings, Lands, Tenements, and Hereditaments mentioned and comprised in the said Schedule to this Act annexed, and pay the Consideration Money or Money awarded for the same respectively in manner directed by this Act, then and from thenceforth the Powers which are hereby granted to them for such Purpose only shall, as to the Properties not taken or purchased at the Expiration of the said Term of Three Years, cease, determine, and be void, unless with the Consent in Writing of the Owners and Occupiers of any Houses, Buildings, Lands, Tenements, and Hereditaments which shall not then have been purchased as aforesaid.

Parties surveying not to be deemed Trespassers.

IV. And be it enacted, That it shall be lawful for the said Commissioners of *Greenwich* Hospital, and for their Surveyors, Officers, and Workmen, from Time to Time, at all reasonable Times in the Daytime, upon giving Twenty-four Hours previous Notice in Writing, to enter into and upon all or any of the said Houses, Buildings, Lands, Tenements, and Hereditaments comprised in the said Schedule hereto, for the Purpose of surveying or valuing the said Premises, without being deemed Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon any Part of the said Premises, for the Damages which shall be thereby occasioned.

V. And

Authorizing incapacitated Persons and others to treat with the Commissioners for the Purchase of Buildings, &c.

V. And be it enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Fee Simple or for any less Estate, absolute, qualified, or conditional, and to and for all Tenants for Life, Tenants in Tail, Tenants for Lives, or for Years absolute or determinable on any Life or Lives, Trustees or Feoffees in Trust for charitable and other Purposes, Husbands, Guardians, Committees for Lunatics and Idiots, Executors and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Femes Covert, Idiots, Lunatics, or Persons not born or not ascertained, or any other Person or Persons whomsoever under any Disability of acting for themselves, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right or entitled to Dower or other Interest, and for all and every other Person and Persons whomsoever who is, are, or shall be seised or possessed of or interested in the said Houses, Buildings, Lands, Tenements, or Hereditaments mentioned and comprised in the said Schedule to this Act annexed, to contract and agree with the said Commissioners of *Greenwich* Hospital and their Successors for the Sale or Exchange of the same Premises and every Part thereof, and to convey and assure the same Premises respectively, and every or any Part thereof, unto and to the Use of the said Commissioners and their Successors; and all such Contracts, Exchanges, Conveyances, and Assurances, Acts and Deeds, which shall be made under or in pursuance of this Act, shall, without any other Act or Assurance in Law whatsoever, be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding, and shall operate as and be a complete Bar to all Estates Tail, and all other Estates, Rights, Titles, Trusts, and Intents whatsoever; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, so contracting and agreeing as aforesaid, are hereby indemnified for or in respect of any such Sale or Exchange which they or any of them shall respectively make by virtue or in pursuance of this Act.

Messuages, &c. when conveyed to be settled to the same Uses.

VI. And be it enacted, That any Messuages, Lands, Tenements, or Hereditaments which under the Powers of this Act contained shall be conveyed in exchange for any Premises mentioned and comprised in the said Schedule which shall be taken for the Purposes of this Act, and shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Lunatic, or other Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose thereof, shall, when so conveyed, stand and be settled and limited to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and shall be subject to the same Powers of leasing or other Powers, and in the same Manner, as the Premises so taken as aforesaid stood settled, limited, or subject, or such of them as at the Time of making such Conveyance shall be existing undetermined and capable of taking effect.

In case Parties refuse to treat, the Value, &c. to be settled by a Jury.

VII. And be it enacted, That if any Owners, Proprietors, Occupiers, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, Feme Covert, or any other Person or Persons seised, possessed of, or interested in any Houses, Buildings, Lands, Tenements, or Hereditaments mentioned and comprised in the said Schedule to this Act annexed, or any Estate or Interest therein which the said Commissioners of *Greenwich* Hospital and their Successors are empowered to purchase, take, and use for the Purposes of this Act, shall neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating with the said Commissioners or their Successors for the Sale and Disposal of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises of which they may be in the Possession, or to the Interest they shall claim therein, to the Satisfaction of the said Commissioners or their Successors, then and in every or in any such Case the High Sheriff of the County of *Kent* shall, upon the Warrant of the said Commissioners or their Successors, in manner herein-after mentioned, and he is hereby authorized and required to cause it to be inquired into and ascertained, upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Kent*, which Oaths the said Sheriff is hereby empowered to administer, what Damages will be sustained by and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested, for the Value of such Houses, Buildings, Lands, Tenements, or Hereditaments, and for the proportionable Value of the respective Estates and Interests of every Owner, Occupier, Person or Persons seised or possessed thereof or interested therein, or of or in any Part thereof, and assess and award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Houses, Buildings, Lands, Tenements, or Hereditaments, and of such respective Estates and Interest therein, and also for any Injury or Damage that may affect any such Person or Persons, Party or Parties, and in order thereto the said Sheriff is hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before the said Jury and examine upon Oath all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, which Oath the said Sheriff is hereby empowered to administer; and such Sheriff shall order and cause the said Jury to view the Places in question, if there be Occasion, and use all other lawful Ways and Means, as well for his own as for the Jury's better Information in the Premises, as the said Sheriff shall think fit; and after the said Jury shall have inquired of, ascertained, and settled such Damage, Recompence, and Satisfaction, the said Sheriff shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Commissioners or their Successors to the said Owners or Occupiers, or other Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Order so had and made shall be final, binding, and conclusive to all Intents and Purposes upon and against all Bodies Politic, Corporate, or Collegiate, Corporations and Trustees, as well as all other Parties and Persons whomsoever; and in all such Inquisitions

sitions the Person claiming Compensation shall be deemed the Plaintiff, and entitled to all the Privileges to which Plaintiffs in an Action at Law are entitled; and for the summoning and returning such Jury or Juries the said Commissioners and their Successors are hereby empowered to issue their Warrant or Warrants to the said Sheriff to summon, impannel, and return at some convenient Place in the said County of *Kent*, a Jury of not less than Thirty-six or more than Forty-eight honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff at such Time and Place as in such Warrant shall be appointed; and Fourteen Days Notice at least in Writing under the Hands of the said Commissioners or their Successors, or under the Hand of their Secretary or Solicitor for the Time being of the Time and Place at which such Jury are so required to be returned, shall be given to such Owners, Proprietors, Occupiers, Corporations, Trustees, or any other Person or Persons immediately interested in the Verdict of the Jury, touching the Premises intended to be valued before the Time of the Meeting of the said Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises intended to be valued, where such Tenant or Occupier is known, but in case such Tenant or Occupier shall not be known, or being known cannot be found, then by affixing Notice thereof upon the Door of the House or Premises intended to be valued, and the said Sheriff is hereby empowered to impannel, summon, and return such Number accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriff shall swear or cause to be sworn Twelve who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, (being qualified as last aforesaid,) to the Number of Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel, Solicitors, and Agents, to attend and be heard and to adduce Evidence before the said Sheriff; and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

Jury not to award Compensation for Injury or Damage, without the Consent of Commissioners of Greenwich Hospital, unless Notice of such Claim has been given.

VIII. And be it enacted, That no Jury to be summoned by virtue of this Act shall be allowed to assess or award any Sum or Sums of Money to any Owners, Occupiers, or Person or Persons as aforesaid, by way of Compensation for any Injury or Damage alleged to have been sustained by them by reason or means of this Act, or any thing which shall or may be done in the Execution hereof, without the Consent of the said Commissioners of *Greenwich* Hospital, or their Successors, previously had and obtained for that Purpose, to be signified by some Writing under their Hands or the Hand of their Secretary for the Time being, unless Notice in Writing, stating the Particulars of every such Claim, shall have been given, by and on behalf of such Owners or Occupiers, Person or Persons to the said Commissioners or their Successors, within Two Calendar Months next after such supposed Loss shall have been incurred, or such supposed Damage or Injury shall have been occasioned or sustained, and Ten Days at least before the Time of the Meeting of such Jury.

Penalty on Sheriff, Jury, &c. making default.

IX. And be it enacted, That if the Sheriff of the said County of *Kent* so directed to summon and return a Jury as aforesaid shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be recovered in one of Her Majesty's Superior Courts of Record at *Westminster;* and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing shall refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; which several and respective Penalties shall and may be levied, by virtue of any Warrant under the Hand and Seal of any One of Her Majesty's Justices of the Peace for the said County of *Kent*, either by the Sheriff of the County, or by Endorsement on the Back of the Warrant by the said Sheriff, which Warrant shall be forwarded to the Sheriff acting for any other County or City in which the Party shall reside or shall have removed, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him or her the Overplus, after such Penalty, and the Charges of such Distress and Sale, shall be deducted; which Penalty shall be paid over to the Sheriff of the County of *Kent*, and be accounted for by him under the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act for the more speedy Return of Fines, Penalties, and Forfeitures, and Recognizances estreated*, and shall be returned by the Justices imposing the same to the Court of Quarter Sessions under the Provisions of an Act passed in the Third Year of His late Majesty King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.*

4 G. 4. c. 37.

3 G. 4. c. 46.

By whom Expences shall be paid.

X. And be it enacted, That in case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money, as a Recompence, Compensation, or Satisfaction for the Estate, Right, Interest, or Property of any Owners or Occupiers, Person or Persons, in any such Houses, Buildings, Lands, Tenements, or Hereditaments as aforesaid, or for any such Injury or Damage as aforesaid, than shall have been agreed to be given or offered, or the same Sum as may have been offered for the same, by or on behalf of the said Commissioners of *Greenwich* Hospital or their Successors, before the summoning and returning of such Jury, or where by reason of Absence in Foreign Countries, or other Incapacity or Disability or Cause as aforesaid, there shall not be found any Person

or

or Persons legally capacitated to enter into any Contract with the said Commissioners or their Successors, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the Sheriff of the said County of *Kent*, and shall be paid by the said Commissioners or their Successors, and if not paid within Fourteen Days after the same shall have been taxed and demanded, then the same shall and may be recovered from the said Commissioners and their Successors, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*, together with full Costs of Suit; but if any Jury so summoned and sworn as aforesaid shall give a Verdict or Assessment for less Money as such Recompence, Compensation, or Satisfaction as aforesaid than shall have been agreed to or offered by the said Commissioners or their Successors for the same before the summoning and returning of the said Jury, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or where the causing and procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the said Commissioners or their Successors by any Owners or Occupiers, Person or Persons whomsoever, who is or are legally empowered to treat, then all such Costs, Charges, and Expences (to be settled by such Sheriff in manner aforesaid) shall be borne and paid in equal Moieties between and by the Owners or Occupiers, Person or Persons respectively so claiming such Compensation, or refusing to treat and agree as before mentioned, and the said Commissioners and their Successors; and all Costs, Charges, and Expences hereby directed to be paid to the said Commissioners or their Successors shall and may be deducted and retained by them out of the Money so adjudged or assessed to be paid by them as so much Money advanced to and for the Use of the Owners or Occupiers, Person or Persons, entitled to such Money so adjudged or assessed, and Payment or Tender of the Remainder of such Money shall be deemed and taken to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed; or in case no Money or no sufficient Sum of Money shall be adjudged or assessed to be paid by the said Commissioners or their Successors whereout such Costs, Charges, and Expences can be deducted, then the same shall and may be recovered by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Kent*, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, the Party making such Distress and Sale rendering to such Person or Persons as aforesaid the Overplus of the Money thereby produced (if any), after such Costs, Charges, and Expences, and the Charges of such Distress and Sale, shall be deducted.

Minute of all Judgments to be deposited with the Clerk of the Peace for the County.

XI. And be it enacted, That a Minute or Docquet of all the said Judgments and Verdicts shall be deposited with the Clerk of the Peace of the said County of *Kent*, to be kept and preserved by him amongst the Records of the Quarter Sessions of the same County, and shall be deemed to be Records to all Intents and Purposes whatsoever, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy thereof the Sum of Sixpence for every One hundred Words, and so in proportion for any less Number of Words.

Application of Compensation Money when exceeding 200*l.*, belonging to incapacitated Persons.

XII. And be it enacted, That if any Money shall be agreed or assessed to be paid for any of the said Houses, Buildings, Lands, Tenements, or Hereditaments mentioned and comprised in the Schedule to this Act annexed, which shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The Commissioners of *Greenwich* Hospital;" to the Intent that such Money may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements, and Hereditaments in the Purchase of other Lands, Tenements, and Hereditaments, which shall be settled to, for, or upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the said Houses, Buildings, Lands, Tenements, and Hereditaments, which shall be so purchased or taken for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application made thereto as aforesaid, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement thereof was then actually made.

When less than 200*l.* and exceeding 20*l.*

XIII. Provided always, and be it enacted, That if any Money so agreed or assessed to be paid for any of the said Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased or taken for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in case the same shall at the Option of the Body or Bodies, Person or Persons,

Persons, for the Time being entitled to the Rents and Profits of the Hereditaments so purchased or taken, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiotcy, or Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the Accountant General of the said Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Person or Persons making such Option, and approved of by the said Commissioners of *Greenwich* Hospital, or their Successors, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends to arise therefrom, or the Interest thereof, may be applied in manner herein-before directed, and so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

When not exceeding 20*l*.

XIV. Provided always, and be it enacted, That where such Money so agreed or assessed to be paid as last before-mentioned shall not exceed the Sum of Twenty Pounds, then and in every such Case the same shall belong absolutely and be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, or Estate or Interest therein, so purchased or taken for the Purposes of this Act, for his, her, or their own Use and Benefit, or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Title, of Absence, or of Refusal to convey, the Money to be paid into the Bank.

XV. And be it enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed or be assessed or awarded to be paid for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Estate or Interest therein, to be purchased or taken for the Purposes of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners of *Greenwich* Hospital or their Successors, or shall refuse to execute a Conveyance or Conveyances thereof, or in case the Person or Persons to whom such Sum or Sums of Money shall be so assessed or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Houses, Lands, Tenements, Buildings, or Hereditaments, Estate or Interest, be not known or cannot be discovered, or if the Title to the Money so agreed or awarded to be paid shall be in dispute, then and in every such Case it shall and may be lawful for the said Commissioners or their Successors to pay the said Sum or Sums of Money so agreed or assessed or awarded to be paid as aforesaid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Party or Parties, if known, who shall be interested in the said Tenements or Hereditaments, or Estate or Interest, (describing such Tenements or Hereditaments,) but if such Party or Parties shall not be known, then to the Credit of the said Commissioners or their Successors, subject to the Order, Control, or Disposition of the said Court of Chancery; which said Court, on the Application of any Body or Bodies, Person or Persons, making claim to any such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of Proceeding or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Payment or Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates and Interests of the Body or Bodies, Person or Persons, making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Titles, Persons in possession to be deemed peremptorily entitled to the Money.

XVI. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Estate or Interest therein, to be purchased or taken for the Purposes of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in the Possession of such Houses, Buildings, Lands, Tenements, or Hereditaments, Estate or Interest, at the Time of such Purchase, and all Body or Bodies, Person or Persons, claiming under such Body or Bodies, Person or Persons, or under the Possession of such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Houses, Buildings, Lands, Tenements, and Hereditaments, Estate or Interest, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Houses, Buildings, Lands, Tenements, or Hereditaments, or Estate or Interest therein.

Court of Chancery may order reasonable Expences of Purchases and Costs to be paid by

XVII. And be it enacted, That where, by reason of the Disability or Incapacity of any Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be taken under or by virtue of this Act, or from any other Cause whatsoever, the Purchase Money for such Lands, Tenements, or Hereditaments, or any Money to be paid for or by way of Compensation or Satisfaction for any Injury or Damage done to the same, shall be required to be paid into the Bank of *England*, and be subject to the Orders and Directions

Directions of the Court of Chancery, under the Provisions herein contained, it shall be lawful for the said Court to order all the reasonable Costs, Charges, and Expences attending such Purchase, taking, or using of any Lands, Tenements, and Hereditaments, or which may be incurred in consequence thereof, and also of the Investment of the Purchase or Compensation Money paid in respect of such Lands, Tenements, and Hereditaments in Real or Government Securities, and likewise the Reinvestment of such Purchase or Compensation Money, or the Government or Real Securities purchased therewith, in the Purchase of Lands, Tenements, and Hereditaments, as herein-before mentioned, together with the Costs, Charges, and Expences of obtaining the proper Orders and of the other Proceedings for such Purposes, and of the Payment of the Dividends and Interest of the said Government or Real Securities, and of the Payment of the Principal of the said Purchase or Compensation Money, and of the Government or Real Securities purchased therewith, out of Court, to be paid by the said Commissioners, and the said Commissioners shall from Time to Time pay such Sums of Money for the said Costs, Charges, and Expences as the said Court shall direct. the said Commissioners.

XVIII. And be it enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any Lands and Hereditaments which shall be purchased or taken by the said Commissioners for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Commissioners may require to the said Lands and Hereditaments, and of all attested Copies which the said Commissioners may require of any Deeds, Evidences, or Writings relating thereto, and all Expences whatsoever incident to the Investigation, Deduction, or Verification of such Title, shall be exclusively borne and paid by the said Commissioners, and the said Commissioners, before entering into possession of the Lands and Hereditaments so purchased, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same, shall deposit, for the Purpose of paying the same, in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party or Parties from whom the Lands and Hereditaments shall be purchased: Provided always, that the said Commissioners shall not be prevented from entering into possession of the Lands and Hereditaments so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Deposit herein mentioned not having been made, unless the Party or Parties from whom such Lands and Hereditaments shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Commissioners, deliver a Bill of their said Costs, Charges, and Expences to the said Commissioners, with the Name of a Solicitor as their Referee for the Purposes herein-after mentioned; and if the said Commissioners and the Party or Parties aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the said Commissioners shall name a Solicitor as a Referee on their Part, and deposit the Amount of the Costs, Charges, and Expences claimed by such Party or Parties as aforesaid in the Hands of the said Two Referees, to answer the same; and such Costs, Charges, and Expences shall be settled and determined by the said Two Referees, or in case they should differ about the same, then by a Third Solicitor, as Umpire, to be named and appointed by such Two first Referees before they proceed on the Matter referred to them; and the Award and Determination of the said Two Referees or of the said Umpire, as the Case may be, shall be binding and conclusive, and shall be made within One Calendar Month from the Time of making such Deposit as is herein-before mentioned; and upon such Award and Determination being made the said Referees shall, by and out of the Money so deposited with them, pay to the Party or Parties from whom the said Lands and Hereditaments shall be so purchased as aforesaid the Amount of the Costs, Charges, and Expences which shall be so awarded and determined, and the Remainder of the said Money so deposited shall be returned to the said Commissioners: Provided also, that the Expence of determining such Costs, Charges, and Expences as aforesaid shall be paid and borne by the said Commissioners, unless One Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the Expence of determining the same shall be borne and paid by the said Sellers, and the Amount thereof may then be deducted by the said Commissioners from the Sum payable by them under the Award and Determination of the said Two Referees or of the said Umpire. Expences of Titles to be paid by the said Commissioners.

XIX. And be it enacted, That in case any Difference should arise between the said Commissioners and any of the Owners or Occupiers of the Property to be taken or used for the Purposes of this Act, as to the Amount or Value of the Damage done by the said Commissioners, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the Parties, the same shall, in case the Amount of Damages claimed does not exceed Fifty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the County of *Kent*, and who, on Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners; and in all Cases in which as by this Act any Matters are referred to the Decision of any Justices it shall be lawful for such Justices to examine Witnesses and administer Oaths in all respects, and with the same Consequences as to false Swearing, as if the same were a judicial Matter brought before them on which they were by Law entitled to adjudicate. How such Costs are to be ascertained.

XX. And be it enacted, That all Persons hereby capacitated to sell, and who may not agree with the said Commissioners as to the Price to be paid, may, if they shall think fit, agree with the said Commissioners to refer it to any Person or Persons to ascertain the Amount to be paid, and every such Agreement shall be in all respects binding and effectual. How Price of Land to be ascertained in case of Difference.

XXI. And be it enacted, That from and immediately after the actual Payment or Tender being made of the Money contracted or agreed or assessed or awarded to be paid as the Purchase Money or Compensation Lands, &c. to vest in Commissioners after

Payment or Tender of Purchase Money.

Compensation for any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Estate or Interest therein, which shall be purchased or taken for the Purposes of this Act, either to the Body or Bodies, Person or Persons respectively entitled to receive such Money, or, where the Case shall so require or allow, into the Bank of *England* for the Purpose of being disposed of in the Manner in this Act directed concerning the same, all and every the Tenements and Hereditaments, and also all the Estates or Interests for or in respect whereof such Money shall have been so paid or tendered, shall absolutely vest in the said Commissioners of *Greenwich* Hospital and their Successors; and the said Commissioners and their Successors shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims and Demands, as fully and effectually as if every Body or Person having any Estate or Interest in the Premises had actually conveyed the same by Lease, or by any Conveyance, Deed, Act, or Assurance in the Law whatsoever; and such Payment or Tender shall not only bar all Right, Title, Interest, Claim, or Demand of the Body or Bodies, Person or Persons, or unknown Person or Persons, of, in, or to the same Premises to whom or to whose Credit or for whose Benefit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower or Dowers of the Wife and Wives of such Person or Persons, and all Estates Tail, and other Estates in possession, reversion, remainder, expectancy or contingency, and the Issue and Issues of such Person and Persons, and every other Person whomsoever: Provided nevertheless, that before such Payment or Tender it shall not be lawful for the said Commissioners of *Greenwich* Hospital, or their Successors, or any Person or Persons authorized by them, to take possession of any of the said Houses, Buildings, Lands, Tenements, or Hereditaments comprised in or affected by such Agreement or Verdict respectively, or to enter upon or use the same for any of the Purposes of this Act.

Determination of Differences as to Consideration for Release of Hereditaments from Charges.

XXII. And with respect to any Houses, Buildings, Lands, Tenements, or Hereditaments, Lands which shall be charged with any Rent Service, Rent-charge, or chief or other Rent, or other Payment or Incumbrance, be it enacted, That if any Difference shall arise between the said Commissioners and the Party entitled to any such Charge respecting the Consideration to be paid for the Release of such Hereditaments therefrom, or from the Portion thereof affecting the Hereditaments required for the Purposes of this Act, the same shall be determined as in other Cases of disputed Compensation.

When Part only of Hereditaments so charged are required, the Apportionment of Charge may be settled by Agreement.

XXIII. And be it enacted, That if Part only of the Hereditaments charged with any such Rent Service, Rent-charge, chief or other Rent, Payment, or Incumbrance, be required to be taken for the Purposes of this Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owner of the Hereditaments on the one Part, and the said Commissioners on the other Part; and if such Apportionment be not so settled by Agreement, the same shall be settled by Two Justices; but if the remaining Part of the Hereditaments so jointly subject be a sufficient Security for such Charge, then, with Consent of the Owner of the Hereditaments so jointly subject, such Owner not being under legal Disability or Incapacity, the Party entitled to such Charge may release therefrom the Hereditaments required, on condition or in consideration of such other Hereditaments remaining exclusively subject to the whole thereof.

Where Part of Hereditaments taken, remaining Portion to be subject to whole of Charge.

XXIV. And be it enacted, That if any such Hereditaments be so released from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Hereditaments, such last-mentioned Hereditaments shall alone be charged with the whole of such Charge, or with the Remainder thereof, (as the Case may be,) and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Hereditaments, for the whole or for the Remainder of the Charge (as the Case may be), as he had previously over the whole of the Hereditaments subject to such Charge; and if upon any such Charge or Portion of Charge being so released the Deed or Instrument creating or transferring such Charge be tendered to the said Commissioners for the Purpose, they shall affix their Corporation Seal to a Memorandum of such Release, endorsed on such Deed or Instrument, declaring what Part of the Hereditaments originally subject to such Charge shall have been purchased by virtue of this Act, and if the Hereditaments be released from Part of such Charge, what Proportion of such Charge shall have been released, and how much thereof continues payable, or if the Hereditaments so required shall have been released from the whole of such Charge, then that the remaining Hereditaments are thenceforward to remain exclusively charged therewith; and such Memorandum shall be Evidence in all Courts and elsewhere of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts.

As to Apportionment of Rent of Hereditaments where Part only required for Purposes of the Act.

XXV. And with respect to any Houses, Buildings, Lands, Tenements, and Hereditaments which shall be comprised in a Lease for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of this Act, be it enacted, That the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands; and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the said Commissioners on the other Part; and if such Apportionment be not so settled by Agreement between the Parties, such Apportionment shall be settled by Two Justices; and after such Apportionment the Lessee of such Lands shall, as to all future accruing Rent, be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required for the Purposes of this Act; and the Lessor shall have all the same Rights and Remedies for the Recovery of such Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for

for the Purposes of this Act, in the same Manner as they would have done in case such Part of the Land had been included in the Lease.

Compensation to Leaseholders.

XXVI. And be it enacted, That every such Lessee as last aforesaid shall be entitled to receive from the Commissioners Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise by reason of the Execution of any such Works.

Compensation to yearly Tenants.

XXVII. And with respect to any Houses, Buildings, Lands, Tenements, or Hereditaments in the Possession of any Person having no greater Interest therein than as Tenant for a Year or from Year to Year, be it enacted, That if any such Person be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, or if a Part only of such Lands be required, Compensation for the Damage done to him in his Tenancy by the Severance of the Lands required from those not required; and the Amount of such Compensation shall be determined by Two Justices in case the Parties differ about the same.

Parties claiming Satisfaction in respect of unexpired Terms to produce Leases.

XXVIII. And be it enacted, That in all Cases where any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term, Estate, or Interest in any Houses, Lands, Tenements, or Hereditaments which shall be purchased or taken for the Purposes of this Act under or by virtue of any Demise, Lease, or other Grant thereof, the said Commissioners of *Greenwich* Hospital and their Successors shall and they are hereby authorized to require such Party to produce and show the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, or Grant shall not be produced and shown, the Party claiming under the same shall be considered as holding only from Year to Year, unless it can be satisfactorily shown that such Lease is lost or mislaid, or beyond the Control of the Party claiming as aforesaid, in which Case reasonable Proof of the Nature of the Term or Interest shall be adduced.

Incumbrancer, on Tender of Amount due, immediately to assign Interests to Commissioners.

XXIX. And be it enacted, That every Incumbrancer, whether Mortgagee, Judgment Creditor, or other Party having any Security or Charge whatsoever on any Houses, Buildings, Lands, Tenements, or Hereditaments, the whole or any Part of which shall be purchased or taken for the Purposes of this Act, shall, on Tender of the Principal and Interest due thereon, together with the Amount (in case of a Mortgage, but not otherwise) of Six Calendar Months Interest on the said Principal Money, by the said Commissioners of *Greenwich* Hospital or their Successors, or by such Person or Persons as they shall appoint, immediately convey, assign, release, and transfer such Mortgage or other Security or Charge to the said Commissioners or their Successors, or to such Person or Persons as they shall appoint; or in case such Incumbrancer as aforesaid (being a Mortgagee) shall have Notice in Writing from the said Commissioners of *Greenwich* Hospital or their Successors, or from such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on such Mortgage at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then at the End of Six Calendar Months, on Payment of the Principal and Interest so due, such Incumbrancer (being a Mortgagee) shall convey, assign, release, and transfer his or her Interest in the Premises to the said Commissioners or their Successors, or such Person or Persons as they shall appoint; and in case such Incumbrancer (of whatever Description) shall refuse to convey, assign, release, and transfer as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage or other Security or Charge shall from thenceforth cease and determine: Provided always, that in case the Sum due or payable for Principal and Interest upon any such Mortgage or other Security or Charge shall amount to more than the real Value of the said Premises to be purchased or taken for the Purposes of this Act, such Value to be ascertained by the Verdict of a Jury in manner herein-before directed, then the said Commissioners of *Greenwich* Hospital or their Successors shall not be liable to pay to such Incumbrancer more than the real Value of such Premises, to be ascertained as aforesaid, or the Residue thereof, after such Allowance and Payment thereout to any Lessee or other Party in possession as herein-before directed; and such Incumbrancer may thereupon accept such ascertained Value, and convey, assign, release, and transfer such Premises, without the Consent of the Mortgagor, or other the Party entitled, either at Law or in Equity, to the Premises subject to such Mortgage or other Security or Charge: Provided also, that in case any such Incumbrancer shall refuse or neglect to convey, assign, release, or transfer as aforesaid, then upon Payment of the Principal Money and Interest due or payable on any such Mortgage or other Security or Charge as aforesaid into the Bank of *England* for the Use of such Incumbrancer, in the Manner herein-before mentioned, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid (in case of a Mortgage), or at any Time (in case of any other Security or Charge), the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money in like Manner as herein-before directed in case of other Payments into the said Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand whatsoever of such Incumbrancer, and of all and every Person or Persons in trust for him or her, shall vest in the said Commissioners of *Greenwich* Hospital or their Successors, and they shall (in case of a Mortgage) be deemed to be in the actual Possession of the Premises comprised in such Mortgage, or of the Part thereof so purchased or taken as aforesaid, to all Intents and Purposes whatsoever: Provided also, that if the Sum due for Principal and Interest in respect of any Mortgage or other Security or Charge of or on any Houses, Lands, Tenements, and Hereditaments, the whole or any Part of which shall be purchased or taken for the Purposes of this Act, shall amount to more than the Value of the Premises charged therewith, or the

Part thereof so purchased or taken as aforesaid, such Incumbrancer shall, upon Payment or Tender of the Sum to be ascertained as the Value of the Houses, Buildings, Lands, Tenements, and Hereditaments, or Part thereof, to be purchased or taken as aforesaid, forthwith convey, assign, release, and transfer his or her Interest or Claim in or upon such Houses, Buildings, Lands, Tenements, and Hereditaments, or such Part thereof, to the said Commissioners of *Greenwich* Hospital, or their Successors, or to such Person or Persons as they shall appoint, and in default of so doing, and on Payment of such Money into the Bank of *England* for the Use of such Incumbrancer, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as aforesaid; and thereupon all the Estate, Right, Title, Interest, Property, Claim, and Demand of such Incumbrancer, and all and every Person or Persons in trust for him or her in the said Houses, Buildings, Lands, Tenements, and Hereditaments, or Part thereof, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Commissioners and their Successors, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Incumbrancer by virtue of such Mortgage, Security, or Charge: Provided always nevertheless, that, notwithstanding any thing herein-before contained, every such Incumbrancer as aforesaid, the whole of whose Principal Money and Interest due or payable as aforesaid shall not be paid or tendered in full, shall in any of the Cases aforesaid have, retain, and be entitled to such and the same Powers, Remedies, and Means for recovering and compelling Payment of the Principal Money, or the Residue thereof, as the Case may be, and the Interest thereof respectively upon and out of the Residue of the Hereditaments not required for the Purposes aforesaid, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Hereditaments originally comprised in such Mortgage or other Security or Charge, and also shall have and retain all his Rights and Remedies in respect of such Principal Money, or the Residue thereof, (as the Case may be,) and the Interest thereof respectively, against any Person or Persons whomsoever in respect of any personal, collateral, or other Security whatsoever.

In case Mortgage Money amount to more than the Value of the Premises, the Mortgagors, on Payment of Value of Hereditaments, to assign their Interest to Commissioners.

XXX. And be it enacted, That if the Sum due for Principal and Interest in respect of any Mortgage or other Security or Charge of or on any Houses, Buildings, Lands, Tenements, and Hereditaments, the whole or Part whereof shall be purchased or taken for the Purposes of this Act, shall amount to more than the Value of the Premises charged therewith, or of such Part or Parts thereof as shall be purchased or taken as aforesaid, the Mortgagor or Mortgagors, or other the Person or Persons entitled either at Law or in Equity, subject to such Mortgage or other Security or Charge, shall, upon Payment or Tender of the Sum to be awarded or assessed as the Value of the Houses, Buildings, Lands, Tenements, and Hereditaments, or Part thereof, to be so purchased or taken as aforesaid, to such Mortgagee or Party, or into the Bank as aforesaid, forthwith, without any Consideration, convey, assign, and release his or her Right, Equity of Redemption, Estate, or other Interest whatsoever in such Houses, Buildings, Lands, Tenements, and Hereditaments, or Part thereof, to the said Commissioners of *Greenwich* Hospital or their Successors, or to such Person or Persons as they shall appoint, and in default of so doing shall be thenceforth barred and foreclosed from all Right, Equity of Redemption, Estate, and Interest whatsoever of and in the same Premises; and all the Estate, Right, Title, Interest, Property, Claim, and Demand of such Mortgagor or Party, and of every Person or Persons in trust for him or her in the said Premises, shall vest in the said Commissioners and their Successors, and they shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever.

Powers given to Commissioners to apply to Purchases already made, &c.

XXXI. And be it enacted, That the Powers and Authorities by this Act given to the said Commissioners of *Greenwich* Hospital and their Successors for the Purchase of the Houses, Buildings, Lands, Tenements, and Hereditaments mentioned and comprised in the said Schedule to this Act annexed shall apply as well to any Purchases already made or agreed to be made as to such as shall hereafter be made under the Provisions of this Act.

Power to arch over Drains, &c.

XXXII. And be it enacted, That it shall be lawful for the said Commissioners of *Greenwich* Hospital and their Successors, and they are hereby authorized and empowered, in forming the said Street, and making the Alterations and Improvements, to cause to be arched over or filled up any Sewer or Drain, or Part or Parts thereof, which shall lie and be in or near the said Street, so as that no public Sewer or Drain whatsoever, or any private Drain, shall be in anywise disturbed, injured, or prejudiced, without another Drain or Sewer being made in lieu thereof equally serviceable and convenient to the Individual or Neighbourhood: Provided always, that at the Time of filling up any Sewer or Drain, or Part thereof, the said Commissioners of *Greenwich* Hospital, or their Successors, shall cause to be made and built other good and sufficient Sewers and Drains of the same or greater Size or Capacity, and upon the same or lower Levels than the Sewers or Drains which shall be filled up: Provided also, that if at any Time the said Commissioners of *Greenwich* Hospital shall alter or remove any Sewer, Drain, Bank, or other Work at present within the Jurisdiction of the Commissioners of Sewers for the Limits extending from the Head of the River *Ravensbourne* to *Lombards Wall* in the County of *Kent*, and to build any other in lieu thereof, such Alteration, Removal, or rebuilding shall be done under the Superintendence and to the Satisfaction of the said Commissioners of Sewers or their Surveyor for the Time being, at the Cost, nevertheless, of the said Commissioners of *Greenwich* Hospital.

Power to stop up certain Roads.

XXXIII. And be it enacted, That it shall be lawful for the said Commissioners of *Greenwich* Hospital and their Successors to take and stop up the several Roads or Ways called or known respectively as "*Friar's Road*," situate in the Parish of *Greenwich* in the County of *Kent*, commencing on the North Side

Side of a certain Road or Highway called "*Romney Road*," and proceeding Northwards to a certain Place called "the *Ship Dock*," and which said Road or Way so proposed to be taken and stopped up is in Length Five hundred and seventy-one Feet or thereabouts, and in Breadth Forty Feet or thereabouts; also another Road or Way commencing on the East Side of *King William Street* in *Greenwich* aforesaid, and proceeding thence Eastward up to the West Side of *Friar's Road* aforesaid, and which said lastly-described Road or Way is in Length Three hundred and twenty-nine Feet or thereabouts, and in Breadth Forty-five Feet or thereabouts; and also Part of another Road, Highway, or Place called "the *Ship Dock*," in the Parish of *Greenwich* aforesaid, commencing at the North End of the said Road or Highway called "*Friar's Road*," and proceeding Northwards One hundred and six Feet, and being in Breadth at the South End thereof Ninety-three Feet or thereabouts, and at the North End thereof Sixty-three Feet or thereabouts; also so much of another Road or Highway called "*Stable Yard Street*" as lies between the East Side of *King William Street* and the West Side of the said Street or Highway called "the *Ship Dock*," and which said last-mentioned Street is in Length Two hundred and fifty Feet or thereabouts, and in Breadth at the West End thereof Twenty-seven Feet or thereabouts, and at the East End thereof Twenty-four Feet or thereabouts, and also a Court or Passage called or known as "*Whitehorse Alley*," commencing on the North Side of *Stable Yard Street*, and ending on the South Side of *Fisher Lane*, and which said Court or Passage is in Length One hundred and twenty-four Feet or thereabouts, and in Breadth Five Feet, Six Inches or thereabouts; all which said Roads, Ways, Street, and Passage are in the said Parish of *Greenwich* in the County of *Kent*; and the said Roads, Ways, Street, and Passage shall henceforth for ever hereafter cease to be Ways, Street, or Passage, and the Soil and Freehold thereof shall be henceforth vested in the said Commissioners of *Greenwich* Hospital and their Successors, freed and discharged from all private Right of passing and repassing along the same.

After Formation of new Street, same to be a public Highway.

XXXIV. Provided always, and be it enacted, That after the said *Fisher Lane* shall be formed and completed to an average Width of Fifty Feet, such new Street shall be and thenceforth for ever thereafter shall continue and remain a public Highway to all Intents and Purposes, and be subject to the like Restrictions, Provisions, Powers, Liberties, Privileges, Matters, and Things, both parliamentary and parochial, as any other of the existing Highways within the Parish of *Greenwich*, not being Turnpike Road, is or are now subject.

Roads and Ways not to be stopped up till Fisher Lane widened.

XXXV. And be it enacted, That it shall not be lawful for the Commissioners of *Greenwich* Hospital to stop up the Roads and Ways herein-before described until after the said Commissioners shall have caused the said Street or Lane called "*Fisher Lane*" to be widened in the Manner by this Act provided.

Passage between Ship Dock and Ship Tavern to be opened, &c.

XXXVI. And be it enacted, That the public Passage at present existing and covered over between the Waterway of the *Ship Dock* and the Eastern Wall of the present House called the *Ship Tavern*, being of the Width of about Five Feet Ten Inches, shall, before the said Roads and Ways are stopped up, be thrown open, so far as the said Commissioners of *Greenwich* Hospital have Power over the same.

Power of Commissioners to lease Mines, &c. for 21 Years authorized by 10 G. 4. c. 25. extended to leasing them for 42 Years, subject to the Provisions in the said Act.

XXXVII. 'And whereas by an Act passed in the Tenth Year of the Reign of His late Majesty King 'George the Fourth, intituled *An Act for the better Management of the Affairs of* Greenwich *Hospital*, 'the Commissioners of *Greenwich* Hospital and their Successors are authorized from Time to Time and 'at all Times thereafter, in such Manner as they shall deem expedient, with the Approval and Consent 'of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for 'the Time being, to grant, demise, and lease all and every or any of the Mines of Lead, Ironstone, and 'Coal, and other Minerals and Quarries within, under, and upon any of the Lands or Estates for the 'Time being vested in or belonging to the Commissioners of *Greenwich* Hospital and their Successors, 'and also any Part or Parts of the said Lands and Hereditaments which may be thought expedient or 'proper to be let therewith for the better or more effectually working the same, unto any Person or 'Persons for any Term or Number of Years not exceeding Twenty-one Years, and subject to the 'Restrictions and Provisions in the said Act in that Behalf mentioned: And whereas it is expedient that 'the said Commissioners should, with such Approval and Consent as aforesaid, have Power to grant 'such Leases for any Term not exceeding Forty-two Years;' be it enacted, That it shall be lawful for the said Commissioners of *Greenwich* Hospital and their Successors, with the Approval and Consent of the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral for the Time being, to grant, demise, and lease for the Term of Forty-two Years all Mines, Minerals, and Quarries, and Lands and Hereditaments expedient or proper to be let therewith, as by the said Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth the said Commissioners and their Successors are authorized to grant, demise, and lease for the Term of Twenty-one Years, but subject nevertheless to the Restrictions and Provisions in the said Act in that Behalf contained.

Public Act.

XXXVIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The SCHEDULE to which this Act refers.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A House and Premises known as the "Crown and Anchor" Public House in the Ship Dock.	Thomas Fry and George Fry.	Thomas Muddell -	Thomas Muddell.
A House and Premises known as "The Chest" Public House in the Ship Dock.	Isaac Walker and Edwin Walker as to Two Thirds, Willoughby Richard Crofts as to Two Fourths of a Third, John James Harris, Executor under the Will of Eleanor Charles, as to One Fourth of a Third, and Robert Howard and Mary Ann his Wife as to One other Fourth of a Third.	Isaac Walker and Edwin Walker as to One Third, and James Pratt and Samuel Pratt and James Talbot as to the whole.	James Talbot.
A House and Premises known as the "Red Lion" Public House in the Ship Dock.	Ditto - -	Isaac Walker and Edwin Walker as to One Third.	James Jeffrey.
A House and Premises at the East Corner of the South Side of Fisher Lane.	Ditto - -	Isaac Walker and Edwin Walker as to One Third, and George Slaney and Mary Barrett as to the whole.	James Jordan.
A House on the South Side of Fisher Lane.	Sarah Emma Leaver -	- - -	Sarah Berry, —— Bolsom, and Henry Wicks, as weekly Tenants.
Another ditto - ditto -	Ditto - -	- - -	William Owen, as weekly Tenant.
A House situate in a Court behind the Two last-mentioned Houses.	Ditto - -	- - -	Mrs. Sarah Dowd, Jemima Martin, and Richard Courtenay, as weekly Tenants.
Another ditto - ditto -	Ditto - -	- - -	John Hodges, Joseph Acton, and Henry Bond, as weekly Tenants.
Another ditto - ditto -	Ditto - -	- - -	Mrs. Bligh, as weekly Tenant.
Another ditto - ditto -	Ditto -	- - -	—— Lilley, as weekly Tenant.
Another ditto - ditto -	Ditto - -	- - -	William Smith, Edward Burn, and James Fleming, as weekly Tenants.
Out-buildings, Yard, and Passage used in common by the Tenants of the Seven preceding Houses.	Ditto.	——	——
A House and Premises on the North Side of Fisher Lane.	Ditto - -	- - -	Robert Ripp, as weekly Tenant.
Another ditto - ditto -	Ditto - -	- - -	John Doo - } yearly
Another ditto - ditto -	Ditto - -	-	John Amatrich } Tenants.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A House and Premises known as "The Lord Ligonier's Head" Public House on the North Side of Fisher Lane.	Richard R. Roberts -	Edward Thomas Phillips.	Edward Thomas Phillips.
A House and Premises on the North Side of Fisher Lane.	Sir Richard Dobson, Knight, and John Sutton, Esquire.	- - -	James Allen.
Another ditto - ditto -	Ditto - -	- - -	Sarah Pilgrim.
A Piece of Land at the Rear of the Houses on the North Side of Fisher Lane.	The Greenwich Pier Company.	- - -	The Greenwich Pier Company.
Another Piece of Land on which the Colonnade of the Greenwich Pier stands.	Ditto - -	- -	Ditto.

CAP. XXIII.

An Act for raising the Sum of Nine millions three hundred and seventy-nine thousand six hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and forty-five. [20th *May* 1845.]

CAP. XXIV.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-six. [30th *June* 1845.]

[*This Act is the same, except as to Duties, as* 7 & 8 *Vict. c.* 10.]

CAP. XXV.

An Act to amend Two Acts passed in *Ireland* for the better Education of Persons professing the Roman Catholic Religion, and for the better Government of the College established at *Maynooth* for the Education of such Persons, and also an Act passed in the Parliament of the United Kingdom for amending the said Two Acts. [30th *June* 1845.]

'WHEREAS by an Act passed in the Parliament of *Ireland* in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Education of Persons professing the Popish or Roman Catholic Religion*, it was amongst other things enacted, that the Lord Chancellor or Lord Keeper of *Ireland*, the Lord Chief Justice of the Court of King's Bench in *Ireland*, the Lord Chief Justice of the Court of Common Pleas in *Ireland*, and the Lord Chief Baron of the Court of Exchequer in *Ireland*, for the Time being, together with certain other Persons therein named, and the Persons thereafter to be elected in the Manner by the said Act directed, should be Trustees for the Purpose of establishing, endowing, and maintaining One Academy for the Education only of Persons professing the Roman Catholic Religion, and that the said Trustees should have full Power and Authority to receive Subscriptions and Donations to enable them to establish and endow an Academy for the Education of Persons professing the Roman Catholic Religion, and to purchase and acquire Lands not exceeding the annual Value of One thousand Pounds, and to erect and maintain all such Buildings as might be by the said Trustees deemed necessary for the lodging and Accommodation of the President, Masters, Professors, Fellows, and Students who should from Time to Time be admitted into or reside in said Academy; and it was further enacted, that it should and might be lawful for any Popish Ecclesiastic to officiate in a Chapel or Building to be appointed for that Purpose by the said Trustees or any Seven or more of them, any Law, Statute, or Provision to the contrary notwithstanding: And whereas by an Act amending the said Act, and passed in the Parliament of *Ireland* in the Fortieth Year of His said late Majesty King *George* the Third, intituled *An Act for the better Government of the Seminary established at* Maynooth *for the Education of Persons professing the Roman Catholic Religion; and for amending the Laws now in force respecting the said Seminary*, after reciting that a College or Seminary had been established at *Maynooth* for the Education of Persons professing the Popish or Roman Catholic Religion, and that large Sums of Money had been granted to the Trustees named in the Act herein-before recited, to enable them to improve and extend the said Institution, and thai

35 G. 3. (I.)

40 G. 3. (I.)

'that it had become necessary to make further Provision for the good Government of the said College 'or Seminary, it was amongst other things enacted, that the Lord Chancellor or Lord Keeper of the 'Great Seal, the Lord Chief Justice of the Court of King's Bench, the Lord Chief Justice of the Court 'of Common Pleas, the Chancellor of the Exchequer, and the Lord Chief Baron of the Court of 'Exchequer should cease to be Trustees for carrying the said first-recited Act into execution, and that 'their Successors in the said Offices respectively should not thereafter be Trustees by virtue of the said 'first-recited Act for carrying it into execution, and that the other Persons named in the said first-'recited Act in that Behalf, or such other Persons as had been elected or thereafter should be elected to 'fill any Vacancy occasioned by the Death, Removal, or Resignation of any such Persons respectively, 'should continue Trustees for the Execution of the said first-recited Act, as fully and effectually, to all 'Intents and Purposes, as if the said Act now in recital had not been enacted: And whereas by a certain 'other Act passed in the Forty-eighth Year of the Reign of His said late Majesty King *George* the Third, 'intituled *An Act to amend Two Acts passed in* Ireland *for the better Education of Persons professing the 'Roman Catholic Religion, and for the better Government of the Seminary established at* Maynooth *for 'the Education of such Persons, so far as relates to the Purchase of Lands and compounding Suits,* it 'was amongst other things enacted, that it should be lawful for the Trustees for the Time being of the said 'College or Academy, or any Seven or more of them, to purchase or acquire Lands not exceeding in Value 'the annual Sum of One thousand Pounds, exclusive of the Value of Lands and Premises held under a 'Lease from *William Robert* late Duke of *Leinster*, and the Buildings thereon or thereafter to be erected, 'and used for the Purposes of the said College or Academy; and it was provided and further enacted, 'that any Lands, Tenements, or Hereditaments already purchased or acquired under or by virtue of the 'Power for that Purpose given to the said Trustees or any Seven or more of them in and by the said 'herein-before first-recited Act should be deemed Part of the Lands which they were so authorized to 'purchase or acquire as aforesaid, and that no more Lands, Tenements, or Hereditaments should 'be purchased or acquired by the said Trustees or any Seven or more of them than what, together with 'any Lands already purchased or acquired by them, would amount to the annual Value of One thousand 'Pounds: And whereas it is productive of Inconvenience and Insecurity that the said Trustees can take 'no effectual Grants of Lands for the Purposes of the said College or Seminary to them and their Suc-'cessors; and it is therefore expedient that the said Trustees should be incorporated:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Trustees of the said College or Seminary, and their Successors for ever, shall be One Body Politic and Corporate by the Name of "The Trustees of the College of *Maynooth*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall have and possess the several Powers and Authorities vested in the said Trustees under the said recited Acts.

48 G. 3. c. clv.

Trustees of the College of Maynooth incorporated.

Such Corporate Body may take and possess any Personal Property, and also Lands not exceeding the annual Value of 3,000*l.*, exclusive of the Property already acquired by the Trustees.

II. And be it enacted, That the said Body Politic and Corporate, and their Successors, by the said Name, shall be for ever able and capable in Law to take, purchase, receive, possess, hold, and enjoy to them and their Successors any Goods or Chattels or Personal Property whatsoever, and also be able and capable in Law (notwithstanding the Statutes in Mortmain) to take, purchase, hold, and enjoy to them and their Successors any Messuages, Lands, Tenements, or Hereditaments whatsoever the yearly Value of which shall not exceed in the whole the Sum of Three thousand Pounds, exclusive of the Value of any Lands, Tenements, or Hereditaments already purchased or acquired by the said Trustees; and it shall be lawful for all and every Person and Persons, and Bodies Politic and Corporate, otherwise competent, to grant, sell, alien, and convey in Mortmain unto and to the Use of the said Body Politic and Corporate incorporated by this Act any Messuages, Lands, Tenements, and Hereditaments not exceeding in the whole such annual Value as aforesaid.

Lands, &c. now possessed by the Trustees of Maynooth College to vest in the said Body Politic, &c.

III. And be it enacted, That all Lands, Tenements, or Hereditaments which have been at any Time heretofore purchased or in any Manner acquired by the Trustees of the said College, or any Seven or more of them, under or by virtue of the Powers for that Purpose given to them by any of the said herein-before recited Acts, shall be and the same are thereby vested in the said Body Politic and Corporate incorporated by this Act, subject to the Trusts upon which the said Lands, Tenements, and Hereditaments are now respectively held.

Provision made for Salaries of the President, Vice President, Officers, &c. and for an increased Number of Professors.

IV. 'And whereas it is expedient that Provision should be made for the Payment of the Salaries of 'the President, Vice President, Officers, and Professors of the said College, and for the Expence 'of Commons, Attendance, and other Necessaries to be supplied to and for their Use, and that the 'Number of Professors therein should be increased;' be it therefore enacted, That from and after the passing of this Act there shall be paid and payable to the said Body Politic and Corporate, for the Purposes aforesaid, any Sum or Sums of Money not exceeding in the whole the annual Sum of Six thousand Pounds.

Provision for the Senior Students on the Dunboyne Establishment.

V. 'And whereas by the Statutes of the said College there has been established therein an Order of 'Students called "Senior Students," amounting to Twenty in Number, to whose exclusive Benefit has 'been applied the annual Revenue arising from the Bequest of Baron *Dunboyne*, in said Statutes 'mentioned, together with a further yearly Sum of Seven hundred Pounds out of the annual Parlia-'mentary Grant made to the said College: And whereas it is expedient that the Provision for the said 'Senior Students on the *Dunboyne* Establishment should be augmented;' be it therefore enacted, That from and after the passing of this Act, so long as the annual Revenue arising from the said Bequest of Baron

Baron *Dunboyne* shall be applied to the exclusive Benefit of the said Twenty Senior Students, there shall be paid and payable to the said Body Politic and Corporate, for the said Twenty Senior Students, the annual Sums for that Purpose specified in the Schedule (A.) to this Act annexed.

Provision made for 500 Free Students, 250 in the Three Senior Classes, and 250 in the Four Junior Classes.

VI. 'And whereas there are Three Senior and Four Junior Classes in the said College, and Two 'hundred and fifty Free Students on the Establishment, maintained and educated out of the annual Parliamentary Grant made to the said College: And whereas it is expedient that Provision should be made for 'an additional Number of Free Students; (that is to say,) for Two hundred and fifty Free Students 'in the said Three Senior Classes, and Two hundred and fifty Free Students in the said Four Junior 'Classes;' be it therefore enacted, That from and after the passing of this Act there shall be paid and payable to the said Body Politic and Corporate, for each of the said Two hundred and fifty Free Students in the said Three Senior Classes, the annual Sums for that Purpose spcified in the Schedule (A.) to this Act annexed.

Provision for the Expence of Commons and other Necessaries.

VII. And be it enacted, That in order to provide for the Expence of Commons, Attendance, and other Necessaries to be supplied to and for the Use of the said Senior Students on the *Dunboyne* Establishment, and to and for the Use of the said Five hundred Free Students, there shall be paid and payable to the said Body Politic and Corporate, for the Purposes aforesaid, any Sum or Sums of Money not exceeding in the whole the annual Sum of Twenty-eight Pounds for each such Student.

Commissioners of Public Works to be Commissioners for Repairs to Maynooth College, and for the Erection of additional Buildings, and furnishing same.

VIII. 'And whereas the Buildings for the public Purposes of the said College, and for the lodging 'and Accommodation of the Professors and Students, are inadequate and insufficient and out of repair, 'and it is expedient that Provision should be made for the Erection of additional Buildings for the 'Purposes aforesaid, and that the present Buildings should be put into sufficient Repair, and that said 'Buildings, together with the Additions to be made thereto, should from Time to Time be kept in repair, 'and provided with sufficient and necessary Furniture;' be it therefore enacted, That the Commissioners of Public Works in *Ireland* for the Time being shall be and they are hereby constituted Commissioners for the Purpose of purchasing, renting, or providing, as herein-after mentioned, any Houses, Buildings, Lands, Tenements, or Hereditaments that may be necessary for the said College and the Purposes aforesaid, and for erecting thereon suitable and necessary Buildings and Improvements, and for enlarging, improving, upholding, maintaining, repairing, fitting up, and furnishing from Time to Time the said College, and the Buildings and Premises occupied therewith.

Power to Commissioners of Public Works to purchase or provide necessary Buildings, Lands, &c.

IX. And be it enacted, That in order to enable the said Commissioners of Public Works in *Ireland* to purchase and provide the Buildings, Lands, Tenements, or Hereditaments which may be required for the said College, and the Additions to be made thereto, it shall and may be lawful for the said Commissioners, at the Request of the said Body Politic and Corporate, and by and with the Consent and Approbation in Writing of the Commissioners of Her Majesty's Treasury, to contract and agree with any Person or Persons, or Body or Bodies Corporate or Politic, for the Purchase or renting of any Buildings, Lands, Tenements, or Hereditaments required for such College, and in order to make the necessary Additions thereto, and also for the Purchase of any subsisting Leases, Terms, Estates, or Interests therein or Charges thereon; and the said Buildings, Lands, Tenements, or Hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to the said Trustees of the College of *Maynooth* incorporated by this Act.

Grant of 30,000*l.*, for Expence of Buildings, &c. for College.

X. And be it enacted, That all and every the Expence of purchasing or providing the Houses, Buildings, Lands, Tenements, or Hereditaments necessary for the said College under the Provisions of this Act, and of erecting the necessary Buildings for the same, and of putting the said College into repair, and of fitting up and furnishing the same and the Buildings so to be erected, not exceeding in the whole the Sum of Thirty thousand Pounds, shall be discharged and paid by the Commissioners of Her Majesty's Treasury out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Sums payable by this Act to be charged on Consolidated Fund.

XI. And be it enacted, That the several Sums payable by this Act and the Schedule thereto annexed shall be charged upon and payable by the Commissioners of Her Majesty's Treasury out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Audit of the Expenditure under this Act.

XII. And be it enacted, That the Accounts of the Receipt and Expenditure of all Monies paid under the Provisions of this Act shall once in each Year be forwarded to the Commissioners of Her Majesty's Treasury by the said Body Politic and Corporate incorporated by this Act, and shall be by the said Commissioners referred for Audit to such Person or Persons as the said Commissioners shall from Time to Time in that Behalf appoint; and that the said Person or Persons so appointed shall thereupon proceed to the Examination, Audit, and Discharge of the said Accounts, at such Time and in such Manner as the said Commissioners shall direct, and shall for that Purpose have and exercise all the Powers and Authorities now possessed by the Commissioners for auditing public Accounts by virtue of any Act or Acts now in force.

So much of the recited Acts as appoints the Persons herein mentioned to be Visitors of the College repealed.

XIII. 'And whereas it was enacted by the said Act secondly above recited, that the Lord Chancellor 'or Lord Keeper of the Great Seal of *Ireland* for the Time being, the Lord Chief Justice of His 'Majesty's Court of King's Bench in *Ireland* for the Time being, the Lord Chief Justice of His Majesty's 'Court of Common Pleas in *Ireland* for the Time being, the Chancellor of the Exchequer and the Lord 'Chief Baron of His Majesty's Court of Exchequer in *Ireland* for the Time being, and their Successors 'in the said Offices respectively, together with certain other Persons in the said Act named, should be 'and they were thereby nominated and appointed Visitors of the said College or Seminary, with full 'Visitorial Powers to superintend the same;' be it enacted, That from and after the passing of this Act so much of the said recited Acts as enact that the Lord Chancellor or Lord Keeper of the Great Seal, the Lord Chief Justice of the Court of King's Bench, the Lord Chief Justice of the Court of Common

Pleas, the Chancellor of the Exchequer, and the Lord Chief Baron of the Exchequer, and their Successors in the said Offices respectively, shall have Visitorial Power over the said Academy or College, and over all Persons on the Foundation or educated therein, shall be and the same is hereby repealed.

Appointment of Visitors of the College.

XIV. And be it enacted, That the other Visitors in being at the Time of the passing of this Act, o such other Persons as shall hereafter be elected to fill any Vacancy on the Death or Resignation of such Visitors, according to the Provisions of the Act herein-before secondly recited, together with such other Five Persons as Her Majesty shall by Warrant under the Sign Manual from Time to Time nominate and appoint, shall be hereafter the Visitors of the said College and Corporation.

Visitations to be held once in the Year.

XV. 'And whereas by the said Act herein-before secondly recited it is amongst other things enacted, 'that the Visitors in the said Act mentioned, or any Three or more of them, should once in every 'Three Years from the passing of the said Act visit the said College or Seminary, and call before them 'the President, Vice President, Professors, Tutors, and all other Members thereof, and the Officers and 'Servants of the said College or Seminary, and diligently inquire into the Government and Management 'of the said College or Seminary, and, if necessary, examine on Oath every Member thereof in all Matters 'touching the Management, Government, and Discipline of the same, or any Violation of the Statutes or 'Ordinances which had been or should be made for the Admission of any Member of the said College 'or Seminary, or for the Government or Discipline of the same; and that the first Visitation of the said 'College should be held as aforesaid within Twelve Months after the passing of the said Act: And 'whereas it is expedient that, instead of triennial Visitations by the said last-recited Act appointed, 'Visitations should be held not less than once in each Year therein;' be it therefore enacted, That the Visitors by this Act appointed, or any Three or more of them, shall once in every Year from the passing of this Act visit the said College or Seminary, and inquire in manner aforesaid into the Management, Government, and Discipline of the same, and shall have the several Powers and Authorities vested in the Visitors under the said Act secondly herein-before recited; and that the first Visitation of the said College shall be held within Twelve Months after the passing of this Act.

Additional Visitations, when ordered by the Lord Lieutenant.

XVI. And be it enacted, That, in addition to such periodical or ordinary Visitation, the Visitors by this Act appointed, or any Three of them, shall in like Manner visit the said College whensoever and so often as they shall be thereunto required by the Lord Lieutenant or other chief Governor or Governors of *Ireland* for the Time being, by Warrant or Order signed by him or them.

Authority of Visitors not to affect the Exercise of the Roman Catholic Religion.

XVII. Provided always, and be it enacted, That the Authority of the said Visitors shall not extend to or in any Manner affect the Exercise of the Roman Catholic Religion or the religious Doctrine or Discipline thereof within the said College or Seminary, otherwise than as herein-after is provided; and that in visiting the said College or Seminary the said Visitors shall judge and determine according to such Bye Laws, Rules, and Regulations as have been or shall be made for the Government and Discipline thereof, pursuant to the Provisions of the said recited Acts or of this Act respectively.

Visitorial Powers in Matters of Religion.

XVIII. 'And whereas by the said Act herein-before secondly recited it is amongst other things 'enacted, that in all Matters which relate to the Exercise, Doctrine, and Discipline of the Roman 'Catholic Religion the Visitorial Power over the said College shall be exercised exclusively by such of 'the said Visitors as are or shall be of the Roman Catholic Religion, in the Presence of the Lord 'Chancellor or Lord Keeper of the Great Seal, and of the Three Chief Judges, and the Chancellor of 'the Exchequer, if they or any of them shall think proper to attend;' be it therefore enacted, That in all Matters which relate to the Exercise, Doctrine, and Discipline of the Roman Catholic Religion the Visitorial Power over the said College shall be exercised exclusively by such of the said Visitors of the Roman Catholic Religion as have been or shall be elected under the Provisions of the said Act secondly above recited, in the Presence of the said Persons whom Her Majesty shall, by Warrant under the Sign Manual, from Time to Time nominate and appoint as aforesaid to be Visitors of the said College, if they or any of them shall think proper to attend.

Minutes of the Proceedings of Visitors to be kept.

XIX. And be it enacted, That the Secretary or some other Officer of the said College shall make Minutes of the Proceedings of the said Visitors at their several Visitations, and shall keep a Book in which he shall enter a fair Copy of such Minutes, and the Names of the Visitors present at each Visitation; and the said Visitors shall after every Visitation held at the said College report to Her Majesty the several Proceedings held thereat, signed by some Two or more of them; and a Copy of such Report shall be communicated to both Houses of Parliament within Six Weeks after the same shall be made, if Parliament be then sitting, or if not then within Six Weeks next after the next Meeting of Parliament.

Alteration of Act.

XX. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

SCHEDULE to which this Act refers.

SCHEDULE (A.)

		Annual Stipends. £	s.
20	Senior Students on the Dunboyne Establishment, each	40	0
250	Free Students in the Three Senior Classes, each	20	0

CAP. XXVI.

An Act to prevent [fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in *Scotland*. [30th *June* 1845.]

'WHEREAS it is expedient that Provision should be made for preventing the Destruction of Trout and other Fresh-water Fish by Nets in the Rivers, Waters, and Lochs of *Scotland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall not be lawful for any Person whatsoever, not being the Proprietor of the Land through or by which any River or Water flows, or on which any Loch is wholly or partially situated, or not having a Right there to fish for Trout or Freshwater Fish, or not having a written Permission from some such Proprietor or Person entitled to fish as aforesaid, at any Time after the passing of this Act, to fish for Trout or other Fresh-water Fish in any such River, Water, or Loch in *Scotland*, with any Net of any Kind or Description; and if any Person, not being a Proprietor or having Right or Permission as aforesaid, shall wilfully take, fish for, or attempt to take, or aid and assist in taking or fishing for, or attempting to take or fish for, in or from any such River, Water, or Loch, any Trout or other Fresh-water Fish, by or with any Net of any Kind or Description, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, besides forfeiting the Trout or Fish taken, and also every Boat or Net in or by which the same may have been taken or attempted to be taken, and shall also pay the full Expences of the Conviction. Prohibiting fishing for Trout, &c. by means of Nets in any Rivers, &c. in Scotland.

II. And be it enacted, That if any Person shall trespass upon any Ground, enclosed or unenclosed, or in or upon any River, Water, or Loch, with Intent to take with any Net any Trout or other Fresh-water Fish, such Person shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence. *Penalty for trespassing to fish with Net.*

III. And be it enacted, That if any such Trespasser shall have in his Possession any Net of any Description whereby Trout or other Fresh-water Fish may be taken or killed, the Possession thereof shall be held to be sufficient Evidence of the Intent of such Trespasser to commit such Offence. *Possession of Nets Evidence of Intent.*

IV. And be it enacted, That it shall be lawful for any Person, without any Warrant or other Authority than this Act, *brevi manu*, to seize and detain any Person who shall be found committing any Offence against this Act, and to carry such Person before the Sheriff or any Justice of the Peace in the County within which the Offence shall take place, or to deliver such Person to a Constable, who is hereby required to carry such Person before such Sheriff or Justice, and the Sheriff or Justice of the Peace before whom such Offender shall be brought shall forthwith examine and discharge or commit such Offender until Caution de judicio sisti be found, as the Case may require; and it shall in like Manner be lawful to seize and detain any Boat or Net of any Description used or intended to be used in the Commission of any such Offence, and also any Fish taken by any such Offender, and to give Information thereof to the Sheriff. Persons trespassing may be seized.

V. And be it enacted, That all Justices of the Peace shall and may act in the Execution of this Act notwithstanding that such Justices shall be the Proprietors of Land through or by which any River or Water may flow, or upon which any Loch may be wholly or partially situated, or shall otherwise have a Right of Trout or Fresh-water Fishing in any such River, Water, or Loch, except in Cases in which any such Justice is a Party to the Prosecution of the Case, or is directly interested in the Result thereof; and no such Proprietor or Party having Right as aforesaid shall be incompetent as a Witness to prove any Offence committed against this Act by reason of his being such Proprietor or having such Right. Justices and Proprietors not to be disqualified.

VI. And for the Recovery of the Penalties and Forfeitures imposed by this Act, be it enacted, That any such Penalties or Forfeitures may be recovered by summary Proceeding upon Complaint in Writing made by any Party prosecuting for the same to the Sheriff of the County in which such Offence shall be committed, or to the Sheriff of any County in which the Offender may be found, and on such Complaint such Sheriff shall issue a Warrant for bringing the Party complained against immediately before him, or shall issue an Order requiring such Party to appear at a Time and Place to be named in such Order; and every such Order shall be served on the Party complained against either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order and of the Complaint whereon the same has proceeded; and either upon the Appearance or on the Default to appear of the Party complained against it shall be lawful for the Sheriff to proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern, adjudge, and sentence him to pay the Penalty or Forfeiture incurred, and the Expences attending the Conviction, and to grant Warrant for imprisoning him until such Penalty or Forfeiture and Expences shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty or Forfeiture and Expences, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Forfeiture and Expences shall not have been paid, and which Period shall in no Case exceed Two Calendar Months; and it shall be lawful for the Sheriff to make such Orders concerning the immediate Disposal of any Boat, Net, or Fish seized or forfeited under the Provisions of this Act as may be necessary. For the Recovery of Penalties.

VII. And be it enacted, That it shall be lawful for any Person who shall think himself aggrieved by any Judgment of the Sheriff pronounced in any Case arising under this Act to appeal from the same to the next Circuit Court of Justiciary, or, where there are no Circuit Courts, to the High Court of Justiciary at *Edinburgh*, in the Manner, and by and under the Rules, Limitations, Conditions, and Restrictions Appeal.

20 G. 2. c. 43.

Restrictions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, for taking away and abolishing Heritable Jurisdiction in *Scotland*, with this Variation, that such Person shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Forfeiture and Expences awarded against him by the Sentence appealed from, in the event of the Appeal being dismissed or not insisted in, together with any additional Expences that may be awarded by the Court on deciding or dismissing the Appeal; and it shall not be competent to appeal from or bring the Judgment of any Sheriff acting in the Execution of this Act under Review, by Advocation or Suspension or by Reduction, or in any other Way than as herein provided.

Application of Penalties.

VIII. And be it enacted, That all Penalties and Forfeitures imposed under the Authority of this Act shall, when levied, be paid, the one Half thereof to the Prosecutor, and the other Half to the Poor of the Parish within which the Offence shall have been committed.

Limitation of Actions.

IX. And be it enacted, That no Prosecution or other Proceeding whatever shall be brought or commenced against any Person for any Offence against this Act, unless the same shall be commenced within Six Calendar Months after such Offence shall have been committed.

Interpretation of Act.

X. And be it enacted, That the Words "River," "Water," or "Loch" occurring in this Act shall mean and include any Stream, Burn, Mill-pool, Mill-lead, Mill-dam, Sluice, Pond, Cut, Canal, and Aqueduct, and every other Collection or Run of Water in which Trouts and other Fresh-water Fish breed, haunt, or are found or preserved; that the Word "Sheriff" shall mean the Sheriff of the County in which the Offence happens or Case arises, and shall include the Sheriff Substitutes of such Sheriffs; that the Singular shall include the Plural Number, and Words importing the Plural Number shall include the Singular; and Words importing the Masculine Gender shall include Females.

Saving the Laws regarding the Salmon Fisheries.

XI. And be it enacted, That nothing herein contained shall affect any Act of Parliament, general or local, passed for the Preservation of the Salmon Fisheries in *Scotland*, or in relation to the fishing of Salmon or Fish of the Salmon Kind in *Scotland*.

Alteration of Act.

XII. And be it enacted, That this Act may be amended or repealed by any Act of Parliament to be passed in the present Session of Parliament.

CAP. XXVII.

An Act to amend the Act to establish Military Savings Banks. [30th *June* 1845.]

5 & 6 Vict. c. 71.

'WHEREAS, pursuant to an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to establish Military Savings Banks*, there have been established in the several Regiments of Cavalry and Infantry in Her Majesty's Service Regimental Savings Banks for the Custody and Increase of small Savings, belonging to the Non-commissioned Officers and Soldiers serving therein: And whereas such Savings have been applied in diminution of the Charge of the Public Military Expenditure, placed under the Control of the Secretary at War for the Time being: And whereas it is expedient to amend the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Secretary at War for the Time being to authorize, by his Warrant, Payment from the Funds granted for Army Services of the full Amount of the Money received and applied for the Public Service, as well as of any Money which may hereafter be received and applied under and by virtue of the said recited Act, together with the Interest allowed thereon, from the Account of the Paymaster General to the Account of the Commissioners for the Reduction of the National Debt; and the Cashier of the Bank of *England* is hereby required to receive all such Monies, and to place the same into a separate Account, to be raised in the Names of the said Commissioners in the Books of the Governor and Company of the Bank of *England*, denominated "The Fund for the Military Savings Banks:" Provided always, that previous to any Payment being made into the Bank of *England* as aforesaid, the Person applying for that Purpose shall in all Cases produce to the Officer of the Commissioners, at their Office in *London*, a Warrant from the Secretary at War, stating that the Money mentioned therein is Part of the Funds of the Military Savings Banks.

Secretary at War to direct certain Monies to be paid to the Account of the Commissioners for the Reduction of the National Debt, and carried to the Account of the Military Savings Banks.

Investment of such Monies.

II. And be it enacted, That the said Commissioners shall cause all the Monies paid into the Bank of *England*, and placed to their Account, in pursuance of this Act, to be invested from Time to Time, under such Regulations as the said Commissioners shall direct, in the Purchase of any Bank Annuities in their Names, and to be carried to the Account herein-before provided; and the Interest or Dividends which shall arise from Time to Time, and become due thereon, shall in like Manner be invested in the Purchase of Bank Annuities: Provided always, that such Interest or Dividends shall not be subject or liable to any Taxes, Charges, or Impositions whatever.

Secretary at War may direct Investments to be transferred to Account of Paymaster General.

III. And be it enacted, That it shall and may be lawful for the Secretary at War for the Time being, by his Warrant, to require that, within Fourteen Days from the Day the same is lodged at the Office of the said Commissioners, the whole or any Part of the Bank Annuities standing in the Books of the Bank of *England* in the Names of the Commissioners for the Reduction of the National Debt, on account of the Fund for the Military Savings Banks, shall be sold, and the Produce thereof paid to the Account of the Paymaster General at the Bank of *England*.

Commissioners for Reduction of National

IV. And be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, on the Request as aforesaid of the said Secretary at War, to sell from Time to Time any Part of the said Bank Annuities which shall be standing in their Names in the Books

Books of the Bank of *England* in pursuance of this Act, and the Certificate of the Cashier of the Bank of *England* of the Money having been placed to the Account of the Paymaster General shall be a full and sufficient Discharge to the said Commissioners. Debt empowered to sell.

V. And be it enacted, That the gross Amount of all Monies received and paid by the Commissioners for the Reduction of the National Debt under the Authority of this Act, prepared up to the Fifth of *January* in every Year, shall be annually laid before both Houses of Parliament on or before the First Day of *April* in every Year, if Parliament shall be then sitting, or if Parliament shall not be sitting, then within the first Fourteen Days of the next Session of Parliament. Account to be annually laid before Parliament.

VI. And be it enacted, That the Funds placed in the Hands of the Commissioners for the Reduction of the National Debt under the Authority of this Act shall not be taken to be within the Provisions of any Act heretofore passed relating to Savings Banks, but shall be held in trust for the Non-commissioned Officers and Soldiers of the Army, at the Disposal of the Secretary at War for the Time being. The Funds exempted from Acts relating to Savings Banks.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Alteration of Act.

CAP. XXVIII.

An Act to empower Canal Companies and the Commissioners of Navigable Rivers to vary their Tolls, Rates, and Charges on different Parts of their Navigations. [30th *June* 1845.]

'WHEREAS by divers Acts of Parliament various Canal Companies and the Commissioners or Trustees of several Navigable Rivers have been authorized and empowered to levy and receive certain 'Tolls, Rates, and Charges for the Use of their respective Canals and Navigations, which Tolls, Rates, 'and Charges are for the most part required to be levied at one uniform Rate *per* Ton or *per* Mile 'throughout the entire Length of the said Navigations and Rivers respectively, without regard to any 'Difference of Circumstances which may exist in reference thereto: And whereas by an Act of 'Parliament passed in this present Session, called "The Railways Clauses Consolidation Act, 1845," 'Powers have been given to Railway Companies to vary the Tolls, Rates, and Charges upon Railways, 'so as to accommodate them to the Circumstances of the Traffic thereon: And whereas greater Compe-'tition for the public Advantage would be obtained if Canal Companies and the Commissioners or 'Trustees of Navigable Rivers which have already been or may hereafter be from Time to Time incorpo-'rated or established, or which are regulated under the Authority of Parliament, were to have the like 'Powers granted to them in respect of their several Canals and Navigations and other Works connected 'therewith; but such beneficial Purposes cannot be effected without the Authority of Parliament:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, and subject to the Provisions and Limitations herein contained, it shall be lawful for the Company of Proprietors of any Canal, or for the Undertakers, Commissioners, or Trustees of any Navigation or navigable River, already or hereafter to be established or incorporated or which is regulated under the Authority of Parliament, or for their respective Lessees, Committees, Directors, or Managers, or their Superintendents, or other Agents by them severally authorized, in such Manner as may be required by their respective Acts of Incorporation or for regulating such Canals or Navigations, from Time to Time to alter or vary the Tolls, Rates, and Duties granted to them, or by them respectively authorized to be levied and received for the Use of their several Canals or Navigations, or any Branches therefrom, or any Railways or Tramways connected therewith, and made under the Authority of such Canal or Navigation Acts respectively, either upon the whole or upon or for any particular Portion or Portions of such Canals, Navigations, Branches, Railways, or Tramways, according to local Circumstances, or the Quantity of Traffic or otherwise, as they shall think fit, and also from Time to Time to lower or reduce, and again to raise or advance, such Tolls, Rates, and Duties, and also any Tolls or Charges by them respectively authorized to be levied and received for any Haulage, Trackage, or other Power supplied by them, either upon the whole or upon any particular Portion or Portions of their said several Canals, Navigations, Branches, Railways, and Tramways, as to such Companies, Commissioners, Trustees, or Lessees, or their Committees, Directors, Managers, or Superintendents respectively, shall seem fit, any thing in the several Acts of Incorporation, or for regulating any such Canals or Navigations, contained to the contrary notwithstanding: Provided always, that in no Case shall the Tolls, Rates, Duties, and Charges to be at any Time levied or made by any such Companies, Commissioners, Trustees, or Lessees, for the Use of any such Canals, Navigations, Branches, Railways, or Tramways, or for the Supply of any such Haulage, Trackage, or other Power, exceed the Amount which they are by their said several Acts respectively authorized to levy or receive.

Canal Companies authorized to vary their Tolls or Rates on different Portions of their Canals;

and also, from Time to Time, to reduce and again advance their Tolls or Rates.

II. Provided always, and be it enacted, That all Tolls, Rates, and Duties for the Use of any such Canals, Navigations, Branches, Railways, or Tramways shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile, or *per* Ton *per* Mile, or otherwise, in respect of all Boats, Barges, and other Vessels of a like Description passing along or using the same Portion of the said Canal, Navigation, Branches, Railways, or Tramways respectively, and upon all Goods, Animals, Articles, and Things of a like Description, and conveyed or propelled in a like Boat, Barge, or other Vessel passing along or using the same Portion of the said Canal, Navigation, Branches, Railways, or Tramways, under the

Tolls to be charged equally to all Persons under the like Circumstances.

the like Circumstances; and that all Tolls and Charges for Haulage, or Trackage or other Power, to be supplied by any such Company, Commissioners, Trustees, or Lessees, shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile, or *per* Ton *per* Mile, or otherwise, in respect of all Goods, Animals, Articles, and Things of a like Description, and conveyed in a like Boat or Vessel, drawn or propelled by a like Power, and passing along or using the same Portion of any such Canal, Navigation, Branches, Railways, or Tramways, under the like Circumstances; and no Reduction or Advance in any Tolls or Charges for the Use of any such Canal, Navigation, Branches, Railways, or Tramways, or for the Supply of any Haulage, Trackage, or other Power by the said Companies, Commissioners, Trustees, or Lessees, shall be made, either directly or indirectly, in favour of or against any particular Company or Person passing along or using the same Portion of such Canal, Navigation, Branches, Railways, or Tramways.

Act not to apply to existing Companies until a Meeting of Shareholders have determined thereupon, nor in other Cases until approved by Trustees or Proprietors, and Notices thereof duly published.

III. Provided always, and be it enacted, That this Act shall not apply to any Canal or Navigation the Property wherein is vested in Shareholders until a Meeting of the Shareholders thereof shall have been duly convened, in such Manner as Meetings are by their respective Acts of Incorporation or Settlement required to be called, or are usually called, and it shall have been determined, by a Majority of Two Thirds of the Votes of the Shareholders in such Meeting assembled, either in Person or by Proxy (where by such Acts of Incorporation or Settlement voting by Proxy is allowed), to adopt the Powers hereby granted, and where such Navigations are vested in Commissioners or Trustees without any Body of Shareholders or Proprietors, until a special Meeting of such Commissioners or Trustees shall have been duly convened in such Manner as special Meetings are by the respective Acts for regulating such Navigations required to be called, or are usually called, and it shall have been determined by a Majority of such Commissioners or Trustees in such Meeting assembled to adopt the Powers by this Act granted, or to any Canal or Navigation the Property wherein is vested in One or more Owner or Owners, Proprietor or Proprietors, unless the Owner or Owners, Proprietor or Proprietors thereof shall determine to adopt the Powers and Provisions hereby granted, nor in either Case until public Notice of such Determination and Intention shall have been inserted in the *London Gazette* in respect of Canals or Navigations in *England* or *Wales*, in the *Edinburgh Gazette* in respect of Canals or Navigations in *Scotland*, and in the *Dublin Gazette* in respect of Canals or Navigations in *Ireland*, and in some Newspaper circulating in the County or Counties wherein such Canal or Navigation, or some Part thereof, shall pass, One Month at the least previously to the Exercise of such Powers, whereupon, or immediately after the Expiration of such Notice, every such Company, and all such Commissioners, Trustees, or Lessees, Owners and Proprietors, or their respective Committees, Directors, or Managers, or their Agents by them duly authorized in manner aforesaid, may from Time to Time put in force and exercise the said Powers or any of them in the Manner by this Act authorized.

Saving Rights specifically reserved to Canal Companies and others by existing Acts of Parliament.

IV. Provided always, and be it enacted, That nothing in this Act contained shall be deemed or construed to deprive any Canal or Navigation Company, or the Commissioners, Trustees, Undertakers, or Proprietors of any Canal, River, or Navigation, or the Owners, Lessees, or Occupiers of any Lands, Collieries, Quarries, or other Hereditaments adjoining or near to any of such Canals or Navigations, or the Overseers or Surveyors of the Roads of any Parish, Township, or Hamlet through which any such Canal or Navigation may pass, of any Powers, Rights, Privileges, Exemptions, or Advantages specifically and expressly secured to them by any existing Act of Parliament: Provided also, that where by any Canal or Navigation Act or Acts now passed the Tolls, Rates, or Duties (whether Tolls *per* Mile or Tolls in gross) upon any Description of Goods, Animals, Articles, or Things, or upon any Boats, Barges, or other Vessels which shall be navigated, carried, or conveyed along any Canal or Navigation, or any Portion thereof, and which shall pass into, out of, or along any such Canal or Navigation, or any Portion thereof, from, into, or along any other Canal or Navigation, Canals or Navigations, adjoining or communicating therewith, or any Portion thereof, or from or to the Junction or Junctions with any such adjoining or communicating Canal or Navigation, Canals or Navigations, are or shall be specially fixed, determined, or limited, either absolutely, or with reference to the Tolls, Rates, or Duties to be levied or received from Time to Time on Goods, Animals, Articles, or Things, Boats, Barges, or other Vessels passing into, out of, or along such Canal or Navigation, or any Portion or Portions thereof respectively, from, into, or along any other adjoining or communicating Canal or Navigation, Canals or Navigations, or from or to the Junction or Junctions with such other adjoining or communicating Canal or Navigation, Canals or Navigations; or where in any such Act or Acts any special Enactment or Provision shall have been inserted for securing a rateable Reduction or Advance of the respective Tolls, Rates, or Duties to be levied or received from Time to Time on Goods, Animals, Articles, or Things, Boats, Barges, or other Vessels, or on Goods, Animals, Articles, or Things of the same Description, passing over, along, into, or from any Canal or Navigation, or several and distinct Portions of any Canal or Navigation, into or along Two or more adjoining or communicating Canals or Navigations, or from or to the respective Junctions of Two or more adjoining or communicating Canals or Navigations, no Alteration or Variation of the Tolls, Rates, and Duties so specially fixed, determined, or limited, or any or either of them, other than such Alterations or Variations as are respectively authorized to be made under the several Acts for regulating such Canals or Navigations, shall be made under the Authority of this Act without the previous Consent in Writing of the Proprietors, Trustees, Undertakers, or Commissioners of the Canal or Navigation, or of all the several Canals or Navigations, who are expressly mentioned in such special Enactments or Provisions, or of the Committee, Directors, or Managers of the Company, Trustees, Undertakers, or Commissioners, or respective Companies, Trustees, Undertakers, or Commissioners of such Canal or Navigation,

Navigation, Canals or Navigations, which Consents such Companies, Trustees, Undertakers, and Commissioners, or their respective Committees, Directors, or Managers, are hereby authorized to give, either under their Common Seals respectively, or under the Hand of their respective Clerks or Secretaries, although any such Companies, Trustees, or Undertakers so consenting may not have adopted the other Powers of this Act.

Canal Companies subject to a Limitation of Profits not to raise their Dues so as to exceed the Maximum of Profits.

V. Provided also, and be it enacted, That where in any Canal or Navigation Act there shall have been inserted any special Provision, which shall be still in force and unrepealed, whereby the Amount of the annual Dividends, Interest, or Profits to be shared or divided amongst the Proprietors or Shareholders of such Canal or Navigation shall have been limited not to exceed a certain Per-centage or Amount, and the Maximum of such Per-centage or Amount shall have been attained at the Time of the passing of this Act, it shall not be lawful for the Company of Proprietors, Trustees, or Undertakers of any such Canal or Navigation to avail themselves of any of the Powers of this Act for the Purpose of raising or increasing the Tonnage Rates, Tolls, or Duties which on the First Day of *January* immediately before the passing of this Act were charged or levied upon any Boats, Barges, or other Vessels carried upon or passing along such Canal or Navigation, or any Part thereof.

Nothing herein to exempt any Canal, &c. from any general Act.

VI. And be it enacted, That nothing herein contained shall be construed to exempt any Canal or Navigation Company who shall adopt the Powers of this Act from the Operation of any general Act regulating the Manner of charging Tolls and other Charges upon Canals and Navigations in respect of Passengers, Goods, Animals, Articles, and Things of a like Description, which may be passed in the course of any future Session of Parliament.

Alteration of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXIX.

An Act to regulate the Labour of Children, young Persons, and Women, in Print Works.

[30th *June* 1845.]

'WHEREAS it is expedient to regulate the Labour of Children, young Persons, and Women, in Print Works:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall take effect from and after the First Day of *January* in the Year One thousand eight hundred and forty-six, except any Provisions for the taking effect of which any other Time shall be herein-after specially limited; all which last-mentioned Provisions shall take effect from and after such Time as shall be herein-after specially mentioned in that Behalf.

Commencement of Act.

Interpretation of Act.

"Print Work:"

"Incidental printing Process:"

"Child:"

"Young Person:"

"Parent:"

"Masculine Gender," &c.:

"Employment:"

"Inspector," &c.:

"Agent:"

"Month:"

"Day:"

"Night:"

II. And be it enacted, That in this Act, unless another Sense shall be plainly shown by the Context, or by some positive Enactment to the contrary, the Words "Print Work" shall be taken to mean any Building or Shed, and any Part thereof, within which any Persons are employed to print Figures, Patterns, or Designs, by means of Blocks or Cylinders, or by means of any other Tool, Instrument, or Mechanism, upon any woven Fabric of Cotton, Wool, Hair, Fur, Silk, Flax, Hemp, or Jute, either separately or mixed together, or mixed with any other Material; or upon any felted Fabric of Wool or Fur, either separately or mixed with any other Material; or upon any Cotton, Linen, Woollen, Worsted, or Silken Yarn; and the Words "incidental printing Process" shall be taken to mean any Process of preparing, dyeing, bleaching, cleaning, calendering, dressing, or finishing incident or necessary to the Completion of the chief Process of printing Figures, Patterns, or Designs upon any of the aforesaid Materials, and carried on within Buildings, Sheds, Fields, or Portions of Ground lying adjacent to each other, or forming a Part or Parts of the Establishment where the chief Process of printing as aforesaid is carried on; and the Word "Child" shall be taken to mean a Child under the Age of Thirteen Years; and the Words "young Person" shall be taken to mean a Person of the Age of Thirteen Years and under the Age of Sixteen Years; and the Word "Parent" shall be taken to mean Parent, Guardian, or Person having the legal Custody of any such Child; and any Word denoting the "Masculine Gender" and "Singular Number" shall be taken to include a Female as well as a Male, and any Number of Persons; and any Person who shall work in any Print Work, whether for Wages or not, or as a Learner or otherwise, either in printing or in any incidental printing Process, or in cleaning any Part of the Print Work, or in cleaning any Block, Cylinder, Tool, or Machine used therein, or in any other Kind of Work whatsoever, save in the Cases herein-after excepted, shall be deemed to be employed therein within the Meaning of this Act; and the Word "Inspector" and "Sub-Inspector" shall be taken to mean respectively an Inspector and Sub-Inspector of Print Works; and the Word "Agent" shall be taken to mean any Person having on behalf of the Occupier of any Print Work the Care or Direction thereof or of any Part thereof, or of any Person employed therein; and the Word "Month" shall be taken to mean a Calendar Month; and the Word "Day" shall be taken to mean from Six of the Clock in the Morning until Ten of the Clock in the Evening of the same Day; and the Word "Night" shall be taken to mean from Ten of the Clock in the Evening of any one Day until Six of the Clock of the next following Morning; and any Part of such Print Work may be taken to be a Print Work within the Meaning of this Act; but this Enactment shall not extend to any Part of such Buildings used solely for the Purposes of a Dwelling House; and nothing in this Act contained shall extend to any Person, being a Mechanic, Artisan, or Labourer, working only in making or repairing the Machinery or any Part of the Print Work.

Exception to the Term "Print Work."

Exception in favour of Mechanics.

III. And

Inspectors and Sub-Inspectors. 3&4 W. 4. c. 103. 7&8 Vict. c. 15.

III. And be it enacted, That the Inspectors and Sub-Inspectors of Factories appointed or to be appointed by virtue of an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom*, and of another Act passed in the Seventh Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to Labour in Factories*, shall respectively be Inspectors and Sub-Inspectors for carrying into effect the Powers, Authorities, and Provisions of this Act.

Power of Inspectors and Sub-Inspectors.

IV. And be it enacted, That every Inspector and Sub-Inspector shall have Power to enter every Part of any Print Work at any Time, by Day or by Night, when any Person shall be employed therein, and to enter by Day any Place which he shall have Reason to believe to be a Print Work, and to enter any School in which Children employed in Print Works are educated, and at all Times to take with him into any Print Work the certifying Surgeons of the District herein-after mentioned, and any Constable or other Peace Officer whom he may need to assist him, and shall have Power to examine, either alone or in the Presence of any other Person, as he shall think fit, every Person whom he shall find in a Print Work or in such a School, or whom he shall have Reason to believe to be or to have been employed in a Print Work within Twelve Months next preceding the Time when he shall require him to be examined touching any Matter within the Provisions of this Act; and the Inspector or Sub-Inspector may, if he shall see fit, require such Person to make and sign a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined; and every Inspector and Sub-Inspector shall have Power to examine the Registers, Certificates, Notices, and other Documents kept in pursuance of this Act; and every Person who shall refuse to be examined as aforesaid, or who shall refuse to sign his Name or affix his Mark to a Declaration of the Truth of the Matters respecting which he shall have been examined, or who shall in any Manner attempt to conceal or otherwise prevent any Child or other Person from appearing before or being examined by an Inspector or Sub-Inspector, or who shall prevent or knowingly delay the Admission of an Inspector or Sub-Inspector to any Part of a Print Work or School, or shall prevent an Inspector or Sub-Inspector from examining any Register, Certificate, Notice, or other Document kept in pursuance of this Act, shall be deemed guilty of wilfully obstructing the Inspector or Sub-Inspector in the Execution of the Powers intrusted to him.

Inspectors to report.

V. And be it enacted, That every Inspector shall keep full Minutes of all his Visits and Proceedings, and shall report the same to One of Her Majesty's Principal Secretaries of State twice in every Year, and oftener if required, and shall report the State and Condition of the Print Works, and of the Persons employed therein whose Labour is regulated by this Act, and whether such Print Works are conducted according to the Provisions of this Act.

Owners of Print Works to send Particulars connected therewith to Inspectors of Factories.

VI. And be it enacted, That every Person carrying on Business at any Print Work shall, within One Month next after the passing of this Act, or within One Month after beginning to carry on such Business, send a written Notice, addressed to the Office of the Factory Inspectors, *London*, containing the Name of such Print Work, together with the Place, Township, or Parish, and County, where the same is situated, the Post Town to which he desires his Letters to be addressed, the Nature of the Work, and the Name of the Firm under which such Business is or is to be carried on.

Appointment of certifying Surgeons.

VII. And be it enacted, That the certifying Surgeons appointed or to be appointed by virtue of the said Act of the Seventh Year of the Reign of Her Majesty shall be certifying Surgeons for carrying into effect the Powers, Authorities, and Provisions of this Act.

Form of Surgical Certificate.

VIII. And be it enacted, That the Certificates of Age required by this Act, herein called Surgical Certificates, shall be given according to the Form and Directions contained in the Schedule (A.) annexed to this Act; and the Name of every Person for whom a Surgical Certificate is required by this Act, and the Date of the First Day of Employment or Re-employment of such Person, shall be registered in the Form and according to the Directions given in the Schedule (B.) annexed to this Act, before it shall be lawful to employ such Person in a Print Work.

Certificates not given by certifying Surgeon must be by Persons duly authorized, and countersigned by a Magistrate.

IX. And be it enacted, That no such Surgical Certificate given by any Person who is not an appointed certifying Surgeon shall be of any Force unless it is given by a Person duly authorized by an University or College, or other public Body having Authority in that Behalf to practise Surgery or Medicine, and countersigned, according to the Form and Directions given in the Schedule (A.) to this Act annexed, by some Justice of the Peace, not being the Occupier of a Print Work, and not being the Father, Son, or Brother of the Occupier of a Print Work; and no Person shall countersign any such Surgical Certificate in the Absence of the Person named therein, or without Proof that the Person brought before him is the same to whom the Certificate was granted.

Surgical Certificates to be given at the Print Work.

X. And be it enacted, That no Person shall grant any Surgical Certificate required by this Act, except upon personal Inspection of the Person named therein; and no certifying Surgeon shall examine any Person for the Purposes of this Act, or sign or issue any such Surgical Certificate, elsewhere than at the Print Work where such Person is to be employed, unless for special Cause, to be allowed by an Inspector; and if a certifying Surgeon shall refuse to grant a Certificate of Age to any Person presented to him for such Examination, he shall give, when required, instead of such Certificate, a Paper specifying under his Hand the Reasons for such Refusal, in the Form and Directions given in the Schedule (A.) to this Act annexed.

Agreement between Occupier of a Print Work and certifying Surgeon.

XI. And be it enacted, That if the Occupier of a Print Work shall agree in Writing with the certifying Surgeon of a District for the Payment to be made by the Occupier of the Print Work to the certifying Surgeon for the Examination of Persons for whom Surgical Certificates are required by this Act, and if the Terms of such Agreement shall be in conformity with such Regulations for the Guidance of the

Surgeons

Surgeons as shall be made by the Inspector of the District, and shall be countersigned by the Inspector in token of such Conformity, all Penalties which may be incurred by any Party for Breach of such Agreement may be recovered as other Penalties under this Act may be recovered, and shall be applied as other Penalties under this Act are directed to be applied, and no such Agreement shall be liable to any Stamp Duty.

Inspector may fix Surgeon's Fees.

XII. And be it enacted, That an Inspector shall fix the Amount of Fees to be paid by the Occupier of a Print Work, and the Times when such Fee shall be paid to the certifying Surgeon, and also the Times when such certifying Surgeon shall visit a Print Work, provided he shall be required to fix such Fees and Visits by the Occupier of a Print Work; and the Fees so to be fixed by the Inspector shall not in any Case where the Surgeon shall examine more than One Person exceed One Shilling for each Person who shall be presented to him at the Print Work by the Occupier thereof or his Agent to be examined, together with Sixpence for every Half Mile that the Distance of the Print Work from the Residence of such Surgeon shall exceed One Mile, and such Fees, including Mileage, shall not be less than One Shilling, and shall in no Case exceed Five Shillings, for any One Visit, except when upon such Visit the certifying Surgeon shall examine for the said Certificates of Age more than Ten Persons who may be brought before him as aforesaid, in which Case he shall receive Sixpence for each Person that he may so examine, instead of all other Fees; and in any Case where a Print Work is situated within the Distance of One Mile from the Residence of a certifying Surgeon the Fee for such Print Work shall not exceed Two Shillings and Sixpence for each Visit, except when at any One Visit he shall examine for the said Certificates of Age more than Five Persons who may be brought before him as aforesaid, in which Case he shall receive Sixpence for each Person that he may so examine, instead of all other Fees; and no certifying Surgeon shall receive more than Sixpence for any Certificate which he may be allowed by an Inspector, as herein-before provided, to sign or issue otherwise than at the Print Works where the Person is to be employed; and the Occupier of any Print Work shall pay such Fees to the certifying Surgeon at the Time of signing such Certificates, or at any other Time when he may be directed by the Inspector to do so; and the Occupier of such Print Work may deduct the Fee, or any Part thereof, not exceeding in any One Case the Sum of Three-pence, from the Wages of the Person for whom the Certificate may have been granted; but in any Case where such Agreement as aforesaid has been executed between an Occupier of a Print Work and the certifying Surgeon, the Amount named in such Agreement shall be instead of the Fees fixed by any Inspector in virtue of this Act: Provided always, that no certifying Surgeon shall be required to visit any Print Work situated within Three Miles of his Residence oftener than once in each Week, or to visit any Print Work situated at a greater Distance than Three Miles oftener than once in every Fortnight, unless with the Consent of the Occupier of the Print Work.

Inspectors and Sub-Inspectors may annul Certificates.

XIII. And be it enacted, That every Inspector and Sub-Inspector may annul any Surgical Certificate granted under this Act by writing across the Surgical Certificate the Word "Annulled," with his Name, and the Date of annulling such Certificate; provided that in either Case he shall have Reason to believe the real Age of the Person mentioned therein to be less than that mentioned in the Certificate, or provided the certifying Surgeon of the District shall, upon Reference made to him, deem such Person to be then of deficient Health or Strength, or by Disease or bodily Infirmity incapacitated for Labour, or liable to be injured by continued Employment; and no Certificate so annulled shall be valid in respect of the Person named therein for the Purposes of this Act from the Day when the Certificate shall have been so annulled; and the Production of the Certificate shall be Evidence that the Certificate was annulled on the Day so stated.

Certificates of real Age may be obtained.

XIV. And be it enacted, That in case any Person shall be desirous of proving the real Age of any Person for whom a certifying Surgeon shall have refused to grant a Certificate of Age for the Purposes of this Act, or whose Surgical Certificate any Inspector or Sub-Inspector shall have annulled, the Inspector or Sub-Inspector shall, on demand, give to such Person a Requisition under his Hand in a Form to be approved of by the Inspectors and by the Registrar General, for the Production of a duly certified Copy of the Entry of the Birth or Baptism of such Person, provided the Party demanding the same shall declare the Names of such Person and of his Parents, with the Place where and the Year in which he was born or baptized, which Particulars shall be set forth in the Requisition; and every Party to whom such Requisition shall have been given shall be entitled, upon Payment of One Shilling, to receive, on personal Application, or on Application in Writing in such Form and under such Regulations as shall be approved of by the Inspectors and Registrar General, from any Minister, Registrar, or other Person having the Care of any Register of Births or Baptisms in which the Birth or Baptism of such Person is entered, a duly certified Copy of the Entry in such Register, which shall be endorsed on the aforesaid Requisition, and shall be signed by the Minister, Registrar, or other Person having Charge of such Register; and such Payment of One Shilling shall be instead of all other Fees or Payments to which such Minister, Registrar, or other Person shall be entitled; and if the said certified Copy proving the Age of the Person named therein to be such as to entitle him to have the Surgical Certificate required shall be produced to the certifying Surgeon of the District, he shall examine the same, and if it shall appear to him that the said certified Copy has not been altered or falsified in any Manner the certifying Surgeon shall thereupon, without further Fee or Reward, give a Surgical Certificate in the Form provided for that Case in Schedule (A.) to this Act annexed, and shall write the Word "Examined" upon the certified Copy of the Entry of the Birth or Baptism which he shall have received, with his Signature, and the Date of such Signature, and shall send such certified Copy by the Post to the Sub-Inspector of the District, who shall send a Receipt for the same by Post to the said Surgeon, and shall keep such

certified Copy of the Entry of the Birth or Baptism for future Reference, if necessary; and if any Inspector shall require a certified Copy of the Entry of the Birth of any Person employed in any Print Work from the Office of the Registrar General, he, or any Person deputed by him, shall, on producing a Requisition in the Form herein-before provided, be entitled to examine the Indexes to the Registers in the General Register Office, and to receive such certified Copy endorsed on the Requisition without the Payment of any Fee; but no certified Copy of the Entry of any Birth or Baptism issued in consequence of any such Requisition herein-before provided shall be admissible in Evidence in any Court or for any Purpose, save for the Purposes of this Act: Provided always, that in those Cases in which a Surgical Certificate shall have been refused or annulled in consequence of deficient Health or Strength, or by reason of Disease or bodily Infirmity, the Inspector or Sub-Inspector shall not sign the Requisition herein-before mentioned, and such Person shall not be employed on Proof of real Age only.

Certificates to be obtained before the Person is employed, and to serve only for One Print Work.

XV. And be it enacted, That before employing any Person requiring a Surgical Certificate under this Act the Occupier of the Print Work shall obtain the Surgical Certificate, save as herein-after excepted, and shall keep and be bound to produce every such Certificate, when required to the Inspector or Sub-Inspector; and no Surgical Certificate shall be valid, except for Employment at the Print Work for which it was originally granted, or, if granted by a certifying Surgeon, at any other Print Work in the Occupation of the same Person who is Occupier of the Print Work for which the Certificate was originally granted, provided such other Print Work be in the District of the certifying Surgeon who granted the Certificate, and the Certificate be produced in the Print Work where the Person named in the Certificate is at work; and the certifying Surgeon, as often as he shall visit a Print Work for the Purpose of granting Certificates, shall enter in the Register of Children the Date of his Visit, and the other Particulars set forth in the Form and according to the Directions given in Schedule (B.) to this Act annexed.

Surgical Certificates may be dispensed with for Seven or Thirteen Days.

XVI. Provided always, and be it enacted, That no Occupier of any Print Work shall be liable to any Penalty for employing any Person in any Manner not contrary to the other Provisions of this Act, without a Surgical Certificate, for any Time not exceeding Seven working Days, or, when the certifying Surgeon shall reside more than Three Miles from the Print Work, for any Time not exceeding Thirteen working Days, provided all Surgical Certificates for that Print Work be granted only by the certifying Surgeon appointed for that Print Work; but this Enactment shall not be construed to authorize the Employment of any Person in respect of whom the certifying Surgeon shall have refused to grant such Surgical Certificate.

Surgical Certificate to be Proof of Age.

XVII. And be it enacted, That every Surgical Certificate given under this Act, and which shall not have been annulled, shall be Evidence in the first instance of the Age of the Person named therein, but shall not protect any Person, knowing such Person to be of less than the Age certified, from any Penalty for employing or conniving at the Employment of such Person otherwise than is allowed by this Act; and in every Proceeding on any Information or Complaint for employing any Person contrary to this Act a Declaration in Writing, by the certifying Surgeon of the District, that he has personally examined such Person, and believes him to be under such Age as shall be set forth in such Declaration, shall be Evidence in the first instance, until the contrary shall be made to appear, that such Person is under the Age mentioned in such Declaration.

Proof of Age of Persons alleged to be Sixteen.

XVIII. And be it enacted, That if any Inspector or Sub-Inspector shall make a Complaint before a Justice of the Peace that the real Age of any Person who is employed in a Print Work without a Surgical Certificate is less than Sixteen, the Occupier of the Print Work in which such Person is employed shall be liable to the Penalties for employing Persons for whom a Surgeon's Certificate is required by Law without the proper Surgical Certificate, unless upon the Proceeding for the Enforcement of such Penalties he shall prove, by an Extract from a legal Register of Birth or Baptism, that the said Person had completed his Sixteenth Year of Age.

Children under Eight Years not to be employed.

XIX. And be it enacted, That after the First Day of *January* One thousand eight hundred and forty-six no Child under the Age of Eight Years shall be employed in any Print Work.

Surgical Certificates for Children.

XX. And be it enacted, That no Child shall be employed in a Print Work (save in the Cases hereafter excepted) until the Occupier thereof shall have obtained a Surgeon's Certificate, according to the Form and Directions given in the Schedule (A.) to this Act annexed, in proof that such Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and is not incapacitated by Disease or bodily Infirmity from working daily in a Print Work, as allowed by this Act.

Surgical Certificates for young Persons.

XXI. And be it enacted, That no young Person shall be employed in a Print Work (save in the Cases hereafter excepted) until the Occupier thereof shall have obtained a Surgical Certificate according to the Form and Directions given in the Schedule (A.) to this Act annexed, in proof that such young Person has the ordinary Strength and Appearance of a young Person of at least Thirteen Years of Age, and is not incapacitated by Disease or bodily Infirmity from working in a Print Work, as allowed by this Act.

Children and Females not to be employed in the Night.

XXII. And be it enacted, That after the First Day of *January* One thousand eight hundred and forty-six no Child or Female shall be employed in any Print Work during the Night.

Children to attend School.

XXIII. And be it enacted, That after the First Day of *July* One thousand eight hundred and forty-six, the Parent or Person having any direct Benefit from the Wages of any Child employed or intended to be employed in a Print Work shall cause such Child to attend some School for at least Thirty Days, together or separately, exclusive of *Sundays*, during the Half Year between the First Day of *January* and the Thirtieth Day of *June*, both Days inclusive, and in like Manner for Thirty Days during the Half

Half Year between the First Day of *July* and the Thirty-first Day of *December*, both Days inclusive, in each Year, during any Part of which it shall be employed in a Print Work, such Attendance being after the Hour of Eight of the Clock in the Morning and before the Hour of Six of the Clock in the Evening, and such Attendance shall not be less than One hundred and fifty Hours during each Half Year; but no Attendance above Five Hours on any one Day shall be reckoned as a Part of the said One hundred and fifty Hours.

Registry of School Attendance.

XXIV. And be it enacted, That so soon as a Child shall be employed in a Print Work the Parent or Person having direct Benefit from the Wages of such Child shall notify to the Occupier of the Print Work the School which such Child is to attend during the Time it is employed in such Print Work, and the Occupiers of the Print Work shall enter in the Register of Children herein-after required to be kept the Name of the Schoolmaster and the Situation of the School so notified to him; and the Parent or Person having direct Benefit from the Wages of such Child shall provide a School Certificate Book, according to the Form and Directions given in the Schedule (A.) annexed to this Act, and shall deliver the same to the Master of the School which such Child is to attend, and the said Master shall enter therein, Week by Week, the Attendance or Absence of such Child during that Week, and shall produce such Certificate Book, while in his Custody, to the Inspector or Sub-Inspector of the District, when required; and the Master of any School which shall be attended by Children employed in a Print Work shall keep a Register of their Names and Attendance, and if the Inspector of the District shall disapprove of the Form of Register adopted by the Schoolmaster, it shall be kept in such other Form as the Inspector shall direct.

Occupiers of Print Works to obtain Certificates of Children's School Attendance.

XXV. And be it enacted, That after the First Day of *July* One thousand eight hundred and forty-six the Occupier of every Print Work shall, before employing any Child therein, obtain from a Schoolmaster a Certificate, according to the Form and Directions given in the Schedule (A.) to this Act annexed, that such Child had attended School for at least Fifty Days, as required by this Act, during the Half Year ending on the Thirtieth Day of *June* or Thirty-first Day of *December* next before the Beginning of such Employment, and the like Certificate at the Beginning of each following Period of Six Months during which the Employment of such Child shall be continued in that Print Work; and such Occupier shall keep every such Certificate so long as such Child shall continue in his Employment for Twelve Months after the Date thereof, and shall produce the same to any Inspector or Sub-Inspector, when required, during such Period.

Inspector may by Notice annul the Certificate of any Schoolmaster found unfit.

XXVI. And be it enacted, That if an Inspector, on his personal Examination, or on the Report of a Sub-Inspector, shall be of opinion that any Schoolmaster who grants Certificates of the School Attendance of Children employed in a Print Work is unfit to instruct Children, by reason of his Incapacity to teach them to read and write, from his gross Ignorance, or from his not having the Books and Materials necessary to teach them Reading and Writing, or because of his immoral Conduct, or of his continued Neglect to keep the Registers, and fill up and sign the Certificates of School Attendance, as required by this Act, the Inspector of the District may annul any Certificate granted by such disqualified Schoolmaster, by a Notice in Writing addressed to the Occupier of the Print Work in which the Children named in the Certificate are employed, or his principal Agent, setting forth the Grounds on which he deems such Schoolmaster to be unfit; and after the Date of such Notice no Certificate of School Attendance granted by such Schoolmaster shall be valid for the Purposes of this Act, unless with the Consent in Writing of the Inspector of the District; but no Inspector shall annul any such Certificate unless in the aforesaid Notice he shall name some other School situated within Two Miles of the Print Work where the Children named in the Certificate are employed: Provided always, that any Schoolmaster whose Certificate shall have been annulled, or the Occupier of the Print Work in which the Children named in the said Certificate are employed, on behalf of the Schoolmaster, may appeal to the Secretary of State against any such Decision of the Inspector, and the Secretary of State may, if he think fit, rescind such Decision: Provided also, that every Inspector shall in his annual Report to the Secretary of State state the Instances (if any) in which he shall have had Occasion to annul any such Certificate, together with the Reasons which he has in each Case assigned for so doing.

Appeal.

Registers to be kept in every Print Work.

XXVII. And be it enacted, That Registers shall be kept in the Print Work to which they relate by the Occupier of every Print Work, according to the Forms and Directions given in Schedule (B.) to this Act annexed; and every Inspector shall have Power to require such Occupier to send to him, in such Manner as may be directed in the Requisition, any Extracts from such Registers, and any other Information with relation to the Persons employed in the Print Work which may be requisite to facilitate the Performance of the Duties of such Inspector in any Inquiry made under the Authority of this Act; but no Information so sent by the Occupier of any Print Work which is not contained in the Registers, Certificates, and other Documents required by this Act to be received or kept shall be admissible in Evidence in any Proceeding against him for the Recovery of any Penalty; and the Registers, Certificates, and other Documents required by this Act to be received or kept shall be forthwith produced to the Inspector or Sub-Inspector, on his demanding to examine the same, at any Time when the Print Work is at work.

For ensuring Regularity in the Observance of Time.

XXVIII. And be it enacted, That the Hours of the Day during which it is lawful to employ Children, young Persons, and Women shall be regulated in every Print Work by a public Clock, or by some other Clock open to the public View, to be approved of in either Case in Writing under the Hand of the Inspector or Sub-Inspector of the District.

An Abstract of this Act, and certain Notices, to be hung in every Print Work.

XXIX. And be it enacted, That such Abstract of this Act as shall be directed by one of Her Majesty's Principal Secretaries of State shall be fixed on a moveable Board, and be hung up as soon as received by the Occupier of the Print Work or his Agent in the Entrance of the Print Work, and in such other Places as the Inspector or Sub-Inspector of the District may direct; and Notices of the Names and Addresses of the Inspector and Sub-Inspector of the District in which the Print Work is situated, of the Clock by which the Hours of Work in the Print Work are regulated, and any Alteration thereof, together with every other Notice required by this Act, written or printed in legible Characters, and fixed on moveable Boards, (each particular Notice being signed by the Occupier of every Print Work or his Agent,) shall be hung up at the Entrance of the Print Work, where they may be easily read by the Persons employed in the Print Work, and in such other Places as the Inspector or Sub-Inspector of the District may direct, and whence they shall not be removed while the Print Work is at work; and in case any such Abstract of this Act or Notice shall become illegible in any Part, the Occupier of the Print Work shall cause a new Copy thereof to be provided and hung up as aforesaid; and every Notice required to be hung up shall be in the Forms and according to the Directions given in the Schedule (C.) hereunto annexed.

Occupier of the Print Work to be liable for Offences against this Act in the first instance.

XXX. And be it enacted, That the Occupier of any Print Work in which any Offence against this Act has been proved to have been committed, and for which a pecuniary Penalty may be imposed, shall in every Case (save as herein-after provided) be deemed in the first instance to have committed the Offence, and shall be liable to pay the Penalty; but any Occupier who shall have been proceeded against by any Inspector or Sub-Inspector shall be entitled, upon Complaint or Information duly made by such Occupier, to have any Agent, Servant, or Workman whom he shall charge as the actual Offender brought by Summons before the Justices at the Time appointed for hearing the Complaint made against him by the Inspector or Sub-Inspector; and if after the Commission of the Offence has been proved the Occupier of the Print Work shall prove to the Satisfaction of the Justices, that he had used due Diligence to enforce the Execution of the Act, and that the said Agent, Servant, or Workman had committed the Offence in question without his Knowledge, Consent, or Connivance, the said Agent, Servant, or Workman shall be convicted of such Offence, and shall pay the Penalty instead of the Occupier of the Print Work; and the Payment of such Penalty and Costs shall be enforced against the Agent, Servant, or Workman in like Manner as Penalties are made recoverable by this Act: Provided always, that when it shall be made to appear to the Satisfaction of the Inspector or Sub-Inspector, at the Time of discovering the Offence, that the Occupier of the Print Work had used all due Diligence to enforce the Execution of this Act, and also by what Person such Offence had been committed, and also that it had been committed without the personal Consent, Connivance, or Knowledge of the Occupier, and in contravention of his Orders, then the Inspector or Sub-Inspector shall proceed against the Person whom he shall believe to be the actual Offender in the first instance, without first proceeding against the Occupier of the Print Work.

When Complaints to be preferred.

XXXI. And be it enacted, That all Complaints for Offences against this Act shall be preferred within Two Months next after the Commission of the Offence, except in the Case of Complaints for having employed a Child without the School Certificate required by this Act, in which Case the Complaints may be preferred within Six Months next after the Commission of the Offence, or in the Case of Complaints for Offences punishable at Discretion by Fine or Imprisonment, in which Case the Complaints may be preferred within Twelve Months next after the Commission of the Offence; and no Person shall be liable to a larger Amount of Penalties for any Repetition from Day to Day of the same Kind of Offence than the highest Penalty herein-after named for such Offence, unless such Repetition of Offence shall have been committed after a Complaint shall have been made for the previous Offence, and except also for Offences of employing Two or more Children or young Persons or Women contrary to Law.

Proceedings under this Act may be had before any Justices.

XXXII. And be it enacted, That all Complaints for the Enforcement of any Penalty under this Act shall be heard and determined by Two or more Justices of the Peace acting for the County or other Jurisdiction wherein the Offence was committed; or for any adjoining County or Jurisdiction, with the like Authority as though the Cause of Complaint had arisen within such adjoining County or Jurisdiction, provided that the Place of hearing the Complaint in such other County or Jurisdiction be not more than Five Miles from the Place where the Offence was committed; and the Justices by whom any Person shall be fined for any Offence against this Act may order that such Person shall pay the Penalty, and also the reasonable Costs and Charges of such Proceedings and Conviction, either immediately or within such Time as the said Justices shall think fit; and in default of Payment thereof any Justice may cause the same to be levied by Distress and Sale of the Goods and Chattels of the Party convicted, together with the reasonable Costs and Charges of such Conviction, Distress, and Sale, by Warrant under the Hand and Seal of any such Justice; and where the Warrant of Distress is directed against the Goods and Chattels of any Person being the Occupier of a Print Work, it shall be lawful under such Warrant to distrain any Goods and Chattels found in the said Print Work which would be liable to be distrained for Rent in arrear.

Penalties may be recovered as in 5 G. 4. c. 18.

Power of distraining Goods in Print Work, &c.

Issue of Summons for Offences against this Act.

XXXIII. And be it enacted, That in *England* and *Ireland* a Summons for an Offence against this Act shall be issued by any Justice upon Complaint being made to him in Writing by an Inspector or Sub-Inspector, or upon Oath before him by any other Person, that to the best of the Knowledge and Belief of the Inspector, Sub-Inspector, or such other Person, such an Offence has been committed; and in *Scotland* a Summons for an Offence against this Act shall be issued by any Justice upon Complaint being

being made to him in Writing by an Inspector or Sub-Inspector, or by the Procurator Fiscal, or by any Person having a Title and Interest to prosecute with the Concurrence of the Procurator Fiscal, that to the best of the Knowledge and Belief of such Inspector, Sub-Inspector, Procurator Fiscal, or other Person, such an Offence has been committed; and in every such Prosecution in *Scotland* the Proceedings shall be summary, and it shall not be necessary to take down in Writing more than the Substance of the Evidence; and no higher or other Fees shall be allowed in *Scotland* to the Clerk of Court or Constables than are allowed to be paid to the Sheriff Clerk and Sheriff Officers in Causes and Prosecutions under the Authority of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for the more effectual Recovery of Small Debts, and for diminishing the Expences of Litigation in Causes of small Amount in the Sheriff Courts in* Scotland. 10 G. 4. c. 55.

Compelling Parties to appear and bring Register.

XXXIV. And be it enacted, That every Person who shall be summoned to answer any Complaint shall be bound to appear at the Time and Place mentioned in the Summons, and to produce before the Justices then and there present every Register or other Account, Paper, or Notice required by Law to be kept by him or his Agent, which shall be mentioned in the Summons; and if he shall not appear accordingly then (upon Proof of due Service of the Summons) the Justices may hear and determine the Case in his Absence, or issue their Warrant, as herein-after provided, for enforcing his Attendance, and the Attendance of any Witness who shall refuse or neglect to appear.

Inspectors and Sub-Inspectors competent Witnesses.

XXXV. And be it declared and enacted, That it shall be no Objection to the Competency of any Inspector or Sub-Inspector to give Evidence as a Witness in any Prosecution under this Act that it is brought at the Instance of such Inspector or Sub-Inspector, or in *Scotland* the Procurator Fiscal or other Person as aforesaid.

Justices may enforce Attendance of Witnesses.

XXXVI. And be it enacted, That any Justice of the Peace, upon any Complaint under this Act, may summon any Witness to appear and give Evidence at a Time and Place appointed for hearing such Complaint, and by Warrant under his Hand and Seal may require any Person to be brought before the Justices by whom the Complaint shall be heard who shall neglect or refuse to appear at the Time and Place appointed in any Summons, Proof upon Oath being first given of personal Service of the Summons upon the Person against whom such Warrant shall be granted, and may commit any Person coming or brought before such Justices who shall refuse to give Evidence to the County Prison or Prison of the Place where such Offence was committed, there to remain for any Time not exceeding One Month, or until such Person shall sooner submit himself to be examined; and in case of such Submission the Order of any Justice shall be a sufficient Warrant to any Gaoler or Prison Keeper for the Discharge of such Person.

Inspectors and Sub-Inspectors may summon Offenders and Witnesses.

XXXVII. And be it enacted, That every Inspector and Sub-Inspector shall be empowered to summon any Person whom he shall charge with having offended against this Act, and also all Witnesses who may be needed to give Evidence concerning the Charge; and every such Summons shall be of the same Effect as if issued by a Justice of the Peace after Complaint upon Oath before him, and shall be enforced in like Manner, and the like Proceedings may be had thereupon, as if Complaint upon Oath had been made before such Justice for such Offence; and every Constable and other Peace Officer to whom any such Summons shall be directed shall be bound to take charge of and to serve such Summons, and in default thereof shall be liable to be punished as if the Summons had been issued by a Justice of the Peace; and every such Summons of an Offender or Witness may be in the Form provided in each Case, and given in the Schedule (D.) hereunto annexed; and when an Inspector or Sub-Inspector shall summon an Offender he shall give to the same Constable or Peace Officer a Statement of the Offence alleged to have been committed, who shall deliver it to a Justice of the Peace usually acting for the Division in which the Case is to be heard, or to the Clerk of any such Justice, at least Twenty-four Hours before the Period named in the Summons for the Appearance of the Party charged with such Offence.

What shall be deemed sufficient for Summons and Service thereof.

XXXVIII. And be it enacted, That it shall be sufficient, in any Information, Complaint, or other Proceeding under this Act, to set forth the Name of the ostensible Occupier or Title of the Firm by which the Occupier employing the Workpeople of the Print Work may be usually known; and the Service of any Summons, Order, or Notice required by this Act, or issued under the Authority of this Act, and not expressly directed to be personal Service, may be made by leaving the same at the Dwelling House of the Person to whom the same shall be addressed, or, in the Case of summoning or giving an Order or Notice to the Occupier of a Print Work or to a Schoolmaster, by giving a Copy thereof in Writing to the Agent of such Occupier, or by sending a Copy thereof by the Post, directed to the Occupier of the Print Work at the Print Work, or to the Schoolmaster at his School.

Penalty for illegally employing Children, young Persons, and Women.

XXXIX. And be it enacted, That any Person who shall be convicted of having employed any Child, young Person, or Woman in any Manner contrary to the Provisions of this Act, or of employing any Child under the Age of Thirteen Years without having obtained the Certificate from a Schoolmaster required by this Act, such Person (not being the Parent of such Child, or the Husband of such Woman, nor having any direct Benefit from the Wages of such Child or Woman,) shall for every such Offence be adjudged to pay a Penalty of not less than Twenty Shillings and not more than Three Pounds for each Child, young Person, or Woman so illegally employed: Provided always, that if the Offence shall be the Employment of any such Child, young Person, or Woman during the Night, the Penalty shall be not less than Forty Shillings nor more than Five Pounds for each Child, young Person, or Woman so illegally employed.

Penalty on Parents and others interested

XL. And be it enacted, That every Parent and other Person who shall have direct Benefit from the Wages of any Child employed in any Manner forbidden by this Act, who shall wilfully connive at such illegal

for conniving at illegal Employment.

illegal Employment, or who shall neglect to cause such Child to attend School as herein-before provided, or who, when required by an Inspector or Sub-Inspector, shall fail to produce a Certificate of the School Attendance of such Child, as required by this Act, and the Husband of any Woman employed during the Night wilfully conniving at such Employment, shall be liable to a Penalty of not less than Five Shillings and not more than Twenty Shillings for each Offence.

Penalty for obstructing Inspectors.

XLI. And be it enacted, That every Person convicted of wilfully obstructing an Inspector or Sub-Inspector in the Execution of any of the Powers intrusted to him by virtue of this Act shall be liable for each Offence to a Penalty of not less than Three Pounds and not more than Ten Pounds.

Penalty for obstructing Inspectors at Night.

XLII. And be it enacted, That every Occupier of a Print Work in which an Inspector or Sub-Inspector shall be obstructed in the Night, by any Attempt to prevent his making a full and complete Examination of all Parts of the Print Works, and of every Person employed therein, shall be liable to a Penalty of not less than Twenty Pounds and not more than Fifty Pounds.

Penalty for giving or using untrue Certificates.

XLIII. And be it enacted, That every Person convicted of making, giving, signing, countersigning, counterfeiting, or making use of any Certificate authorized or required by or by virtue of this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at making any false or counterfeited Certificate, or any false Entry in any Register, or any other Account, Paper, or Notice required by or by virtue of this Act, and also every Person convicted of wilfully making and signing a false Declaration in any Proceedings under this Act, shall be liable to a Penalty of not less than Five Pounds and not more than Twenty Pounds, or to be imprisoned for any Time not exceeding Six Calendar Months in the House of Correction in the County, Town, or Place where the Offence was committed.

Cases where no special Penalty is provided.

XLIV. And be it enacted, That the Penalty for any Offence against this Act for which no special Penalty is herein provided shall be any Sum not less than Two Pounds and not more than Five Pounds.

Offences against Directions in Schedules.

XLV. And be it declared and enacted, That the Non-compliance with any Direction contained in any Schedule to this Act annexed shall be deemed an Offence against the Provisions of this Act.

Penalty for Second Offence.

XLVI. And be it enacted, That every Person who shall be convicted Twice within Twelve Calendar Months for an Offence of the same Kind against this Act shall pay for the Second Offence any Sum not less than One Half of the highest Penalty for that Offence, and if convicted Three Times within Twelve Calendar Months for an Offence of the same Kind shall pay not less than Two Thirds of the highest Penalty, and if convicted more than Three Times within Twenty-four Calendar Months for an Offence of the same Kind shall pay the highest Penalty; but a Repetition of the same Kind of Offence shall not be considered as the Second or subsequent Offences referred to in this Enactment, unless such Second or subsequent Offence shall have been committed after a Complaint has been made for the previous Offences; and in any Case in which a Person shall be convicted at any One Time for Offences against this Act, so that the Penalties amount in the whole to more than One hundred Pounds, the Sum of One hundred Pounds, together with all the reasonable Costs and Charges of such Proceedings and Convictions, may be paid, instead of the Penalties for all Offences committed by such Person before the Day on which the last Summons was taken out against him or her.

In Cases of Repetition of Offences.

XLVII. Provided always, and be it enacted, That no Person shall be liable to a larger Amount of Penalties for any Repetition from Day to Day of the same Kind of Offence than the highest Penalty herein appointed for such Offence, unless such Repetition of Offence shall have been committed after a Complaint shall have been made for the previous Offence; but the Offence of employing Two or more Children or Women contrary to Law shall be considered a Repetition of the same Kind of Offence within the Meaning of this Provision.

Application of Penalties.

XLVIII. And be it enacted, That all Penalties for any Offence against this Act shall be applied under the Direction of One of Her Majesty's Principal Secretaries of State, and shall be paid, on account of the Inspector for the District in which the Penalty was imposed, to such Banker as shall be appointed by such Inspector to receive the same; and every Person to whom any such Penalty shall be paid shall pay over the Amount thereof to the Banker so appointed, within Fourteen Days of receiving the same; and it shall be lawful for the Secretary of State to remit the whole or any Part of such Penalty, and so much thereof as shall not be so remitted, and not otherwise especially appropriated by this Act, shall be applied by such Inspector, under the Direction of One of Her Majesty's Principal Secretaries of State, in such Manner as shall appear best for the Establishment or Support of Day Schools for the Education of Children employed in Print Works; and so much of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Corporations in* England *and* Wales, as provides that certain Penalties and Forfeitures, if recovered before any Justice of any Borough having a separate Court of Quarter Sessions of the Peace, shall be recovered for and adjudged to be paid to the Treasurer of such Borough, shall be repealed as to the Penalties imposed under this Act.

5 & 6 W. 4. c. 76.

How former Conviction may be proved.

XLIX. And be it enacted, That whenever any Person shall be convicted of any Offence against this Act, the Clerk of the Peace where such Conviction shall have been filed shall, upon the Request in Writing of any Inspector or Sub-Inspector, deliver or cause to be delivered to him a Copy of the Conviction, certified under his Hand to be a true Copy; and every such Copy shall be received as Evidence of such Conviction upon any future Proceeding under this Act; and for every such Copy the Clerk shall be entitled to have a Fee of One Shilling, and no more.

Convictions to be filed amongst the Records of the County.

L. And be it enacted, That every Conviction under this Act may be in the Form given in the Schedule (D.) to this Act annexed, or in any other Form more suitable to the Case, and shall be certified in *England* and *Ireland* to the next General or Quarter Sessions of the Peace, and in *Scotland* to the Clerk of

of the Justices of the Peace, there to be filed amongst the Records of the County, Riding, Division, Stewartry, Town, or Place.

No Appeal from Convictions, except in certain Cases.

LI. And be it enacted, That no Appeal shall be allowed against any Conviction under this Act, except for an Offence punishable, at Discretion, by Fine or Imprisonment, or when the Penalty awarded shall be more than Three Pounds; neither shall any Conviction, except as aforesaid, be removable by Certiorari or Bill of Advocation into any Court whatever; and no Information, Conviction, or other Proceeding on any Complaint for an Offence against this Act shall be quashed or deemed illegal for Matter of Form, or for the Want of any Averment unnecessary to be proved, or the Omission of any Word, or for the Insertion of any Word, in any Case in which such Omission or such Insertion respectively do not affect the Essence of the Offence, nor for the wrong Designation of a Name or Time or Place, where the Person, Time, and Place intended shall have been so stated as to have been, in the Opinion of the Justices by whom the Complaint shall have been heard, clearly understood by the Person charged with such Offence; and it shall not be necessary, in any Information, Conviction, or other Proceeding under this Act, to define the Processes carried on in such Print Work, or to set out that the Print Work or Process of Employment referred to is not within any of the Cases excepted, provided that it be therein stated that such Print Work is a Print Work within this Act; and the Proof of being within any such excepted Case shall lie upon the Party claiming the Benefit of such Exception.

Appeal.

LII. And be it enacted, That any Person aggrieved by any such Conviction for which an Appeal is allowed by this Act may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of the Conviction for the County or other Jurisdiction wherein the Cause of Complaint shall have arisen; provided that the Person so intending to appeal shall give to the Inspector or Sub-Inspector of the District Notice in Writing of such Appeal, and of the Cause or Matter thereof, within Three Days after the Conviction or Order, and Seven clear Days at the least before such Session, and shall also enter into a Recognizance with Two sufficient Sureties before a Justice of the Peace for the County or other Jurisdiction Seven clear Days at the least before such Session, conditioned personally to appear at the said Session, and to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as shall be by the Court awarded; and the Court at such Session shall hear and determine the Matter of Appeal, and shall make such Order thereon as to the Court shall seem meet; and in case of the Dismissal of the Appeal or the Affirmance of the Conviction or Order the Court shall adjudge and order the Party to be punished according to the Conviction, or to obey the Order appealed against, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

Who are to exercise the Powers of Justices.

LIII. And be it enacted, That in all Cases in which a Justice of the Peace is required or empowered to do any thing under this Act, or is named therein, a Burgh Magistrate shall have within his Jurisdiction the same Powers and Duties as are herein given to such Justice, and shall exercise the same in *Scotland;* but no Complaint preferred for any Offence against this Act committed in a Print Work shall be heard by a Justice of the Peace or Burgh Magistrate, being an Occupier of the Print Work, or being the Father, Son, or Brother of the Occupier of the Print Work, in which the Offence set forth in the Complaint shall have been committed.

Alteration of Act.

LIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES to which the Act refers.

SCHEDULE (A.)

SURGICAL CERTIFICATE.

(*To be written or printed on white Paper.*)

PRINT WORKS REGULATION ACT, VICTORIA, C.

No. ——. CERTIFICATE of AGE for a CHILD to be employed in the Print Work of
situated at in .

I of duly appointed a certifying Surgeon, do hereby certify, That
Son [*or* Daughter] of and residing in
has been personally examined by me this Day of One thousand eight hundred
and and that the said Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and that I believe the real Age of the said Child to be at least Eight Years; and that the said Child is not incapacitated by Disease or bodily Infirmity from working in the above-named Print Work for the Time allowed by this Act.

Signed Certifying Surgeon.

The Form of Surgical Certificate to be given to a Child who has obtained a Certificate of real Age shall be the same as above, omitting the Words "and that the said Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and that I believe the real Age of the said Child to be at least Eight Years," and substituting these Words in their Place, "and that a Certificate of the Birth [*or* Baptism] of the said Child has been produced to me in the Form required by this Act, proving that the real Age of such Child is at least Eight Years."

(*To*

(*To be written or printed on coloured Paper.*)

PRINT WORKS REGULATION ACT, VICTORIA, C. .

No. ——. CERTIFICATE of AGE for a YOUNG PERSON to be employed in the Print Work of situate at in .

I of duly appointed a certifying Surgeon, do hereby certify, That Son [*or* Daughter] of and residing in has been personally examined by me, this Day of One thousand eight hundred and and that the said young Person has the ordinary Strength and Appearance of a young Person of at least Thirteen Years of Age, and that I believe the real Age of the said young Person to be at least Thirteen Years; and that the said young Person is not incapacitated by Disease or bodily Infirmity from working in the above-named Print Work for the Time allowed by this Act.

Signed Certifying Surgeon.

The Form of Surgical Certificate to be given to a young Person who has obtained a Certificate of real Age shall be the same as the above, omitting the Words "and that the said young Person has the ordinary Strength and Appearance of a young Person of at least Thirteen Years of Age, and that I believe the real Age of the said young Person to be at least Thirteen Years," and substituting these Words in their Place, "and that a Certificate of the Birth [*or* Baptism] of the said young Person has been produced to me in the Form required by this Act, proving that the real Age of such young Person is at least Thirteen Years."

The Form of Surgical Certificate to be given in either Case by any Practitioner who is not a certifying Surgeon must be the same as the corresponding Form above given, omitting the Words "duly appointed a certifying Surgeon," and substituting the Words "duly authorized by the University [*or* College *or other public Body having Authority in that Behalf*] of to practise Surgery [*or* Medicine]," and making the following Addition, which must be signed by a Justice of the Peace or Burgh Magistrate :—

The Child [*or* young Person] named in the above-written Certificate has been this Day brought before me; and the Appearance of the said Child [*or* young Person] agrees with the Description therein given; and I believe the real Age of the said Child [*or* young Person] to be at least [*here insert the Word* "Eight" *or* "Thirteen" *in the Case of a young Person,*] Years; and I declare that I have no beneficial Interest in and am not the Occupier of any Print Work, and that I am not the Father, Son, or Brother of the Occupier of any Print Work.

Dated this Day of One thousand eight hundred and .

Signed *C.D.*, Justice.
[*or* Burgh Magistrate.]

In every Surgical Certificate of Age the Day of the Month on which it shall be granted shall be written in Words, and not in Figures.

So soon as any Certificates authorized by this Act to be received as Proof of the Age of any Persons shall be obtained by the Occupier of a Print Work or his Agent, they shall be fixed in a Book, to be called "The Age Certificate Book," in the Order of the Dates at which they shall have been respectively received; and such Certificates shall be numbered in the Order in which they are so fixed in the Book; but the Certificates for Children shall be kept in a separate and distinct Place in the said Book, or in a separate Book, and shall be marked with a Series of running Numbers distinct from that of the Certificates for young Persons.

So soon as any Certificate of Age authorized by this Act shall be obtained, the Number herein-before required to be set against each Certificate shall be set against the Name of the Child or young Person to whom such Certificate has been granted in the first Column of the Register of the Persons employed required by this Act to be kept in each Factory.

If a Surgeon shall have refused to grant a Certificate of Age to any Child or young Person the Word "Refused" shall be written by the Surgeon in the Column of the Register where the Numbers of the Certificates are required to be inserted.

PRINT WORKS REGULATION ACT, VICTORIA, C. .

CERTIFICATE REFUSED.

I of duly appointed a certifying Surgeon, do hereby declare, That Son [*or* Daughter] of residing in has been personally examined by me this Day of One thousand eight hundred and and that in my Opinion the said [Child *or* young Person] has not the ordinary Strength and Appearance of a Child of at least Eight Years of Age [*or* of a young Person of at least Thirteen Years of Age], or [*or* and] is incapacitated by Disease and bodily Infirmity from working in a Print Work for the Time allowed by this Act.

Signed Certifying Surgeon.

N.B.—The Words within Brackets shall be in the Handwriting of the certifying Surgeon, who shall insert the Reason of his Refusal to be either on account of deficient Age or bodily Infirmity, or both, as the Case may be.

PRINT WORKS REGULATION ACT, VICTORIA, c.

SCHOOL CERTIFICATE BOOK.

I HEREBY certify, That the Child *A.B.*, Son [*or* Daughter] of *C.D.* and *E.F.* residing in attended the School kept by me at in the Parish and County of for the Number of Hours and at the Time on each Day specified in the Columns opposite to his [*or* her] Name.

During the Week ending on Saturday the Day of 18 .

Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.		Total Number of Hours during this Week.
From	To	From	To	From	To	From	To	From	To	From	To	

Signed this Day of Schoolmaster, 18 .

During the Week ending on Saturday the Day of 18 .

Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.		Total Number of Hours during this Week.
From	To	From	To	From	To	From	To	From	To	From	To	

Signed this Day of Schoolmaster, 18 .

Under the Column headed with the Days of the Week the Periods of the Day that each Child attends School shall be stated, as thus, from Nine to Twelve, or from Two to Five, or any other Time, as the Case may be.

The Time when each Child attends School, or the Word "Absent," shall be stated in the Column for each Day in the Handwriting of the Schoolmaster; and no Certificate shall be valid unless the Schoolmaster shall, in his own Handwriting, subscribe to it his Christian and Surname in full.

Each Certificate Book shall contain Twenty-six Forms similar to the above, and shall be valid for the Purposes of this Act for Six Months only, either from the First Day of January to the last Day of June, or from the First Day of July to the last Day of December of any Year; and at the Expiration of either Period of Six Months such Certificate Book, containing the School Attendance of the Child certified, shall be delivered by the Parent or other Person having direct Benefit from the Wages of such Child to the Occupier of the Print Work where such Child is employed, and if the Child cease to be employed in the Print Work to the Occupier of which such School Certificate Book was delivered, the Parent or other Person as aforesaid shall be entitled, on demand, to have the said Certificate Book restored to him.

SCHEDULE (B.)

REGISTERS.

Form of the Register of Children.

LIST of CHILDREN employed in this PRINT WORK.

No. of Reference to Age Certificate Book, as required by Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any Child ceases to be employed, insert opposite the Name the Word "Left;" and when any Child completes his Thirteenth Year of Age, the Word "Thirteen."	School at which the Child attends.	
	Surname.	Christian Name.	Month.	Day.	Year.		Name of the Master.	Situation of the School.

This Register shall contain the Name of every Child employed in the Print Work, to be entered in alphabetical Order, successively when engaged to work, whether for the first Time, or after having left when re-engaged to work.

At the Beginning of this Register shall be inserted—

1. The Name of the Occupier or Firm.
2. The Name of the Print Work, the Place, Township, Parish, and County where it is situated, and the Post Office to which the Occupier desires his Letters to be directed.
3. The Nature of the Work carried on.
4. The Clock by which the Employment of the Workers in the Print Work is regulated.

Every Alteration in any of the above Particulars shall be inserted immediately after the Alteration shall have been made.

Form for the Register of Young Persons.

LIST of YOUNG PERSONS employed in this FACTORY.

No. of Reference to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any young Person ceases to be employed, insert opposite the Name the Word "Left;" and when any young Person completes his Sixteenth Year of Age, the Word "Sixteen."
	Surname.	Christian Name.	Month.	Day.	Year.	

The Visits of the certifying Surgeon to the Print Work shall be recorded in this Register in the Manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.

* If the Surgeon shall be told that there is no Child or young Person in the Print Work to be examined at the Time of his Visit he shall insert in this Column the Word "None."

† If none be granted he shall insert the Word "None."

SCHEDULE (C.)

Notice to be fixed up in the Print Work.

FORM for the NOTICE to be fixed up of the Names and Addresses of the Inspector and Sub-Inspector, and the Clock for regulating the Hours of Work in the Print Work.

Name and Address of the Inspector of the District _____

Name and Address of the Sub-Inspector of the District - - - - - _____

Name and Address of the Surgeon who grants Certificates of Age for the Print Work - _____

Clock by which the Hours of Work are regulated _____

SCHEDULE (D.)

Forms of Summonses and Conviction.

FORM of SUMMONS to be issued by an Inspector or Sub-Inspector against a Person who has committed an Offence.

County of
[*or* Borough of]

To the Constable of

WHEREAS it appeareth to me, *I.F.*, one of Her Majesty's Inspectors [*or* Sub-Inspector] of Factories, that *A.D.* of in the County [*or* Borough, *&c.*] of hath offended against the Act made in the Year of Her Majesty's Reign, intituled [*here set forth the Title of this Act*], forasmuch as he the said *A.D.*, on the Day of in the Year of our Lord at in the County [*or* Borough, *&c.*] of did [*here set forth the Substance of the Charge*]:

Charge]: These, therefore, are to require you forthwith to summon the said *A.D.* to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the County [*or* Borough, *&c.*] of who shall be present at in the County [*or* Borough, *&c.*] of on the Day of at the Hour of in the noon of the same Day, to answer to the said Charge, and to be further dealt with according to Law, and be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand this Day of in the Year of our Lord

Signed *I.F.*, Inspector [*or* Sub-Inspector].

FORM of SUMMONS of a Witness to be issued by an Inspector or Sub-Inspector.

County of
[*or* Borough of]

To the Constable of

WHEREAS it appeareth to me, *I.F.*, one of Her Majesty's Inspectors [*or* Sub-Inspector] of Factories, that *A.D.* of in the County [*or* Borough, *&c.*] of hath offended against the Act made in the Year of Her Majesty's Reign, intituled [*here set forth the Title of the Act*]; forasmuch as he the said *A.D.*, on the Day of in the Year of our Lord at in the County [*or* Borough, *&c.*] of did [*here set forth the Substance of the Charge*], and that *B.P.* of in the County [*or* Borough, *&c.*] is a material Witness to be examined concerning the said Charge: These, therefore, are to require you forthwith to summon the said *B.P.* to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the County [*or* Borough, *&c.*] of as shall be present at in the County [*or* Borough, *&c.*] of on the Day of at the Hour of in the noon of the same Day, to testify his Knowledge concerning the Premises, and be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand, this Day of in the Year of our Lord

Signed *I.F.*, Inspector [*or* Sub-Inspector].

FORM of CONVICTION.

County of
[Liberty *or* Borough, *as the Case may be.*]

Be it remembered, That on the Day of in the Year One thousand eight hundred and *A.B.* [*describe the Offender*] is convicted before us *J.P.* and *K.Q.*, Two of Her Majesty's Justices of the Peace for the County [Liberty *or* Borough, *as the Case may be,*] of in pursuance of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], for that he [*describe the Offence*].

Given under our Hands and Seals, the Day and Year above written.

J.P. (L.S.)
K.Q. (L.S.)

CAP. XXX.

An Act to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council.* [30th *June* 1845.]

'WHEREAS by an Act passed in the Session held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council*, after reciting that various Appeals to His Majesty in Council from the Courts of Suddur Dewanny Adawlut at the several Presidencies of *Calcutta*, *Madras*, and *Bombay*, in the *East Indies*, had been admitted by the said Courts, and the Transcripts of the Proceedings in Appeal had been from Time to Time transmitted under the Seal of the said Courts through the *East India* Company, then called the United Company of Merchants of *England* trading to the *East Indies*, to the Office of His Majesty's said Privy Council, but that the Suitors in the Causes so appealed had not taken the necessary Measures to bring on the same to a Hearing, it was enacted that it should be lawful for His Majesty in Council to give such Directions to the said Company and other Persons, for the Purpose of bringing to a Hearing before the Judicial Committee of the Privy Council the several Cases appealed or thereafter to be appealed to His Majesty in Council from the several Courts of Suddur Dewanny Adawlut in the *East Indies*, and for appointing Agents and Counsel for the different Parties in such Appeals, and to make such Orders for the Security and Payment of the Costs thereof as His said Majesty in Council should think fit, and thereupon such Appeals should be heard and reported on to His Majesty in Council, and should be by His Majesty in Council determined, in the same Manner, and the Judgments, Orders, and Decrees of His Majesty in Council thereon should be of the same Force and Effect, as if the same had been brought to a Hearing by the Direction of the Parties appealing, in the usual Course of Proceeding: Provided always, that such last-mentioned Powers should not extend to any Appeals from the said Courts of Suddur Dewanny Adawlut other than Appeals in which no Proceedings then had been or should thereafter be taken in *England* on either Side for a Period of Two Years subsequent to the Admission of the Appeal by such Court of Suddur Dewanny Adawlut: And whereas by certain Orders in Council made under certain Powers contained in the said 3 & 4 W. 4. c. 41.

Recited Provisions of 3 & 4 W. 4. c. 41. not to apply to Appeals admitted by Suddur Courts after 1st Jan. 1846.

'Act Provision is made for registering in the Council Office the Arrival in this Country of the Tran-'scripts of the Proceedings in Appeals from the said Courts: And whereas it is considered advisable 'that the said Act should be amended in manner herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the herein-before recited Provisions of the said Act shall not apply to the Case of any Appeal which shall be admitted by any of the said Courts of Suddur Dewanny Adawlut after the First Day of *January* One thousand eight hundred and forty-six.

Appeals admitted after 1st Jan. 1846 to be considered as abandoned by Consent, unless, &c.

II. And be it enacted, That any Appeal to be admitted by any of the said Courts of Suddur Dewanny Adawlut after the said First Day of *January* One thousand eight hundred and forty-six shall be considered and be held to be abandoned and withdrawn by Consent of the Parties thereto, unless some Proceedings shall be taken in *England* in the same by One or more of the Parties thereto within Two Years after Registration at the Council Office of the Arrival of the Transcript; and any such Appeal as aforesaid shall be held to be abandoned and withdrawn in like Manner under any other Circumstances which Her Majesty in Council may from Time to Time by any Orders or Rules in that Behalf direct to be taken and considered as a Withdrawal thereof; and the *East India* Company are hereby required from Time to Time to ascertain and certify to the proper Courts in the *East Indies* all Appeals which may from Time to Time become abandoned and dropped under the Provisions of this Clause.

CAP. XXXI.

An Act to facilitate the Transmission and Extinction of Heritable Securities for Debt in *Scotland*, [30th *June* 1845.]

'WHEREAS it is expedient to facilitate the Transmission and Extinction of Heritable Securities for 'Debt in *Scotland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where an Heritable Security has been constituted by Infeftment the Right of the Creditor therein may be transferred, either in whole or in part, by an Assignation or other Deed of Conveyance, in the Form or as nearly as may be in the Terms set forth in the Schedule (No. 1.) hereto annexed; and on such Assignation or Conveyance being recorded in the General Register of Sasines, or in the Particular Register or Burgh Register of Sasines applicable to the Lands contained in the Security, the said Heritable Security shall be transferred to the Assignee as effectually as if such Heritable Security had been disponed and assigned, and the Disposition and Assignation or Conveyance had been followed by Sasine duly recorded according to the present Law and Practice; and such Assignee or Disponee shall thereupon be held to be fully entered as if he had obtained a Renewal of the Investiture in his Favour, according to the Law and Practice in use before the passing of this Act: Provided always, that where the Assignation or Conveyance of an Heritable Security constituted as aforesaid is contained in a Deed of Conveyance granted for further Purposes and Objects, or conveying other Properties, such as a Marriage Contract, Deed of Trust or Settlement, it shall not be necessary to record the whole of such Deed, but it shall be sufficient to expede and to put upon record a notarial Instrument, setting forth generally the Nature of the Deed of Conveyance, and containing at length the Part of such Deed which relates to and conveys the Security in question.

Heritable Securities to be transferred in the Form prescribed.

When Conveyance of Heritable Security is contained in a general Deed of Conveyance, the whole of such Deed need not be recorded.

Completion of Title of Heir by Writ of Acknowledgment from Proprietor.

II. And be it enacted, That upon the Death of any Creditor fully vested in right of an Heritable Security constituted as aforesaid, it shall be competent for his Heir to complete his Title thereto by a Writ of Acknowledgment to be granted in his Favour by the Person duly infeft, of whom such Security is held, in the Form and as nearly as may be in the Terms set forth in Schedule (No. 2.) hereto annexed; and on such Writ being registered in the General Register of Sasines, or the Particular or Burgh Register respectively as aforesaid, the Heir in whose Favour such Writ has been granted shall be vested with the full Right of the Creditor in such Security, and shall be held to be entered with the Superior in like Manner and to the same Effect as the Creditor himself.

Adjudgers to complete their Title by recording the Abbreviate of Adjudication.

III. And be it enacted, That where an Adjudication of any Heritable Security, vested as aforesaid, has been brought against the Creditor in such Security, or against the Heir of such Creditor, it shall be competent for the Adjudger to complete his Title thereto by recording, in the General or Particular or Burgh Registers of Sasines respectively as aforesaid, the Abbreviate of the Adjudication; which Registration shall have the same Effect as if the Adjudger had been entered and infeft on a Charter of Adjudication.

Heir or General Disponee may complete Title by notarial Instrument recorded.

IV. And be it enacted, That it shall be competent to the Heir duly served and retoured, or to the General Disponee of any Creditor, who was duly vested in an Heritable Security as above mentioned, to complete his Title to such Security without the Intervention of the Superior, by expeding and recording an Instrument under the Hands of a Notary Public, in the Form and as nearly as may be in the Terms set forth in Schedule (No. 3.) hereto annexed; and on such Instrument being registered in the General, Particular, or Burgh Registers respectively as above mentioned, such Heir or Disponee shall be taken to be vested with the full Right of the Creditor in such Security and to be entered with the Superior, in the same Manner and to the same Effect as the Creditor himself.

Assignations, Conveyances, &c. to be registered forthwith.

V. And be it enacted, That Assignations and Conveyances of Heritable Securities, Writs of Acknowledgment in favour of Heirs, or Instruments taken in favour of Heirs or Disponees, or Discharges of Heritable Securities, presented for Registration in pursuance of this Act, shall be forthwith shortly registered

tered in the Minute Books of the Register of Sasines in common Form, and shall, with all due Despatch, be fully registered in the Register Books, and thereafter re-delivered to the Parties, with Certificates of due Registration thereon, which shall be probative of such Registration, such Certificates specifying the Date of Presentation and the Book and Folio in which the Ingrossment has been made, and being subscribed by the Keeper of the Register; and the Date of Entry in the Minute Book shall be held to be the Date of Registration, and Extracts of Writings, registered in pursuance of this Act, shall make Faith in all Cases, in like Manner as the Writings registered, except where the Writings so registered are offered to be improven.

Assignations or Conveyances to be registered at any Time.

VI. And be it enacted, That Assignations or Conveyances of Heritable Securities, constituted as aforesaid, may be registered at any Time; and all such Writings shall in competition be preferable according to the Date of the Registration thereof.

In all Questions under the Bankrupt Acts in Scotland, the Dates of the Registration of Assignations, &c. to be held to be the Dates of the Instruments.

VII. And be it enacted, That in all Questions under an Act passed by the Parliament of *Scotland* in the Year One thousand six hundred and ninety-six, intituled *Act for declaring Nottour Bankrupt;* and under an Act passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for rendering the Payment of Creditors more equal and expeditious in* Scotland; and under an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for regulating the Sequestration of the Estates of Bankrupts in* Scotland; the Date of the Registration of all Assignations, Conveyances, Writs of Acknowledgment, Instruments, Discharges, or other Deeds granted or taken in pursuance of this Act, shall be held to be the Date of such Assignations, Conveyances, Writs of Acknowledgment, Instruments, Discharges, and Deeds respectively, without Prejudice to their Validity or Invalidity in other respects.

How any Bond or Disposition in Security may be renounced or discharged.

VIII. And be it enacted, That any Bond and Disposition in Security, completed by Infeftment or other Heritable Security, may be effectually renounced and discharged, in whole or in part, by a Discharge in the Form or as nearly as may be in the Terms set forth in the Schedule (No. 4.) hereto annexed, and by the Registration of such Discharge in the General Register of Sasines or the Particular or Burgh Register of Sasines as aforesaid.

Parties may use present Forms.

IX. And be it enacted and declared, That nothing in this Act contained shall prevent the Transmission or Extinction of Heritable Securities in the Forms in use at the passing of this Act.

Fees to be taken by existing Town Clerks of Royal Burghs and Keepers of Registers during their respective Rights of Office, &c.

X. And be it enacted, That nothing herein contained shall be construed to prevent the existing Town Clerks of Royal Burghs in *Scotland*, during the Existence of their respective Rights of Office, from exacting and receiving the same Fees in respect of the recording of Assignations or Conveyances of Heritable Securities, Abbreviates of Adjudication, Writs of Acknowledgment in favour of Heirs, or Instruments taken in favour of Heirs and Disponees under this Act, as the same Town Clerks would before the passing of this Act have been legally entitled to exact or receive on their own Account, in respect of passing the Infeftments within Burgh, and preparing and recording the Instruments of Sasine and Resignation rendered unnecessary by such Assignations, Conveyances, Writs of Acknowledgment, Instruments, or Abbreviates of Adjudication as aforesaid; provided always, that in computing the said Fees such Instruments of Sasine and Resignation shall not be computed as of greater Length than the Writings actually recorded whereby such Instruments of Sasine and Resignation have been rendered unnecessary; and all other Keepers of Registers of Sasine, during the Existence of their respective Rights of Office, or until otherwise regulated by Law, shall, upon the Registration by them of each Assignation, Conveyance, Writing of Acknowledgment, Abbreviate of Adjudication, or Instrument aforesaid, registered under the Provisions of this Act, be entitled to the same Fees as such Keeper would have been entitled to upon the Registration of an Instrument of Sasine of the same Length in favour of the same Party in reference to the same Right, and to no other or further Fee whatever.

Fees may be regulated by the Court of Session.

XI. And be it enacted and declared, That nothing in this Act contained shall prevent the Court of Session from passing such Acts of Sederunt as the said Court may deem proper for regulating the aforesaid Registers, and the Fees to be paid to the several Keepers thereof, and having regard to the Nature and Extent of the Interests of such Keepers.

Interpretation Clause.

"Notary Public:"

"Creditor:"

"Lands:"

Number: Gender.

XII. And be it enacted, That the following Words used in this Act and in the Schedules hereto annexed shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context of the Act shall be repugnant to such Construction; (that is to say,) the Words "Notary Public" shall be held to mean a Notary Public in *Scotland* duly admitted and practising there; the Word "Creditor" shall extend to and include the Party in whose Favour the Heritable Security is granted, or who is in right thereof; the Word "Lands" shall include all Heritable Subjects or Real Estate over which the Security extends, and whereof Infeftment may be taken; every Word importing the Singular Number shall extend and be applied to several Persons as well as one Person, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Commencement of Act.

XIII. And be it enacted, That this Act shall commence and take effect from and after the First Day of *October* in the present Year One thousand eight hundred and forty-five.

Alteration of Act.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (No. 1.)

Form of Assignation of a Bond and Disposition in Security and Sasine thereon.

I *A.B.* [*Name and Designation of Cedent*], in consideration of the Sum of [*insert Sum*] now paid to me, do hereby assign, dispone, and convey to and in favour of *C.D.* [*Name and Designation of Assignee*], a Bond or Disposition in Security, dated the [*insert the Date*], for the Sum of [*insert Sum*], granted by *E.F.* (a) [*Name and Designation of Debtor*] in my Favour, with Interest from the [*insert Date*], and also all and whole [*describe the Lands*], (b) all as specified and described in the said Bond and Instrument of Sasine thereon, and registered in the [*here specify the Register of Sasines in which the Sasine is registered*], on the [*specify Date of Registration*]. In witness whereof, *&c.* [*Here insert a Testing Clause in legal Form.*]

G.H., Witness. (Signed) *C.D.*
I.K., Witness.

Note:—(a) If the Conveyance is granted not by the original Creditor in the Security, but by a Person to whom the Security has already been assigned, or in whom it has become vested by Succession or Diligence, the Conveyance will shortly narrate the Title or Series of Titles by which the Granter of the Conveyance has Right to it.

(b) Where the Assignation is made under any Qualification or Condition, such will be introduced after the Description of the Lands.

SCHEDULE (No. 2.)

Form of Writ of Acknowledgment by a Person infeft of Lands in favour of the Heir or Disponee of the Creditor.

I *A.B.* [*insert Name and Designation of Granter*] hereby acknowledge *C.D.* [*insert Name and Designation of Creditor*], being [*specify Relationship*], and thereby in right of a Bond and Disposition in Security, dated [*insert Date*], for the Sum of [*insert Sum*], granted by [*insert Name and Designation of Debtor*] in favour of [*insert Name and Designation of Creditor*], and Sasine thereon, registered in the [*specify the Register of Sasines in which the Sasine is registered*] on the [*specify Date of Registration*], over all and whole [*describe the Lands*]. In witness whereof, *&c.* [*Here insert a Testing Clause in legal Form.*]

E.F., Witness. (Signed) *A.B.*
G.H., Witness.

SCHEDULE (No. 3.)

Form of Instrument in favour of an Heir of a Creditor.

Be it known that, by Bond and Disposition in Security, dated the [*insert Date*], and Sasine thereon, registered in the [*specify Register of Sasines*] on the [*insert Date*], granted by *A.B.* in favour of *C.D.*, the said *A.B.* bound and obliged himself [*insert the personal Obligation and Disposition of the Lands in Security, with the Description of them contained in the Bond*], to which Bond and Disposition in Security, and Lands and others therein contained, and Sasine thereon, *E.F.* acquired Right by [general *or* special Service, *as the Case may be*], as [*specify Character in which Heir was served*] to the said *C.D.*, dated the [*insert Date of Service*], before the [*specify the Court before which the Heir has been served*], and duly retoured to Chancery [*if the Party be a Disponee, state the Date of the Disposition in his Favour*]. (a) Whereupon this Instrument is taken by the said *E.F.* in the Hands of *G.H.* [*Name and Designation of Notary Public*] in the Terms of the Act Victoria, intituled "An Act to facilitate the Transmission and Extinction of Heritable Securities for Debt in Scotland." In witness whereof [*here insert a Testing Clause in legal Form*].

J.K., Witness. (Signed) *G.H.*
L.M., Witness. Notary Public.

Note (a).—If the Person in whose Favour the Instrument is taken is not the Heir or Disponee of the original Creditor, but of one who has acquired Right to the Debt, here specify shortly the Title or Series of Titles by which the Ancestor of the Heir or Author of the Disponee acquired such Right.

SCHEDULE (No. 4.)

Form of Discharge of Bond and Disposition in Security.

I *A.B.*, in consideration of the Sum of [*specify Sum*] now paid to me by *C.D.*, do hereby discharge a Bond and Disposition, dated [*insert Date*], in security for the Sum of [*insert Sum*] granted by [*insert Name and Designation of Debtor*], in favour of [*specify Name and Designation of Grantee*], and of all Interest due thereon; (b) and I declare to be redeemed and disburdened thereof, and of the Infeftment following thereon, all and whole [*describe the Lands*], all as specified and described in the said Bond and Disposition in Security, and Instrument of Sasine thereon, as the same is registered in the [*specify the Register of Sasines in which the Sasine is registered*], on the [*specify Date of Registration*]. In witness whereof, *&c.* [*Here insert a Testing Clause in legal Form.*]

E.F., Witness. (Signed) *A.B.*
G.H., Witness.

Note (b).—If the Granter of the Discharge is not the original Creditor, but one who has acquired Right to the Debt, specify shortly, immediately before the Testing Clause of the Writing, the Title or Series of Titles by which the Granter acquired such Right.

CAP. XXXII.

An Act to alter and amend the Laws enabling Justices of the Peace in certain Cases to borrow Money on Mortgage of the County Rates, so far as the same relate to the County of *Middlesex*. [30th *June* 1845.]

'WHEREAS by an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in* England *and* Wales, Justices of the Peace in Quarter Sessions assembled were authorized, under the Restrictions therein mentioned, from Time to Time to borrow and take up on Mortgage of the Rate of any County such Sum of Money and for such Purposes as therein mentioned, and to secure every such Sum of Money so borrowed upon the Credit of the said Rate: And whereas by an Act passed in the Fifth Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act for amending an Act of the last Session of Parliament relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction; and the procuring Information as to the State of all other Gaols and Houses of Correction in* England *and* Wales, the Justices of the Peace assembled at any General or Quarter Sessions to be holden for any County were authorized, in certain Cases, and under the Restrictions therein mentioned, to borrow on Mortgage of the Rate of such County any Sum or Sums of Money not exceeding in the whole the Principal Sum of Money that might then be outstanding on the Securities theretofore granted under the said first-recited Act, and therewith to discharge the whole or any Part of the Money for which such Securities should have been given: And whereas by an Act passed in the Sixth Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to enable Justices of the Peace in* England, *in certain Cases, to borrow Money on Mortgage of the Rate of the County, Riding, or Place for which such Justices shall be then acting*, the Justices of the Peace assembled at any General or Quarter Sessions to be holden for any County were authorized, in certain Cases, and under the Restrictions therein mentioned, to borrow on Mortgage of the Rate of such County any Sum or Sums of Money not exceeding in the whole the Principal Sum of Money that might then be outstanding on the Securities theretofore granted under the Provisions of the said recited Acts of the Fourth and Fifth Years of the Reign of His said Majesty King *George* the Fourth, or of either of them, or under the Provisions of an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in* England, or under the Provisions of any other Act or Acts, and therewith to pay off and discharge the whole or any Part of the Money for which such Securities should have been given; and by the same now reciting Act some of the Restrictions imposed by the said herein-before recited Acts upon the Power thereby given to borrow Money on Mortgage of the Rate of any County as aforesaid were repealed: And whereas by an Act passed in the Seventh Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to provide for repairing, improving, and rebuilding Shire Halls, County Halls, and other Buildings for holding the Assizes and Grand Sessions, and also Judge's Lodgings, throughout* England *and* Wales, the Justices of the Peace in Quarter Sessions assembled were authorized, under the Restrictions therein mentioned, from Time to Time to borrow and take up on Mortgage of the Rate of any County such Sum of Money and for such Purposes as therein mentioned, and to secure every such Sum of Money so borrowed upon the Credit of the said Rates; and by the now reciting Act the said recited Act of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, and the several Clauses, Powers, and Provisions therein contained relating to the paying off of any Debt or Debts, and the borrowing of any Money for such Purposes, were made applicable to the paying off any Money borrowed under the Provisions or for the Purposes of the now reciting Act: And whereas by an Act passed in the Ninth Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics, in* England, the Justices of the Peace within the respective Limits of their Commission, assembled in their Quarter Sessions, were authorized, under the Restrictions therein mentioned, from Time to Time to borrow and take up on Mortgage of the Rates for any County such Sum of Money and for such Purposes as therein mentioned, and to secure all and every such Sum and Sums of Money so borrowed upon the Credit of the Rates to be raised upon such County respectively: And whereas by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to provide for repairing, improving, and rebuilding County Bridges*, the Justices of the Peace in Quarter Sessions assembled were authorized, under the Restrictions therein mentioned, from Time to Time to borrow and take up on Mortgage of the Rate of any County such Sum of Money and for such Purposes as therein mentioned, and to secure every such Sum of Money so borrowed upon the Credit of the said Rate; and by the now reciting Act the said recited Act of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, and the several Clauses, Powers, and Provisions in the said recited Act contained, relating to the paying off of any Debt or Debts, and the borrowing of any Money for such Purpose, were made applicable to the paying off any Money borrowed under the Provisions or for the Purposes of the now reciting Act: And whereas by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present

4 G. 4. c. 64
5 G. 4. c. 85.
6 G. 4. c. 40.
48 G. 3. c. 96.
7 G. 4. c. 63.
9 G. 4. c. 40.
4 & 5 Vict. c. 49.

'Majesty,

5 & 6 Vict. c. 98.

'Majesty, intituled *An Act to amend the Laws concerning Prisons*, some of the Restrictions imposed by 'the said recited Act of the Fourth Year of the Reign of King *George* the Fourth upon the Power 'thereby given to borrow Money on Mortgage of the Rate of any County, for the Purposes therein men- 'tioned, were repealed, and in lieu thereof other Restrictions were imposed upon the Power given by 'the said last-mentioned Act to borrow Money for the Purposes therein mentioned: And whereas the 'Rates of the County of *Middlesex* are now charged with the Payment of a large Amount of Money, 'under the Provisions of the several herein-before recited Acts, or some of them, and of certain other 'Acts: And whereas it may from Time to Time be necessary to borrow on Mortgage of the same Rates 'further Sums of Money, to be applied for the Purposes mentioned in the said several recited Acts of 'the Fourth, Seventh, and Ninth Years of the Reign of His said Majesty King *George* the Fourth, and 'the said Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of 'Her present Majesty; but such of the Restrictions imposed by the same several Acts respectively, and 'by the said recited Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the 'Reign of Her present Majesty, upon the Powers given to borrow Money for the Purposes aforesaid, as 'still remain unrepealed, make the borrowing of Money on Mortgage of the Rates of the said County 'of *Middlesex* for the Purposes aforesaid unnecessarily burdensome to the Rate-payers of the said 'County; and the Provisions contained in the said several recited Acts of the Fifth, Sixth, and Seventh 'Years of the Reign of His said Majesty King *George* the Fourth, and in the said recited Act passed in 'the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, 'enabling Justices of the Peace to borrow Money for the Purpose of paying off or discharging Money 'borrowed under the Provisions or for the Purposes of the said recited Acts, or some of them, may 'render it difficult for the Justices of the Peace of the said County of *Middlesex* to borrow Money on 'Mortgage of the Rates of the same County, for the Purposes aforesaid, upon Terms advantageous to 'the said Rate-payers; and it is therefore expedient that so much of the said several recited Acts as 'authorizes the Justices of the Peace to borrow Money on Mortgage of County Rates for any other 'Purpose than that of paying off or discharging Money which at the Time of the passing of this Act hath 'been borrowed on Mortgage of the Rates of any County should be repealed, so far as relates to the 'County of *Middlesex;* and that the Justices of the Peace for the same County should be authorized to 'borrow on Mortgage of the Rates of the same County such Sums of Money as may be hereafter required 'for the Purposes mentioned in the said several herein-before recited Acts of the Fourth, Seventh, and 'Ninth Years of the Reign of His said Majesty King *George* the Fourth, and the said Act passed in the 'Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty 'respectively, (other than for paying off or discharging Money hereafter to be borrowed on Mortgage of 'the Rates of the same County,) without being subject to the Restrictions by the same several Acts 'and the said recited Act passed in the Session of Parliament holden in the Fifth and Sixth Years of 'the Reign of Her present Majesty respectively imposed upon the Powers thereby given to borrow Money 'for the Purposes aforesaid, but subject to such other Restrictions as are herein-after imposed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said several recited Acts as authorizes the Justices of the Peace for any County to borrow Money on Mortgage of the Rates to be raised upon such County for any Purpose (other than the Purpose of paying off or discharging any Money which at the Time of the passing of this Act hath been borrowed on Mortgage of the Rates of such County), so far as the said several recited Acts respectively relate to the said County of *Middlesex*, shall be and the same is hereby repealed.

So much of the recited Acts as authorizes the borrowing of Money on Mortgage of the Rates repealed, so far as relates to the County of Middlesex.

Justices for the County of Middlesex empowered to borrow Money, on Security of the County Rate, for building or repairing Gaols, &c.;

II. And be it enacted, That from Time to Time, when any Estimate shall have been approved by the Justices of the Peace for the said County of *Middlesex* in General or Quarter Sessions assembled, for the building or rebuilding, repairing or enlarging any Gaol or House of Correction in and for the said County, under the Powers of the said recited Act of the Fourth Year of the Reign of His said Majesty King *George* the Fourth, and also when any Estimate shall have been approved by the Justices of the Peace for the said County in General or Quarter Sessions assembled, for the building or rebuilding, repairing, improving, or enlarging any Shire Hall, County Hall, or other Building in and for the said County, under the Powers of the said recited Act of the Seventh Year of the Reign of His said Majesty King *George* the Fourth, and also when it shall seem necessary and expedient to the Justices of the Peace for the said County in General or Quarter Sessions assembled to borrow and take up on Mortgage of the Rates to be raised upon the said County any Money, in order to defray the Charge and Costs of carrying the said recited Act of the Ninth Year of the Reign of His said Majesty King *George* the Fourth, relating to County Lunatic Asylums, into execution, so far as the same relates to the said County, and also when any Estimate shall have been approved by the Justices of the Peace for the said County in General or Quarter Sessions assembled for the upholding, maintaining, supporting, altering, widening, repairing, improving, or rebuilding of any County Bridge or Bridges, or the Approaches thereto, or the Land Arches connected therewith, which the said County is legally bound to repair or maintain, it shall and may be lawful for the Justices of the Peace for the said County in General or Quarter Sessions assembled from Time to Time to borrow and take up at Interest on Mortgage of the Rate of the said County, by Instrument in the Form contained in the Schedule to this Act annexed, or to the like Effect, any Sum or Sums of Money, not exceeding the Amount of such Estimates, or of such Charge and Costs as aforesaid respectively (as the Case may be), as to the said Justices shall appear necessary and expedient for the Purposes aforesaid, and to secure every such Sum of Money so borrowed upon the Credit of the said Rate.

III. And

and to charge the County Rate with the Interest, and so much more as will repay the Principal in Thirty Years.

III. And be it enacted, That from Time to Time when the Justices of the Peace for the said County shall borrow any Money under the Powers of this Act, the said Justices shall charge the Rate to be raised upon the said County, not only with the Interest of the Money so borrowed, but also with the Payment of such further Sum as will ensure the Payment of the whole Sum borrowed within Thirty Years from the Time of borrowing the same; and such Sums shall be assessed on the said County in such Manner as County Rates are directed to be assessed under the Laws in force for that Purpose, and shall be paid and applied, under the Direction of the said Justices, in discharge of the Interest and of so many of the Principal Sums on the said Securities as such Money will extend to discharge in each Year, until the whole of the Money for which such Securities shall be made, and the Interest thereof, shall be fully paid and discharged; and the said Justices shall and they are hereby required to fix One or more Day or Days in each Year on which such Payment shall be made, and shall make Orders for Assessments in due Time, so as to provide for the regular Payment thereof; and such Justices shall also and they are hereby required to appoint a proper Person to keep an exact and regular Account of all the Receipts and Payments under the Authority of this Act in a Book or Books separate and apart from all other Accounts, and the same to adjust and settle in such Manner as that it may easily be seen what Interest is growing due, and what Principal Money has been discharged, and what remains due, and the Book or Books so adjusted and settled to deliver into Court at every General or Quarter Sessions to be held for the said County; and the said Justices shall also and they are hereby required at every such Sessions carefully to inspect all such Accounts, and to make Orders for carrying the several Purposes of this Act into execution, in such Manner as to them shall seem meet.

Expences of Act.

IV. And be it enacted, That the Costs and Expences of preparing, obtaining, and passing this Act, and all other Charges incident or relating thereto, shall be paid by the Treasurer of the said County of *Middlesex* out of the First Monies which shall be in his Hands on account of the County Rates.

Public Act.

V. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

Alteration of Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act or Acts to be passed in this present Session of Parliament.

The SCHEDULE referred to in this Act.

WE, One of Her Majesty's Justices of the Peace, and Chairman of the Court of General [*or* Quarter] Sessions of the Peace for the County of Middlesex, holden at the Sessions House situate at in and for the said County on the Day of and Two others of Her Majesty's Justices of the Peace acting for the said County, and assembled in the said Court, in pursuance of the Powers to us given by an Act passed in the Year of the Reign of Her present Majesty Queen Victoria, intituled [*here insert the Title of this Act*], do hereby in open Court mortgage and charge all the Rates to be raised within the said County under the Description of County Rates with the Payment of the Sum of of lawful Money of Great Britain and Ireland, which hath proposed and agreed to lend and hath now actually paid to the Treasurer of the said County of Middlesex, upon the Credit of the said Rates, to defray the Expence of [*state the Purpose to which the Money is to be applied*]; and we do hereby confirm and establish the same unto the said his Executors, Administrators, and Assigns, for securing the Repayment of the said Sum of and Interest for the same after the Rate of for every One hundred Pounds for a Year; and do order the Treasurer for such County of Middlesex to pay the Interest of the said Sum of or of so much thereof as shall from Time to Time remain undischarged, half-yearly on the Day of and the Day of in every Year, as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of the said Act; and to pay One equal Thirtieth Part or Share of the said Principal Sum of to the said his Executors, Administrators, and Assigns, on the Day of which will be in the Year of our Lord One thousand eight hundred and and One other equal Thirtieth Part or Share of the said Principal Sum on the Day of in each and every succeeding Year, until the whole of the said Sum of shall be fully paid and discharged, pursuant to the Directions of the said Act. As witness our Hands and Seals, the Day and Year first above written.

Signed, sealed, and delivered in the Presence of }

CAP. XXXIII.

An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways in *Scotland*. [21st *July* 1845.]

'WHEREAS it is expedient to comprise in One general Act sundry Provisions usually introduced into Acts of Parliament authorizing the Construction of Railways in *Scotland*, and that as well 'for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several Acts 'relating to such Undertakings, as for ensuring greater Uniformity in the Provisions themselves: And 'whereas a Bill is now pending in Parliament, intituled *An Act for consolidating in One Act certain 'Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public*

'*Nature in* Scotland, and which is intended to be called "The Lands Clauses Consolidation (*Scotland*) 'Act, 1845 :"' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of this Act shall apply to every Railway in *Scotland* which shall by any Act which shall hereafter be passed be authorized to be constructed, and this Act shall be incorporated with such Act; and all the Clauses and Provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same shall be applicable to such Undertaking, and shall, as well as the Clauses and Provisions of every other Act which shall be incorporated with such Act, form Part of such Act, and be construed, together therewith, as forming One Act.

Operation of the Act confined to future Railways.

Interpretations in this Act:

And with respect to the Construction of this Act, and other Acts to be incorporated therewith, be it enacted as follows:

"special Act:"

II. The Expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the Construction of a Railway, and with which this Act shall be so incorporated as aforesaid; and the Word "prescribed" used in this Act in reference to any Matter herein stated shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act, and the Sentence in which such Word shall occur shall be construed as if, instead of the Word "prescribed," the Expression "prescribed for that Purpose in the special Act" had been used; and the Expression "the Lands" shall mean the Lands which shall by the special Act be authorized to be taken or used for the Purposes thereof; and the Expression "the Undertaking" shall mean the Railway and Works, of whatever Description, by the special Act authorized to be executed.

"prescribed:"

"the Lands:"

"the Undertaking."

Interpretations in this and the special Act:

III. The following Words and Expressions both in this and the special Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Number: Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number:

Gender: Words importing the Masculine Gender only shall include Females:

"Lands:" The Word "Lands" shall include Lands, Houses, Tenements, and Heritages of any Tenure:

"Lease:" The Word "Lease" shall include a Missive or an Agreement for a Lease:

"Toll:" The Word "Toll" shall include any Rate or Charge or other Payment payable under the special Act, for any Passenger, Animal, Carriage, Goods, Merchandize, Articles, Matters, or Things conveyed on the Railway:

"Month:" The Word "Month" shall mean Calendar Month:

"Lord Ordinary:" The "Lord Ordinary" shall mean the Lord Ordinary of the Court of Session in *Scotland* officiating on the Bills in Time of Vacation, or the junior Lord Ordinary if in Time of Session, as the Case may be:

"Oath:" The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath:

"County:" The Word "County" shall include any Ward or other like Division of a County:

"Sheriff:" The Word "Sheriff" shall include the Sheriff Substitute:

"Justice:" The Word "Justice" shall mean Justice of the Peace acting for the County, City, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where such Matter shall arise in respect of Lands being the Property of one and the same Party, situate not wholly in any one County, City, or Place, shall mean a Justice acting for the County, City, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter; and where any Matter shall be authorized or required to be done by Two Justices, the Expression "Two Justices" shall be understood to mean Two or more Justices assembled and acting together:

"Two Justices:"

"Owner:" Where under the Provisions of this or the special Act any Notice shall be required to be given to the Owner of any Lands, or where any Act shall be authorized or required to be done with the Consent of any such Owner, the Word "Owner" shall be understood to mean any Person or Corporation who, under the Provisions of this or the special Act, or any Act incorporated therewith, would be enabled to sell and convey Lands to the Company:

"the Bank:" The Expression "the Bank" shall mean any one of the incorporated or chartered Banks in *Scotland*:

"the Company:" The Expression "the Company" shall mean the Company or Party which shall be authorized by the special Act to construct the Railway:

"the Railway:" The Expression "the Railway" shall mean the Railway and Works by the special Act authorized to be constructed:

"Board of Trade." The Expression "the Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations.

Short Title of the Act.

IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Railways Clauses Consolidation (*Scotland*) Act, 1845."

Form in which Portions of this Act may be

V. 'And whereas it may be convenient, in some Cases, to incorporate with Acts hereafter to be 'passed some Portion only of the Provisions of this Act;' be it therefore enacted, That, for the Purpose of

of making any such Incorporation, it shall be sufficient in any such Act to enact that the Clauses of this Act with respect to the Matter so proposed to be incorporated (describing such Matter as it is described in this Act, in the Words introductory to the Enactment with respect to such Matter,) shall be incorporated with such Act, and thereupon all the Clauses and Provisions of this Act with respect to the Matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if the Substance of such Clauses and Provisions were set forth therein with reference to the Matter to which such Act shall relate. Incorporated in other Acts.

And with respect to the Construction of the Railway and the Works connected therewith, be it enacted as follows: *Construction of Railway.*

VI. In exercising the Power given to the Company by the special Act to construct the Railway, and to take Lands for that Purpose, the Company shall be subject to the Provisions and Restrictions contained in this Act and in the said Lands Clauses Consolidation (*Scotland*) Act; and the Company shall make to the Owners and Occupiers of and all other Parties interested in any Lands taken or used for the Purposes of the Railway, or injuriously affected by the Construction thereof, full Compensation for the Value of the Lands so taken or used, and for all Damage sustained by such Owners, Occupiers, and other Parties, by reason of the Exercise, as regards such Lands, of the Powers by this or the special Act, or any Act incorporated therewith, vested in the Company; and, except where otherwise provided by this or the special Act, the Amount of such Compensation shall be ascertained and determined in the Manner provided by the said Lands Clauses Consolidation Act for determining Questions of Compensation with regard to Lands purchased or taken under the Provisions thereof; and all the Provisions of the said last-mentioned Act shall be applicable to determine the Amount of any such Compensation, and to enforcing the Payment or other Satisfaction thereof. The Construction of the Railway to be subject to the Provisions of this Act and the Lands Clauses Consolidation (Scotland) Act.

VII. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the Plans or Books of Reference mentioned in the special Act, or in the Schedule to the special Act, it shall be lawful for the Company, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction, to apply to the Sheriff for the Correction thereof; and if it shall appear to such Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited in the Office of the Principal Sheriff Clerk in every County in which the Lands affected thereby shall be situate, and shall also be deposited with the Schoolmasters of the several Parishes (or, in Royal Burghs, with the Town Clerk,) in which the Lands affected thereby shall be situate; and such Certificate shall be kept by such Sheriff Clerks, Schoolmasters, and other Persons respectively along with the other Documents to which they relate; and thereupon such Plan, Book of Reference, or Schedule shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Company to make the Works in accordance with such Certificate. Errors and Omissions in Plans to be corrected.

VIII. It shall not be lawful for the Company to proceed in the Execution of the Railway unless they shall have previously to the Commencement of such Work deposited in the Office of the Principal Sheriff Clerk in every County in or through which the Railway is intended to pass a Plan and Section of all such Alterations from the original Plan and Section as shall have been approved of by Parliament, on the same Scale and containing the same Particulars as the original Plan and Section of the Railway, and shall also have deposited with the Schoolmasters of the several Parishes (or, in Royal Burghs, with the Town Clerk,) in or through which such Alterations shall have been authorized to be made Copies or Extracts of or from such Plans and Sections as shall relate to such Parishes respectively. Works not to be proceeded with until Plans of all Alterations authorized by Parliament have been deposited.

IX. The said Sheriff Clerks, Schoolmasters, and Town Clerks shall receive the said Plans and Sections of Alterations, and Copies and Extracts thereof respectively, and shall retain the same, as well as the said original Plans and Sections, and shall permit all Persons interested to inspect any of the Documents aforesaid, and to make Copies and Extracts of and from the same, in the like Manner and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of the original Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.* Sheriff Clerks, &c. to receive Plans of Alterations, and allow Inspection. 7 W. 4. & 1 Vict. c. 83.

X. True Copies of the said Plans and Books of Reference, or of any Alteration or Correction thereof, or Extract therefrom, certified by any such Sheriff Clerk in *Scotland*, which Certificate such Sheriff Clerk shall give to all Parties interested, when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof. Copies to be Evidence.

XI. In making the Railway it shall not be lawful for the Company to deviate from the Levels of the Railway, as referred to the common Datum Line described in the Section approved of by Parliament, and as marked on the same, to any Extent exceeding in any Place Five Feet, or, in passing through a Town, Village, Street, or Land continuously built upon, Two Feet, without the previous Consent in Writing of the Owners and Occupiers of the Land in which such Deviation is intended to be made; or in case any Street or public Highway shall be affected by such Deviation, then the same shall not be made without the Consent of the Trustees or Commissioners having the Control of such Street or public Highway, or, if there be no such Trustees or Commissioners, without the Consent of the Sheriff, or without the Consent of the Trustees or Commissioners for any public Sewers, or the Proprietors of any Limiting Deviation from Datum Line described on Sections, &c.

Construction of Railway.

Canal, Navigation, Gas Works, or Water-works affected by such Deviation: Provided always, that it shall be lawful for the Company to deviate from the said Levels to a further Extent without such Consent as aforesaid, by lowering solid Embankments or Viaducts, provided that the requisite Height of Headway as prescribed by Act of Parliament be left for Roads, Streets, or Canals passing under the same: Provided also, that Notice of every Application to the Sheriff for the Purpose of considering the Matter shall, Fourteen Days previous to such Application, be given in some Newspaper circulating in the County, and also be affixed upon the Door of the Parish Church in which such Deviation or Alteration is intended to be made, or, if there be no Church, some other Place to which Notices are usually affixed.

Previous Notice of such Deviation to be given.

XII. Before it shall be lawful for the Company to make any greater Deviation from the Level than Five Feet, or, in any Town, Village, Street, or Land continuously built upon, Two Feet, after having obtained such Consent as aforesaid, it shall be incumbent on the Company to give Notice of such intended Deviation by public Advertisement, inserted Once at least in Two Newspapers, or Twice at least in One Newspaper, circulating in the District or Neighbourhood where such Deviation is intended to be made, Three Weeks at least before commencing to make such Deviation; and it shall be lawful for the Owner of any Lands prejudicially affected thereby, at any Time before the Commencement of the making of such Deviation, to apply to the Board of Trade, after giving Ten Days Notice to the Company, to decide whether, having regard to the Interests of such Applicant, such proposed Deviation is proper to be made; and it shall be lawful for the Board of Trade, if they think fit, to decide such Question accordingly, and by their Certificate in Writing either to disallow the making of such Deviation, or to authorize the making thereof, either simply or with any such Modification as shall seem proper to the Board of Trade; and after any such Certificate shall have been given by the Board of Trade it shall not be lawful for the Company to make such Deviation, except in conformity with such Certificate.

Arches, Tunnels, &c. to be made as marked on deposited Plans.

XIII. Where in any Place it is intended to carry the Railway on an Arch or Arches or other Viaduct, as marked on the said Plan or Section, the same shall be made accordingly; and where a Tunnel is marked on the said Plan or Section as intended to be made at any Place, the same shall be made accordingly, unless the Owners, Lessees, and Occupiers of the Land in which such Tunnel is intended to be made shall consent that the same shall not be so made.

Limiting Deviations from Gradients, Curves, &c.

XIV. It shall not be lawful for the Company to deviate from or alter the Gradients, Curves, Tunnels, or other engineering Works described in the said Plan or Section, except within the following Limits, and under the following Conditions; (that is to say,)

Subject to the above Provisions in regard to altering Levels, it shall be lawful for the Company to diminish the Inclination or Gradients of the Railway to any Extent, and to increase the said Inclination or Gradients as follows; (that is to say,) in Gradients of an Inclination not exceeding One in a Hundred, to any Extent not exceeding Ten Feet *per* Mile, or to any further Extent which shall be certified by the Board of Trade to be consistent with the public Safety, and not prejudicial to the public Interest; and in Gradients exceeding the Inclination of One in a Hundred, to any Extent not exceeding Three Feet *per* Mile, or to any further Extent which shall be so certified by the Board of Trade as aforesaid;

It shall be lawful for the Company to diminish the Radius of any Curve described in the said Plan to any Extent which shall leave a Radius of not less than Half a Mile, or to any further Extent authorized by such Certificate as aforesaid from the Board of Trade:

It shall be lawful for the Company to make a Tunnel, not marked on the said Plan or Section, instead of a Cutting, or a Viaduct instead of a solid Embankment, if authorized by such Certificate as aforesaid from the Board of Trade.

Lateral Deviations.

XV. It shall be lawful for the Company to deviate from the Line delineated on the Plans so deposited, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated upon the said Plans, nor to a greater Extent in passing through a Town than Ten Yards, or elsewhere to a greater Extent than One hundred Yards from the said Line, and that the Railway by means of such Deviation be not made to extend into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Books of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein or in the special Act provided for in Cases of unintentional Errors in the said Book of Reference.

Works to be executed.

XVI. Subject to the Provisions and Restrictions in this and the special Act, and any Act incorporated therewith, it shall be lawful for the Company, for the Purpose of constructing the Railway, or the Accommodation Works connected therewith, herein-after mentioned, to execute any of the following Works; (that is to say,)

Inclined Planes, &c.

They may make or construct, in, upon, across, under, or over any Lands, or any Streets, Hills, Valleys, Roads, Railroads or Tramroads, Rivers, Canals, Brooks, Streams, or other Waters, within the Lands described in the said Plans, or mentioned in the said Books of Reference or any Correction thereof, such temporary or permanent Inclined Planes, Tunnels, Embankments, Aqueducts, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Cuttings, and Fences as they think proper;

Alteration of Course of Rivers, &c.

They may alter the Course of any Rivers not navigable, Canals, Brooks, Streams, or Watercourses, and of any Branches of navigable Rivers, such Branches not being themselves navigable, within such Lands, for the Purpose of constructing and maintaining Tunnels, Bridges, Passages, or other Works over or under the same, and divert or alter, as well temporarily as permanently, the Course of any such Rivers or Streams of Water, Roads, Streets, or Ways, or raise or sink the Level of any such

Rivers

Rivers or Streams, Roads, Streets, or Ways, in order the more conveniently to carry the same over or under or by the Side of the Railway, as they may think proper;

Drains, &c. They may make Drains or Conduits into, through, or under any Lands adjoining the Railway, for the Purpose of conveying Water from or to the Railway;

Warehouses, &c. They may erect and construct such Houses, Warehouses, Offices, and other Buildings, Yards, Stations, Wharfs, Engines, Machinery, Apparatus, and other Works and Conveniences, as they think proper;

Alterations and Repairs. They may from Time to Time alter, repair, or discontinue the before-mentioned Works or any of them, and substitute others in their Stead; and

General Power. They may do all other Acts necessary for making, maintaining, altering, or repairing, and using the Railway:

Proviso as to Damages. Provided always, that in the Exercise of the Powers by this or the special Act granted the Company shall do as little Damage as can be, and shall make full Satisfaction, in manner herein and in the special Act, and any Act incorporated therewith, provided, to all Parties interested, for all Damage by them sustained by reason of the Exercise of such Powers.

Works on the Shore of the Sea, &c. not to be constructed without the Authority of the Commissioners of Woods and Forests and Commissioners of the Admiralty. XVII. It shall not be lawful for the Company to construct on the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, where and so far up the same as the Tide flows and reflows, any Work, or to construct any Railway or Bridge across any Creek, Bay, Arm of the Sea, or navigable River, where and so far up the same as the Tide flows and reflows, without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hands of Two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of the Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Lord High Admiral, or the said Commissioners, may approve of, such Approval being signified as last aforesaid; and where any such Work, Railway, or Bridge shall have been constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consents or Approvals; and if any such Work, Railway, or Bridge shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Costs and Charge of the Company; and the Amount thereof may be recovered in the same Manner as a Penalty is recoverable against the Company.

Alteration of Water and Gas Pipes, &c. XVIII. It shall be lawful for the Company, for the Purpose of constructing the Railway, to raise, sink, or otherwise alter the Position of any of the Watercourses, Water Pipes, or Gas Pipes belonging to any of the Houses adjoining or near to the Railway, and also the Mains and other Pipes laid down by any Company or Society who may furnish the Inhabitants of such Houses or Places with Water or Gas, and also to remove all other Obstructions to such Construction, so as the same respectively be done with as little Detriment and Inconvenience to such Company, Society, or Inhabitants as the Circumstances will admit, and be done under the Superintendence of the Company to which such Water Pipes or Gas Pipes belong, and of the several Commissioners or Trustees, or Persons having Control of the Pavements, Sewers, Roads, Streets, Highways, Lanes, and other public Passages and Places within the Parish or District where such Mains, Pipes, or Obstructions shall be situate, or of their Surveyor, if they or he think fit to attend, after receiving not less than Forty-eight Hours Notice for that Purpose.

Company not to disturb Pipes until they have laid down others. XIX. Provided always, That it shall not be lawful for the Company to remove or displace any of the Mains or Pipes (other than private Service Pipes), Syphons, Plugs, or other Works belonging to any such Company or Society, or to do any thing to impede the Passage of Water or Gas into or through such Mains or Pipes, until good and sufficient Mains or Pipes, Syphons, Plugs, and all other Works necessary or proper for continuing the Supply of Water or Gas as sufficiently as the same was supplied by the Mains or Pipes proposed to be removed or displaced, shall, at the Expence of the Company, have been first made and laid down in lieu thereof, and be ready for Use, in a Position as little varying from that of the Pipes or Mains proposed to be removed or displaced as may be consistent with the Construction of the Railway, and to the Satisfaction of the Surveyor or Engineer of such Water or Gas Company or Society, or, in case of Disagreement between such Surveyor or Engineer and the Company, as a Justice shall direct.

Pipes not to be laid contrary to Act of Parliament, &c. XX. It shall not be lawful for the Company to lay down any such Pipes contrary to the Regulations of any Act of Parliament relating to such Water or Gas Company or Society, or to cause any Road to be lowered for the Purposes of the Railway, without leaving a Covering of not less than Eighteen Inches from the Surface of the Road over such Mains or Pipes.

Company to make good all Damage. XXI. The Company shall make good all Damage done to the Property of the Water or Gas Company or Society, by the Disturbance thereof, and shall make full Compensation to all Parties for any Loss or Damage which they may sustain by reason of any Interference with the Main Pipes or Works of such Water or Gas Company or Society, or with the private Service Pipes of any Person supplied by them with Water.

When Railway crosses Pipes, Company to make a Culvert. XXII. If it shall be necessary to construct the Railway or any of the Works over any Mains or Pipes of any such Water or Gas Company or Society, the Company shall, at their own Expence, construct and maintain

maintain a good and sufficient Culvert over such Main or Pipe, so as to leave the same accessible for the Purpose of Repairs.

Penalty for obstructing Supply of Gas or Water.

XXIII. If by any such Operations as aforesaid the Company shall interrupt the Supply of Water or Gas they shall forfeit Twenty Pounds for every Day that such Supply shall be so interrupted; and such Penalty shall be appropriated to the Benefit of the Poor of the Parish in which such Obstruction shall occur, in such Manner as the Minister and Kirk Session of the Parish shall direct.

Penalty for obstructing Construction of Railway.

XXIV. If any Person wilfully obstruct any Person acting under the Authority of the Company in the lawful Exercise of their Power in setting out the Line of the Railway, or pull up or remove any Poles or Stakes driven into the Ground for the Purpose of so setting out the Line of the Railway, or deface or destroy any Marks made for the same Purpose, he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Temporary Use of Lands.

And with respect to the temporary Occupation of Lands near the Railway during the Construction thereof, be it enacted as follows:

Company may occupy temporarily private Roads within Five hundred Yards of the Railway.

XXV. Subject to the Provisions herein and in the special Act contained, it shall be lawful for the Company, at any Time before the Expiration of the Period by the special Act limited for the Completion of the Railway, to enter upon and use any existing private Road, being a Road gravelled or formed with Stones or other hard Materials, and not being an Avenue or a planted or ornamental Road, or an Approach to any Mansion House within the prescribed Limits, if any, or, if no Limits be prescribed, not being more than Five hundred Yards distant from the Centre of the Railway, as delineated on the Plans; but before the Company shall enter upon or use any such existing Road they shall give Three Weeks Notice of their Intention to the Owners and Occupiers of such Road, and of the Lands over which the same shall pass, and shall in such Notice state the Time during which, and the Purposes for which, they intend to occupy such Road, and shall pay to the Owners and Occupiers of such Road, and of the Lands through which the same shall pass, such Compensation for the Use and Occupation of such Road, either in a gross Sum of Money or by half-yearly Instalments, as shall be agreed upon between such Owners and Occupiers respectively and the Company, or, in case they differ about the Compensation, the same shall be settled by the Sheriff in the same Manner as any Compensation not exceeding Fifty Pounds is directed to be settled by the Lands Clauses Consolidation (*Scotland*) Act, 1845.

Power to Owners and Occupiers of Road and Land to object that other Roads should be taken.

XXVI. It shall be lawful for the Owners and Occupiers of any such Road, and of the Lands over which the same passes, within Ten Days after the Service of the aforesaid Notice, by Notice in Writing to the Company, to object to the Company making use of such Road, on the ground that other Roads, such as the Company are herein-before authorized to use for the Purposes aforesaid, or that some public Road would be more fitting to be used for the same, and upon the Objection being so made such Proceedings may be had as are herein-after mentioned with respect to Lands temporarily occupied by the Company, in respect of which Three Weeks Notice is herein-after required to be given, and in the same Manner as if in the Provisions relative to such Proceedings the Word Road or Roads, or the Words Road and the Land over which the same passes, as the Case may require, had been substituted in such Provisions for the Word Lands.

Power to take temporary Possession of Land without previous Payment of Price.

XXVII. Subject to the Provisions herein and in the special Act contained, it shall be lawful for the Company, at any Time before the Expiration of the Period by the special Act limited for the Completion of the Railway, without making any previous Payment, Tender, or Deposit, to enter upon any Lands, within the prescribed Limits, or if no Limits be prescribed, not being more than Two hundred Yards distant from the Centre of the Railway, as delineated on the Plans, and not being a Garden, Orchard, or Plantation attached or belonging to a House, nor a Park, planted Walk, Avenue, or Ground ornamentally planted, and not being nearer to the Mansion House of the Owner of any such Lands than the prescribed Distance, or if no Distance be prescribed, then not nearer than Five hundred Yards therefrom, and to occupy the said Lands so long as may be necessary for the Construction or Repair of that Portion of the Railway, or of the Accommodation Works connected therewith, herein-after mentioned, and to use the same for any of the following Purposes; (that is to say,)

For the Purpose of taking Earth or Soil by Side Cuttings therefrom;

For the Purpose of depositing Spoil thereon;

For the Purpose of obtaining Materials therefrom for the Construction or Repair of the Railway or such Accommodation Works as aforesaid; or

For the Purpose of forming Roads thereon to or from or by the Side of the Railway:

And in exercise of the Powers aforesaid it shall be lawful for the Company to deposit and also to manufacture and work upon such Lands Materials of every Kind used in constructing the Railway, and also to dig and take from out of any such Lands any Clay, Stone, Gravel, Sand, or other Things that may be found therein useful or proper for constructing the Railway or any such Roads as aforesaid, and for the Purposes aforesaid to erect thereon Workshops, Sheds, and other Buildings of a temporary Nature: Provided always, that nothing in this Act contained shall exempt the Company from an Action for Nuisance or other Injury, if any done, in the Exercise of the Powers herein-before given, to the Lands or Habitations of any Party other than the Party whose Lands shall be so taken or used for any of the Purposes aforesaid: Provided always, that no Stone or Slate Quarry, Brick Field, or other like Place, which at the Time of the passing of the special Act shall be commonly worked or used for getting Materials therefrom for the Purpose of selling or disposing of the same, shall be taken or used by the Company, either wholly or in part, for any of the Purposes lastly herein-before mentioned.

XXVIII. In

XXVIII. In case any such Lands shall be required for Spoil Banks or for Side Cuttings, or for obtaining Materials for the Construction or repairing of the Railway, the Company shall before entering thereon (except in the Case of Accident to the Railway requiring immediate Reparation) give Three Weeks Notice in Writing to the Owners and Occupiers of such Lands of their Intention to enter upon the same for such Purposes, and in case the said Lands are required for any of the other Purposes herein-before mentioned the Company shall (except in the Cases aforesaid) give Ten Days like Notice thereof; and the Company shall in such Notices respectively state the Substance of the Provisions herein-after contained respecting the Right of such Owner or Occupier to require the Company to purchase any such Lands, or to receive Compensation for the temporary Occupation thereof, as the Case may be. Company to give Notice previous to such temporary Possession.

XXIX. The said Notice shall either be served personally on such Owners and Occupiers, or left at their last usual Place of Abode, if any such can, after diligent Inquiry, be found, and in case any such Owner shall be absent from the United Kingdom, or cannot be found after diligent Inquiry, such Notice shall be served on the Factor or Agent (if any) of such Owner, and shall also be left with the Occupier of such Lands, or if there be no such Occupier, shall be affixed upon some conspicuous Part of such Lands. Service of Notices on Owners and Occupiers of Lands.

XXX. In any Case in which a Notice of Three Weeks is herein-before required to be given it shall be lawful for the Owner or Occupier of the Lands therein referred to, within Ten Days after the Service of such Notice, by Notice in Writing to the Company, to object to the Company making use of such Lands, either on the ground that the Lands proposed to be taken for the Purposes aforesaid, or some Part thereof, or of the Materials contained therein, are essential to be retained by such Owner, in order to the beneficial Enjoyment of other neighbouring Lands belonging to him, or on the ground that other Lands lying contiguous or near to those proposed to be taken would be more fitting to be used for such Purposes by the Company; and upon Objection being so made such Proceedings may be had as herein-after mentioned; and if in such Case the Company shall refuse to occupy such other Lands in lieu of those mentioned in the Notice, it shall be lawful for the Sheriff, on the Application of such Owner or Occupier, to summon the Company and the Owners and Occupiers of such other Lands to appear before him at a Time and Place to be named in such Summons, such Time not being more than Fourteen Days after such Application nor less than Seven Days from the Service of such Summons; and on the Appearance of the Parties, or in the Absence of any of them, upon Proof of due Service of the Summons, it shall be lawful for such Sheriff to determine summarily which of the said Lands shall be used by the Company for the Purposes aforesaid, and to authorize the Company to occupy and use the same accordingly. Power to Owner to object that other Lands ought to be taken.

XXXI. If in the Case last mentioned it shall appear to such Sheriff, upon the Inquiry before him, that the Lands of any other Party not summoned before him, being sufficient in Quantity, and such as the Company are herein-before authorized to take or use for the Purposes aforesaid, would be more fitting to be used by the Company than the Lands of the Person who shall have been so summoned as aforesaid, it shall be lawful for the said Sheriff to adjourn such Inquiry, and to summon such other Person to appear before him at any Time, not being more than Fourteen Days from such Inquiry nor less than Seven Days from the Service of such Summons; and on the Appearance of the Parties, or, in the Absence of any of them, on Proof of due Service of the Summons, it shall be lawful for such Sheriff to determine finally which Lands shall be used for the Purposes aforesaid, and to authorize the Company to occupy and use the same accordingly. Power to the Sheriff to summon other Owners before him.

XXXII. Before entering, under the Provisions herein-before contained, upon any such Lands as shall be required for Spoil Banks or for Side Cuttings, or for obtaining Materials or forming Roads as aforesaid, the Company shall, if required by the Owner or Occupier thereof, Seven Days at least before the Expiration of the Notice to take such Lands as herein-before mentioned, find Two sufficient Persons, to be approved of by the Sheriff, in case the Parties differ, who shall enter into a Bond to such Owner or Occupier in a Sum to such Amount as shall be approved of by the Sheriff, in case the Parties differ, for the Payment of such Compensation as may become payable in respect of the same in manner herein mentioned. The Company to give Sureties, if required.

XXXIII. Before the Company shall use any such Lands for any of the Purposes aforesaid they shall, if required so to do by the Owner or Occupier thereof, separate the same by a sufficient Fence from the Lands adjoining thereto, with such Gates as may be required by the said Owner or Occupier for the convenient Occupation of such Lands, and shall also, to all private Roads used by them as aforesaid, put up Fences and Gates, in like Manner, in all Cases where the same may be necessary, to prevent the straying of Cattle from or upon the Lands traversed by such Roads, and in case of any Difference between the Owners or Occupiers of such Roads and Lands and the Company as to the Necessity for such Fences and Gates, such Fences and Gates as any Two Justices shall deem necessary for the Purposes aforesaid, on Application being made to them, in like Manner as herein-before is provided in respect of the Use of such Road. Company to separate the Lands before using them.

XXXIV. That if any Land shall be taken or used by the Company, under the Provisions of this or the special Act, for the Purpose of getting Material therefrom for the Construction or Repair of the Railway or the Accommodation Works connected therewith, they shall work the same in such Manner as the Surveyor or Agent of the Owner of such Land shall direct; or, in case of Disagreement between such Surveyor or Agent and the Company, in such Manner as any Justice shall direct, on the Application of either Party, after Notice of the hearing of the Application shall have been given to the other Party. Stone Quarries, &c. to be worked as Surveyor or Owner shall direct.

XXXV. In all Cases in which the Company shall in exercise of the Powers aforesaid enter upon any Lands for the Purpose of making Spoil Banks or Side Cuttings thereon, or for obtaining therefrom Materials Owners of Lands may compel Com-

pany to purchase Lands so temporarily occupied.

Materials for the Construction or Repair of the Railway, it shall be lawful for the Owners or Occupiers of such Lands, or Parties having such Interests therein as, under the Provisions in the said Lands Clauses Consolidation Act mentioned, are capable of being by them sold or conveyed to the Company, at any Time during the Possession of any such Lands by the Company, and before such Owners or Occupiers shall have accepted Compensation from the Company in respect of such temporary Occupation, to serve a Notice in Writing on the Company, requiring them to purchase the said Lands, or Interests therein capable of being sold and conveyed by them respectively; and in such Notice such Owners or Occupiers shall set forth the Particulars of such their Interest in such Lands, and the Amount of their Claim in respect thereof; and the Company shall thereupon be bound to purchase the said Lands, or the Interest therein capable of being sold and conveyed by the Parties serving such Notice.

Compensation to be made for temporary Occupation.

XXXVI. In any of the Cases aforesaid, where the Company shall not be required to purchase such Lands, and in all other Cases where they shall take temporary Possession of Lands by virtue of the Powers herein or in the special Act granted, it shall be incumbent on the Company, within One Month after their Entry upon such Lands, upon being required so to do, to pay to the Occupier of the said Lands the Value of any Crop or Dressing that may be thereon, as well as full Compensation for any other Damage of a temporary Nature which he may sustain by reason of their so taking Possession of his Lands, and shall also from Time to Time during their Occupation of the said Lands pay half-yearly to such Occupier or to the Owner of the Lands, as the Case may require, a Rent to be fixed by the Sheriff, in case the Parties differ, and shall also within Six Months after they shall have ceased to occupy the said Lands, and not later than Six Months after the Expiration of the Time by the special Act limited for the Completion of the Railway, pay to such Owner and Occupier, or deposit in the Bank for the Benefit of all Parties interested, as the Case may require, Compensation for all permanent or other Loss, Damage, or Injury that may have been sustained by them by reason of the Exercise, as regards the said Lands, of the Powers herein or in the special Act granted, including the full Value of all Clay, Stone, Gravel, Sand, and other Things, taken from such Lands.

Compensation to be ascertained under the Lands Clauses Act.

XXXVII. The Amount and Application of the Purchase Money and other Compensation payable by the Company in any of the Cases aforesaid shall be determined in the Manner provided by the said Lands Clauses Consolidation Act for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof.

Lands for additional Stations.

Lands to be taken for additional Stations, &c.

XXXVIII. And be it enacted, That it shall be lawful for the Company, in addition to the Lands authorized to be compulsorily taken by them under the Powers of this or the special Act, to contract with any Party willing to sell the same for the Purchase of any Land adjoining or near to the Railway, or to any other Railway communicating therewith, and on which the Traffic thereupon may pass, and in any Town or City adjoining to or near such Railways, not exceeding in the whole the prescribed Number of Acres for extraordinary Purposes; (that is to say,)

For the Purpose of making and providing additional Stations, Yards, Wharfs, and Places for the Accommodation of Passengers, and for receiving, depositing, and loading or unloading Goods or Cattle to be conveyed upon the Railway, and for the Erection of Weighing Machines, Toll Houses, Offices, Warehouses, and other Buildings and Conveniences;

For the Purpose of making convenient Roads or Ways to the Railway, or any other Purpose which may be requisite or convenient for the Formation or Use of the Railway.

Crossing of Roads, and Construction of Bridges.

And with respect to the crossing of Roads, or other Interference therewith, be it enacted as follows:

Crossing of Roads.

XXXIX. If the Line of the Railway cross any Turnpike Road or public Highway, then, except where otherwise provided by the special Act, either such Road shall be carried over the Railway, or the Railway shall be carried over such Road, by means of a Bridge, of the Height and Width and with the Ascent or Descent by this or the special Act in that Behalf provided; and such Bridge, with the immediate Approaches, and all other necessary Works connected therewith, shall be executed and at all Times thereafter maintained at the Expence of the Company: Provided always, that, with the Consent of the Sheriff or Two or more Justices, as after mentioned, it shall be lawful for the Company to carry the Railway across any Highway, other than a public Carriage Road, on the Level.

Provision in Cases where Roads are crossed on a Level.

XL. If the Railway cross any Turnpike Road or public Carriage Road on a Level, the Company shall erect and at all Times maintain good and sufficient Gates across such Road, on each Side of the Railway where the same shall communicate therewith, and shall employ proper Persons to open and shut such Gates; and such Gates shall be kept constantly closed across such Road on both Sides of the Railway, except during the Time when Horses, Cattle, Carts, or Carriages passing along the same shall have to cross such Railway; and such Gates shall be of such Dimensions and so constructed as when closed to fence in the Railway, and prevent Cattle or Horses passing along the Road from entering upon the Railway; and the Person intrusted with the Care of such Gates shall cause the same to be closed as soon as such Horses, Cattle, Carts, or Carriages shall have passed through the same, under a Penalty of Forty Shillings for every Default therein: Provided always, that it shall be lawful for the Board of Trade, in any Case in which they are satisfied that it will be more conducive to the public Safety that the Gates on any level Crossing over any such Road should be kept closed across the Railway, to order that such Gates shall be kept so closed, instead of across the Road, and in such Case such Gates shall be kept constantly closed across the Railway, except when Engines or Carriages passing along the Railway shall have Occasion to cross such Road, in the same Manner and under the like Penalty as above directed with respect to the Gates being kept closed across the Road.

XLI. Where

As to crossing of Turnpike Roads adjoining Stations.

XLI. Where the Railway crosses any Turnpike Road on a Level adjoining to a Station, all Trains on the Railway shall be made to slacken their Speed before arriving at such Turnpike Road, and shall not cross the same at any greater Rate of Speed than Four Miles an Hour; and the Company shall be subject to all such Rules and Regulations with regard to such Crossings as may from Time to Time be made by the Board of Trade.

Construction of Bridges over Roads.

XLII. Every Bridge to be erected for the Purpose of carrying the Railway over any Road, except as otherwise provided by the special Act, shall be built in conformity with the following Regulations; (that is to say,)

The Width of the Arch shall be such as to leave thereunder a clear Space of not less than Thirty-five Feet if the Arch be over a Turnpike Road, and of Twenty-five Feet if over a public Carriage Road, and of Twelve Feet if over a private Road:

The clear Height of the Arch from the Surface of the Road shall be not less than Sixteen Feet for a Space of Twelve Feet if the Arch be over a Turnpike Road, and Fifteen Feet for a Space of Ten Feet if over a public Carriage Road; and in each of such Cases the clear Height at the springing of the Arch shall not be less than Twelve Feet:

The clear Height of the Arch for a Space of Nine Feet shall not be less than Fourteen Feet over a private Carriage Road:

The Descent made in the Road in order to carry the same under the Bridge shall not be more than One Foot in Thirty Feet if the Bridge be over a Turnpike Road, One Foot in Twenty Feet if over a public Carriage Road, and One Foot in Sixteen Feet if over a private Carriage Road, not being a Tramroad or Railroad, or if the same be a Tramroad or Railroad the Descent shall not be greater than the prescribed Rate of Inclination, and if no Rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

Construction of Bridges over Railway.

XLIII. Every Bridge erected for carrying any Road over the Railway shall, except as otherwise provided by the special Act, be built in conformity with the following Regulations; (that is to say,)

There shall be a good and sufficient Fence on each Side of the Bridge of not less Height than Four Feet, and on each Side of the immediate Approaches of such Bridge of not less than Three Feet:

The Road over the Bridge shall have a clear Space between the Fences thereof of Thirty-five Feet if the Road be a Turnpike Road, and Twenty-five Feet if a public Carriage Road, and Twelve Feet if a private Road:

The Ascent shall not be more than One Foot in Thirty Feet if the Road be a Turnpike Road, One Foot in Twenty Feet if a public Carriage Road, and One Foot in Sixteen Feet if a private Carriage Road, not being a Tramroad or Railroad, or if the same be a Tramroad or Railroad the Ascent shall not be greater than the prescribed Rate of Inclination, and if no Rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

The Width of the Bridges need not exceed the Width of Road in certain Cases.

XLIV. Provided always, That in all Cases where the average available Width for the Passage of Carriages of any existing Roads within Fifty Yards of the Points of crossing the same is less than the Width herein-before prescribed for Bridges over or under the Railway, the Width of such Bridges need not be greater than such average available Width of such Roads, but so nevertheless that such Bridges be not of less Width, in the Case of a Turnpike Road or public Carriage Road, than Twenty Feet: Provided also, that if at any Time after the Construction of the Railway the average available Width of any such Road shall be increased beyond the Width of such Bridge on either Side thereof, the Company shall be bound, at their own Expence, to increase the Width of the said Bridge to such Extent as they may be required by the Trustees or Surveyors of such Road, not exceeding the Width of such Road as so widened, or the maximum Width herein or in the special Act prescribed for a Bridge in the like Case over or under the Railway.

Existing Inclinations of Roads crossed or diverted need not be improved.

XLV. Provided also, That if the Mesne Inclination of any Road within Two hundred and fifty Yards of the Point of crossing the same, or the Inclination of such Portion of any Road as may require to be altered, or for which another Road shall be substituted, shall be steeper than the Inclination herein before required to be preserved by the Company, then the Company may carry any such Road over or under the Railway, or may construct such altered or substituted Road at an Inclination not steeper than the said Mesne Inclination of the Road so to be crossed, or of the Road so requiring to be altered, or for which another Road shall be substituted.

Before Roads interfered with, others to be substituted.

XLVI. If, in the Exercise of the Powers by this or the special Act granted, it be found necessary to cross, cut through, raise, sink, or use any Part of any Road, whether Carriage Road, Horse Road, Tramroad, or Railway, either public or private, so as to render it impassable for or dangerous to Passengers or Carriages, or to the Persons entitled to the Use thereof, the Company shall, before the Commencement of any such Operations, cause a sufficient Road to be made instead of the Road to be interfered with, and shall at their own Expence maintain such substituted Road in a State as convenient for Passengers and Carriages as the Road so interfered with, or as nearly so as may be.

Penalty for not substituting a Road.

XLVII. If the Company do not cause another sufficient Road to be so made before they interfere with any such existing Road as aforesaid they shall forfeit Twenty Pounds for every Day during which such substituted Road shall not be made after the existing Road shall have been interrupted; and such Penalty shall be paid to the Trustees, Commissioners, Surveyor, or other Person having the Management of such Road, if a public Road, and shall be applied for the Purposes thereof, or in case of a private Road the same shall be paid to the Owner thereof; and every such Penalty shall be recoverable, with Costs, by Action in any competent Court.

Party suffering Damage from Interruption of Road to recover in an Action on the Case.

XLVIII. If any Party entitled to a Right of Way over any Road so interfered with by the Company shall suffer any special Damage by reason that the Company shall fail to cause another sufficient Road to be made before they interfere with the existing Road it shall be lawful for such Party to recover the Amount of such special Damage from the Company, with Expences, by Action in the Court of Session, if the Damage claimed exceeds Twenty-five Pounds, or in the Sheriff Court, if the Damage claimed does not exceed Twenty-five Pounds, and that whether any Party shall have sued for such Penalty as aforesaid or not, and without Prejudice to the Right of any Party to sue for the same.

Period for Restoration of Roads interfered with.

XLIX. If the Road so interfered with can be restored compatibly with the Formation and Use of the Railway, the same shall be restored to as good a Condition as the same was in at the Time when the same was first interfered with by the Company, or as near thereto as may be; and if such Road cannot be restored compatibly with the Formation and Use of the Railway, the Company shall cause the new or substituted Road, or some other sufficient substituted Road, to be put into a permanently substantial Condition, equally convenient as the former Road, or as near thereto as Circumstances will allow; and the former Road shall be restored, or the substituted Road put into such Condition as aforesaid, as the Case may be, within the following Periods after the first Operation on the former Road shall have been commenced, unless the Trustees or Parties having the Management of the Road to be restored by Writing under their Hands consent to an Extension of the Period, and in such Case within such extended Period, (that is to say,) if the Road be a Turnpike Road, within Six Months, and if the Road be not a Turnpike Road, within Twelve Months.

Penalty for failing to restore Road.

L. If any such Road be not so restored, or the substituted Road so completed as aforesaid, within the Periods herein or in the special Act fixed for that Purpose, the Company shall forfeit to the Trustees, Commissioners, Surveyor, or other Person having the Management of the Road interfered with by the Company, if a public Road, or if a private Road to the Owner thereof, Twenty Pounds for every Day after the Expiration of such Periods respectively during which such Road shall not be so restored or the substituted Road completed; and it shall be lawful for the Sheriff or Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be laid out in executing the Work in respect whereof such Penalty was incurred.

Company to repair Roads used by them.

LI. If in the course of making the Railway the Company shall use or interfere with any Road they shall from Time to Time make good all Damage done by them to such Road; and if any Question shall arise as to the Damage done to any such Road by the Company, or as to the Repair thereof by them, the same shall be determined by the Sheriff or Two Justices; and such Sheriff or Justices may direct such Repairs to be made in the State of such Road, in respect of the Damage done by the Company, and within such Period as they think reasonable, and may impose on the Company for not carrying into effect such Repairs, any Penalty, not exceeding Five Pounds *per* Day, as to such Sheriff or Justices shall seem just; and such Penalty shall be paid to the Surveyor or other Person having the Management of the Road interfered with by the Company, if a Public Road, and be applied for the Purposes of such Road, or if a private Road the same shall be paid to the Owner thereof: Provided always, that in determining any such Question with regard to a Turnpike Road the said Sheriff or Justices shall have regard to and make full Allowance for any Tolls that may have been paid by the Company on such Road in the course of the using thereof.

Company to make sufficient Approaches and Fences to Bridleways, &c. crossing on the Level.

LII. If the Railway shall cross any Highway other than a public Carriageway on the Level the Company shall at their own Expence make and at all Times maintain convenient Ascents and Descents and other convenient Approaches, with Handrails and other Fences, and shall, if such Highway be a Bridleway, erect and at all Times maintain good and sufficient Gates, and if the same shall be a Footway, good and sufficient Gates or Stiles on each Side of the Railway where the Highway shall communicate therewith.

Proceedings on Application to Sheriff or Justices to consent to level Crossings of Bridleways and Footways.

LIII. When the Company shall intend to apply for the Consent of the Sheriff or Two Justices, as herein-before provided, so as to authorize them to carry the Railway across any Highway other than a public Carriage Road on the Level, they shall, Fourteen Days at least, previous to the Time at which such Application is intended to be made, cause Notice of such intended Application to be given in some Newspaper circulating in the County, and also to be affixed upon the Door of the Parish Church of the Parish in which such Crossing is intended to be made, or if there be no such Church some other Place to which Notices are usually affixed; and if it appear to the Sheriff, or to any Two or more Justices acting for the District in which such Highway at the proper Crossing thereof is situate, after such Notice as aforesaid, that the Railway can, consistently with a due Regard to the public Safety and Convenience, be carried across such Highway in the Level, it shall be lawful for such Sheriff or Justices to consent that the same may be so carried accordingly.

Sheriff or Justices to have Power to order Approaches and Fences to be made to Highways crossing on the Level.

LIV. If, when the Railway shall cross any Highway on the Level, the Company fail to make convenient Ascents and Descents or other convenient Approaches, and such Handrails, Fences, Gates, and Stiles as they are herein-before required to make, it shall be lawful for the Sheriff or Two Justices, on the Application of the Surveyor of Roads, or of any Two Householders within the Parish or District where such Crossing shall be situate, after not less than Ten Days Notice to the Company, to order the Company to make such Ascent and Descent or other Approach, or such Handrails, Fences, Gates, or Stiles as aforesaid, within a Period to be limited for that Purpose by such Sheriff or Justices; and if the Company fail to comply with such Order they shall forfeit Five Pounds for every Day that they fail so to do; and it shall be lawful for the Sheriff or Justices by whom any such Penalty is imposed to order the

the whole or any Part thereof to be applied, in such Manner and by such Person as they think fit, in executing the Work in respect whereof such Penalty was incurred.

Screens for Turnpike Roads.

Screen for Turnpike Road to be made, if required by the Board of Trade.

LV. If the Commissioners or Trustees of any Turnpike Road, or the Surveyor of any Highway, apprehend Danger to the Passengers on such Road in consequence of Horses being frightened by the Sight of the Engines or Carriages travelling upon the Railway, it shall be lawful for such Commissioners or Trustees or Surveyor, after giving Fourteen Days Notice to the Company, to apply to the Board of Trade with respect thereto; and if it shall appear to the said Board that such Danger might be obviated or lessened by the Construction of any Works in the Nature of a Screen near to or adjoining the Side of such Road, it shall be lawful for them, if they shall think fit, to certify the Works necessary or proper to be executed by the Company for the Purpose of obviating or lessening such Danger, and by such Certificate to require the Company to execute such Works within a certain Time after the Service of such Certificate to be appointed by the said Board.

Penalty for failing to construct.

LVI. Where by any such Certificate as aforesaid the Company shall have been required to execute any such Work in the Nature of a Screen they shall execute and complete the same within the Period appointed for that Purpose in such Certificate, and if they fail so to do they shall forfeit to the Commissioners or Trustees or Surveyor Five Pounds for every Day during which such Works shall remain uncompleted beyond the Period so appointed for their Completion; and it shall be lawful for the Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be laid out in executing the Work in respect whereof such Penalty was incurred.

Construction or Reparation of Bridges.

Sheriff or Justices to have Power to order Repair of Bridges, &c.

LVII. Where, under the Provisions of this or the special Act, or any Act incorporated therewith, the Company are required to maintain or keep in repair any Bridge, Fence, Approach, Gate, or other Work executed by them, it shall be lawful for the Sheriff or Two Justices, on the Application of the Surveyor of Roads, or of any Two Householders of the Parish or District where such Work may be situate, complaining that any such Work is out of Repair, after not less than Ten Days Notice to the Company, to order the Company to put such Work into complete Repair within a Period to be limited for that Purpose by such Sheriff or Justices; and if the Company fail to comply with such Order they shall forfeit Five Pounds for every Day that they fail so to do; and it shall be lawful for the Sheriff or Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be applied, in such Manner and by such Persons as they think fit, in putting such Work into repair.

Board of Trade empowered to modify the Construction of certain Roads, Bridges, &c. where a strict Compliance with the Act is impossible or inconvenient.

LVIII. 'And whereas Expence might frequently be avoided, and public Convenience promoted, by a 'Reference to the Board of Trade upon the Construction of public Works of an engineering Nature 'connected with the Railway, where a strict Compliance with the Provisions of this or the special Act 'might be impossible or attended with Inconvenience to the Company, and without adequate Advantage 'to the Public;' be it enacted, That in case any Difference in regard to the Construction, Alteration, or Restoration of any Road or Bridge, or other public Work of an engineering Nature, required by the Provisions of this or the special Act, shall arise between the Company and any Trustees, Commissioners, Surveyors, or other Persons having the Control of or being authorized by Law to enforce the Construction of such Road, Bridge, or Work, it shall be lawful for either Party, after giving Fourteen Days Notice in Writing of their Intention so to do to the other Party, to apply to the Board of Trade to decide upon the proper Manner of constructing, altering, or restoring such Road, Bridge, or other Work; and it shall be lawful for the Board of Trade, if they shall think fit, to decide the same accordingly, and to authorize, by Certificate in Writing, any Arrangement or Mode of Construction in regard to any such Road, Bridge, or other Work which shall appear to them either to be in substantial Compliance with the Provisions of this and the special Act, or to be calculated to afford equal or greater Accommodation to the Public using such Road, Bridge, or other Work; and after any such Certificate shall have been given by the Board of Trade the Road, Bridge, or other Work therein mentioned shall be constructed by the Company in conformity with the Terms of such Certificate, and being so constructed shall be deemed to be constructed in conformity with the Provisions of this and the special Act: Provided always, that no such Certificate shall be granted by the Board of Trade unless they shall be satisfied that existing private Rights or Interests will not be injuriously affected thereby.

Authentication of Certificates of the Board of Trade, Service of Notices, &c.

LIX. And be it enacted, That all Regulations, Certificates, Notices, and other Documents in Writing purporting to be made or issued by or by the Authority of the Board of Trade, and signed by some Officer appointed for that Purpose by the Board of Trade, shall, for the Purposes of this and the special Act, and any Act incorporated therewith, be deemed to have been so made and issued, and that without Proof of the Authority of the Person signing the same, or of the Signature thereto, which Matters shall be presumed until the contrary be proved; and Service of any such Document by leaving the same at one of the principal Offices of the Railway Company, or by sending the same by Post addressed to the Secretary at such Office, shall be deemed good Service upon the Company; and all Notices and other Documents required by this or the special Act to be given to or laid before the Board of Trade shall be delivered at, or sent by Post addressed to, the Office of the Board of Trade in *London*.

Works for Accommodation and Protection of Lands.

And with respect to Works for the Accommodation of Lands adjoining the Railway, be it enacted as follows:

Works for adjoining Lands.

LX. The Company shall make and at all Times thereafter maintain the following Works for the Accommodation of the Owners and Occupiers of Lands adjoining the Railway; (that is to say,)

Gates, Bridges, &c.:

Such and so many convenient Gates, Bridges, Arches, Culverts, and Passages over, under, or by the Sides of or leading to or from the Railway as shall be necessary for the Purpose of making good any

Interruptions caused by the Railway to the Use of the Lands through which the Railway shall be made; and such Works shall be made forthwith after the Part of the Railway passing over such Lands shall have been laid out or formed, or during the Formation thereof:

Fences: Also sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences for separating the Land taken for the Use of the Railway from the adjoining Lands not taken, and protecting such Lands from Trespass, or the Cattle of the Owners or Occupiers thereof from straying thereout, by reason of the Railway, together with all necessary Gates made to open towards such adjoining Lands, and not towards the Railway, and all necessary Stiles; and such Posts, Rails, and other Fences shall be made forthwith after the taking of any such Lands, if the Owners thereof shall so require, and the said other Works as soon as conveniently may be:

Drains: Also all necessary Arches, Tunnels, Culverts, Drains, or other Passages either over or under or by the Sides of the Railway, of such Dimensions as will be sufficient at all Times to convey the Water as clearly from the Lands lying near or affected by the Railway as before the making of the Railway, or as nearly so as may be; and such Works shall be made from Time to Time as the Railway Works proceed:

Watering Places. Also proper Watering Places for Cattle where by reason of the Railway the Cattle of any Person occupying any Lands lying near thereto shall be deprived of Access to their former Watering Places; and such Watering Places shall be so made as to be at all Times as sufficiently supplied with Water as theretofore, and as if the Railway had not been made, or as nearly so as may be; and the Company shall make all necessary Watercourses and Drains for the Purpose of conveying Water to the said Watering Places:

Provided always, that the Company shall not be required to make such Accommodation Works in such a Manner as would prevent or obstruct the working or using of the Railway, and that the Company may, in lieu of such Accommodation Works, make Compensation to the Owners and Occupiers of the Lands, for the Want thereof, in such Manner as may be agreed upon between the Company and such Owners and Occupiers, nor to make any Accommodation Works with respect to which the Owners, Lessees, and Occupiers of the Lands shall have agreed to receive and shall have been paid Compensation instead of the making of them.

Differences to be settled by Sheriff or Justices. LXI. If any Difference arise respecting the Kind or Number of any such Accommodation Works, or the Dimensions or Sufficiency thereof, or respecting the maintaining thereof, the same shall be determined by the Sheriff or Two Justices; and such Sheriff or Justices shall also appoint the Time within which such Works shall be commenced and executed by the Company.

Execution of Works by Owners on default by the Company. LXII. If for Seven Days next after the Time appointed by such Sheriff or Justices for the Commencement of any such Works the Company shall fail to commence such Works, or having commenced shall fail to proceed diligently to execute the same in a sufficient Manner, it shall be lawful for the Party aggrieved by such Failure himself to execute such Works or Repairs; and the reasonable Expences thereof shall be repaid by the Company to the Party by whom the same shall so have been executed; and if there be any Dispute about such Expences the same shall be settled by the Sheriff or Two Justices: Provided always, that no such Owner or Occupier or other Person shall obstruct or injure the Railway, or any of the Works connected therewith, for a longer Time, nor use them in any other Manner, than is unavoidably necessary for the Execution or Repair of such Accommodation Works.

Power to Owners of Land to make additional Accommodation Works. LXIII. If any of the Owners or Occupiers of Lands affected by such Railway shall consider the Accommodation Works made by the Company, or directed by such Sheriff or Justices to be made by the Company, insufficient for the commodious Use of their respective Lands, it shall be lawful for any such Owner or Occupier, at his own Expence, to make such further Works for that Purpose as he shall think necessary, and as shall be agreed to by the Company, or, in case of Difference, as shall be authorized by the Sheriff or Two Justices.

Such Works to be constructed under the Superintendence of the Company's Engineer. LXIV. If the Company so desire, all such last-mentioned Accommodation Works shall be constructed under the Superintendence of their Engineer, and according to Plans and Specifications to be submitted to and approved by such Engineer; nevertheless the Owners or Occupiers of Lands shall not be entitled to require either that Plans should be adopted which would involve a greater Expence than that incurred in the Execution of similar Works by the Company, or that the Plans selected should be executed in a more expensive Manner than that adopted in similar Cases by the Company.

Accommodation Works not to be required after Five Years. LXV. The Company shall not be compelled to make any further or additional Accommodation Works for the Use of Owners and Occupiers of Land adjoining the Railway after the Expiration of the prescribed Period, or, if no Period be prescribed, after Five Years from the opening of the Railway for public Use.

Owners to be allowed to cross until Accommodation Works are made. LXVI. Until the Company shall have made the Bridges or other proper Communications which they shall under the Provisions herein or in the special Act, or any Act incorporated therewith, contained, have been required to make between Lands intersected by the Railway, and no longer, the Owners and Occupiers of such Lands, and any other Persons whose Right of Way shall be affected by the Want of such Communication, and their respective Servants, may at all Times freely pass and repass, with Carriages, Horses, and other Animals, directly (but not otherwise) across the Part of the Railway made in or through their respective Lands, solely for the Purpose of occupying the same Lands, or for the Exercise of such Right of Way, and so as not to obstruct the Passage along the Railway, or to damage the same; nevertheless, if the Owner or Occupier of any such Lands have in his Arrangements with the Company received or agreed to receive Compensation for or on account of any such Communications, instead

instead of the same being formed, such Owner or Occupier, or those claiming under him, shall not be entitled so to cross the Railway.

Materials, &c. to vest in Company for Purposes of Prosecution.

LXVII. During the Execution of any Contract made with the Company the Works in course of being done under such Contract, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contract, shall, in all Proceedings instituted by them for the Purpose of protecting the same, or by the public Prosecutor for the Purpose of Punishment on account of Offences committed against the same, be held to be the Property of the Company.

Penalty on Persons omitting to fasten Gates.

LXVIII. If any Person omit to shut and fasten any Gate set up at either Side of the Railway, for the Accommodation of the Owners or Occupiers of the adjoining Lands, as soon as he, and the Carriage, Cattle, or other Animals, under his Care, have passed through the same, he shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

Branch Railways.

Power to make private communicating Branch Railways. 5 & 6 Vict. c. 55.

LXIX. And be it enacted, That this or the special Act shall not prevent the Owners or Occupiers of Lands adjoining to the Railway, or any other Persons, from laying down, either upon their own Lands or upon the Lands of other Persons, with the Consent of such Persons, any collateral Branches of Railway to communicate with the Railway, for the Purpose of bringing Carriages to or from or upon the Railway, but under and subject to the Provisions and Restrictions of an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and the Company shall, if required, at the Expence of such Owners and Occupiers and other Persons, and subject also to the Provisions of the said last-mentioned Act, make Openings in the Rails, and such additional Lines of Rail as may be necessary for effecting such Communication, in Places where the Communication can be made with Safety to the Public, and without Injury to the Railway, and without Inconvenience to the Traffic thereon; and the Company shall not take any Rate or Toll or other Monies for the passing of any Passengers, Goods, or other Things along any Branch so to be made by any such Owner or Occupier or other Person; but this Enactment shall be subject to the following Restrictions and Conditions; (that is to say,)

Restrictions and Conditions.

No such Branch Railway shall run parallel to the Railway:

The Company shall not be bound to make any such Openings in any Place which they shall have set apart for any specific Purpose with which such Communication would interfere, nor upon any Inclined Plane or Bridge, nor in any Tunnel:

The Persons making or using such Branch Railways shall be subject to all Byé Laws and Regulations of the Company from Time to Time made with respect to passing upon or crossing the Railway, and otherwise; and the Persons making or using such Branch Railways shall be bound to construct, and from Time to Time as Need may require, to renew, the offset Places and Switches according to the most approved Plan adopted by the Company, and under the Direction of their Engineer.

Working of Mines.

And with respect to Mines lying under or near the Railway, be it enacted as follows:

Promoters not to be entitled to Minerals.

LXX. The Company shall not be entitled to any Mines of Coal, Ironstone, Slate, or other Minerals under any Land purchased by them, except only such Parts thereof as shall be necessary to be dug or carried away or used in the Construction of the Works, unless the same shall have been expressly purchased; and all such Mines, excepting as aforesaid, shall be deemed to be excepted out of the Conveyance of such Lands, unless they shall have been expressly named therein and conveyed thereby.

Mines lying near the Railway not to be worked if the Company willing to purchase them.

LXXI. If the Owner, Lessee, or Occupier of any Mines or Minerals lying under the Railway, or any of the Works connected therewith, or within the prescribed Distance, or, where no Distance shall be prescribed, Forty Yards therefrom, be desirous of working the same, such Owner, Lessee, or Occupier shall give to the Company Notice in Writing of his Intention so to do Thirty Days before the Commencement of working; and upon the Receipt of such Notice it shall be lawful for the Company to cause such Mines to be inspected by any Person appointed by them for the Purpose; and if it appear to the Company that the working of such Mines, either wholly or partially, is likely to damage the Works of the Railway, and if the Company be desirous that such Mines or any Parts thereof should be left unworked, and if they be willing to make Compensation for such Mines or Minerals, or such Parts thereof as they desire to be left unworked, they shall give Notice to such Owner, Lessee, or Occupier of such their Desire, and shall in such Notice specify the Parts of the Mines under the Railway or Works or within the Distance aforesaid which they shall desire to be left unworked, and for which they shall be willing to make Compensation; and in such Case such Owner, Lessee, or Occupier shall not work or get the Mines or Minerals comprised in such Notice; and the Company shall make Compensation for the same, and for all Loss or Damage occasioned by the non-working thereof, to the Owner, Lessee, and Occupier thereof respectively; and if the Company, and such Owner, Lessee, or Occupier, do not agree as to the Amount of such Compensation, the same shall be settled as in other Cases of disputed Compensation.

If Company unwilling to purchase, Owner may work the Mines.

LXXII. If before the Expiration of such Thirty Days the Company do not give Notice of their Desire to have such Mines left unworked, and of their Willingness to make such Compensation as aforesaid, it shall be lawful for such Owner, Lessee, or Occupier to work the said Mines, or such Parts thereof for which the Company shall not have agreed to pay Compensation, up to the Limits of the Mines or Minerals for which they shall have agreed to make Compensation, in such Manner as such Owner, Lessee, or Occupier shall think fit, for the Purpose of getting the Minerals contained therein; and if any Damage or Obstruction be occasioned to the Railway or Works by the working or getting

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Working of Mines.

of any such Minerals which the Company shall so have required to be left unworked, and for which they shall so have agreed to make Compensation, the same shall be forthwith repaired or removed, as the Case may require, and such Damage made good, by the Owner, Lessee, or Occupier of such Mines or Minerals, and at his own Expence; and if such Repair or Removal be not forthwith done, or, if the Company shall so think fit, without waiting for the same to be done by such Owner, Lessee, or Occupier, it shall be lawful for the Company to execute the same, and recover from such Owner, Lessee, or Occupier the Expence occasioned thereby by Action in any competent Court.

Mining Communications.

LXXIII. If the working of any such Mines or Minerals under the Railway or Works, or within the above-mentioned Distance therefrom, be prevented as aforesaid by reason of apprehended Injury to the Railway, it shall be lawful for the respective Owners, Lessees, and Occupiers of such Mines, and whose Mines shall extend so as to be on both Sides of the Railway, to cut and make such and so many Airways, Headways, Gateways, or Water Levels through the Mines, Measures, or Strata, the working whereof shall be so prevented, as may be requisite to enable them to ventilate, drain, and work their said Mines; but no such Airway, Headway, Gateway, or Water Level shall be of greater Dimensions or Section than the prescribed Dimensions and Sections, and where no Dimensions shall be prescribed not greater than Eight Feet wide and Eight Feet high, nor shall the same be cut or made upon any Part of the Railway or Works, or so as to injure the same, or to impede the Passage thereon.

Company to make Compensation for Injury done to Mines;

LXXIV. The Company shall from Time to Time pay to the Owner, Lessee, or Occupier of any such Mines extending so as to be on both Sides of the Railway all such additional Expences and Losses as shall be incurred by such Owner, Lessee, or Occupier by reason of the Severance of the Lands lying over such Mines by the Railway, or of the continuous working of such Mines being interrupted as aforesaid, or by reason of the same being worked in such Manner and under such Restrictions as not to prejudice or injure the Railway, and for any Minerals not purchased by the Company which cannot be obtained by reason of making and maintaining the Railway; and if any Dispute or Question shall arise between the Company, and such Owner, Lessee, or Occupier as aforesaid, touching the Amount of such Losses or Expences, the same shall be settled as in other Cases of disputed Compensation.

and also for any Airway or other Work made necessary by the Railway.

LXXV. If any Loss or Damage be sustained by the Owner or Occupier of the Lands lying over any such Mines the working whereof shall have been so prevented as aforesaid (and not being the Owner, Lessee, or Occupier of such Mines), by reason of the making of any such Airway or other Work as aforesaid, which or any like Work would not have been necessary to be made but for the working of such Mines having been so prevented as aforesaid, the Company shall make full Compensation to such Owner or Occupier of the Surface Lands for the Loss or Damage so sustained by him.

Power to Company to enter and inspect the working of Mines.

LXXVI. For better ascertaining whether any such Mines are being worked or have been worked so as to damage the Railway or Works, it shall be lawful for the Company, after giving Twenty-four Hours Notice in Writing to enter upon any Lands through or near which the Railway passes wherein any such Mines are being worked or are supposed so to be, and to enter into and return from any such Mines or the Works connected therewith; and for that Purpose it shall be lawful for them to make use of any Apparatus or Machinery connected with such Mines belonging to the Owner, Lessee, or Occupier of such Mines upon Payment of the reasonable Cost of using and working the same, and of any Loss thereby occasioned to the working of the Mines, or otherwise, and to use all necessary Means for discovering the Distance from the Railway to the Parts of such Mines which are being worked or about so to be.

Penalty for Refusal to allow Inspection.

LXXVII. If any such Owner, Lessee, or Occupier of any such Mine shall refuse to allow any Person appointed by the Company for that Purpose to enter into and inspect any such Mines or Works in manner aforesaid, every Person so offending shall for every such Refusal forfeit to the Company a Sum not exceeding Twenty Pounds.

If Mines improperly worked, Supports to be made.

LXXVIII. If it appear that any such Mines have been worked contrary to the Provisions of this or the special Act, the Company may, if they think fit, give Notice to the Owner, Lessee, or Occupier thereof to construct such Supports or Works, and to adopt such Means as may be necessary or proper for making safe the Railway, and preventing Injury thereto; and if after such Notice any such Owner, Lessee, or Occupier do not forthwith proceed to construct the Works necessary for making safe the Railway, the Company may themselves construct such Works, and recover the Expence thereof from such Owner, Lessee, or Occupier by Action in any competent Court.

Passengers and Goods on Railway.

And with respect to the carrying of Passengers and Goods upon the Railway, and the Tolls to be taken thereon, be it enacted as follows:

Company to employ locomotive Power, Carriages, &c.

LXXIX. It shall be lawful for the Company to use and employ locomotive Engines or other moving Power, and Carriages and Waggons to be drawn or propelled thereby, and to carry and convey upon the Railway all such Passengers and Goods as shall be offered to them for that Purpose, and to make such reasonable Charges in respect thereof as they may from Time to Time determine upon, not exceeding the Tolls by the special Act authorized to be taken by them.

Company empowered to contract with other Companies.

LXXX. It shall be lawful for the Company from Time to Time to enter into any Contract with any other Company, being the Owners or Lessees or in possession of any other Railway, for the Passage over or along the Railway by the special Act authorized to be made of any Engines, Coaches, Waggons, or other Carriages of any other Company, or which shall pass over any other Line of Railway, or for the Passage over any other Line of Railway of any Engines, Coaches, Waggons, or other Carriages of the Company, or which shall pass over their Line of Railway, upon the Payment of such Tolls and

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Passengers and Goods on Railway.

under such Conditions and Restrictions as may be mutually agreed upon; and for the Purpose aforesaid it shall be lawful for the respective Parties to enter into any Contract for the Division or Apportionment of the Tolls to be taken upon their respective Railways.

Contracts not to affect Persons not Parties thereto.

LXXXI. Provided always, That no such Contract as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the respective Companies, Parties to such Contracts, shall for the Time being be respectively authorized and entitled to demand or receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of any of the said Railways, upon the same Terms and Conditions, and on Payment of the same Tolls, as they would have been in case no such Contract had been entered into.

Company not to be liable to a greater Extent than Common Carriers.

LXXXII. Nothing in this or the special Act contained shall extend to charge or make liable the Company further or in any other Case than where, according to the Laws of *Scotland*, Stage Coach Proprietors and Common Carriers would be liable, nor shall extend in any Degree to deprive the Company of any Protection or Privilege which Common Carriers or Stage Coach Proprietors may be entitled to; but, on the contrary, the Company shall at all Times be entitled to the Benefit of every such Protection and Privilege.

Power to vary Tolls under like Circumstances.

LXXXIII. 'And whereas it is expedient that the Company should be enabled to vary the Tolls upon 'the Railway, so as to accommodate them to the Circumstances of the Traffic, but that such Power of 'varying should not be used for the Purpose of prejudicing or favouring particular Parties, or for the 'Purpose of collusively and unfairly creating a Monopoly, either in the Hands of the Company or of 'particular Parties;' it shall be lawful therefore for the Company, subject to the Provisions and Limitations herein and in the special Act contained, from Time to Time to alter or vary the Tolls by the special Act authorized to be taken, either upon the whole or upon any particular Portions of the Railway, as they shall think fit; provided that all such Tolls be at all Times charged equally to all Persons, and after the same Rate, whether *per* Ton *per* Mile or otherwise, in respect of all Passengers, and of all Goods or Carriages of the same Description, and conveyed or propelled by a like Carriage or Engine passing only over the same Portion of the Line of Railway under the same Circumstances; and no Reduction or Advance in any such Tolls shall be made either directly or indirectly in favour of or against any particular Company or Person travelling upon or using the Railway.

Tolls to be charged equally under like Circumstances.

How Tolls to be calculated where Railways are amalgamated.

LXXXIV. 'And whereas Authority has been given by various Acts of Parliament to Railway Com- 'panies to demand Tolls for the Conveyance of Passengers and Goods and for other Services over a 'Fraction of a Mile equal to the Toll which they are authorized to demand for One Mile;' be it enacted, That in Cases in which any Railway shall be amalgamated with any other adjoining Railway or Railways such Tolls shall be calculated and imposed at such Rates as if such amalgamated Railways had originally formed One Line of Railway.

Railway to be free on Payment of Tolls.

LXXXV. It shall not be lawful for the Company at any Time to demand or take a greater Amount of Toll, or make any greater Charge for the Carriage of Passengers or Goods, than they are by this and the special Act authorized to demand; and upon Payment of the Tolls from Time to Time demandable all Companies and Persons shall be entitled to use the Railway, with Engines and Carriages properly constructed as by this and the special Act directed, subject nevertheless to the Provisions and Restrictions of the said Act of the Sixth Year of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*, and to the Regulations to be from Time to Time made by the Company by virtue of the Powers in that Behalf hereby and by the special Act conferred upon them.

5 & 6 Vict. c. 55.

Collection of Tolls.

List of Tolls to be exhibited on a Board.

LXXXVI. A List of all the Tolls authorized by the special Act to be taken, and which shall be exacted by the Company, shall be published by the same being painted upon One Toll Board or more in distinct Black Letters on a White Ground, or White Letters on a Black Ground, or by the same being printed in legible Characters on Paper affixed to such Board, and by such Board being exhibited in some conspicuous Place on the Stations or Places where such Tolls shall be made payable.

Milestones.

LXXXVII. The Company shall cause the Length of the Railway to be measured, and Posts or other conspicuous Objects to be set up and maintained along the whole Line thereof, at the Distance of One Quarter of a Mile from each other, with Numbers or Marks inscribed thereon denoting such Distances.

Tolls to be taken only whilst Board exhibited, &c.

LXXXVIII. No Tolls shall be demanded or taken by the Company for the Use of the Railway during any Time at which the Boards herein-before directed to be exhibited shall not be so exhibited, or at which the Milestones herein-before directed to be set up and maintained shall not be so set up and maintained; and if any Person wilfully pull down, deface, or destroy any such Board or Milestone he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Tolls to be paid as directed by the Company.

LXXXIX. The Tolls shall be paid to such Persons, and at such Places upon or near to the Railway, and in such Manner and under such Regulations, as the Company shall, by Notice to be annexed to the List of Tolls, appoint.

In default of Payment of Tolls, Goods, &c. may be detained and sold.

XC. If, on demand, any Person fail to pay the Tolls due in respect of any Carriage or Goods, it shall be lawful for the Company to detain and sell such Carriage, or all or any Part of such Goods, or, if the same shall have been removed from the Premises of the Company, to detain and sell any other Carriages or Goods within such Premises belonging to the Party liable to pay such Tolls, and out of the Monies arising from such Sale to retain the Tolls payable as aforesaid, and all Charges and Expences of such Detention and Sale, rendering the Overplus, if any, of the Monies arising by such Sale, and such of the Carriages or Goods as shall remain unsold, to the Person entitled thereto, or it shall be lawful for the Company to recover any such Tolls by Action at Law.

XCI. Every

Account of Lading, &c. to be given.

XCI. Every Person being the Owner or having the Care of any Carriage or Goods passing or being upon the Railway shall, on demand, give to the Collector of Tolls, at the Places where he attends for the Purpose of receiving Goods or of collecting Tolls for the Part of the Railway on which such Carriage or Goods may have travelled or be about to travel, an exact Account in Writing signed by him of the Number or Quantity of Goods conveyed by any such Carriage, and of the Point on the Railway from which such Carriage or Goods have set out or are about to set out, and at what Point the same are intended to be unloaded or taken off the Railway; and if the Goods conveyed by any such Carriage, or brought for Conveyance as aforesaid, be liable to the Payment of different Tolls, then such Owner or other Person shall specify the respective Numbers or Quantities thereof liable to each or any of such Tolls.

Penalty for not giving Account of Lading.

XCII. If any such Owner or other such Person fail to give such Account, or to produce his Way-bill or Bill of Lading, to such Collector or other Officer or Servant of the Company demanding the same, or if he give a false Account, or if he unload or take off any Part of his Lading or Goods at any other Place than shall be mentioned in such Account, with Intent to avoid the Payment of any Tolls payable in respect thereof, he shall for every such Offence forfeit to the Company a Sum not exceeding Ten Pounds for every Ton of Goods, or for any Parcel not exceeding One Hundred Weight, and so in proportion for any less Quantity of Goods than One Ton, or for any Parcel exceeding One Hundred Weight, (as the Case may be,) which shall be upon any such Carriage; and such Penalty shall be in addition to the Toll to which such Goods may be liable.

Disputes as to Amount of Tolls chargeable.

XCIII. If any Dispute arise concerning the Amount of the Tolls due to the Company, or concerning the Charges occasioned by any Detention or Sale thereof under the Provisions herein or in the special Act contained, the same shall be settled by the Sheriff or by Two Justices; and it shall be lawful for the Company in the meanwhile to detain the Goods, or (if the Case so require) the Proceeds of the Sale thereof.

Differences as to Weights, &c.

XCIV. If any Difference arise between any Toll Collector or other Officer or Servant of the Company and any Owner of or Person having the Charge of any Carriage passing or being upon the Railway, or of any Goods conveyed or to be conveyed by such Carriage, respecting the Weight, Quantity, Quality, or Nature of such Goods, such Collector or other Officer may lawfully detain such Carriage or Goods, and examine, weigh, gauge, or otherwise measure the same; and if upon such measuring or Examination such Goods appear to be of greater Weight or Quantity or of other Nature than shall have been stated in the Account given thereof, then the Person who shall have given such Account shall pay, and the Owner of such Carriage, or the respective Owners of such Goods, shall also, at the Option of the Company, be liable to pay the Costs of such measuring and examining; but if such Goods appear to be of the same or less Weight or Quantity than and of the same Nature as shall have been stated in such Account, then the Company shall pay such Costs, and they shall also pay to such Owner of or Person having Charge of such Carriage, and to the respective Owners of such Goods, such Damage (if any) as shall appear to the Sheriff or any Two Justices, on a summary Application to him or them for that Purpose, to have arisen from such Detention.

Toll Collector to be liable for wrongful Detention of Goods.

XCV. If at any Time it be made to appear to any such Sheriff or Justices, upon the Complaint of the Company, that any such Detention, measuring, or examining of any Carriage or Goods, as herein-before mentioned, was without reasonable Ground, or that it was vexatious on the Part of such Collector or other Officer, then the Collector or other Officer shall himself pay the Costs of such Detention and measuring, and the Damage occasioned thereby; and in default of immediate Payment of any such Costs or Damage the same may be recovered by Poinding and Sale of the Goods of such Collector, and such Sheriff or Justices shall issue his or their Warrant accordingly.

Penalty on Passengers practising Frauds on the Company.

XCVI. If any Person travel or attempt to travel in any Carriage of the Company, or of any other Company or Party using the Railway, without having previously paid his Fare, and with Intent to avoid Payment thereof, or if any Person, having paid his Fare for a certain Distance, knowingly and wilfully proceed in any such Carriage beyond such Distance without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof, or if any Person knowingly and wilfully refuse or neglect, on arriving at the Point to which he has paid his Fare, to quit such Carriage, every such Person shall for every such Offence forfeit to the Company a Sum not exceeding Forty Shillings.

Detention of Offenders.

XCVII. If any Person be discovered, either in or after committing or attempting to commit any such Offence as in the preceding Enactment mentioned, all Officers and Servants and other Persons on behalf of the Company, or such other Company or Party as aforesaid, and all Constables, Gaolers, and Peace Officers, may lawfully apprehend and detain such Person until he can conveniently be taken before the Sheriff or some Justice, or until he be otherwise discharged by due Course of Law.

Penalty for bringing dangerous Goods on Railway.

XCVIII. No Person shall be entitled to carry, or to require the Company to carry, upon the Railway, any Aquafortis, Oil of Vitrol, Gunpowder, Lucifer Matches, or any other Goods which in the Judgment of the Company may be of a dangerous Nature; and if any Person send by the Railway any such Goods without distinctly marking their Nature on the Outside of the Package containing the same, or otherwise giving Notice in Writing to the Book-keeper or other Servant of the Company with whom the same are left, at the Time of so sending, he shall forfeit to the Company Twenty Pounds for every such Offence; and it shall be lawful for the Company to refuse to take any Parcel that they may suspect to contain Goods of a dangerous Nature, or require the same to be opened to ascertain the Fact.

Delivery of Matters in possession or

XCIX. If any Collector of Tolls or other Officer employed by the Company be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector or other Officer, or the Wife, Widow,

Widow, or any of the Family or Representatives of any such Collector or other Officer, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Company, or to any Person appointed by them for that Purpose, any Station, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Company in the Possession or Custody of any such Collector or Officer at the Occurrence of any such Event as aforesaid, then, upon Application being made by the Company to the Sheriff or to any Two Justices, it shall be lawful for such Sheriff or Justices to order any Constable, with proper Assistance, to enter upon such Station or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the Company, or any Person appointed by them for that Purpose. Custody of Toll Collector at Removal.

C. And be it enacted, That the Company shall every Year cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this or the special Act for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Directors or some of them, and by the Auditors, and shall, if required, transmit a Copy of the said Account, free of Charge, to the Sheriff Clerks of the Counties through which the Railway shall pass, on or before the Thirty-first Day of *January* then next; and the Copy of such Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Account as aforesaid, if required so to do by any such Sheriff Clerk, they shall forfeit for every such Omission the Sum of Twenty Pounds. Annual Account to be made up, and a Copy transmitted to the Sheriff Clerk.

Bye Laws.

And with respect to the Regulations of the Use of the Railway, be it enacted as follows:

CI. It shall be lawful for the Company from Time to Time, subject to the Provisions and Restrictions in this and the special Act contained, to make Regulations for the following Purposes; (that is to say,) Company to regulate the Use of the Railway

For regulating the Mode by which and the Speed at which Carriages using the Railway are to be moved or propelled;

For regulating the Times of the Arrival and Departure of any such Carriages;

For regulating the loading and unloading of such Carriages, and the Weights which they are respectively to carry;

For regulating the Receipt and Delivery of Goods and other Things which are to be conveyed upon such Carriages;

For preventing the smoking of Tobacco, and the Commission of any other Nuisance, in or upon such Carriages, or in any of the Stations or Premises occupied by the Company;

And, generally, for regulating the travelling upon or using and working of the Railway:

But no such Regulation shall authorize the closing of the Railway, or prevent the Passage of Engines or Carriages on the Railway, at reasonable Times, except at any Time when in consequence of any of the Works being out of repair, or from any other sufficient Cause, it shall be necessary to close the Railway or any Part thereof.

CII. For better enforcing the Observance of all or any of such Regulations it shall be lawful for the Company, subject to the Provisions of an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways*, to make Bye Laws, and from Time to Time to repeal or alter such Bye Laws, and make others, provided that such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have Effect, or to the Provisions of this or the special Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company; and any Person offending against any such Bye Law shall forfeit for every such Offence any Sum not exceeding Five Pounds, to be imposed by the Company in such Bye Laws as a Penalty for any such Offence; and if the Infraction or Non-observance of any such Bye Law or other such Regulation as aforesaid be attended with Danger or Annoyance to the Public or Hindrance to the Company in the lawful Use of the Railway, it shall be lawful for the Company summarily to interfere to obviate or remove such Danger, Annoyance, or Hindrance, and that without Prejudice to any Penalty incurred by the Infraction of any such Bye Law. Power to make Regulations by Bye Laws. 3 & 4 Vict. c. 97.

CIII. The Substance of such last-mentioned Bye Laws, when confirmed or allowed according to the Provisions of any Act in force regulating the Allowance or Confirmation of the same, shall be painted on Boards, or printed on Paper and pasted on Boards, and hung up and affixed and continued on the Front or other conspicuous Part of every Wharf or Station belonging to the Company, according to the Nature or Subject Matter of such Bye Laws respectively, and so as to give public Notice thereof to the Parties interested therein or affected thereby; and such Boards shall from Time to Time be renewed as often as the Bye Laws thereon, or any Part thereof, shall be obliterated or destroyed; and no Penalty imposed by any such Bye Law shall be recoverable unless the same shall have been published and kept published in manner aforesaid. Publication of such Bye Laws.

CIV. Such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same; and for Proof of the Publication of any such Bye Laws it shall be sufficient to prove that a printed Paper or painted Board, containing a Copy of such Bye Laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged then that such Paper or Board was replaced as soon as conveniently might be. Such Bye Laws to be binding on all Parties.

Leasing of Railway.

Exercise of Power to lease Railway.

CV. Where the Company shall be authorized by the special Act to lease the Railway, or any Part thereof, to any Company or Person, the Lease to be executed in pursuance of such Authority shall contain all usual and proper Obligations on the Part of the Lessee for maintaining the Railway, or the Portion thereof comprised in such Lease, in good and efficient Repair and working Condition during the Continuance thereof, and for so leaving the same at the Expiration of the Term thereby granted, and such other Provisions, Conditions, Obligations, and Agreements as are usually inserted in Leases of a like Nature.

Powers vested in Company to be exercised by Lessees.

CVI. Such Lease shall entitle the Company or Person to whom the same shall be granted to the free Use of the Railway or Portion of Railway comprised therein, and during the Continuance of any such Lease all the Powers and Privileges granted to and which might otherwise be exercised and enjoyed by the Company, or the Directors thereof, or their Officers, Agents, or Servants, by virtue of this or the special Act, with regard to the Possession, Enjoyment, and Management of the Railway, or of the Part thereof comprised in such Lease, and the Tolls to be taken thereon, shall be exercised and enjoyed by the Lessee, and the Officers and Servants of such Lessee, under the same Regulations and Restrictions as are by this or the special Act imposed on the Company and their Directors, Officers, and Servants; and such Lessee shall, with respect to the Railway comprised in such Lease, be subject to all the Obligations by this or the special Act imposed on the Company.

Carriages and Engines.

And with respect to the Engines and Carriages to be brought on the Railway, be it enacted as follows:

Engines to consume their Smoke.

CVII. Every locomotive Steam Engine to be used on the Railway shall, if it use Coal or other similar Fuel emitting Smoke, be constructed on the Principle of consuming and so as to consume its own Smoke; and if any Engine be not so constructed the Company or Party using such Engine shall forfeit Five Pounds for every Day during which such Engine shall be used on the Railway.

Engines to be approved by the Company, and Certificate of Approval given.

CVIII. No locomotive or other Engine, or other Description of moving Power, shall at any Time be brought upon or used on the Railway unless the same have first been approved of by the Company; and within Fourteen Days after Notice given to the Company by any Party desirous of bringing any such Engine on the Railway the Company shall cause their Engineer or other Agent to examine such Engine at any Place within Three Miles Distance from the Railway to be appointed by the Owner thereof, and to report thereon to the Company; and within Seven Days after such Report, if such Engine be proper to be used on the Railway, the Company shall give a Certificate to the Party requiring the same of their Approval of such Engine; and if at any Time the Engineer or other Agent of the Company report that any Engine used upon the Railway is out of repair, or unfit to be used upon the Railway, the Company may require the same to be taken off, or may forbid its Use upon the Railway until the same shall have been repaired to the Satisfaction of the Company, and upon the Engine being so repaired the Company shall give a Certificate to the Party requiring the same of their Approval of such Engine; and if any Difference of Opinion arise between the Company and the Owner of any such Engine as to the Fitness or Unfitness thereof for the Purpose of being used on the Railway, such Difference shall be settled by Arbitration.

Unfit Engines to be removed.

Penalties on Persons using improper Engines.

CIX. If any Person, whether the Owner or other Person having the Care thereof, bring or use upon the Railway any locomotive or other Engine, or any moving Power, without having first obtained such Certificate of Approval as aforesaid, or if, after Notice given by the Company to remove any such Engine from the Railway, such Person do not forthwith remove the same, or if, after Notice given by the Company not to use any such Engine upon the Railway, such Person do so use such Engine, without having first repaired the same to the Satisfaction of the Company, and obtained such Certificate of Approval, every such Person shall in any of the Cases aforesaid forfeit to the Company a Sum not exceeding Twenty Pounds; and in any such Case it shall be lawful for the Company to remove such Engine from the Railway.

Carriages to be constructed according to Company's Regulations.

CX. No Carriage shall pass along or be upon the Railway (except in directly crossing the same, as herein or by the special Act authorized,) unless such Carriage be at all Times, so long as it shall be used or shall remain on the Railway, of the Construction and in the Condition which the Regulations of the Company for the Time being shall require; and if any Dispute arise between the Company and the Owner of any such Carriage as to the Construction or Condition thereof, in reference to the then existing Regulations of the Company, such Dispute shall be settled by Arbitration.

Regulations to apply also to Company's Carriages.

CXI. The Regulations from Time to Time to be made by the Company respecting the Carriages to be used on the Railway shall be drawn up in Writing, and be authenticated by the Common Seal of the Company, and shall be applicable alike to the Carriages of the Company and to the Carriages of other Companies or Persons using the Railway; and a Copy of such Regulations shall, on demand, be furnished by the Secretary of the Company to any Person applying for the same.

Penalty for using improper Carriages.

CXII. If any Carriage, not being of such Construction or in such Condition as the Regulations of the Company for the Time being require, be made to pass or be upon any Part of the Railway (except as aforesaid), the Owner thereof, or any Person having for the Time being the Charge of such Carriage, shall forfeit to the Company a Sum not exceeding Ten Pounds for every such Offence, and it shall be lawful for the Company to remove any such Carriage from the Railway.

Owner's Name, &c. to be registered, and exhibited on Carriages.

CXIII. The respective Owners of Carriages using the Railway shall cause to be entered with the Secretary or other Officer of the Company appointed for that Purpose the Names and Places of Abode of the Owners of such Carriages respectively, and the Numbers, Weights, and Gauges of their respective Carriages; and such Owners shall also, if so required by the Company, cause the same Particulars to

be

be painted in legible Characters on some conspicuous Part of the Outside of every such Carriage, so as to be always open to View; and every such Owner shall, whenever required by the Company, permit his Carriage to be weighed, measured, or gauged at the Expence of the Company. *Carriages and Engines.*

CXIV. If the Owner of any Carriage fail to comply with the Requisitions contained in the preceding Enactment, it shall be lawful for the Company to refuse to allow such Carriage to be brought upon the Railway, or to remove the same therefrom, until such Compliance. On Non-compliance Carriage may be removed.

CXV. If the Loading of any Carriage using the Railway be such as to be liable to Collision with other Carriages properly loaded, or to be otherwise dangerous, or if the Person having the Care of any Carriage or Goods upon the Railway suffer the same or any Part thereof to remain on the Railway so as to obstruct the Passage or working thereof, it shall be lawful for the Company to cause such Carriage or Goods to be unloaded and removed in any Manner proper for preventing such Collision or Obstruction, and to detain such Carriage or Goods, or any Part thereof, until the Expences occasioned by such unloading, Removal, or Detention be paid. Carriages improperly loaded, or suffered to obstruct the Way, may be unloaded or removed.

CXVI. The Company shall not be liable for any Damage or Loss occasioned by any such unloading, Removal, or Detention as aforesaid, except for Damage wilfully or negligently done to any Carriage or Goods so unloaded, removed, or detained; nor shall they be liable for the safe Custody of any such Carriage or Goods so detained unless the same be wrongfully detained by them, and then only for so long a Time as the same shall have been so wrongfully detained. Company not to be liable for Damage by unloading, &c.

CXVII. The respective Owners of Engines and Carriages passing or being upon the Railway shall be answerable for any Damage done by their Engines or Carriages, or by any of the Servants or Persons employed by them, to or upon the Railway, or the Machinery or Works belonging thereto, or to or upon the Property of any other Person. Owners liable for Damage by Servants.

CXVIII. It shall be lawful for any Owner of any Engine or Carriage who shall pay the Amount of any Damage caused by the Misfeasance or Negligence of any Servant or other Person employed by him to recover the Amount so paid by him from such Servant or other Person. Owners to recover from Servants.

And with respect to the Settlement of Disputes by Arbitration, be it enacted as follows: *Arbitration.*

CXIX. When any Dispute directed by this or the special Act, or any Act incorporated therewith, to be settled by Arbitration, shall have arisen, then, unless both Parties shall concur in the Appointment of a single Arbiter, each Party, on the Request of the other Party, shall nominate and appoint an Arbiter to whom such Dispute shall be referred; and every Appointment of an Arbiter shall be made on the Part of the Company under the Hand of the Secretary or any Two of the Directors of the Company, and on the Part of any other Party under the Hand of such Party, or if such Party be a Company or Corporation, under the Hand of the proper Officer or Person authorized by such Company or Corporation; and such Appointment shall be delivered to the Arbiter, and shall be deemed a Submission to Arbitration on the Part of the Party by whom the same shall be made; and after any such Appointment shall have been made neither Party shall have Power to revoke the same without the Consent of the other, nor shall the Death of either Party operate as such Revocation; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing in which shall be stated the Matters so required to be referred to Arbitration, shall have been served by the one Party on the other Party, to appoint an Arbiter, such last-mentioned Party fail to appoint such Arbiter, then upon such Failure the Party making the Request, and having himself appointed an Arbiter, may appoint such Arbiter to act on behalf of both Parties; and such Arbiter may proceed to hear and determine the Matters which shall be in dispute, and in such Case the Award or Determination of such single Arbiter shall be final. Where Questions are to be determined by Arbitration Arbiters to be appointed within Fourteen Days after Notice.

CXX. If before the Matters so referred shall be determined any Arbiter appointed by either Party die, or become incapable to act, the Party by whom such Arbiter was appointed may nominate and appoint in Writing some other Person to act in his Place; and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so the remaining or other Arbiter may proceed *ex parte;* and every Arbiter so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbiter at the Time of such his Death or Incapacity as aforesaid. Vacancy of Arbiter to be supplied.

CXXI. Where more than One Arbiter shall have been appointed such Arbiter shall, before they enter upon the Matters so referred to them, nominate and appoint by Writing under their Hands an Oversman to decide on any such Matters on which they shall differ, or which shall be referred to them under this or the special Act; and if such Oversman shall die or become incapable to act, they shall forthwith after such Death or Incapacity appoint another Oversman in his Place; and the Decision of every such Oversman on the Matters on which the Arbiters shall differ shall be final. Appointment of Oversman.

CXXII. If in either of the Cases aforesaid the said Arbiters shall refuse, or shall for Seven Days after Request of either Party to such Arbitration neglect to appoint an Oversman, the Lord Ordinary, on the Application of either Party to such Arbitration, shall appoint an Oversman; and the Decision of such Oversman on the Matters on which the Arbiters shall differ, or which shall be referred to them under this or the special Act, shall be final. Lord Ordinary to appoint an Oversman on Neglect of Arbiters.

CXXIII. If when a single Arbiter shall have been appointed such Arbiter shall die or become incapable to act before he shall have made his Award, the Matters referred to him shall be determined by Arbitration, under the Provisions of this or the special Act, in the same Manner as if such Arbiter had not been appointed. In case of Death of single Arbiter, Matter to begin de novo.

If either Arbiter refuse to act, &c.

CXXIV. If where more than One Arbiter shall have been appointed either of the Arbiters refuse or for Seven Days neglect to act, the other Arbiter may proceed *ex parte*, and the Decision of such Arbiter shall be as effectual as if he had been the single Arbiter by both Parties.

If Arbiters fail to make their Award within Twenty-one Days Matter to go to Umpire.

CXXV. If where more than One Arbiter shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such Arbiters shall fail to make their Award within Twenty-one Days after the Day on which the last of such Arbiters shall have been appointed, or within such extended Time as shall have been appointed for that Purpose by both such Arbiters, under their Hands, the Matters referred to them shall be determined by the Umpire to be appointed as aforesaid.

Power of Arbiters to call for Books, &c.

CXXVI. The said Arbiters or their Oversman may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose, and may also grant Diligence for the Recovery of such Documents as either Party may require, or for citing Witnesses, and on Application to the Lord Ordinary Letters of Supplement, or such other Writ as may be necessary, shall be issued by the Lord Ordinary in support of such Diligence.

Expences to be in the Discretion of the Arbiters.

CXXVII. Except where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the Expences of and attending every such Arbitration, to be determined by the Arbiters, including the Expence of recording the Decreet Arbitral or Award in the Books of Council and Session, and of furnishing Extracts thereof from the said Books, shall be in the Discretion of the Arbiters or the Oversman, as the Case may be.

Awards to be in Writing, and recorded;

CXXVIII. The Arbiters or Oversman, as the Case may be, shall make the Decreet Arbitral or Award in Writing, and shall cause the same to be recorded in the Books of Council and Session; and Extracts of Decreets Arbitral or Awards so recorded shall make Faith in all Courts and Cases in like Manner as the original Decreets Arbitral or Awards themselves, except where the Originals are offered to be improven.

not to be set aside for Matter of Form.

CXXIX. No Award made in respect to any Question referred to Arbitration under the Provisions of this or the special Act shall be set aside for Irregularity or Error in Matter of Form.

Service of Notices upon Company.

CXXX. And be it enacted, That any Summons or Notice, or any Writ or other Proceeding at Law, requiring to be served upon the Company, may be served by the same being left at or transmitted through the Post directed to the principal Office of the Company, or One of their principal Offices where there shall be more than One, or being given personally to the Secretary, or in case there be no Secretary then by being given to any One Director of the Company.

Tender of Amends.

CXXXI. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defender, by Leave of the Court where such Action shall be pending, at any Time before the Record is closed to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defenders are allowed to pay Money into Court.

Recovery of Damages and Penalties.

And with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff or to Justices, be it enacted as follows:

Provision for Damages not otherwise provided for.

CXXXII. In all Cases where any Damages, Charges, or Expences are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the Method of ascertaining the Amount or enforcing the Payment thereof is not provided for, such Amount, in case of Dispute, shall be ascertained and determined by the Sheriff; and if the Amount so ascertained be not paid by the Company or other Party liable to pay the same, within Seven Days after Demand, the Amount may be recovered by Poinding and Sale of the Goods of the Company or other Party liable as aforesaid, and the Sheriff shall, on Application, issue his Warrant accordingly.

Distress, &c. against the Treasurer.

CXXXIII. If sufficient Goods of the Company cannot be found whereon to levy any such Damages, Charges, or Expences payable by the Company, the same may, if the Amount thereof do not exceed Twenty Pounds, be recovered by Poinding and Sale of the Goods of the Treasurer of the Company, and the Sheriff, on Application, shall issue his Warrant accordingly; but no such Poinding and Sale shall be executed against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence; and if such Treasurer pay any Money under such Distress or Poinding and Sale as aforesaid he may retain the Amount so paid by him, and all Expences occasioned thereby, out of any Money belonging to the Company coming into his Custody or Control, or he may sue the Company for the same.

Method of proceeding before the Sheriff or Justices in Questions of Damages.

CXXXIV. Where in this or the special Act, or any Act incorporated therewith, any Question of Damages, Charges, Expences, or other Matter is referred to the Determination of any Sheriff or Justices, it shall be lawful for the Sheriff or any Justice, upon the Application of either Party, to order the other Party to appear before such Sheriff if the Order shall be issued by the Sheriff, or before Two Justices if the Order shall have been issued by a Justice, at a Time and Place to be named in such Summons; and upon the Appearance of such Parties, or in the Absence of any of them upon Proof of due Service of the Summons, it shall be lawful for such Sheriff or such Two Justices, as the Case may be, to hear and determine such Question, and for that Purpose to examine such Parties or any of them, and

and their Witnesses, on Oath; and the Expences of every such Inquiry shall be in the Discretion of such Sheriff or Justices, and he or they shall determine the Amount thereof.

Publication of Penalties.

CXXXV. The Company shall publish the short Particulars of the several Offences for which any Penalty is imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law of the Company affecting other Persons than the Shareholders, Officers, or Servants of the Company, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalty for defacing Boards used for such Publication.

CXXXVI. If any Person pull down or injure any Board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the Purpose of publishing any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and shall defray the Expences attending the Restoration of such Board.

Penalties to be summarily recovered before the Sheriff or Two Justices.

CXXXVII. Every Penalty or Forfeiture imposed by this or the special Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before the Sheriff or Two Justices; and on Complaint being made to any Sheriff or Justice he shall issue an Order requiring the Party complained against to appear before himself if the Order be issued by a Sheriff, or before Two or more Justices if the Order be issued by a Justice, at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence after Proof of the due Service of such Order, it shall be lawful for any Sheriff or Two Justices to proceed to the hearing of the Complaint; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Sheriff or Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Expences attending the Conviction as such Sheriff or Justices shall think fit.

Penalties may be levied by Poinding and Sale.

CXXXVIII. If forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Expences as aforesaid, be not paid, the Amount of such Penalty and Expences shall be levied by Poinding and Sale, and such Sheriff or Justices, or either of them, shall issue his or their Warrant of Poinding and Sale accordingly.

Imprisonment in default of sufficient Poinding.

CXXXIX. It shall be lawful for any such Sheriff or Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Poinding and Sale to be issued for levying such Penalty or Forfeiture and Expences, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Sheriff or Justices, for his Appearance before him or them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Poinding and Sale it shall appear to the Sheriff or Justices, by the Admission of the Offender or otherwise, that no sufficient Poinding and Sale can be had within the Jurisdiction of such Sheriff or Justices whereon to levy such Penalty or Forfeiture and Expences, he or they may, if he or they think fit, refrain from issuing such Warrant; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Sheriff or Justices, then such Sheriff or Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Expences be sooner paid and satisfied.

Poinding and Sale how to be made.

CXL. Where in this or the special Act, or any Act incorporated therewith, any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Poinding and Sale, such Sum of Money shall be levied by Poinding and Sale of the Goods and Effects of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Effects, after satisfying such Sum of Money, and the Expences of the Poinding and Sale, shall be returned, on demand, to the Party whose Goods shall have been seized.

Poinding not unlawful for Want of Form.

CXLI. No Poinding and Sale made by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser or Wrongdoer, on account of any Defect or Want of Form in the Summons, Conviction, Warrant, or other Proceeding relating thereto, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action before the Sheriff Court.

Application of Penalties.

CXLII. The Sheriff or Justices by whom any such Penalty or Forfeiture shall be imposed, where the Application thereof is not otherwise provided for, may award not more than One Half thereof to the Informer, and shall award the Remainder to the Kirk Session, or Treasurer or Collector of the Funds for the Poor, of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Penalties to be sued for within Six Months.

CXLIII. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any Offence made cognizable before the Sheriff or Justices, unless the Complaint respecting such Offence shall have been made before such Sheriff or some Justice within Six Months next after the Commission of such Offence.

Damage to be made good in addition to Penalty.

CXLIV. If, through any Act, Neglect, or Default on account whereof any Person shall have incurred any Penalty imposed by this or the special Act, or any Act incorporated therewith, any Damage to the Property of the Company shall have been committed by such Person, he shall be liable to make good such Damage as well as to pay such Penalty; and the Amount of such Damage shall, in case of Dispute, be determined by the Sheriff or Justices by whom the Party incurring such Penalty shall have been convicted; and on Nonpayment of such Damages, on demand, the same shall be levied by Poinding and Sale, and such Sheriff or Justices shall issue his or their Warrant accordingly.

Penalty on Witnesses making default.

CXLV. It shall be lawful for any Sheriff or Justice to summon any Person to appear before him as a Witness in any Matter in which such Sheriff or Justice or Two or more Justices shall have Jurisdiction under the Provisions of this or the special Act, or any Act incorporated therewith, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath, or to give Evidence before such Sheriff or Justice or Justices, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CXLVI. It shall be lawful for any Officer or Agent of the Company, and all Persons called by him to his Assistance, to seize and detain any Person who shall be found committing any Offence against the Provisions of this or the special Act, or any Act incorporated therewith, and whose Name and Residence shall be unknown to such Officer or Agent, and convey him with all convenient Despatch before the Sheriff or a Justice, without any Warrant or other Authority than this or the special Act; and such Sheriff or Justice shall proceed with all convenient Despatch in the Matter of the Complaint against such Offender.

Proceedings by Sheriff need not be in Writing.

CXLVII. Any Sheriff to whom any Application is authorized to be made, and before whom any judicial Proceeding shall in consequence take place or become necessary under or by virtue of this or the special Act, or any Act incorporated therewith, shall and he is hereby authorized and required summarily to call before him all Parties who appear to him to be interested therein, and to proceed forthwith to hear *vivâ voce*, and pronounce Judgment regarding the Matters mentioned in such Application or Proceedings, or to do the several Matters and Things required by this Act to be done by him, without waiting the ordinary Course of the Roll of Causes before him, and without written Pleadings or a written Record, or reducing any Evidence which may be led by either of the Parties to Writing, unless and except where the said Sheriff shall consider that the Matters mentioned in such Application or Proceedings can with more Advantage be decided with written Pleadings and with a written Record, in which Case he shall proceed to make up a Record, and bring the said Matters to a Conclusion with all convenient Despatch; and the Orders and Judgments of the said Sheriff when pronounced without a Record shall be final and conclusive, and not subject to Review by Suspension or Advocation or to Reduction on any Ground whatever.

Form of Conviction,

CXLVIII. The Sheriff or Justice or Justices before whom any Person shall be convicted of any Offence against this or the special Act, or any Act incorporated therewith, may cause the Conviction to be drawn up according to the Form in the Schedule to this Act annexed.

Proceedings not to be quashed for Want of Form.

CXLIX. No Proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for Want of Form, nor shall the same be removed by Suspension or otherwise into any Superior Court.

Power of Appeal to Sheriff.

CL. In all Cases which may come before any Sheriff Substitute under this or the special Act, or any Act incorporated therewith, in which written Pleadings shall have been allowed, and a written Record shall have been made up, and where the Evidence which has been led by the Parties shall have been reduced to Writing, but in no other Case whatever, it shall be competent for any of the Parties thereto, within Seven Days after a final Judgment shall have been pronounced by such Sheriff Substitute, to appeal against the same to the Sheriff of the County, by lodging a Minute of Appeal with the Sheriff Clerk of such County or his Depute; and the said Sheriff shall thereupon review the Proceedings of the said Sheriff Substitute and whole Process, and, if he think proper, hear the Parties *vivâ voce* thereon, and pronounce Judgment; and such Judgment shall in no Case be subject to Review by Suspension or Advocation or to Reduction on any Ground whatever.

Parties allowed to appeal from Justices to Quarter Sessions on giving Security.

CLI. If any Party shall feel aggrieved by any Determination or Adjudication of any Justices with respect to any Matter under the Provisions of this or the special Act, or any Act incorporated therewith, he may, unless otherwise specially provided, appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CLII. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Expences, both of the Adjudication and of the Appeal, as they may think reasonable.

Special Act.

And with respect to the Provision to be made for affording Access to the special Act by all Parties interested, be it enacted as follows:

Copies of special Act to be kept and deposited, and allowed to be inspected.

CLIII. The Company shall at all Times after the Expiration of Six Months after the passing of the special Act keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty or some of them; and shall also within the Space of such Six Months deposit in the Offices of each of the Sheriff Clerks of the several Counties into which the Works shall extend a Copy of such special Act, so printed as aforesaid; and the said Sheriff Clerks shall receive, and they and the Company respectively shall retain, the said Copies of the special Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.* 7 W. 4. & 1 Vict. c. 83.

Penalty for failing to keep or deposit Act.

CLIV. If the Company shall fail to keep or deposit, as herein-before mentioned, any of the said Copies of the special Act they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited.

Alteration of Act.

CLV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE referred to by the foregoing Act.

Form of Conviction before

to wit.

BE it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me *C.*, the Sheriff [*or* before us *D.*, *E.*, Two of Her Majesty's Justices of the Peace] for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the [*here name the special Act*]. Given under my Hand [*or* under our Hands], the Day and Year first above written.

C.
or
D.
E.

CAP. XXXIV.

An Act for abolishing the separate Seal Office of the Courts of Queen's Bench and Common Pleas. [21st *July* 1845.]

6 G. 4. c. 89.

'WHEREAS by an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act to authorize the Purchase of the Office of Receiver and Comptroller of the Seal of the Court of King's Bench and Common Pleas, and of Custos Brevium of the Court of Common Pleas*, it was recited, that the Office of Receiver General and Comptroller of the Seal of the Courts of King's Bench and Common Pleas was, by Letters Patent under the Great Seal of *England*, dated the Thirtieth Day of *April* in the Twenty-fifth Year of the Reign of King *Charles* the Second, granted to *Henry* Earl of *Euston*, afterwards Duke of *Grafton*, in Tail Male, and that the Office was then held by a Person entitled thereto under the said Grant; and it was by the said Act enacted, that it should be lawful for the Commissioners of the Treasury to treat, contract, and agree with the Person beneficially entitled to the Fees, Receipts, and Profits of the said Office, for the Purchase of all the Rights, Profits, Privileges, and Advantages whatever belonging thereto, for such Annuity, to be charged upon the Consolidated Fund of the United Kingdom, as the said Commissioners should think fit; and that from and after the Confirmation of the said Agreement by Parliament the Rights and Interests of all Persons whatsoever claiming or entitled to claim under the said recited Letters Patent should cease and determine: And whereas the Commissioners of Her Majesty's Treasury treated, contracted, and agreed with *George Henry Fitzroy*, the late Duke of *Grafton*, who was entitled to the Office of Receiver General and Comptroller of the Seal of the Courts of Queen's Bench and Common Pleas, and which Contract and Agreement have been acceded to by the present Duke of *Grafton*, for the Purchase of the said Office, and of all the Rights, Profits, Privileges, and Advantages whatsoever belonging thereto, for an Annuity of Eight hundred and forty-three Pounds payable to the Duke of *Grafton*, and an Annuity of Three hundred Pounds payable to *John Pimlott*, his Deputy:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the

Abolition of Offices of Receiver General and Comptroller of the Seal.

the same, That from and after the Thirty-first Day of *December* One thousand eight hundred and forty-five, the present Office of Receiver General and Comptroller of the Seal of the Courts of Queen's Bench and Common Pleas shall wholly cease and determine; and there shall be paid to the present Duke of *Grafton* the Sum of Eight hundred and forty-three Pounds *per Annum*, and to *John Pimlott*, his Deputy, the Sum of Three hundred Pounds *per Annum;* the said Annuity to the Duke of *Grafton* to be paid to him during his Life, and at his Decease to be continued from Time to Time to such Person or Persons as would have been entitled to the Fees, Profits, and Advantages of the said Office of Receiver General and Comptroller of the Seal of the said Courts, under the Letters Patent before recited, if the same had not been abolished by this Act; and the said Annuity to *John Pimlott* to be paid to him during his Life; and such Annuities shall commence on the First Day of *January* One thousand eight hundred and forty-six, and shall be issued and paid and payable quarterly out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Writs, &c. in Courts of Queen's Bench, Common Pleas, and Exchequer to be sealed by the Masters of of those Courts respectively, &c.

II. And be it enacted, That from and after the said Thirty-first Day of *December* One thousand eight hundred and forty-five, all Writs and other Processes hitherto sealed and re-sealed at the said Office of the Receiver General and Comptroller of the Seal of the Courts of Queen's Bench and Common Pleas shall be sealed and re-sealed by the Masters of the said Courts respectively, and by the Queen's Coroner and Attorney and Master on the Crown Side of the Court of Queen's Bench, with the Seals or Stamps now or which may hereafter be used by them respectively in their several Offices, and with no other Seals; and all Proceedings, Acts, Matters, and Things, usually had, done, and performed in the said Offices hereby abolished, and which it is requisite or needful to be continued, shall be had, done, and performed by the Masters of the said respective Courts, and by the Queen's Coroner and Attorney and Master on the Crown Side of the Court of Queen's Bench, as fully and effectually, to all Intents and Purposes, as the same might or would have been had, done, and performed by the said Receiver General and Comptroller of the Seals of the said Courts, or his Deputy; subject nevertheless to all such Orders and Directions as shall or may from Time to Time be made by the Judges of the said Courts for regulating the Proceedings and Practice and the Receipt of Fees therein; and all Records, Books, Papers, and other Documents of and concerning the Duties of the said Offices hereby abolished, and also all Seals used therein, shall on the Thirty-first Day of *December* One thousand eight hundred and forty-five be delivered by the said Receiver General and Comptroller of the Seal of the Courts of Queen's Bench and Common Pleas, or by his Deputy, to the Masters of the Courts of Queen's Bench and Common Pleas respectively, and to the Queen's Coroner and Attorney and Master on the Crown Side of the Court of Queen's Bench, according to the particular Court and Office to which such Records and other Things may relate, to be by them kept and preserved in their respective Offices: Provided always, that the Fees now payable for sealing and re-sealing the said Writs and other Processes shall from and after the said Thirty-first Day of *December* One thousand eight hundred and forty-five be taken and received by the Masters of the said Courts, and by the Queen's Coroner and Master in the Crown Office, and such Fees shall be accounted for by them in the same Manner as all other Fees received in their said respective Offices.

Fees.

Commissioners of the Treasury may direct certain Sums of Money to be paid to the Clerk of the Hanaper.

III. 'And whereas certain Sums of Money amounting to One thousand six hundred and fifty-three 'Pounds and Fourteen Shillings *per Annum*, have for many Years past been paid out of the Profits of 'his Office by the Receiver General and Comptroller of the Seals of the Courts of Queen's Bench and 'Common Pleas, by way of Rent-charge, into the Receipt of the Hanaper in the Court of Chancery, 'and such Payments, unless otherwise provided for, will wholly cease and determine;' be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury or any Three or more of them, if they shall deem it expedient, to direct the whole or any Part of the said Sum of Money to be paid to the Clerk of the Hanaper in the Court of Chancery, at such Times and in such Manner as they may think proper, out of the Fee Funds respectively of the Masters of the Courts of Queen's Bench and Common Pleas, into which Funds the Fees for sealing Writs and other Process issued from the said Courts will be payable upon the Abolition of the said Office of the Receiver General and Comptroller of the Seals by the Operation of this Act.

CAP. XXXV.

An Act to simplify the Form and diminish the Expence of obtaining Infeftment in Heritable Property in *Scotland*. [21st *July* 1845.]

'WHEREAS it is expedient to simplify the Form and diminish the Expence of obtaining Infeftment 'in Heritable Property in *Scotland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *October* in the present Year One thousand eight hundred and forty-five it shall not be necessary to proceed to the Lands in which Sasine is to be given, or to perform any Act of Infeftment thereon, but Sasine shall be effectually given therein and Infeftment obtained by producing to a Notary Public the Warrants of Sasine and relative Writs, as now in use to be produced at taking Infeftment, and by expeding and recording in the General Register of Sasines, or the Particular Register of Sasines applicable to the Lands contained in the Warrant of Infeftment, in manner herein-after directed, an Instrument of Sasine, setting forth that Sasine had been given in the said Lands, and subscribed by the said Notary Public and Witnesses, according to the Form and as nearly as may be in the Terms

How Sasine to be given in future.

of

of Schedule (B.) hereto annexed; and such Form of Infeftment shall be effectual, whether the Lands lie contiguous or discontiguous, or are held by the same or by different Titles, or of One or more Superiors, or whether the Deed entitling the Party to obtain Infeftment be dated prior or subsequent to the present Act, or whether the Precept of Sasine therein be in the Form heretofore in use, or in the Form authorized by the present Act.

Instruments of Sasine to be entered and recorded.

II. And be it enacted, That from and after the said First Day of *October* every such Instrument of Sasine shall be recorded in manner heretofore in use with regard to Instruments of Sasine, and the Keepers of the Registers of Sasines are hereby required to receive and register the same accordingly; and such Instrument of Sasine, being so recorded, shall in all respects have the same Effect as if Sasine had been taken and an Instrument of Sasine duly recorded according to the Law and Practice heretofore in use.

May be recorded at any Time, but Date of Presentment to be Date of Infeftment.

III. And be it enacted, That from and after the said First Day of *October* every such Instrument of Sasine may be competently and effectually recorded at any Time during the Life of the Party in whose Favour such Instrument has been expede, but the Date of Presentment and Entry set forth on any such Instrument by the Keeper of the Record shall be taken to be the Date of the Instrument of Sasine and Infeftment.

In case of Error or Defect, another Instrument may be recorded.

IV. And be it enacted, That in case of any Error or Defect in any such Instrument of Sasine, or in the recording thereof, it shall be competent of new to make and record an Instrument of Sasine, which shall have Effect from the Date of the recording thereof, as if no previous Instrument or Instruments had been made or recorded.

Forms of the Precept and Instrument of Sasine.

V. And be it enacted, That in all Deeds containing a Precept of Sasine such Precept may be in the Form and as nearly as may be in the Terms of the Schedule (A.) hereto annexed, and the Instrument of Sasine on any such Deed shall be in the Form and as nearly as may be in the Terms of the said Schedule (B.) hereto annexed, which Precepts and Instruments of Sasine respectively shall be as valid and effectual as the Precepts and Instruments of Sasine heretofore in use.

Precept from Chancery to be issued to Notaries upon Payment of Retour Duties and Casualties.

VI. And be it enacted, That where Infeftment is to be completed under a Precept issuing from the Office of Chancery, which Precept has hitherto been directed to the Sheriff of the County in which the Lands or some Part thereof lie, such Precept shall, after the said First Day of *October*, be addressed to any Notary Public: Provided always, that such Precept shall be null and void unless an Instrument of Sasine thereon be recorded in the General Register of Sasines, or the Register of Sasines applicable to the Lands therein contained, before the first Term of *Whitsunday* or *Martinmas* posterior to the Date of such Precept, without prejudice to a new Precept being issued as heretofore, and that before such Precept is issued from Chancery the Retour Duties and Casualties due to the Crown shall be paid to the proper Officer there, who shall account to the Exchequer for the same in like Manner as the Sheriffs were wont to do; and the same Officer shall also receive at the same Time certain Fees on behalf of the Sheriffs, Sheriffs Substitute, and Sheriff Clerks of the Counties in which the Lands lie, and on which Sasine would have been taken according to the Form heretofore in use, and to whom such Officer shall account for the same, in place of the Fees which they have heretofore been in use to receive, but such Fees shall be paid only during the Existence of the respective Interests of the present Sheriffs, Sheriffs Substitute, and Sheriff Clerks in their respective Offices; and the Lords of Council and Session are hereby authorized and required, by an Act or Acts of Sederunt, to regulate and determine the Amount of the Fees to be so received on behalf of each Sheriff, Sheriff Substitute, and Sheriff Clerk, having due Regard to the existing Interest of each.

Fees to be paid to Sheriffs and Sheriff Clerks for a limited Period.

Forms of Burgage Sasines to continue as at present.

VII. 'And whereas it is not hereby intended to make any Alterations in the Law with regard to 'Instruments of Sasine and Instruments of Cognition, and Sasine of Subjects held Burgage, or by any 'similar Mode of Tenure known and effectual in Law, excepting as after specified;' be it enacted, That the Forms and Modes of Registration of these Instruments shall continue the same as at present, excepting only that the same shall be valid and effectual, if attested by the Town Clerk as a Notary, without the Addition of his Docquet, and by the Witnesses, and that the Delivery of Symbols may lawfully be given, either on the Ground of the Subjects as heretofore, or within the Council Chamber of the Burgh by Delivery of a Pen.

Instruments of Resignation ad remanentiam regulated.

VIII. And be it enacted, That Instruments of Resignation ad remanentiam shall be written in the same Form as at present, but it shall be unnecessary for the Notary Public to adhibit his long Docquet to such Instruments; and further, that all Resignations ad remanentiam may be accepted by the Superior himself, or on his Behalf by his known Agent for the Time, or by any Person having a formal Commission for that Purpose.

Instruments of Resignation in favorem abolished.

IX. 'And whereas Instruments of Resignation in favorem, as separate Instruments intended merely 'to connect the Procuratory with the Charter of Resignation, are now rarely used in Practice, and are 'wholly unnecessary;' be it enacted, That from and after the said First Day of *October* the same shall be and are hereby abolished: Provided always, that the Deduction of Titles required by the Act of the Parliament of *Scotland* made in the Year One thousand six hundred and ninety-three, intituled *Act anent Procuratories of Resignation and Precepts of Seisin*, to be made in such Instruments, shall from and after the Date of this Act be made in the Charter of Resignation.

Interpretation of Act.

X. And be it enacted, That in the Construction of this Act the Words "Notary Public" shall be held to mean a Notary Public in *Scotland* duly admitted and practising there; the Word "Deed" shall be held to include any Warrant or Document upon which Sasine may follow; and the Word "Lands," or the Words "Heritable Property," shall be held to include Houses, Fishings, Mills, Minerals, Patronages,

Teinds, and in general all Heritable Subjects or Rights in which Infeftment may be taken; and all Words in the Singular Number shall be held to include a Plurality of Persons or Things; and in general this Act shall be construed in the most liberal Manner, so as to accomplish the Objects thereby intended.

Alteration of Act.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

FORM OF PRECEPT OF SASINE.

Moreover I desire any Notary Public to whom these Presents may be presented to give to the said *A.B.* or his foresaids Sasine [*or* Life-rent Sasine, *or* Sasine in Life-rent and Fee respectively, *as the Case may be,*] of the Lands and others above disponed, [*if the Deed be granted under the Burden of a Real Lien or Servitude, or any other Incumbrance, Condition, or Qualification of the Right, or under Redemption, then there will be added here,* "but always under the Burden of the Real Lien," *&c.* (*as the Case may be*) before specified]. In witness whereof, *&c.* [*here insert a Testing Clause in legal Form*].

SCHEDULE (B.)

FORM OF INSTRUMENT OF SASINE.

AT there was, by or on behalf of *A.B.* of *Z.*, Esquire, presented to me, Notary Public subscribing, a Disposition [*or other Deed, or an Extract of a Deed* (*as the Case may be*)], granted by *C.D.* of *Y.*, Esquire, and bearing Date as in the Precept of Sasine herein-after inserted [*here describe also any connecting Deed or Writ, or Extract thereof, in virtue of which the Sasine is to be given to A.B.*] by which Disposition the said *C.D.* sold, alienated, and disponed to the said *A.B.* [*or*, to *E.F.* (*as the Case may be*)] and his Heirs and Assignees, [*here insert the Destination, if any,*] heritably and irredeemably, [*or* redeemably, *or* in Life-rent, *or otherwise* (*as the Case may be*)], all and whole [*here insert the Description of the Subjects conveyed; and if the Disposition by C.D. was not to A.B. himself, but is vested in him as Assignee, Heir, or Adjudger, or otherwise, in whole or in part, state the successive Transferences, and the Way in which he has Right thereto*], which Disposition contains an Obligation to infeft [*here state whether* a se *or* de se, *or both or either* (*as the Case may be*),] and a Precept of Sasine in the following Terms [*here insert the Precept, which may be either according to the Form at present in use, or according to the abbreviated Form in Schedule* (*A.*)], in virtue of which Precept I hereby give Sasine [*or* Life-rent Sasine, *or* Sasine in Life-rent and Fee respectively] to the said *A.B.* of the Lands and others above described. [*If the Precept of Sasine contains a Reference to a Real Burden, or to any Conditions or Qualifications of the Right, or to a Power of Redemption, then add,* "but always under the Burden of the Real Right, *&c.* before specified."]

In witness whereof I have subscribed these Presents, written on this and the preceding Pages by *G.H.*, my Clerk, before these Witnesses, the said *G.H.* and *J.K.*, Accountant in Edinburgh.

(Signed) *L.M.*, Notary Public.

G.H., Witness.
J.K., Witness.

CAP. XXXVI.

An Act to continue for Five Years and to amend the Acts for authorizing a Composition for Assessed Taxes. [21st *July* 1845.]

'WHEREAS, under and by virtue of several Acts of Parliament, divers Persons have compounded for their Assessed Taxes in *Great Britain* for a certain Time limited by the said Acts respectively, and their Contracts of Composition have been from Time to Time renewed or continued for a further Term under and by virtue of several other Acts passed for that Purpose, and such Contracts will expire on the Fifth Day of *April* One thousand eight hundred and forty-six: And whereas it is expedient to relieve such Persons who have so compounded as aforesaid, as well as others who may be willing to compound under the Provisions of this Act, from an annual Assessment for a further Term herein limited:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Assessments made or to be made for the Year to end on the Fifth Day of *April* One thousand eight hundred and forty-six, under and by virtue of the several Acts now in force, in relation to such of the Duties of Assessed Taxes as may be comprised in any Composition to be entered into under this Act, shall severally be and remain to the same annual Amount in respect of every Person who shall compound for the same under this Act for the Term of Five Years, to be computed from the said Fifth Day of *April* One thousand eight hundred and forty-six; and the several Compositions entered into under any former Act or Acts, and now in force, may, in respect of such of the said Duties as are herein enumerated and allowed to be compounded for, be renewed under this Act for the like Term of Five Years, to be computed as aforesaid, in the Manner and subject to the Terms, Conditions, and Exceptions herein prescribed; and every Contract of Composition to be entered into or renewed under this Act may be made according to the Form set forth in the Schedule to this Act annexed, *mutatis mutandis*,

Assessments for the Year ending 5th April 1846 on Persons compounding under this Act to remain to the same Amount for the Term of Five Years; and Compositions under former Acts may be renewed for the like Term.

Form of Contract of Composition.

mutandis, or according to such other Form as the Commissioners of Stamps and Taxes shall provide in that Behalf, and shall specify the Number of Servants, Carriages, Horses, and other Articles of the Establishment upon which such Composition shall be made or renewed as aforesaid.

Articles kept for Trade or by Persons in Partnership, or to be let for Hire, not to be compounded for. Enumeration of Articles to be compounded for.

II. Provided always, and be it enacted, That no Composition shall be entered into or renewed under this Act in respect of any Carriage, Horse, or other Article kept for the Purpose of Trade, or let or used for Hire, or assessed or charged upon Two or more Persons jointly or in Partnership, nor for any Duties of Assessed Taxes other than the Duties on the following Articles forming the Establishment of the Person so compounding and retained, employed, kept, and used for his own Use, and not for or to the Use, Benefit, or Profit of any other Person; (*videlicet*,) the Duties on Servants mentioned in the Schedule marked (C.) No. 1. and No. 3. of Two several Acts passed respectively in the Forty-eighth and Fifty-second Years of the Reign of King *George* the Third, and the reduced Duty granted by an Act of the Fifty-ninth Year of the Reign of King *George* the Third on Under Gamekeepers; the Duties on Carriages mentioned in the Schedule marked (D.) No. 1. and No. 2. of the said Acts respectively, and the several reduced Duties granted by an Act of the First Year of the Reign of His late Majesty King *William* the Fourth upon Carriages with Four Wheels of less Diameter than Thirty Inches, and drawn by Ponies not exceeding Thirteen Hands in Height, and upon Carriages with Four Wheels and drawn by One Horse only; and also the Duties on Horses mentioned in the Schedules respectively marked (E.) No. 1. and (F.) No. 1. of the said respective Acts of the Forty-eighth and Fifty-second Years of King *George* the Third, whether such Horses are subject to the Rates mentioned in the said Acts, or to any reduced Duty by any subsequent Act; and the reduced Duty granted by Two several Acts passed respectively in the Fifty-ninth Year of the Reign of King *George* the Third and the Fourth Year of the Reign of King *George* the Fourth, upon Horses not exceeding the Height of Thirteen Hands, used for the Purpose of riding or drawing Carriages; and also the Duties on Race Horses granted by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth; and the Duties on Dogs mentioned in the Schedule marked (G.) of the said respective Acts of the Forty-eighth and Fifty-second Years of King *George* the Third; and the Duties in respect of using or wearing Hair Powder mentioned in the Schedule marked (I.) of the said Act of the Forty-eighth Year of King *George* the Third; and also the Duties in respect of using or wearing Armorial Bearings or Ensigns mentioned in the Schedule marked (K.) of the said last-mentioned Act; and every such Composition which shall comprise any other Duty or Duties than the Duties herein-before enumerated, and allowed by this Act to be compounded for, shall be void and of no Effect in respect of such other Duties; and all such other Duties shall be assessed and charged according to the Laws in force relating to Assessments, notwithstanding any such Composition.

Persons assessed for the Year ending the 5th April 1846 may compound on the Amount assessed, paying an additional Five per Cent.

III. And be it enacted, That every Person, not having compounded under the said former Acts, who is or shall be duly assessed for the Year ending on the Fifth Day of *April* One thousand eight hundred and forty-six to the Duties chargeable under the Acts relating to Assessed Taxes, may compound for the said Duties in respect of the Articles comprised in such Assessment and herein enumerated for the said Term of Five Years hereby limited, on Payment of the same Amount annually as is or shall be assessed on him for the said Year ending as aforesaid in respect of the said Articles herein enumerated, together with an additional annual Duty of One Shilling for every Twenty Shillings, and after that Rate for any greater or less Sum than Twenty Shillings of the said Amount so assessed, but no fractional Part of One Penny of the said additional Duty shall be payable.

Persons who have compounded under former Acts may renew their Compositions under this Act. Duties to be paid on renewed Compositions.

IV. And be it enacted, That every Person, except as herein-after is excepted, who hath compounded under the said former Acts for the Duties of Assessed Taxes by any Contract now in force may renew such Composition as to the Duties on the Articles herein enumerated and allowed by this Act to be compounded for; and the Commissioners of the Division in which such Person shall reside shall renew such Composition under the Provisions of this Act, whether the same was entered into with the Commissioners of the same Division or of any other Division; and the Amount of Duty charged and now payable on the same Articles respectively comprised in the said former Composition, together with the additional Per-centage Rate or several additional Per-centage Rates of Duty also charged therein under the said former Acts in respect of the said Articles, shall form the aggregate Amount on which the following additional Rates of Duty shall respectively be computed and charged for the Renewal of such Composition under this Act; (that is to say,) where the Person who hath compounded as aforesaid hath increased his Establishment of Servants, Horses, Carriages, or other Articles upon which such Composition hath been made, but to such an Extent only that the Duties chargeable thereon under an Assessment would not exceed by more than One Fourth the total Amount of the Sum now payable on such Contract of Composition, there shall be payable annually a further additional Duty of One Shilling for every Twenty Shillings, and after that Rate for any greater or less Sum than Twenty Shillings of said aggregate Amount; and where such Person hath increased such his Establishment beyond the Extent aforesaid, but so that the Duties chargeable thereon under an Assessment would not exceed double the Sum now payable on such Contract of Composition, there shall be payable annually a further additional Duty of Two Shillings for every Twenty Shillings, and after that Rate for any greater or less Sum than Twenty Shillings of the said aggregate Amount; but no fractional Part of One Penny of the said respective additional Duties shall be payable under this Act: Provided always, that where the Person who hath compounded as aforesaid hath not increased such his Establishment so that the Duties chargeable thereon under an Assessment would exceed the total Amount of the Sum now payable on his Contract of Composition, no additional Rate of Duty shall be payable under this Act for the Renewal of such Composition.

The additional Duty granted by 3 & 4 Vict. c. 17. to be charged under this Act.

V. Provided always, and be it enacted, That the additional Duty of Ten *per Centum* granted and now payable under an Act passed in the Third Year of Her Majesty's Reign, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, shall be commuted and charged upon and shall be payable over and above the gross aggregate Amount of all the Duties charged by this or any former Act or Acts upon or in respect of any Contract of Composition made or renewed under this Act.

Persons who, since compounding, have increased their Establishments more than double, or who have compounded on a less Duty than they ought to have done, may compound de novo.

VI. And be it enacted, That no Contract of Composition shall be renewed under this Act with any Person who, since entering into such Contract, hath increased his Establishment of Servants, Carriages, Horses, or other Articles upon which such Composition hath been made, so that the Duties chargeable on such Establishment, under an Assessment for the Year to commence from the Fifth Day of *April* One thousand eight hundred and forty-six, would amount to more than double the Sum now payable under such Contract, nor with any Person who hath compounded on a less Amount of Duty than ought to have been included in such Composition; but nevertheless it shall be lawful for any such Person, in either of the Cases aforesaid, after he shall have made a *bonâ fide* Return of the greatest Number of Servants, Carriages, Horses, and other Articles of his Establishment, according to the Laws in force relating to the Assessed Taxes, in order to an Assessment thereon for the Year to commence from the Fifth Day of *April* One thousand eight hundred and forty-six, and shall be duly assessed for that Year, to compound *de novo* on the Amount so assessed in respect of the Articles herein enumerated, together with the additional Duty chargeable on Contracts of Composition entered into under this Act.

Persons who have compounded under former Acts giving Notice of Reduction in their Establishment not to renew their Compositions, but may compound de novo.

VII. Provided always, and be it enacted, That no Person who hath compounded under the said former Acts, and who hath given or shall give Notice in this present Year in pursuance of the said Acts of his Intention to discontinue any Part of his increased Establishment of Servants, Carriages, Horses, or other Articles in the Manner provided by the said Acts, shall be allowed to renew his former Contract of Composition, or to enter into any new Contract of Composition under this Act, except upon the Amount of an Assessment to be made on a *bonâ fide* Return of the greatest Number of Servants, Carriages, Horses, and other such Articles as aforesaid kept or used or employed by him in the Year commencing from the Fifth Day of *April* One thousand eight hundred and forty-five, together with the additional Duty chargeable thereon under this Act, in the same Manner as if such Person had not compounded under the said former Acts, notwithstanding the said Notice, or any thing contained in the said former Acts or in this Act.

Persons having diminished their Establishment during their Residence abroad, &c. not to compound.

VIII. Provided also, and be it enacted, That no Composition shall be entered into under this Act with any Person who shall have resided out of *Great Britain* before the passing of this Act for a temporary Purpose only, and who shall be assessable to the said Duties, for the Year ending the Fifth Day of *April* One thousand eight hundred and forty-six, to a less Amount than he was assessed before his Departure from *Great Britain*, nor shall any Composition be entered into or renewed with any Person who shall be residing out of the United Kingdom.

Persons having compounded and reduced their Establishments may compound de novo on the Assessment of 1846.

IX. And be it enacted, That if any Person having compounded under the said former Acts shall have reduced his Establishment so that he may be chargeable with a less Amount of Assessed Taxes for the Year commencing from the Fifth Day of *April* One thousand eight hundred and forty-six than the Amount of Duty compounded for, and shall by reason thereof be desirous of waiving the said Composition, and of compounding *de novo*, it shall be lawful for him so to do, upon giving Notice in Writing of such his Intention to the Surveyor of Taxes for the District in which such Person shall reside, on or before the said Fifth Day of *April* One thousand eight hundred and forty-six, and annexing to such Notice a full, true, and complete Return or List of the greatest Number of Articles chargeable with Duty kept and retained or employed by such Person after the Fifth Day of *April* One thousand eight hundred and forty-five, so that an Assessment may be duly made for the Year to commence from the Fifth Day of *April* One thousand eight hundred and forty-six on all the Articles chargeable for that Year; and it shall be lawful for the Commissioners to enter into Composition *de novo* with the Person giving the Notice aforesaid, upon the Amount of such Assessment as aforesaid, with the additional Duty chargeable thereon under this Act, as if such Person had not compounded under the said former Acts.

Persons who keep taxable Articles not included in a renewed Contract of Composition may compound for the same by a separate Contract.

X. And be it enacted, That where any Person who hath compounded under the said former Acts, and shall renew such Composition under this Act, shall have kept or employed or used any taxable Articles of a Description allowed to be compounded for under this Act, but of a different Description from those included in such his former Composition, and for which Articles he is or will be liable to be assessed for the Year ending the Fifth Day of *April* One thousand eight hundred and forty-six, it shall be lawful for such Person, upon being duly assessed for such Articles not included in the renewed Composition, to compound for the same by a separate and distinct Contract, on the same Terms and in the like Manner as any Person who hath not compounded under the said former Acts may enter into an original Contract of Composition under this Act.

Compounders entitled to the like Privileges of increasing Establishments, &c. as under former Acts.

Exceptions as to certain Descriptions of Dogs.

XI. And be it enacted, That every Person entering into or renewing any Composition under this Act shall be entitled to the like Privileges of setting up or retaining, and keeping, using, or employing any additional Articles of the same Description, and chargeable under the same Schedule and Number of the Schedule, or with the same or a lower Rate of Duty as the Articles compounded for composing his Establishment, and to and for his own Use but not otherwise, as the Persons compounding under the said former Acts are now by Law entitled to, and shall be exempt from all Assessments on such additional Articles of his Establishment during the Term mentioned in such Composition, save and except that no Person who shall compound or renew any Composition under this Act for any Dog chargeable with a less Rate of Duty than Fourteen Shillings shall be entitled to keep free of Duty any Hound,

Hound, Pointer, Setting Dog, Spaniel, Terrier, or Lurcher; nor shall any Person who shall have compounded for any Dog or Dogs other than Hounds, and not for any Hound, keep free of Duty any Hound; nor shall any Person who shall have compounded for any less Number of Hounds than Ten keep free of Duty any additional Number of Hounds; neither shall any Person keep free of Duty any Greyhound, unless he shall have compounded for a Greyhound; in all which excepted Cases, as well as in all Cases where Articles of any Description excluded from Composition by this Act shall be kept, retained, employed, or used, Assessments and further or increased Charges shall be made; and the Penalties which may be incurred under any of the Acts relating to Assessed Taxes shall and may be sued for, prosecuted, and recovered according to the Provisions of the said several Acts as fully and effectually as if no Composition had been made or renewed under this Act.

Persons compounding for Servants, Carriages, and Horses at the higher Rates of Duty entitled to keep free of Duty Servants, Carriages, and Horses chargeable at lower Rates.

XII. And be it enacted, That it shall be lawful for every Person who shall enter into or renew any Composition under this Act in respect of any Male Person employed in any of the Capacities described in and chargeable with Duty under the said Schedule marked (C.) No. 1. of the said respective Acts of the Forty-eighth and Fifty-second Years of King *George* the Third to retain, keep, and employ free of Duty any other Male Person or Number of Male Persons employed in the same Capacity, or in any other Capacity chargeable with the same or any lower Rate of Duty, and allowed by this Act to be compounded for; and it shall be lawful for every Person who shall enter into or renew any Composition as aforesaid in respect of any Carriage of whatever Description chargeable with Duty, and allowed by this Act to be compounded for, to set up, keep, and use free of Duty any other Carriage or Number of Carriages of the same Description, or of any other Description chargeable with the same or a lower Rate of Duty, and allowed to be compounded for as aforesaid; and it shall also be lawful for every Person who shall enter into or renew any Composition as aforesaid in respect of any Horse chargeable with Duty under the Schedule marked (E.) No. 1. of the said respective Acts to keep and use free of Duty any additional Number of Horses chargeable with Duty under the same Schedule, or any Horse or Horses chargeable with any lower Rate of Duty, and allowed to be compounded for as aforesaid.

Persons assessed or having compounded for a Carriage at a lower Rate of Duty entitled to substitute for it in their Composition Contract a Carriage at a higher Rate.

XIII. And be it enacted, That where any Person intending to compound under this Act is or shall be assessed for the Year ending on the Fifth Day of *April* One thousand eight hundred and forty-six in respect of any Carriage with Four Wheels, and drawn by One Horse only, or any Carriage of whatever Description chargeable with the same Rate of Duty as the last-mentioned Carriage or a lower Rate, and also where any Person intending to renew any Contract of Composition now in force hath by such Contract compounded for any such Carriage as aforesaid, and where any such Person in either of the Cases aforesaid, after the Fifth Day of *April* One thousand eight hundred and forty-five, shall have set up, kept, or used, or shall intend to set up, keep, or use, any Carriage chargeable with a higher Rate of Duty than that for which he shall have been so assessed or hath compounded as aforesaid, it shall be lawful for him, if he shall think fit, to compound or to renew his Composition under this Act for a Carriage at such higher Rate, upon giving Notice thereof in Writing to the Surveyor of the Division in which he shall reside within the Time herein limited for giving Notice of Intention to compound, and thereupon such Carriage at the higher Rate of Duty shall be substituted in the Contract to be entered into under this Act for the making or Renewal of such Composition for and in lieu of One such Carriage at the lower Rate; and where any Person who shall have entered into any Contract for the making or Renewal of any Composition under this Act in respect of any Carriage with Four Wheels, and drawn by One Horse only, or any Carriage of whatever Description chargeable with the same Rate of Duty as such last-mentioned Carriage or a lower Rate, and such Person at any Time after the entering into such Contract shall be desirous of setting up and keeping under such Composition any Carriage chargeable with a higher Rate of Duty, such Person shall give Notice thereof to the Surveyor of the Division in which he shall reside One Calendar Month at least before setting up or keeping or using such Carriage chargeable with the higher Rate of Duty; and the said Surveyor shall transmit such Notice to the Clerk of the Commissioners acting for the said Division, and such Clerk shall cause to be endorsed upon each Part of the Contract of Composition, and to be signed by Two of the said Commissioners, a Certificate of such Notice, and of the additional Duty to be paid on such Contract in that Behalf; (that is to say,) there shall be payable thereon annually, during the Remainder of the Term of Composition, the Difference between the Rate of Duty chargeable on one such Carriage which shall have been compounded for as aforesaid and the Rate of Duty chargeable on the Carriage intended to be set up, kept, and used as aforesaid, together with the several additional Per-centage Rates of Duty payable under the said Contract, to be computed upon such Difference; and such additional Duties shall be payable for the whole Year, commencing from the Fifth Day of *April* next preceding the Date of such endorsed Certificate, and shall be paid during all the Remainder of the Term of Composition by half-yearly Instalments, and be collected, levied, and recovered in like Manner as if the same had been comprised in the Body of the said Contract; and after such Notice, and the Endorsement of such Certificate as aforesaid, it shall be lawful for the Person compounding as aforesaid to set up, keep, and use any such Carriage as aforesaid, with the like Privileges and Immunities during the Remainder of the said Term as he would have been entitled to if he had originally compounded in respect of such Carriage chargeable at the higher Rate of Duty.

Persons having compounded for a Carriage at a lower Rate of Duty entitled to set up under their Composition a Carriage chargeable at a higher Rate, on Payment of the Difference of Duty.

Compositions with Persons afterwards succeeding to Estates on the

XIV. And be it enacted, That every Composition entered into or renewed under this Act with any Person herein-after described shall cease and determine at the respective Times herein-after mentioned; (that is to say,) if any Person who shall compound or renew any Composition under this Act shall afterwards come into possession of any Estate, Real or Personal, or become entitled to the Rents or Profits

Death of any Person, or on Marriage, and increasing their Establishments beyond a certain Extent, to cease, with Power to compound de novo.

Profits of any Estate, Real or Personal, upon the Death of any Person, whether by Descent, Devise, Bequest, Gift, or Settlement, or under the Statute for the Distribution of Estates of Intestates, and shall thereupon or afterwards begin to keep any greater Number of Servants, Carriages, Horses, or other taxable Articles of the Description comprised in such Composition, whereby the Establishment of the Person compounding shall be increased, so that the Duties which would be chargeable thereon under an Assessment, if no such Composition had been made, would exceed by One Fourth or more the Amount of the Duties payable under such Composition, then and in every such Case the Composition entered into or renewed under this Act by any such Person herein-before described shall cease and determine on the Fifth Day of *April* next after any such Increase of Establishment shall take place; and if any Person shall intermarry after entering into or renewing any Composition under this Act, and shall by such Marriage come into the Possession or to the Use or Enjoyment of the Rents or Profits of any Estate, Real or Personal, belonging to his Wife before Marriage, whether upon such Marriage the Husband shall acquire any Interest in Law or Equity in such Estate or not, or whether the said Estate shall remain in or be vested to the sole Use of the Wife or not, in case the Husband shall, upon or after such Marriage, retain or keep any Servants, Carriages, Horses, or other Articles of the Description aforesaid kept by or belonging to his Wife before Marriage, or in case the Wife shall, after such Marriage, retain her former Establishment or any Part thereof, or in case the Husband or Wife shall, upon or after such Marriage, begin to keep any other Servants, Carriages, Horses, or other Articles of the Description aforesaid, in lieu of the like Articles of the Establishment of the Wife before Marriage, so that the Husband, if no Composition had been entered into, would have been assessable to an Amount of Duty exceeding by One Fourth the Amount of the Duties payable under such Composition, then and in such Case the Composition entered into or renewed under this Act by any such Person so intermarrying as aforesaid shall cease and determine on the Fifth Day of *April* next after such Marriage shall take place, or such increased Establishment shall begin to be kept: Provided always, that in all the several Cases in which the Composition is determined and made to cease by this Act for any of the respective Causes aforesaid it shall be lawful for every such Person as aforesaid, after he shall have made a *bonâ fide* Return of the greatest Number of Servants, Carriages, Horses, and other Articles for which he shall be chargeable with any Duty of Assessed Taxes, in order to an Assessment thereon for the Year commencing on the Sixth Day of *April* next after the Determination of such Composition, and upon being duly assessed for that Year, to compound *de novo* for the Remainder of the Term limited by this Act then to come and unexpired on the Amount so assessed on him in respect of such of the said Articles as are allowed to be compounded for under this Act, together with the additional Duty chargeable thereon under this Act, and as if such Person had not before compounded.

Composition Contracts of married Women to cease.

XV. And be it enacted, That no Contract of Composition shall be entered into or renewed under this Act with any married Woman, and that every such Contract which shall be entered into or renewed with any unmarried Woman who shall afterwards marry shall cease and determine on the Fifth Day of *April* next after her Marriage.

Commissioners and Officers acting in the Execution of the Acts relating to Assessed Taxes to execute this Act.

XVI. And be it enacted, That the several Persons who for the Time being shall be Commissioners for putting in execution the Acts relating to Assessed Taxes shall be Commissioners for putting in execution this Act, and the Powers herein contained or referred to, in all and every the respective Counties, Ridings, Divisions, Shires, and Stewartries, Cities, Boroughs, Cinque Ports, Towns, and Places in *Great Britain;* and the several Assessors, Collectors, Surveyors, Inspectors, and other Officers for the Time being appointed or to be appointed to put in execution the said Acts shall respectively be Assessors, Collectors, Surveyors, Inspectors, and Officers to put in execution this Act within the Limits of their respective Divisions, Districts, and Places to which they are or shall be appointed; and the respective Commissioners and other Persons authorized by the said former Acts to contract and agree for Compositions for Assessed Taxes, or to do or perform any other Matter or Thing for carrying the said Acts into execution, shall respectively contract and agree for the Compositions to be entered into or renewed under this Act, and shall do and perform all such other Matters and Things as are required to be done and performed in the Execution of this Act within the Limits of their respective Jurisdictions; and all Powers, Authorities, Rules, Regulations, Directions, Clauses, Penalties, Matters, and Things contained in any former Act or Acts relating to Assessed Taxes or to Compositions for Assessed Taxes, and now in force, shall severally and respectively be construed and deemed to apply to the Compositions to be made and renewed respectively under this Act, and shall, so far as the same shall be consistent with and shall not be superseded by the express Provisions of this Act, be observed, applied, enforced, and put in execution with relation to the Compositions to be made and renewed respectively under this Act, and for the raising, levying, paying, and accounting for the Monies to arise under this Act, and for the Prevention and Punishment of Fraud, Imposition, and Evasion in relation thereto, as fully and effectually to all Intents and Purposes as if such Powers, Authorities, Rules, Regulations, Directions, Clauses, Penalties, Matters, and Things had been herein repeated and specially enacted with reference to the Compositions respectively to be made and renewed under this Act.

Powers and Provisions of former Acts to remain and to be applied to the Compositions under this Act.

Persons intending to compound or to renew any Composition to give Notice thereof, together with

XVII. And be it enacted, That every Person intending to compound under this Act shall, on or before the Fifth Day of *April* One thousand eight hundred and forty-six in *England*, and on or before the Term of *Whitsunday* in the same Year in *Scotland*, deliver or cause to be delivered, free of Charge, to the Surveyor of Taxes for the Division in which such Person shall reside, a Notice in Writing in such Form as shall be provided by the Commissioners of Stamps and Taxes in that Behalf, declaring the Intention of such Person to compound, which Notice shall be signed by such Person (or by some authorized

authorized Agent on his Behalf residing in such Division, and whose Place of Residence shall be specified in such Notice) in the Presence of one of the Assessors or Collectors of the said Duties for the same Parish or Place where the Person intending to compound shall reside, or in the Presence of such Surveyor, who respectively shall subscribe his Name thereto as attesting such Signature; and every such Notice shall bear Date on the Day of signing the same, and shall contain a full, true, and complete Return or List of the greatest Number of Servants, Carriages, Horses, and all other Articles of his Establishment chargeable with Duty upon which he shall be entitled to compound under this Act, and which have been kept, retained, or employed by him at any Time during the Year commencing from the Fifth Day of *April* One thousand eight hundred and forty-four; and every Person intending to renew his former Composition under this Act shall on or before the respective Days or Times herein-before limited for the Delivery of such Notices as aforesaid, deliver or cause to be delivered, in like Manner, to such Surveyor as aforesaid, the Contract of his former Composition, or a true Copy or Certificate thereof, under the Hands of any Two of the Commissioners acting for the Division in which such Contract was entered into, together with a Notice in such Form as shall be provided by the said Commissioners of Stamps and Taxes in that Behalf, and signed and attested in the Manner herein-before directed with regard to Notices of Intention to compound, declaring the Intention of such Person to renew such former Composition, and contain a full, true, and complete Return or List of the greatest Number of Servants, Carriages, Horses, and other Articles of his Establishment chargeable with Duty which shall have been kept and retained or employed by such Person at any Time during the Year commencing from the Fifth Day of *April* One thousand eight hundred and forty-five.

a Statement of the Articles of Composition.

XVIII. And be it enacted, That every Person who shall be assessed for any Servants, Carriages, Horses, or other taxable Articles, for the Year ending the Fifth Day of *April* One thousand eight hundred and forty-six, in Two or more Divisions in *Great Britain*, or who shall be assessed for that Year in a different Division from that in which he resides, and who shall be desirous of compounding under this Act, shall deliver or cause to be delivered, in manner aforesaid, to the Surveyor of Taxes to whom he is by this Act required to give Notice of his Intention to compound, a Certificate under the Hand of the Surveyor of the Division, or of each Division in which he shall be so assessed as aforesaid, containing the Particulars of such Assessment in every such Division, according to such Form as shall be provided by the Commissioners of Stamps and Taxes in that Behalf.

Persons assessed in Places other than where they reside to deliver Certificates of Assessments to the Surveyor.

XIX. And be it enacted, That all such Notices and Contracts, or Copies of Certificates of Contracts, and Certificates of Assessment, by this Act directed to be delivered to the Surveyors of Taxes by Persons intending to compound or to renew any Composition, may respectively be retained in the Hands of the said Surveyors respectively until the Expiration of Two Calendar Months after the Delivery thereof; and every such Surveyor shall carefully and diligently inspect and examine every Assessment relating to the Persons so applying to compound or to renew any Composition as aforesaid, and every Contract of Composition entered into under the said former Acts by any such Persons respectively, and also any Notices which may have been delivered by such Persons under the said Acts to discontinue any increased Establishment set up under any such former Contract; and after such Examination thereof every such Surveyor shall deliver all such Notices and Contracts, or Copies or Certificates of Contracts, and Certificates of Assessment, to the Clerks of the respective Commissioners authorized by this Act to contract for such Compositions, and for the Renewal of such former Compositions; and such Surveyor shall also certify to the said Commissioners, either his Satisfaction with the Notices delivered in such Cases, or his Objection thereto, and the Grounds of such Objection, and the Amount of Duty on which every such Composition ought to be made or renewed; and no Composition shall be entered into or renewed in any of the Cases so objected to until a full and complete Return shall be made of every Article chargeable with Duty on which the Composition ought to be made under the Provisions of this Act; and every Composition entered into or renewed contrary to the Provisions of this Act shall be void and of no Effect, and the Person entering into or renewing the same shall be liable to Assessment and to the Charge of the respective Surveyors, according to the Provisions of the Acts in force relating to Assessed Taxes, as if no Composition had been entered into or renewed.

Surveyor to examine Notices of Intention to compound or renew Compositions, and to deliver the same with his Certificate to the Commissioners.

XX. Provided always, and be it enacted, That where by any Error or Mistake the just Amount of Duty shall not be duly computed or inserted in the Contract of Composition, it shall be lawful for the Commissioners of Stamps and Taxes, by Certificate under the Hands of any Two or more of them directed to the Commissioners of the Division by whom such Contract shall have been made or allowed, to certify such Error or Mistake, and to direct the same to be amended or a new Contract made and executed in such Manner as may seem to the said Commissioners of Stamps and Taxes to be expedient to obviate such Error or Mistake, and conformable to the true Intent and Meaning of this Act; and the Commissioners to whom such Certificate shall be directed shall cause such Contract to be amended or a new Contract to be entered into accordingly.

Errors or Mistakes in Compositions may be amended.

XXI. And be it enacted, That no Contract for the making or renewing of any Composition under this or any former Act shall be liable to any Stamp Duty.

Contracts not liable to Duty.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Alteration of Act.

SCHE-

SCHEDULE containing the FORMS referred to in the foregoing Act.

CONTRACT of COMPOSITION for ASSESSED TAXES, under Vict. c. entered into with
of in the Parish of in the Division of
in the County of in respect of the under-mentioned Duties; viz.

No.	Establishment.	Chargeable under	Amount of Duties. £ s. d.
	Servants	Schedule (C.) No. 1.	
	Servants	Schedule (C.) No. 3.	
	Under Gamekeepers	59 Geo. 3. c. 118. s. 5.	
	Four-wheel Carriages	Schedule (D.) No. 1.	
	Four-wheel Carriages drawn by One Horse	1 W. 4. c. 35. s. 4.	
	Four-wheel Carriages, with Wheels of less Diameter than 30 Inches, and drawn by Ponies not exceeding 13 Hands in Height	1 W. 4. c. 35. s. 4.	
	Two-wheel Carriages drawn by One Horse	Schedule (D.) No. 2.	
	Two-wheel Carriages drawn by Two Horses	Schedule (D.) No. 2.	
	Horses	Schedule (E.) No. 1.	
	Horses	Schedule (F.) No. 1.	
	Horses not exceeding 13 Hands in Height	59 Geo. 3. c. 13. s. 3.	
	Race Horses	5 & 6 W. 4. c. 64. s. 15.	
	Dogs; viz., Hounds, Pointers, Setting Dogs, Spaniels, Terriers, and Lurchers	Schedule (G.)	
	Greyhounds	Schedule (G.)	
	Other Dogs	Schedule (G.)	
	Hair Powder	Schedule (I.)	
	Armorial Bearings	Schedule (K.)	
	Composition Duty of £5 per Cent., under the	Vict. c.	
	Additional £10 per Cent., under the 3 Vict. c. 17.		
		Total Annual Payment £	

We, the undersigned, Two of the Commissioners acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the Division of aforesaid, have, by virtue and in pursuance of the said Act Vict. c. contracted and agreed with the above-named for a Composition for the Duties of Assessed Taxes above specified for the Term of Five Years, to be computed from the 5th Day of April 1846; and for such Composition the said his Executors or Administrators, shall well and truly pay or cause to be paid to the Collectors of the Duties of Assessed Taxes for the said Parish of or one of them, for the Use of Her Majesty, in each and every Year of the said Term, the Sum of being the Amount of the Duties above stated, together with the several Per-centage Rates granted by the several Acts of Parliament in that Behalf; and such Payment shall be made by Two equal half-yearly Instalments; viz.

First Instalment on or before the 10th Day of October,
Second Instalment on or before the 5th Day of April,

in each and every Year of the Term aforesaid.

Dated this Day of 184 .

_____ } Commissioners.
_____ }

_____ the Party hereto.

Witness to the signing by the said Commissioners
_____ Clerk.

Witness to the signing by the within-named Party
_____ Clerk.

RENEWED

RENEWED CONTRACT of COMPOSITION for ASSESSED TAXES, under Vict. c. entered into with of in the Parish of in the Division of in the County of in respect of the under-mentioned Duties; viz.

No.	Establishment.	Chargeable under	Amount of Duties. £ s. d.
	Servants	Schedule (C.) No. 1.	
	Servants	Schedule (C.) No. 3.	
	Under Gamekeepers	59 Geo. 3. c. 118. s. 5.	
	Four-wheel Carriages	Schedule (D.) No. 1.	
	Four-wheel Carriages drawn by One Horse	1 Will. 4. c. 35. s. 4.	
	Four-wheel Carriages, with Wheels of less Diameter than 30 Inches, and drawn by Ponies not exceeding 13 Hands in Height	1 Will. 4. c. 35. s. 4.	
	Two-wheel Carriages drawn by One Horse	Schedule (D.) No. 2.	
	Two-wheel Carriages drawn by Two Horses	Schedule (D.) No. 2.	
	Horses	Schedule (E.) No. 1.	
	Horses	Schedule (F.) No. 1.	
	Horses not exceeding 13 Hands in Height	59 Geo. 3. c. 13. s. 3.	
	Race Horses	5 & 6 Will. 4. c. 64. s. 15.	
	Dogs; viz., Hounds, Pointers, Setting Dogs, Spaniels, Terriers, and Lurchers	Schedule (G.)	
	Greyhounds	Schedule (G.)	
	Other Dogs	Schedule (G.)	
	Hair Powder	Schedule (I.)	
	Armorial Bearings	Schedule (K.)	
	Composition Duties; viz. [Specify the Amount, with the Rates per Cent., and the Acts under which the same are chargeable.]		
	Additional £10 per Cent., under the 3 Vict. c. 17.		
	Total Annual Payment	£	

We, the undersigned, Two of the Commissioners acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the Division of aforesaid, have by virtue and in pursuance of the said Act Vict. c. contracted and agreed with the above-named for the Renewal of the Composition heretofore entered into by him, in pursuance of the Statutes in that Behalf, for the Duties of Assessed Taxes above specified, and which Renewal we do hereby make for the Term of Five Years, to be computed from the 5th Day of April 1846; and for such Compensation and Renewal the said his Executors or Administrators, shall well and truly pay or cause to be paid to the Collectors of the Duties of Assessed Taxes for the said Parish of or one of them, for the Use of Her Majesty, in each and every Year of the said Term, the Sum of being the Amount of the Duties above stated, together with the several Per-centage Rates granted by the several Acts of Parliament in that Behalf; and such Payment shall be made by Two equal half-yearly Instalments; viz.

First Instalment on or before the 10th Day of October,
Second Instalment on or before the 5th Day of April,

in each and every Year of the Term aforesaid.

Dated this Day of 184

_____ } Commissioners.
_____ }

_____ the Party hereto.

Witness to the signing by the said Commissioners _____ Clerk.

Witness to the signing by the within-named Party _____ Clerk.

CAP. XXXVII.

An Act to regulate the Issue of Bank Notes in *Ireland*, and to regulate the Repayment of certain Sums advanced by the Governor and Company of the Bank of *Ireland* for the Public Service. [21st *July* 1845.]

'WHEREAS by an Act passed in the Parliament of *Ireland* in the Twenty-first and Twenty-second Years of the Reign of His Majesty King *George* the Third, intituled *An Act for establishing a Bank by the Name of the Governors and Company of the Bank of* Ireland, it was amongst other things enacted, that from and after the passing of that Act it should not be lawful for any Body Politic or Corporate erected or to be erected, other than the Corporation thereby intended to be created and erected into a National Bank, or for any other Persons whatsoever united or to be united in Covenants or Partnership exceeding the Number of Six Persons, to borrow, owe, or take up any Sum or Sums of Money on their Bills or Notes payable at demand, or at any less Time than Six Months from the borrowing thereof, under a Penalty or Forfeiture by such Persons, Bodies Politic or Corporate, of treble the Sum or Sums so to be borrowed or taken up on such Bill or Bills, Note or Notes, one Moiety thereof to be paid to the Informer, and the other to the Use of His Majesty, His Heirs and Successors, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Dublin*: And whereas, in pursuance of the Powers in the said Act of Parliament contained, a Charter of Incorporation was granted to certain Persons, by the Name of the Governor and Company of the Bank of *Ireland*: And whereas by an Act passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to establish an Agreement with the Governor and Company of the Bank of* Ireland *for advancing the Sum of Five hundred thousand Pounds* Irish *Currency, and to empower the said Governor and Company to enlarge the Capital Stock or Fund of the said Bank to Three million Pounds*, it was enacted, that it might be lawful for any Number of Persons in *Ireland* united or to be united in Society or Partnership, and residing and having their Establishments in Houses of Business at any Place not less than Fifty Miles distant from *Dublin*, to borrow, owe, or take up any Sum or Sums of Money on their Bills or Notes payable on demand, and to make and issue such Notes or Bills accordingly, payable on demand at any Place in *Ireland* exceeding the Distance of Fifty Miles from *Dublin*, all the Individuals composing such Societies or Partnerships being liable and responsible for the due Payment of such Bills or Notes; but nothing therein contained was to extend or be construed to extend to authorize any Persons exceeding Six in Number, or any Bodies Politic or Corporate, residing or having their Establishment or House of Business within the Distance of Fifty Miles from *Dublin*, to make or issue any Bill or Bills of Exchange, or any Promissory Note or Notes, contrary to the Provisions of the said in part recited Act of the Twenty-first and Twenty-second Years of the Reign of King *George* the Third: And whereas by another Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better Regulation of Copartnerships of certain Bankers in* Ireland, and by another Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to explain Two Acts of His present Majesty, for establishing an Agreement with the Governor and Company of the Bank of* Ireland *for advancing the Sum of Five hundred thousand Pounds* Irish *Currency, and for the better Regulation of Copartnerships of certain Bankers in* Ireland, such Copartnerships of Bankers established at Places beyond the Distance of Fifty Miles from *Dublin* were authorized to transact certain Matters of Business by Agents in *Dublin* or within the Distance of Fifty Miles thereof: And whereas the said Governor and Company at different Times advanced, for the Public Service, to His Majesty King *George* the Third, the several Sums of Six hundred thousand Pounds, Five hundred thousand Pounds, and One million two hundred and fifty thousand Pounds, late *Irish* Currency, and in respect thereof the said Governor and Company were entitled to certain Annuities payable at the Receipt of the Exchequer in *Dublin*: And whereas by an Act passed in the Forty-eighth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for further extending the Provisions of several Acts for establishing the Bank of* Ireland, *and for empowering the Governor and Company of the said Bank to advance the Sum of One million two hundred and fifty thousand Pounds* Irish *Currency towards the Service of the Year One thousand eight hundred and eight*, it was amongst other things enacted, that at any Time after the First Day of *January* in the Year of our Lord One thousand eight hundred and thirty-seven, upon Twelve Months Notice, to be published in the *Dublin Gazette* by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, the said Corporation of the Bank was to be dissolved; and upon Repayment by Parliament to the said Governor and Company of the Bank of *Ireland*, or their Successors, of the said several Sums of Six hundred thousand Pounds, Five hundred thousand Pounds, and One million two hundred and fifty thousand Pounds, and also of all Arrears of the several Annuities payable in respect of the said Three several Capital Sums, if any such Arrear should then be due, or at any Time previous to the said First Day of *January* One thousand eight hundred and thirty-seven, upon like Repayment by and with the Desire and Consent of the said Governor and Company, to be signified by them by their Petition in Writing sealed with their Common Seal, and addressed to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, then and in such Case the said several Annuities should from and after the Expiration of Twelve Months after such Notice published, cease and determine, and the said Corporation should be dissolved: And whereas in pursuance of the said recited Act passed in the

21 & 22 G. 3. (I.)

1 & 2 G. 4. c. 72.

6 G. 4. c. 42.

11 G. 4. & 1 W. 4. c. 32.

48 G. 3. c. 103. s. 10.

'the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to establish an Agreement with the Governor and Company of the Bank of* Ireland *for advancing the Sum of Five hundred thousand Pounds* Irish *Currency, and to empower the said Governor and Company to enlarge the Capital Stock or Fund of the said Bank to Three Millions*, the said Governor and Company of the Bank of *Ireland* advanced, for the Public Service, to His Majesty King *George* the Fourth, the Sum of Five hundred thousand Pounds late *Irish* Currency, at Interest, making, with the said Three several Sums of Six hundred thousand Pounds, Five hundred thousand Pounds, and One million two hundred and fifty thousand Pounds, late *Irish* Currency, previously advanced, the Sum of Two million eight hundred and fifty thousand Pounds, equal to Two million six hundred and thirty thousand seven hundred and sixty-nine Pounds Four Shillings and Eight-pence Sterling Money of the United Kingdom of *Great Britain* and *Ireland:* And whereas by an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to regulate the Repayment of certain Sums advanced by the Governor and Company of the Bank of* Ireland *for the Public Service*, it was amongst other things enacted, that from and after the passing of the said Act there should be paid and payable, but subject to the Condition of Redemption therein-after contained, at the Receipt of Her Majesty's Exchequer in *Dublin*, to the Governor and Company of the said Bank of *Ireland*, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, an Interest or Annuity of One hundred and Fifteen thousand three hundred and eighty-four Pounds Twelve Shillings and Four-pence, Money of the United Kingdom, being a Sum equal to the several Annuities and Interest theretofore payable in respect of the Principal Money due to the said Governor and Company as aforesaid, by Two equal half-yearly Payments, without any Defalcation or Abatement, on the Fifth Day of *January* and the Fifth Day of *July* in each Year, the first Payment of the said Interest or Annuity to be made on the Fifth Day of *January* in the Year One thousand eight hundred and forty-one; and it was by the last-mentioned Act further provided, that the said last-mentioned Annuity should be redeemable at any Time after the First Day of *January* One thousand eight hundred and forty-one, on Six Months Notice to the said Governor and Company, and on Repayment to them of the said several Sums of Six hundred thousand Pounds, Five hundred thousand Pounds, One million two hundred and fifty thousand Pounds, and Five hundred thousand Pounds, late *Irish* Currency, together with all Arrears of the said Annuity of One hundred and fifteen thousand three hundred and eighty-four Pounds Twelve Shillings and Four-pence: And whereas the last-mentioned Annuity has, by Consent of the said Governor and Company, been reduced to an Annuity of Ninety-two thousand and seventy-six Pounds Eighteen Shillings and Five-pence of *British* Currency: And whereas it is expedient that the exclusive Privilege of Banking granted to the said Governor and Company by the said recited Act of the Parliament of *Ireland*, or by any other Act or Acts of Parliament now in force, should cease, but that the said Governor and Company should continue a Corporation, with full Power and Authority to carry on the Business of Bankers, subject to the Regulations herein-after contained; and the said Governor and Company of the Bank of *Ireland* have agreed to continue the Management in *Ireland* of so much of the Public Debt of the United Kingdom as shall for the Time being require to be transacted in *Ireland*, and of all Loans and other Creations of Stock which shall at any Time be made in *Ireland*, and of any Public Annuities for Lives or for Years which may be payable in *Ireland*, free of all Charge and Expence whatever for such Management, or for their Trouble in the Payment of the Interest of the said Public Debt or Annuities from Time to Time during the Continuance of the said Corporation under the Provisions of this Act; and it hath been further agreed that the said Governor and Company shall continue to receive the said Annuity of Ninety-two thousand and seventy-six Pounds Eighteen Shillings and Five-pence, being an annual Interest at and after the Rate of Three and a Half *per Centum per Annum*, for and in respect of the said Capital Sum of Two million six hundred and thirty thousand seven hundred and sixty-nine Pounds Four Shillings and Eight-pence, and that the Repayment of the last-mentioned Sum shall be postponed till the Expiration of Six Months after Notice to be given by the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* to the said Governor and Company of their Intention to pay off the same, or by the said Governor and Company to the said Commissioners of Her Majesty's Treasury requiring Payment thereof, such Notice not to be given by either Party before the First Day of *January* One thousand eight hundred and fifty-five: And whereas by an Act passed in the Seventh and Eighth Years of the Reign of Her Majesty, intituled *An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of* England *certain Privileges for a limited Period*, it was enacted, that from and after the passing of that Act no Person, other than a Banker who on the Sixth Day of *May* One thousand eight hundred and forty-four was lawfully issuing his own Bank Notes, should make or issue Bank Notes in any Part of the United Kingdom: And whereas it is expedient to regulate the Issue of Bank Notes by the said Governor and Company of the Bank of *Ireland*, and by such other Bankers as are now by Law authorized to issue Bank Notes in *Ireland:*' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Sixth Day of *December* One thousand eight hundred and forty-five so much of the said recited Act of the Parliament of *Ireland* of the Twenty-first and Twenty-second Years of the Reign of His Majesty King *George* the Third as prohibits any Body Politic or Corporate erected or to be erected, other than the Governor and Company of the Bank of *Ireland*, or for any other Persons whatsoever united or to be united in Covenants or Partnership exceeding the Number of Six Persons, to borrow, owe, or take up any

1 & 2 G. 4. c. 72.

3 & 4 Vict. c. 75.

7 & 8 Vict. c. 32. s. 10.

Restriction on Bankers by 21 & 22 G. 3. (Ireland) repealed.

Authorizing certain Banking Copartnerships to carry on Business in Dublin or within 50 Miles thereof.

any Sum or Sums of Money on their Bills or Notes payable at demand, or at any less Time than Six Months from the borrowing thereof, shall be and the same is hereby repealed; and that from and after the said Sixth Day of *December* One thousand eight hundred and forty-five it shall and may be lawful for any Persons exceeding Six in Number united or to be united in Societies or Partnerships, or for any Bodies Politic or Corporate, to transact or carry on the Business of Bankers in *Ireland* at *Dublin*, and at every Place within Fifty Miles thereof, as freely as Persons exceeding Six in Number united as aforesaid may lawfully carry on the same Business at any Place in *Ireland* beyond the Distance of Fifty Miles from *Dublin*: Provided always, that every Member of any such Society, Partnership, Bodies Politic or Corporate, shall be liable and responsible for the due Payment of all the Debts and Liabilities of the Corporation or Copartnership of which such Person shall be a Member, any Agreement, Covenant, or Contract to the contrary notwithstanding.

Interest at the Rate of Three and a Half per Centum per Annum made payable to the Bank.

II. And be it enacted, That from and after the passing of this Act the Repayment of the said Sum of Two million six hundred and thirty thousand seven hundred and sixty-nine Pounds Four Shillings and Eight-pence shall be and the same is hereby made chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* until Parliament shall otherwise provide, and there shall be paid and payable, but subject to the Condition of Redemption herein-after contained, at the Receipt of Her Majesty's Exchequer in *Dublin*, to the Governor and Company of the said Bank of *Ireland*, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in respect of the said Capital Sum of Two million six hundred and thirty thousand seven hundred and sixty-nine Pounds Four Shillings and Eight-pence so now due by the Public to the said Governor and Company, the aforesaid Annuity of Ninety-two thousand and seventy-six Pounds Eighteen Shillings and Five-pence, being an Interest or Annuity at and after the Rate of Three Pounds Ten Shillings *per Centum per Annum*, in the now lawful Currency of the United Kingdom, by Two equal half-yearly Payments, without any Defalcation or Abatement, on the Fifth Day of *January* and the Fifth Day of *July* in each Year.

Bank shall manage the Public Debt of Ireland, and pay Dividends, without Expence to Government.

III. And be it enacted, That from and after the passing of this Act the said Governor and Company of the Bank of *Ireland* shall from Time to Time and at all Times during the Continuance of their Charter, and until the said Corporation shall be dissolved pursuant to the Provisions of this Act, continue to manage and to pay all Interest, Annuities, and Dividends payable at the said Bank in respect of such Part of the Public Debt as shall for the Time being require to be transacted in *Ireland*, or in respect of any Fund or Stock created or to be created in consequence of any Public Loan, or funding of Exchequer Bills, or Conversion of Stock in *Ireland*, or of any Public Annuities, whether for Lives or for Years, without making any Charge to Her Majesty, Her Heirs or Successors, or to the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, for their Trouble or Expence in so doing, any Law, Usage, or Custom to the contrary notwithstanding.

Bank Corporation may be dissolved on Notice after 1st January 1855.

IV. And be it enacted, That at any Time after the First Day of *January* which will be in the Year of our Lord One thousand eight hundred and fifty-five, upon Twelve Months Notice, to be published in the *Dublin Gazette* by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, that the said Corporation of the Bank is to be dissolved, and upon Repayment by Parliament to the said Governor and Company of the Bank of *Ireland*, or their Successors, of the said Sum of Two million six hundred and thirty thousand seven hundred and sixty-nine Pounds Four Shillings and Eight-pence, together with all Arrears of Interest or Annuity due in respect thereof, then and in such Case the said Interest or Annuity shall, from and after the Expiration of Twelve Months after such Notice published, cease and determine, and the said Corporation shall be dissolved.

Repeal of so much of 33 G. 2. c. 14. s. 15. (I.) as prohibits public Officers from being Partners in Banks.

V. 'And whereas by an Act passed in the Parliament of *Ireland* in the Thirty-third Year of His late 'Majesty King *George* the Second, intituled *An Act for repealing an Act passed in this Kingdom in the 'Eighth Year of the Reign of King* George *the First, intituled 'An Act for the better securing the '*Payment of Bankers Notes, and for providing a more effectual Remedy for the Security and Payment '*of Debts due by Bankers,*' it was among other things enacted, that no Person who by reason of any 'Office, Employment, Deputation, or Clerkship was then or should at any Time thereafter be entrusted 'with the Receipt, Custody, or Payment of Public Money, or any Part of the Public Revenue of that 'Kingdom, should, either singly or in Partnership, so long as such Person should continue in such Office, 'Employment, Deputation, or Clerkship, follow the Trade or Business of a Banker, or by himself, or by 'any Person authorized by him, issue or give any Note or accountable Receipt as a Banker or in 'Partnership with any Banker, or for Profit or Reward discount any Promissory Note, or Foreign 'or Inland Bill of Exchange: And whereas it is expedient to repeal the said Enactment;' be it therefore enacted, That from and after the passing of this Act so much of the last-mentioned Act as is herein recited shall be and the same is hereby repealed.

Bank of England Notes not a legal Tender in Ireland.

VI. 'And whereas by an Act passed in the Third and Fourth Years of the Reign of His late Majesty 'King *William* the Fourth, intituled *An Act for giving to the Corporation of the Governor and Company 'of the Bank of* England *certain Privileges for a limited Period under certain Conditions*, it was enacted, 'that from and after the First Day of *August* One thousand eight hundred and thirty-four, unless and 'until Parliament should otherwise direct, a Tender of a Note or Notes of the Governor and Company 'of the Bank of *England* expressed to be payable to Bearer on demand should be a legal Tender to the 'Amount expressed in such Note or Notes, and should be taken to be valid as a Tender to such Amount 'for all Sums above Five Pounds, on all Occasions on which any Tender of Money may be legally made, 'so long as the Bank of *England* should continue to pay on demand their said Notes in legal Coin; 'provided always, that no such Note or Notes should be deemed a legal Tender of Payment by the

'Governor

'Governor and Company of the Bank of *England*, or any Branch Bank of the said Governor and 'Company: And whereas Doubts have arisen as to the Extent of the said Enactment;' for Removal whereof, be it enacted and declared, That nothing in the said last-recited Act contained shall extend or be construed to extend to make the Tender of a Note or Notes of the Governor and Company of the Bank of *England* a legal Tender in *Ireland*: Provided also, that nothing in this Act shall be construed to prohibit the Circulation in *Ireland* of the Notes of the Governor and Company of the Bank of *England* as heretofore. Proviso.

Oaths to be taken by Directors, &c. of the Bank of Ireland.

VII. And be it enacted, That from and after the passing of this Act it shall not be necessary for any Governor, Deputy Governor, or Director of the said Bank, before acting in the said several Offices or Trusts, to make and subscribe the Declaration pursuant to the Act of Parliament passed in the Kingdom of *Ireland*, intituled *An Act to prevent the further Growth of Popery*, nor to take any other Oaths than the Oath of Allegiance, the Oath of Qualification by Possession of Stock, and the Oath of Fidelity to the Corporation prescribed in and by the Charter of Incorporation of the Governor and Company of the said Bank, and that it shall not be necessary for any Member of the said Corporation, before voting in any General Court, to make and subscribe the aforesaid Declaration, nor to take any other Oaths than the Oaths of Allegiance, the Oath of Qualification by the Possession of Stock, and the Oath of Fidelity to the said Corporation provided in the said Charter of Incorporation: Provided always, that in case any of the Persons called Quakers shall at any Time be chosen Governor, Deputy Governor, or Director, or shall be or become a Member of the said Corporation, it shall be sufficient for such Person or Persons to make his or their solemn Affirmation, to the Purport and Effect of the Oaths prescribed by the said Charter and by this Act to be taken by Governors, Deputy Governors, Directors, or Members respectively of the said Corporation.

Bankers claiming to be entitled to issue Bank Notes to give Notice to Commissioners of Stamps and Taxes.

Commissioners to certify existing Banks of Issue and Limitation of Issue. 4 & 5 Vict. c. 50.

VIII. And be it enacted, That every Banker claiming to be entitled to issue Bank Notes in *Ireland* shall, within One Month next after the passing of this Act, give Notice in Writing to the Commissioners of Stamps and Taxes, at their Head Office in *London*, of such Claim, and of the Place and Name and Firm at and under which such Banker has issued such Notes in *Ireland* during the Year next preceding the First Day of *May* One thousand eight hundred and forty-five, and thereupon the said Commissioners shall ascertain if such Banker was on the Sixth Day of *May* One thousand eight hundred and forty-four, and from thence up to the First Day of *May* One thousand eight hundred and forty-five, carrying on the Business of a Banker, and lawfully issuing his own Bank Notes in *Ireland*, and if it shall so appear, then the said Commissioners shall proceed to ascertain the average Amount of the Bank Notes of such Banker which were in Circulation during the said Period of One Year preceding the First Day of *May* One thousand eight hundred and forty-five, according to the Returns made by such Banker in pursuance of the Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to make further Provisions relative to the Returns to be made by Banks of the Amount of their Notes in Circulation*, and the said Commissioners, or any Two of them, shall certify under their Hands to such Banker the average Amount, when so ascertained as aforesaid, omitting the Fractions of a Pound, if any; and it shall be lawful for every such Banker to continue to issue his own Bank Notes after the Sixth Day of *December* One thousand eight hundred and forty-five, to the Extent of the Amount so certified, and of the Amount of the Gold and Silver Coin held by such Banker, in the Proportion and Manner herein-after mentioned, but not to any further Extent; and from and after the Sixth Day of *December* One thousand eight hundred and forty-five it shall not be lawful for any Banker to make or issue Bank Notes in *Ireland*, save and except only such Bankers as shall have obtained such Certificate from the Commissioners of Stamps and Taxes.

Prohibiting Issue by uncertified Bankers.

Provision for united Banks.

IX. Provided always, and be it enacted, That if it shall be made to appear to the Commissioners of Stamps and Taxes that any Two or more Banks have, by written Contract or Agreement (which Contract or Agreement shall be produced to the said Commissioners), become united within the Year next preceding such First Day of *May* One thousand eight hundred and forty-five, it shall be lawful for the said Commissioners to ascertain the average Amount of the Notes of each such Bank in the Manner herein-before directed, and to certify a Sum equal to the average Amount of the Notes of the Two or more Banks so united as the Amount which the united Bank shall thereafter be authorized to issue, subject to the Regulations of this Act.

Duplicate of Certificate to be published in the Gazette.

Gazette to be Evidence.

X. And be it enacted, That the Commissioners of Stamps and Taxes shall, at the Time of certifying to any Banker such Particulars as they are herein-before required to certify, also publish a Duplicate of their Certificate thereof in the next succeeding *Dublin Gazette* in which the same may be conveniently inserted; and the Gazette in which such Publication shall be made shall be conclusive Evidence in all Courts whatsoever of the Amount of Bank Notes which the Banker named in such Certificate or Duplicate is by Law authorized to issue and to have in Circulation as aforesaid, exclusive of an Amount equal to the monthly average Amount of the Gold and Silver Coin held by such Banker as herein provided.

In case Banks become united, Commissioners to certify the Amount of Bank Notes which each Bank was authorized to issue.

XI. And be it enacted, That in case it shall be made to appear to the Commissioners of Stamps and Taxes at any Time hereafter that any Two or more Banks have, by written Contract or Agreement (which Contract or Agreement shall be produced to the said Commissioners), become united subsequently to the passing of this Act, it shall be lawful to the said Commissioners, upon the Application of such united Bank, to certify, in manner herein-before mentioned, the Aggregate of the Amount of Bank Notes which such separate Banks were previously authorized to issue under the separate Certificates previously delivered to them, and so from Time to Time; and every such Certificate shall be published in manner herein-before directed; and from and after such Publication the Amount therein stated shall

be

be and be deemed to be the Limit of the Amount of Bank Notes which such united Bank may have in Circulation, exclusive of an Amount equal to the monthly average Amount of the Gold and Silver Coin held by such Banker as herein provided.

Banks entitled to the Privilege of issuing Notes may relinquish the same;

XII. And be it enacted, That it shall be lawful for any Banker in *Ireland* who under the Provisions of this Act is entitled to issue Bank Notes to contract and agree with the Governor and Company of the Bank of *Ireland*, by an Agreement in Writing, for the Relinquishment of the Privilege of issuing such Notes in favour of the said Governor and Company, and in each such Case a Copy of such Agreement shall be transmitted to the Commissioners of Stamps and Taxes; and the said Commissioners shall thereupon certify, in manner herein-before mentioned, the Aggregate of the Amount of Bank Notes which the Bank of *Ireland* and the Banker with whom such Agreement shall have been made were previously authorized to issue under the separate Certificates previously delivered to them; and every such Certificate shall be published in manner herein-before directed; and from and after such Publication the Amount therein stated shall be the Limit of the Amount of Bank Notes which the Governor and Company of the Bank of *Ireland* may have in Circulation, exclusive of an Amount equal to the Amount of the Gold and Silver Coin held by the Bank of *Ireland* as herein provided.

but not resume the Issue.

XIII. And be it enacted, That it shall not be lawful for any Banker who shall have so agreed to relinquish the Privilege of issuing Bank Notes at any Time thereafter to issue any such Notes.

Limitation of Bank Notes in Circulation.

XIV. And be it enacted, That from and after the Sixth Day of *December* One thousand eight hundred and forty-five it shall not be lawful for any Banker in *Ireland* to have in Circulation, upon the Average of a Period of Four Weeks, to be ascertained as herein-after mentioned, a greater Amount of Notes than an Amount composed of the Sums certified by the Commissioners of Stamps and Taxes as aforesaid and the monthly average Amount of Gold and Silver Coin held by such Banker during the same Period of Four Weeks, to be ascertained in manner herein-after mentioned.

Issue of Notes for fractional Parts of a Pound prohibited.

XV. And be it enacted, That all Bank Notes to be issued or re-issued in *Ireland* after the Sixth Day of *December* One thousand eight hundred and forty-five shall be expressed to be for Payment of a Sum in Pounds Sterling, without any fractional Parts of a Pound; and if any Banker in *Ireland* shall from and after that Day make, sign, issue, or re-issue any Bank Note for the fractional Part of a Pound Sterling, or for any Sum together with the fractional Part of a Pound Sterling, every such Banker so making, signing, issuing, or re-issuing any such Note as aforesaid shall for each Note so made, signed, issued, or re-issued forfeit or pay the Sum of Twenty Pounds.

Issuing Banks to render Accounts weekly.

XVI. And be it enacted, That every Banker who after the Sixth Day of *December* One thousand eight hundred and forty-five shall issue Bank Notes in *Ireland* shall, on some one Day in every Week after the Thirteenth Day of *December* One thousand eight hundred and forty-five (such Day to be fixed by the Commissioners of Stamps and Taxes), transmit to the said Commissioners a just and true Account of the Amount of Bank Notes of such Banker in Circulation at the Close of the Business on the next preceding *Saturday*, distinguishing the Notes of Five Pounds and upwards, and the Notes below Five Pounds, and also an Account of the total Amount of Gold and Silver Coin held by such Banker at each of the head Offices or principal Places of Issue in *Ireland* of such Banker at the Close of Business on each Day of the Week ending on that *Saturday*, and also an Account of the total Amount of Gold and Silver Coin in *Ireland* held by such Banker at the Close of Business on that Day; and on completing the first Period of Four Weeks, and so on completing each successive Period of Four Weeks, every such Banker shall annex to such Account the average Amount of Bank Notes of such Banker in Circulation during the said Four Weeks, distinguishing the Bank Notes of Five Pounds and upwards, and the Notes below Five Pounds, and the average Amount of Gold and Silver Coin respectively held by such Banker at each of the head Offices or principal Places of Issue in *Ireland* of such Banker during the said Four Weeks, and also the Amount of Bank Notes which such Banker is, by the Certificate published as aforesaid, authorized to issue under the Provisions of this Act; and every such Account shall be verified by the Signature of such Banker or his Chief Cashier, or in the Case of a Company or Partnership by the Signature of the Chief Cashier or other Officer duly authorized by the Directors of such Company or Partnership, and shall be made in the Form to this Act annexed marked (A.); and if any such Banker shall neglect or refuse to render any such Account in the Form and at the Time required by this Act, or shall at any Time render a false Account, such Banker shall forfeit the Sum of One hundred Pounds for every such Offence.

What shall be deemed to be Bank Notes in Circulation.

XVII. And be it enacted, That all Bank Notes shall be deemed to be in Circulation from the Time the same shall have been issued by any Banker, or any Servant or Agent of such Banker, until the same shall have been actually returned to such Banker, or some Servant or Agent of such Banker.

Commissioners of Stamps to make a monthly Return.

XVIII. And be it enacted, That from the Returns so made by each Banker to the Commissioners of Stamps and Taxes the said Commissioners shall, at the End of the first Period of Four Weeks after the said Sixth Day of *December* One thousand eight hundred and forty-five, and so at the End of each successive Period of Four Weeks, make out a general Return in the Form to this Act annexed marked (B.) of the monthly average Amount of Bank Notes in Circulation of each Banker in *Ireland* during the last preceding Four Weeks, and of the average Amount of all the Gold and Silver Coin held by such Banker during the same Period, and certifying, under the Hand of any Officer of the said Commissioners duly authorized for that Purpose in the Case of each such Banker, whether such Banker has held the Amount of Coin required by Law during the Period to which the said Return shall apply, and shall publish the same in the next succeeding *Dublin Gazette* in which the same can be conveniently inserted.

XIX. And

Mode of ascertaining the Average Amount of Bank Notes of each Banker in Circulation, and Gold Coin, during the first Four Weeks after the 6th Day of December 1845.

XIX. And be it enacted, That for the Purpose of ascertaining the monthly average Amount of Bank Notes of each Banker in Circulation, the Aggregate of the Amount of Bank Notes of each such Banker in Circulation at the Close of the Business on the *Saturday* in each Week during the first complete Period of Four Weeks next after the Sixth Day of *December* One thousand eight hundred and forty-five shall be divided by the Number of Weeks, and the Average so ascertained shall be deemed to be the Average of Bank Notes of each such Banker in Circulation during such Period of Four Weeks, and so in each successive Period of Four Weeks; and the monthly average Amount of Gold and Silver Coin respectively held as aforesaid by such Banker shall be ascertained in like Manner from the Amount of Gold and Silver Coin held by such Banker at the head Offices or principal Places of Issue of such Banker in *Ireland*, as after mentioned, at the Close of Business on such Day in each Week; and the monthly average Amount of Bank Notes of each such Banker in Circulation during any such Period of Four Weeks is not to exceed a Sum made up by adding the Amount certified by the Commissioners of Stamps and Taxes as aforesaid and the monthly average Amount of Gold and Silver Coin held by such Banker as aforesaid during the same Period.

What shall be taken in the Account of Coin held by any Banker.

Silver Coin not to exceed the Proportion of One Quarter of Gold.

XX. And be it enacted, That in taking account of the Coin held by any Banker in *Ireland* with respect to which Bank Notes to a further Extent than the Sum certified as aforesaid by the Commissioners of Stamps and Taxes may, under the Provisions of this Act, be made and issued, there shall be included only the Gold and Silver Coin held by such Banker at the several head Offices or principal Places of Issue in *Ireland* of such Banker, such head Offices or principal Places of Issue not exceeding Four in Number, of which not more than Two shall be situated in the same Province; and every Banker shall give Notice in Writing to the said Commissioners, on or before the Sixth Day of *December* next, of such head Offices or principal Places of Issue at which the Account of Gold and Silver Coin held by him is to be taken as aforesaid; and no Amount of Silver Coin exceeding One Fourth Part of the Gold Coin held by such Banker as aforesaid shall be taken into account, nor shall any Banker be authorized to make and issue Bank Notes in *Ireland* on any Amount of Silver Coin held by such Banker exceeding the Proportion of One Fourth Part of the Gold Coin held by such Banker as aforesaid.

Commissioners of Stamps and Taxes empowered to cause the Books of Bankers, containing Accounts of their Bank Notes in Circulation, and of Gold Coin, to be inspected.

XXI. 'And whereas in order to ensure the rendering of true and faithful Accounts of the Amount of 'Bank Notes in Circulation, and the Amount of Gold and Silver Coin held by each Banker, as directed 'by this Act, it is necessary that the Commissioners of Stamps and Taxes should be empowered to cause 'the Books of Bankers issuing such Notes, and the Amount of Gold and Silver Coin held by such Bankers 'as aforesaid, to be inspected as herein-after mentioned;' be it therefore enacted, That all and every the Book and Books of any Banker who shall issue Bank Notes under the Provisions of this Act, in which shall be kept, contained, or entered any Account, Minute, or Memorandum of or relating to the Bank Notes issued or to be issued by such Bank, of or relating to the Amount of such Notes in Circulation from Time to Time, or of or relating to the Gold or Silver Coin held by such Banker from Time to Time, or any Account, Minute, or Memorandum the Sight or Inspection whereof may tend to secure the rendering of true Accounts of the average Amount of such Notes in Circulation and Gold or Silver Coin held as directed by this Act, or to test the Truth of any such Account, shall be open for the Inspection and Examination at all seasonable Times of any Officer of Stamp Duties authorized in that Behalf by Writing signed by the Commissioners of Stamps and Taxes, or any Two of them; and every such Officer shall be at liberty to take Copies of or Extracts from any such Book or Account as aforesaid, and to inspect and ascertain the Amount of any Gold or Silver Coin held by such Banker; and if any Banker or other Person keeping any such Book, or having the Custody or Possession thereof or Power to produce the same, shall, upon demand made by any such Officer showing (if required) his Authority in that Behalf, refuse to produce any such Book to such Officer for his Inspection and Examination, or to permit him to inspect and examine the same, or to take Copies thereof or Extracts therefrom, or of or from any such Account, Minute, or Memorandum as aforesaid, kept, contained, or entered therein, or if any Banker or other Person having the Custody or Possession of any Coin belonging to such Banker shall refuse to permit or prevent the Inspection of such Gold and Silver Coin as aforesaid, every such Banker or other Person so offending shall for every such Offence forfeit the Sum of One hundred Pounds: Provided always, that the said Commissioners shall not exercise the Powers aforesaid without the Consent of the Commissioners of Her Majesty's Treasury.

Penalty for refusing to allow such Inspection.

All Bankers to return their Names once a Year to the Stamp Office.

XXII. And be it enacted, That every Banker in *Ireland*, other than the Bank of *Ireland*, who is now carrying on or shall hereafter carry on Business as such, shall, on the First Day of *January* in each Year, or within Fifteen Days thereafter, make a Return to the Commissioners of Stamps and Taxes, at their Office in *Dublin*, of his Name, Residence, and Occupation, or, in the Case of a Company or Partnership, of the Name, Residence, and Occupation of every Person composing or being a Member of such Company or Partnership, and also the Name of the Firm under which such Banker, Company, or Partnership carry on the Business of Banking, and of every Place where such Business is carried on; and if any such Banker shall omit or refuse to make such Return within Fifteen Days after the said First Day of *January*, or shall wilfully make other than a true Return of the Persons as herein required, every Banker so offending shall forfeit or pay the Sum of Fifty Pounds; and the said Commissioners of Stamps and Taxes shall on or before the First Day of *March* in every Year publish in the *Dublin Gazette* a Copy of the Return so made by every Banker.

Penalty on Banks issuing in excess.

XXIII. And be it enacted, That if the monthly average Circulation of Bank Notes of any Banker, taken in the Manner herein directed, shall at any Time exceed the Amount which such Banker is authorized to issue and to have in Circulation under the Provisions of this Act, such Banker shall in every

every such Case forfeit a Sum equal to the Amount by which the average monthly Circulation, taken as aforesaid, shall have exceeded the Amount which such Banker was authorized to issue and to have in Circulation as aforesaid.

Notes for less than 20s. not negotiable in Ireland.

XXIV. And be it enacted, That all Promissory or other Notes, Bills of Exchange, or Drafts, or Undertakings in Writing, being negotiable or transferable, for the Payment of any Sum or Sums of Money, or any Orders, Notes, or Undertakings in Writing, being negotiable or transferable, for the Delivery of any Goods, specifying their Value in Money less than the Sum of Twenty Shillings in the whole, heretofore made or issued, or which shall hereafter be made or issued in *Ireland*, shall, from and after the First Day of *January* One thousand eight hundred and forty-six, be and the same are hereby declared to be absolutely void and of no Effect, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and that if any Person or Persons shall, after the First Day of *January* One thousand eight hundred and forty-six, by any Art, Device, or Means whatsoever, publish or utter in *Ireland* any such Notes, Bills, Drafts, or Engagements as aforesaid, for a less Sum than Twenty Shillings, or on which less than the Sum of Twenty Shillings shall be due, and which shall be in anywise negotiable or transferable, or shall negotiate or transfer the same in *Ireland*, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, at the Discretion of the Justice of the Peace who shall hear and determine such Offence.

Notes for 20s. and above, and less than 5*l.*, to be drawn in certain Form.

XXV. And be it enacted, That all Promissory or other Notes, Bills of Exchange, or Drafts, or Undertakings in Writing, being negotiable or transferable, for the Payment of Twenty Shillings, or any Sum of Money above that Sum and less than Five Pounds, or on which Twenty Shillings, or above that Sum and less than Five Pounds, shall remain undischarged, and which shall be issued within *Ireland* at any Time after the First Day of *January* One thousand eight hundred and forty-six, shall specify the Names and Places of Abode of the Persons respectively to whom or to whose Order the same shall be made payable, and shall bear Date before or at the Time of drawing or issuing thereof, and not on any Day subsequent thereto, and shall be made payable within the Space of Twenty-one Days next after the Date thereof, and shall not be transferable or negotiable after the Time hereby limited for Payment thereof, and that every Endorsement to be made thereon shall be made before the Expiration of that Time, and to bear Date at or not before the Time of making thereof, and shall specify the Name and Place of Abode of the Person or Persons to whom or to whose Order the Money contained in every such Note, Bill, Draft, or Undertaking is to be paid; and that the signing of every such Note, Bill, Draft, or Undertaking, and also of every such Endorsement, shall be attested by One subscribing Witness at the least; and which said Notes, Bills of Exchange, or Drafts, or Undertakings in Writing, may be made or drawn in Words to the Purport or Effect as set out in the Schedules to this Act annexed marked (D.) and (E.); and that all Promissory or other Notes, Bills of Exchange, or Drafts, or Undertakings in Writing, being negotiable or transferable, for the Payment of Twenty Shillings, or any Sum of Money above that Sum and less than Five Pounds, or in which Twenty Shillings, or above that Sum and less than Five Pounds, shall remain undischarged, and which shall be issued in *Ireland* at any Time after the said First Day of *January* One thousand eight hundred and forty-six, in any other Manner than as aforesaid, and also every Endorsement on any such Note, Bill, Draft, or other Undertaking to be negotiated under this Act, other than as aforesaid, shall and the same are hereby declared to be absolutely void, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; provided that nothing in this Clause contained shall be construed to extend to any such Bank Notes as shall be lawfully issued by any Banker in *Ireland*, authorized by this Act to continue the Issue of Bank Notes.

Penalty for Persons other than Bankers hereby authorized issuing Notes payable on demand for less than Five Pounds.

XXVI. And be it enacted, That if any Body Politic or Corporate or any Person or Persons shall, from and after the said First Day of *January* One thousand eight hundred and forty-six, make, sign, issue, or re-issue in *Ireland* any Promissory Note payable on demand to the Bearer thereof for any Sum of Money less than the Sum of Five Pounds, except the Bank Notes of such Bankers as are hereby authorized to continue to issue Bank Notes as aforesaid, then and in either of such Cases every such Body Politic or Corporate or Person or Persons so making, signing, issuing, or re-issuing any such Promissory Note as aforesaid, except as aforesaid, shall for every such Note so made, signed, issued, or re-issued forfeit the Sum of Twenty Pounds.

Penalty for Persons other than Bankers hereby authorized uttering or negotiating Notes, Bills of Exchange, &c., transferable, for Payment of 20s. or less than Five Pounds.

XXVII. And be it enacted, That if any Body Politic or Corporate or Person or Persons shall, from and after the passing of this Act, publish, utter, or negotiate in *Ireland* any Promissory or other Note (not being the Bank Note of a Banker hereby authorized to continue to issue Bank Notes), or any Bill of Exchange, Draft, or Undertaking in Writing, being negotiable or transferable, for the Payment of Twenty Shillings, or above that Sum and less than Five Pounds, or on which Twenty Shillings, or above that Sum and less than Five Pounds, shall remain undischarged, made, drawn, or endorsed in any other Manner than as is herein-before directed, every such Body Politic or Corporate or Person or Persons so publishing, uttering, or negotiating any such Promissory or other Note (not being such Bank Note as aforesaid), Bill of Exchange, Draft, or Undertaking in Writing as aforesaid, shall forfeit and pay the Sum of Twenty Pounds.

Not to prohibit Checks on Bankers.

XXVIII. Provided always, and be it enacted, That nothing herein contained shall extend to prohibit any Draft or Order drawn by any Person on his Banker, or on any Person acting as such Banker, for the Payment of Money held by such Banker or Person to the Use of the Person by whom such Draft or Order shall be drawn.

XXIX. And

XXIX. And be it enacted, That all pecuniary Penalties under this Act may be sued or prosecuted for and recovered for the Use of Her Majesty, in the Name of Her Majesty's Attorney General or Solicitor General in *Ireland*, or of the Solicitor of Stamps in *Ireland*, or of any Person authorized to sue or prosecute for the same, by Writing under the Hands of the Commissioners of Stamps and Taxes, or in the Name of any Officer of Stamp Duties, by Action of Debt, Bill, Plaint, or Information in the Court of Exchequer in *Dublin*, or by Civil Bill in the Court of the Recorder, Chairman, or Assistant Barrister within whose local Jurisdiction any Offence shall have been committed, in respect of any such Penalty, or, in respect of any Penalty not exceeding Twenty Pounds, by Information or Complaint before One or more Justice or Justices of the Peace in *Ireland*, in such and the same Manner as any other Penalties imposed by any of the Laws now in force relating to the Duties under the Management of the Commissioners of Stamps; and it shall be lawful in all Cases for the Commissioners of Stamps and Taxes, either before or after any Proceedings commenced for Recovery of any such Penalty, to mitigate or compound any such Penalty as the said Commissioners shall think fit, and to stay any such Proceedings after the same shall have been commenced, and whether Judgment may have been obtained for such Penalty or not, on Payment of Part only of any such Penalty, with or without Costs, or on Payment only of the Costs incurred in such Proceedings, or of any Part thereof, or on such other Terms as such Commissioners shall judge reasonable: Provided always, that in no such Proceeding as aforesaid shall any Essoign, Protection, Wager of Law, nor more than One Imparlance be allowed; and all pecuniary Penalties imposed by or incurred under this Act, by whom or in whose Name soever the same shall be sued or prosecuted for or recovered, shall go and be applied to the Use of Her Majesty, and shall be deemed to be and shall be accounted for as Part of Her Majesty's Revenue arising from Stamp Duties, any thing in any Act contained, or any Law or Usage, to the contrary in anywise notwithstanding: Provided always, that it shall be lawful for the Commissioners of Stamps and Taxes, at their Discretion, to give all or any Part of such Penalties as Rewards to any Person or Persons who shall have detected the Offenders, or given Information which may have led to their Prosecution and Conviction.

Mode of enforcing Penalties.

XXX. And be it enacted, That after the passing of this Act every Company or Copartnership of more than Six Persons established before the passing of this Act, for the Purpose of carrying on the Trade or Business of Bankers within the Distance of Fifty Miles from *Dublin*, shall have the same Powers and Privileges of suing and being sued, and of presenting Petitions to found Sequestrations or Fiats in Bankruptcy, in the Name of any one of the public Officers of such Company or Copartnership, as the nominal Plaintiff, Petitioner, or Defendant, on behalf of such Company or Copartnership, as are provided with respect to Companies carrying on the said Trade or Business at any Place in *Ireland* exceeding the Distance of Fifty Miles from *Dublin*, under the Provisions of an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for the better Regulation of Copartnerships of certain Bankers in* Ireland; and all Judgments, Decrees, and Orders made and obtained in any Action, Suit, or other Proceeding brought, instituted, or carried on by or against any such Company or Copartnership carrying on Business within the Distance of Fifty Miles from *Dublin*, in the Name of their public Officer, shall have the same Effect and Operation, and may be enforced in like Manner in all respects, as is provided in and by the last-mentioned Act with respect to the Judgments, Decrees, and Orders therein mentioned; provided that every such Company or Copartnership as last aforesaid shall make out and deliver from Time to Time to the Commissioners of Stamps and Taxes the several Accounts or Returns required by the last-mentioned Act; and all the Provisions of the last-mentioned Act as to such Accounts or Returns shall be taken to apply to the Accounts or Returns so made out and delivered by the said last-mentioned Companies, as if they had been originally included in the Provisions of the last-mentioned Act.

Companies to sue and be sued in the Names of their Officers.

6 G. 4. c. 42.

XXXI. 'And whereas a certain Joint Stock Banking Company, called and known as "The *Tipperary* 'Joint Stock Bank," refrained from issuing its own Bank Notes, under a certain Agreement with the 'Governor and Company of the Bank of *Ireland* for the Issue of the Bank Notes of the said Governor 'and Company, which Agreement is determinable by either Party upon certain Notice to the other Party, 'and it is just that in case such Agreement should at any Time hereafter during the Continuance of this 'Act be determined and put an end to by the Governor and Company of the Bank of *Ireland*, that the 'said *Tipperary* Joint Stock Bank should receive by way of Compensation such Composition as hereafter 'mentioned;' be it therefore enacted, That if the said Agreement shall be at any Time hereafter during the Continuance of this Act determined or put an end to by the Governor and Company of the Bank of *Ireland*, then and in such Case the said Governor and Company shall from the Termination of the said Agreement pay and allow to the said *Tipperary* Joint Stock Bank, so long as the latter shall continue to carry on the Business of a Bank and to issue exclusively the Notes of the Governor and Company of the Bank of *Ireland*, a Composition at and after the Rate of One *per Centum per Annum* on the average annual Amount of the Bank of *Ireland* Notes issued by the said *Tipperary* Joint Stock Bank, and kept in Circulation, such average annual Amount to be ascertained by the Bank of *Ireland* in the Manner provided for regulating the Compensation to be made to certain Bankers by the Bank of *England* in and by the Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of* England *certain Privileges for a limited Period:* Provided always, that the total Sum payable to the *Tipperary* Joint Stock Bank by way of Composition as aforesaid in any One Year shall not exceed One *per Cent.* on an Amount that hath been agreed on by and between the Bank

Provision in case of Determination of existing Agreement between Bank of Ireland and Tipperary Joint Stock Bank.

7 & 8 Vict. c. 32.

of *Ireland* and the *Tipperary* Joint Stock Bank, and certified by both Banks to the Commissioners of Stamps and Taxes; and such Composition shall cease to be payable from and after the First Day of *January* One thousand eight hundred and fifty-six.

Interpretation of Act.

XXXII. And be it enacted, That the Term "Bank Note" used in this Act shall extend and apply to all Bills or Notes for the Payment of Money to the Bearer on demand; and that the Term "Banker" shall, when the Bank of *Ireland* be not specially excepted, extend and apply to the Governor and Company of the Bank of *Ireland*, and to all other Corporations, Societies, Partnerships, and Persons, and every individual Person carrying on the Business of Banking, whether by the Issue of Bank Notes or otherwise; and that the Word "Coin" shall be construed to mean the Coin of this Realm; and that the Word "Person" used in this Act shall include Corporations; and that the Singular Number used in this Act shall include the Plural Number, and the Plural Number the Singular, except where there is any thing in the Context repugnant to such Construction; and that the Masculine Gender in this Act shall include the Feminine, except where there is any thing in the Context repugnant to such Construction.

Alteration of Act.

XXXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Name and Title set forth in Licence - - - - _____ Bank.
Name of the Firm - - - - - - _____ Firm.
Head Offices or principal Places of Issue - - - - _____ Place.

AMOUNT of NOTES in Circulation on Saturday the Day of { £5 and upwards - - £ ; Under £5 - - - £ } TOTAL - - £

AMOUNT of GOLD and SILVER COIN held at the head Office or principal Place of Issue at the Close of Business on —

	Head Office at		Head Office at		Head Office at		Head Office at	
	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.
Monday the								
Tuesday the								
Wednesday the								
Thursday the								
Friday the								
Saturday the								

TOTAL AMOUNT of COIN held at the Close of Business on Saturday the Day of 18 .

Gold - - - - £
Silver - - - - £
TOTAL - - £

[*To be inserted in the Account at the End of each Period of Four Weeks.*]

Amount of Notes authorized by Certificate - - - - £
Average Amount of Notes in Circulation during the Four Weeks ending as above - - { £5 and upwards - - £ ; Under £5 - - - £ }
Average Amount of Coin held during the said Four Weeks - { Gold - - - £ ; Silver - - - £ }
TOTAL - - £

I, being the [Banker, Chief Cashier, Director, *or* Partner, *as the Case may be*], do hereby certify, That the above is a true Account of the Notes in Circulation, and of the Coin held by the said Bank, as required under the Act 8 & 9 Vict. c. .

(Signed)_____

Dated this Day of 18 .

SCHE-

SCHEDULE (B.)

Name and Title, as set forth in the Licence.	Name of the Firm.	Head Office or principal Place of Issue.	Circulation authorized by Certificate.	Average Circulation during Four Weeks ending the			Average Amount of Coin held during Four Weeks ending		
				£5 and upwards.	Under £5.	Total.	Gold.	Silver.	Total.

I hereby certify, That each of the Bankers named in the above Return who have in Circulation an Amount of Notes beyond that authorized in their Certificate [with the Exception of *A.B. or C.D., as the Case may be,*] have held an Amount of Gold and Silver Coin not less than that which they are required to hold during the Period to which this Return relates.

Dated this Day of 18 .

(Signed)_____ Officer of Stamp Duties.

SCHEDULE (D.)

[*Place*] [*Day*] [*Month*] [*Year*]

Twenty-one Days after Date I promise to pay to *A.B.* of [*Place*], or his Order, the Sum of for Value received by

Witness, *E.F.* *C.D.*

And the Endorsement, toties quoties.

[*Day*] [*Month*] [*Year*]

Pay the Contents to *G.H.* of [*Place*], or his Order.

Witness, *J.K.* *A.B.*

SCHEDULE (E.)

[*Place*] [*Day*] [*Month*] [*Year*]

Twenty-one Days after Date pay to *A.B.* of [*Place*], or his Order, the Sum of Value received, as advised by

To *E.F.* of [*Place*]. *C.D.*

Witness, *G.H.*

And the Endorsement, toties quoties.

[*Day*] [*Month*] [*Year*]

Pay the Contents to *J.K.* of [*Place*], or his Order.

Witness, *L.M.* *A.B.*

CAP. XXXVIII.

An Act to regulate the Issue of Bank Notes in *Scotland.* [21st *July* 1845.]

'WHEREAS by an Act made and passed in the Eighth Year of the Reign of Her Majesty, intituled *An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of* England *certain Privileges for a limited Period,* it was enacted, that from and after the passing of that Act no Person, other than a Banker, who on the Sixth Day of *May* One thousand eight hundred and forty-four was lawfully issuing his own Bank Notes, should make or issue Bank Notes in any Part of the United Kingdom: And whereas it is expedient to regulate the Issue of Bank Notes by such Bankers as are now by Law authorized to issue the same in *Scotland:*' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Banker claiming to be entitled to issue Bank Notes in *Scotland* shall, within One Month next after the passing of this Act, give Notice in Writing to the Commissioners of Stamps and Taxes, at their head Office in *London,* of such Claim, and of the Place and Name and Firm at and under which such Banker has issued such Notes in *Scotland* during the Year next preceding the First Day of *May* One thousand eight hundred and forty-five, and thereupon the said Commissioners shall ascertain if such Banker was on the Sixth Day of *May* One thousand eight hundred and forty-four, and from thence up to the First Day of *May* One thousand eight hundred and forty-five, carrying on the Business of a Banker and lawfully issuing his own Bank Notes in *Scotland,* and if it shall so appear then the said Commissioners

7&8 Vict. c. 32. s. 10.

Bankers claiming to be entitled to issue Bank Notes to give Notice to Commissioners of Stamps and Taxes.

Commissioners to certify existing Banks of

Issue and Limitation of Issue.

Commissioners shall proceed to ascertain the average Amount of the Bank Notes of such Banker which were in Circulation during the said Period of One Year preceding the First Day of *May* One thousand eight hundred and forty-five, according to the Returns made by such Banker in pursuance of the Act 4 & 5 Vict. c. 50. passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to make further Provision relative to the Returns to be made by Banks of the Amount of their Notes in Circulation;* and the said Commissioners, or any Two of them, shall certify under their Hands to such Banker the average Amount when so ascertained as aforesaid, omitting the Fractions of a Pound, if any; and it shall be lawful for every such Banker to continue to issue his own Bank Notes after the Sixth Day of *December* One thousand eight hundred and forty-five, to the Extent of the Amount so certified, and of the Amount of Gold and Silver Coin held by such Banker at the head Office or principal Place of Issue of such Banker, in the Proportion and Manner herein-after mentioned, but not to any further Extent; and from and after the Sixth Day of *December* One thousand eight hundred and forty-five it shall not be lawful for any Banker to make or issue Bank Notes in *Scotland*, save and except only such Bankers as shall have obtained such Certificate from the Commissioners of Stamps and Taxes.

Provision for united Banks.

II. Provided always, and be it enacted, That if it shall be made to appear to the Commissioners of Stamps and Taxes that any Two or more Banks have by written Contract or Agreement (which Contract or Agreement shall be produced to the said Commissioners) become united within the Year next preceding such First Day of *May* One thousand eight hundred and forty-five, it shall be lawful for the said Commissioners to ascertain the average Amount of the Notes of each such Bank in the Manner herein-before directed, and to certify a Sum equal to the average Amount of the Notes of the Two or more Banks so united, as the Amount which the united Bank shall thereafter be authorized to issue, subject to the Regulations of this Act.

Duplicate of Certificate to be published in the Gazette.

Gazette to be Evidence.

III. And be it enacted, That the Commissioners of Stamps and Taxes shall, at the Time of certifying to any Banker such Particulars as they are herein-before required to certify, also publish a Duplicate of their Certificate thereof in the next succeeding *London Gazette* in which the same may be conveniently inserted; and the Gazette in which such Publication shall be made shall be conclusive Evidence in all Courts whatsoever of the Amount of Bank Notes which the Banker named in such Certificate or Duplicate is by Law authorized to issue and to have in Circulation as aforesaid, exclusive of an Amount equal to the monthly average Amount of the Gold and Silver Coin held by such Banker as herein provided.

In case Banks become united, Commissioners to certify the Amount of Bank Notes which each Bank was authorized to issue.

IV. And be it enacted, That in case it shall be made to appear to the Commissioners of Stamps and Taxes, at any Time hereafter, that any Two or more Banks have by written Contract or Agreement (which Contract or Agreement shall be produced to the said Commissioners) become united subsequently to the passing of this Act, it shall be lawful to the said Commissioners, upon the Application of such united Bank, to certify in manner herein-before mentioned the Aggregate of the Amount of Bank Notes which such separate Banks were previously authorized to issue under the separate Certificates previously delivered to them, and so from Time to Time; and every such Certificate shall be published in manner herein-before directed, and from and after such Publication the Amount therein stated shall be and be deemed to be the Limit of the Amount of Bank Notes which such united Bank may have in Circulation, exclusive of an Amount equal to the monthly average Amount of the Gold and Silver Coin held by such Bank, as herein provided.

Issue of Notes for fractional Parts of a Pound prohibited.

V. And be it enacted, That all Bank Notes to be issued or re-issued in *Scotland* shall be expressed to be for Payment of a Sum in Pounds Sterling, without any fractional Parts of a Pound; and if any Banker in *Scotland* shall, from and after the Sixth Day of *December* One thousand eight hundred and forty-five, make, sign, issue, or re-issue any Bank Note for the fractional Part of a Pound Sterling, or for any Sum together with the fractional Part of a Pound Sterling, every such Banker so making, signing, issuing, or re-issuing any such Note as aforesaid shall for each Note so made, signed, issued, or re-issued forfeit or pay the Sum of Twenty Pounds.

Limitation of Bank Notes in Circulation.

VI. And be it enacted, That from and after the Sixth Day of *December* One thousand eight hundred and forty-five it shall not be lawful for any Banker in *Scotland* to have in Circulation, upon the Average of a Period of Four Weeks, to be ascertained as herein-after mentioned, a greater Amount of Notes than an Amount composed of the Sum certified by the Commissioners of Stamps and Taxes as aforesaid and the monthly average Amount of Gold and Silver Coin held by such Banker at the head Office or principal Place of Issue of such Banker during the same Period of Four Weeks, to be ascertained in manner herein-after mentioned.

Issuing Banks to render Accounts weekly.

VII. And be it enacted, That every Banker who after the Sixth Day of *December* One thousand eight hundred and forty-five shall issue Bank Notes in *Scotland* shall, on some One Day in every Week after the Thirteenth Day of *December* One thousand eight hundred and forty-five (such Day to be fixed by the Commissioners of Stamps and Taxes), transmit to the said Commissioners a just and true Account of the Amount of Bank Notes of such Banker in Circulation at the Close of the Business on the next preceding *Saturday*, distinguishing the Notes of Five Pounds and upwards, and the Notes below Five Pounds, and also an Account of the total Amount of Gold and Silver Coin held by such Banker at the head Office or principal Place of Issue in *Scotland* of such Banker at the Close of Business on each Day of the Week ending on the same *Saturday*, and also an Account of the total Amount of Gold and Silver Coin in *Scotland* held by such Banker at the Close of Business on that Day; and on completing the first Period of Four Weeks, and so on completing each successive Period of Four Weeks, every such Banker shall annex to such Account the average Amount of Bank Notes of such Banker in Circulation during

during the said Four Weeks, distinguishing the Bank Notes of Five Pounds and upwards and the Notes below Five Pounds, and the average Amount of Gold and Silver Coin respectively held by such Banker at the head Office or principal Place of Issue in *Scotland* of such Banker during the said Four Weeks, and also the Amount of Bank Notes which such Banker is, by the Certificate published as aforesaid in the *London Gazette*, authorized to issue under the Provisions of this Act; and every such Account shall specify the head Office or principal Places of Issue in *Scotland* of such Banker, and shall be verified by the Signature of such Banker or his Chief Cashier, or in case of a Company or Partnership by the Signature of the Chief Cashier or other Officer duly authorized by the Directors of such Company or Partnership, and shall be made in the Form to this Act annexed marked (A.); and if any such Banker shall neglect or refuse to render any such Account in the Form and at the Time required by this Act, or shall at any Time render a false Account, such Banker shall forfeit the Sum of One hundred Pounds for every such Offence.

What shall be deemed to be Bank Notes in Circulation.

VIII. And be it enacted, That all Bank Notes shall be deemed to be in Circulation from the Time the same shall have been issued by any Banker, or any Servant or Agent of such Banker, until the same shall have been actually returned to such Banker, or some Servant or Agent of such Banker.

Commissioners of Stamps and Taxes to make a monthly Return.

IX. And be it enacted, That from the Returns so made by each Banker to the Commissioners of Stamps and Taxes the said Commissioners shall, at the End of the first Period of Four Weeks after the said Sixth Day of *December* One thousand eight hundred and forty-five, and so at the End of each successive Period of Four Weeks, make out a general Return in the Form to this Act annexed marked (B.) of the monthly average Amount of Bank Notes in Circulation of each Banker in *Scotland* during the last preceding Four Weeks, and of the average Amount of all the Gold and Silver Coin held by such Banker, and certifying under the Hand of any Officer of the said Commissioners duly authorized for that Purpose, in the Case of each such Banker, whether such Banker has held the Amount of Coin required by Law during the Period to which the said Return shall apply, and shall publish the same in the next succeeding *London Gazette* in which the same can be conveniently inserted.

Mode of ascertaining the average Amount of Bank Notes of each Banker in Circulation, and Gold Coin, during the first Four Weeks after 31st December 1845.

X. And be it enacted, That for the Purpose of ascertaining the monthly average Amount of Bank Notes of each Banker in Circulation, the Aggregate of the Amount of Bank Notes of each such Banker in Circulation at the Close of the Business on *Saturday* of each Week during the first complete Period of Four Weeks next after the Sixth Day of *December* One thousand eight hundred and forty-five shall be divided by the Number of Weeks, and the Average so ascertained shall be deemed to be the Average of Bank Notes of each such Bank in Circulation during such Period of Four Weeks, and so in each successive Period of Four Weeks; and the monthly average Amount of Gold and Silver Coin respectively held as aforesaid by such Banker shall be ascertained in like Manner from the Amount of Gold and Silver Coin held by such Banker at the head Office or principal Place of Issue in *Scotland* of such Banker at the Close of Business on *Saturday* in each Week during the same Period; and the monthly average Amount of Bank Notes of each such Banker in Circulation during any such Period of Four Weeks is not to exceed a Sum made up by adding the Amount certified by the Commissioners of Stamps and Taxes as aforesaid and the monthly average Amount of Gold and Silver Coin held by such Banker as aforesaid during the same Period.

In taking the Account of Coin held by Bankers, Silver Coin not to exceed Proportion of One Fourth of Gold.

XI. And be it enacted, That in taking Account of the Coin held by any such Banker as aforesaid, with respect to which Bank Notes to a further Extent than the Sum certified as aforesaid by the Commissioners of Stamps and Taxes may, under the Provisions of this Act, be made and issued, no Amount of Silver Coin exceeding One Fourth Part of the Gold Coin held by such Banker as aforesaid shall be taken into account, nor shall any Banker be authorized to make and issue Bank Notes in *Scotland* on any Amount of Silver Coin held by such Banker exceeding the Proportion of One Fourth Part of the Gold Coin held by such Banker as aforesaid.

Commissioners of Stamps and Taxes empowered to cause the Books of Bankers containing Accounts of their Bank Notes in Circulation, and of Gold Coin, to be inspected.

XII. 'And whereas, in order to ensure the rendering of true and faithful Accounts of the Amount of 'Bank Notes in Circulation, and the Amount of Gold and Silver Coin held by each Banker, as directed by 'this Act, it is necessary that the Commissioners of Stamps and Taxes should be empowered to cause 'the Books of Bankers issuing such Notes, and the Gold and Silver Coin held by such Bankers as 'aforesaid, to be inspected as herein-after mentioned;' be it therefore enacted, That all and every the Book and Books of any Banker who shall issue Bank Notes under the Provisions of this Act, in which shall be kept, contained, or entered any Account, Minute, or Memorandum of or relating to the Bank Notes issued or to be issued by such Banker, or of or relating to the Amount of such Notes in Circulation from Time to Time, or of or relating to the Gold and Silver Coin held by such Banker from Time to Time, or any Account, Minute, or Memorandum the Sight or Inspection whereof may tend to secure the rendering of true Accounts of the average Amount of such Notes in Circulation and Gold and Silver Coin held as directed by this Act, or to test the Truth of any such Account, shall be open for the Inspection and Examination at all seasonable Times of any Officer of Stamp Duties authorized in that Behalf by Writing signed by the Commissioners of Stamps and Taxes or any Two of them; and every such Officer shall be at liberty to take Copies of or Extracts from any such Book or Account as aforesaid, and to inspect and ascertain the Amount of any Gold or Silver Coin held by such Banker; and if any Banker or other Person keeping any such Book, or having the Custody or Possession thereof or Power to produce the same, shall, upon Demand made by any such Officer showing (if required) his Authority in that Behalf, refuse to produce any such Book to such Officer for his Inspection and Examination, or to permit him to inspect and examine the same, or to take Copies thereof or Extracts therefrom, or of or from any such Account, Minute, or Memorandum as aforesaid, kept, contained, or entered therein, or if any

Penalty for refusing to allow such Inspection.

Banker

Banker or other Person having the Custody or Possession of any Coin belonging to such Banker shall refuse to permit or prevent the Inspection of such Gold and Silver Coin as aforesaid, every such Banker or other Person so offending shall for every such Offence forfeit the Sum of One hundred Pounds: Provided always, that the said Commissioners shall not exercise the Powers aforesaid without the Consent of the Commissioners of Her Majesty's Treasury.

All Bankers to return their Names once a Year to the Stamp Office.

XIII. And be it enacted, That every Banker in *Scotland* who is now carrying on or shall hereafter carry on Business as such, other than the Bank of *Scotland*, the Royal Bank of *Scotland*, and the *British* Linen Company, shall, on the First Day of *January* in each Year, or within Fifteen Days thereafter, make a Return to the Commissioners of Stamps and Taxes, at their head Office in *London*, of his Name, Residence, and Occupation, or in the Case of a Company or Partnership, of the Name, Residence, and Occupation of every Person composing or being a Member of such Company or Partnership, and also the Name of the Firm under which such Banker, Company, or Partnership carry on the Business of Banking, and of every Place where such Business is carried on; and if any such Banker, Company, or Partnership shall omit or refuse to make such Return within Fifteen Days after the said First Day of *January*, or shall wilfully make other than a true Return of the Persons as herein required, every Banker, Company, or Partnership so offending shall forfeit or pay the Sum of Fifty Pounds; and the said Commissioners of Stamps and Taxes shall on or before the First Day of *March* in every Year publish in some Newspaper circulating within each Town or County respectively in which the head Office or principal Place of Issue of any such Banker be situated a Copy of the Return so made by every Banker, Company, or Partnership carrying on the Business of Bankers within such Town or County respectively, as the Case may be.

Penalty on Banks issuing in excess.

XIV. And be it enacted, That if the monthly average Circulation of Bank Notes of any Banker, taken in the Manner herein directed, shall at any Time exceed the Amount which such Banker is authorized to issue and to have in Circulation under the Provisions of this Act, such Banker shall in every such Case forfeit a Sum equal to the Amount by which the average monthly Circulation, taken as aforesaid, shall have exceeded the Amount which such Banker was authorized to issue and to have in Circulation as aforesaid.

Bank of England Notes not a legal Tender in Scotland.

XV. 'And whereas by an Act passed in the Third and Fourth Years of the Reign of His late 'Majesty King *William* the Fourth, intituled *An Act for giving to the Corporation of the Governor and 'Company of the Bank of* England *certain Privileges for a limited Period, under certain Conditions*, 'it was enacted, that from and after the First Day of *August* One thousand eight hundred and thirty-'four, unless and until Parliament should otherwise direct, a Tender of a Note or Notes of the Governor 'and Company of the Bank of *England*, expressed to be payable to Bearer on demand, should be a legal 'Tender to the Amount expressed in such Note or Notes, and should be taken to be valid as a Tender 'to such Amount for all Sums above Five Pounds on all Occasions on which any Tender of Money may 'be legally made, so long as the Bank of *England* should continue to pay on demand their said Notes 'in legal Coin; provided always, that no such Note or Notes should be deemed a legal Tender of Payment 'by the Governor and Company of the Bank of *England*, or any Branch Bank of the said Governor 'and Company: And whereas Doubts have arisen as to the Extent of the said Enactment;' for Removal whereof be it enacted and declared, That nothing in the said last-recited Act contained shall extend or be construed to extend to make the Tender of a Note or Notes of the Governor and Company of the Bank of *England* a legal Tender in *Scotland*:

Proviso.

Provided always, that nothing in this Act contained shall be construed to prohibit the Circulation in *Scotland* of the Notes of the Governor and Company of the Bank of *England*, as heretofore.

Notes for less than 20s. not negotiable in Scotland.

XVI. And be it enacted, That all Promissory or other Notes, Bills of Exchange, or Drafts, or Undertakings in Writing being negotiable or transferable, for the Payment of any Sum or Sums of Money, or any Orders, Notes, or Undertakings in Writing, being negotiable or transferable, for the Delivery of any Goods, specifying their Value in Money less than the Sum of Twenty Shillings in the whole, heretofore made or issued, or which shall hereafter be made or issued in *Scotland*, shall, from and after the First Day of *January* One thousand eight hundred and forty-six, be and the same are hereby declared to be absolutely void and of no Effect, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and that if any Person or Persons shall, after the First Day of *January* One thousand eight hundred and forty-six, by any Art, Device, or Means whatsoever, publish or utter in *Scotland* any such Notes, Bills, Drafts, or Engagements as aforesaid for a less Sum than Twenty Shillings, or on which less than the Sum of Twenty Shillings shall be due, and which shall be in anywise negotiable or transferable, or shall negotiate or transfer the same in *Scotland*, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, at the Discretion of the Justice of the Peace who shall hear and determine such Offence.

Notes of 20s. or above, and less than 5*l.*, to be drawn in certain Form.

XVII. And be it enacted, That all Promissory or other Notes, Bills of Exchange, or Drafts, or Undertakings in Writing, being negotiable or transferable, for the Payment of Twenty Shillings, or any Sum of Money above that Sum and less than Five Pounds, or on which Twenty Shillings, or above that Sum and less than Five Pounds shall remain undischarged, and which shall be issued within *Scotland* at any Time after the First Day of *January* One thousand eight hundred and forty-six, shall specify the Names and Places of Abode of the Persons respectively to whom or to whose Order the same shall be made payable, and shall bear Date before or at the Time of drawing or issuing thereof, and not on any Day subsequent thereto, and shall be made payable within the Space of Twenty-one Days next after the Day of the Date thereof, and shall not be transferable or negotiable after the Time hereby limited for

for Payment thereof, and that every Endorsement to be made thereon shall be made before the Expiration of that Time, and to bear Date at or not before the Time of making thereof, and shall specify the Name and Place of Abode of the Person or Persons to whom or to whose Order the Money contained in every such Note, Bill, Draft, or Undertaking is to be paid; and that the signing of every such Note, Bill, Draft, or Undertaking, and also of every such Endorsement, shall be attested by One subscribing Witness at the least; and which said Notes, Bills of Exchange, or Drafts, or Undertakings in Writing may be made or drawn in Words to the Purport or Effect as set out in the Schedules to this Act annexed marked (C.) and (D.); and that all Promissory or other Notes, Bills of Exchange, or Drafts or Undertakings in Writing, being negotiable or transferable, for the Payment of Twenty Shillings or any Sum of Money above that Sum and less than Five Pounds, or in which Twenty Shillings or above that Sum and less than Five Pounds shall remain undischarged, and which shall be issued in *Scotland* at any Time after the said First Day of *January* One thousand eight hundred and forty-six, in any other Manner than as aforesaid; and also every Indorsement on any such Note, Bill, Draft, or other Undertaking to be negotiated under this Act, other than as aforesaid, shall and the same are hereby declared to be absolutely void, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding: Provided always, that nothing in this Clause contained shall be construed to extend to any such Bank Notes as shall be lawfully issued by any Banker in *Scotland* authorized by this Act to continue the Issue of Bank Notes.

Penalty for Persons, other than Bankers hereby authorized, issuing Notes payable on demand for less than 5*l*.

XVIII. And be it enacted, That if any Body Politic or Corporate or any Person or Persons shall from and after the said First Day of *January* One thousand eight hundred and forty-six, make, sign, issue, or re-issue in *Scotland* any Promissory Note payable on demand to the Bearer thereof for any Sum of Money less than the Sum of Five Pounds, except the Bank Notes of such Bankers as are hereby authorized to continue to issue Bank Notes as aforesaid, then and in either of such Cases every such Body Politic or Corporate or Person or Persons so making, signing, issuing or re-issuing any such Promissory Note as aforesaid, except as aforesaid, shall for every such Note so made, signed, issued, or re-issued forfeit the Sum of Twenty Pounds.

Penalty for Persons, other than Bankers hereby authorized, uttering or negotiating Notes, Bills of Exchange, &c. transferable, for Payment of 20*s*. or less than 5*l*.

XIX. And be it enacted, That if any Body Politic or Corporate or Person or Persons shall, from and after the passing of this Act, publish, utter, or negotiate in *Scotland* any Promissory or other Note (not being the Bank Note of a Banker hereby authorized to continue to issue Bank Notes), or any Bill of Exchange, Draft, or Undertaking in Writing being negotiable or transferable, for the Payment of Twenty Shillings, or above that Sum and less than Five Pounds, or on which Twenty Shillings, or above that Sum and less than Five Pounds, shall remain undischarged, made, drawn, or indorsed in any other Manner than as is herein-before directed, every such Body Politic or Corporate or Person or Persons so publishing, uttering, or negotiating any such Promissory or other Note (not being such Bank Note as aforesaid), Bill of Exchange, Draft, or Undertaking in Writing as aforesaid, shall forfeit and pay the Sum of Twenty Pounds.

Not to prohibit Checks on Bankers.

XX. Provided always, and be it enacted, That nothing herein contained shall extend to prohibit any Draft or Order drawn by any Person on his Banker, or on any Person acting as such Banker, for the Payment of Money held by such Banker or Person to the Use of the Person by whom such Draft or Order shall be drawn.

Mode of recovering Penalties.

XXI. And be it enacted, That all pecuniary Penalties under this Act may be sued or prosecuted for and recovered for the Use of Her Majesty, in the Name of Her Majesty's Advocate General or Solicitor General in *Scotland*, or of the Solicitor of Stamps and Taxes in *Scotland*, or of any Person authorized to sue or prosecute for the same, by Writing under the Hands of the Commissioners of Stamps and Taxes, or in the Name of any Officer of Stamp Duties, by Action of Debt, Bill, Plaint, or Information in the Court of Exchequer in *Scotland*, or, in respect of any Penalty not exceeding Twenty Pounds, by Information or Complaint before One or more Justice or Justices of the Peace in *Scotland*, in such and the same Manner as any other Penalties imposed by any of the Laws now in force relating to the Duties under the Management of the Commissioners of Stamps; and it shall be lawful in all Cases for the Commissioners of Stamps and Taxes, either before or after any Proceedings commenced for Recovery of any such Penalty, to mitigate or compound any such Penalty, as the said Commissioners shall think fit, and to stay any such Proceedings after the same shall have been commenced, and whether Judgment may have been obtained for such Penalty or not, on Payment of Part only of any such Penalty, with or without Costs, or on Payment only of the Costs incurred in such Proceedings, or of any Part thereof, or on such other Terms as such Commissioners shall judge reasonable: Provided always, that in no such Proceeding aforesaid shall any Essoign, Protection, Wager of Law, nor more than One Imparlance be allowed; and all pecuniary Penalties imposed by or incurred under this Act, by whom or in whose Name soever the same shall be sued or prosecuted for or recovered, shall go and be applied to the Use of Her Majesty, and shall be deemed to be and shall be accounted for as Part of Her Majesty's Revenue arising from Stamp Duties, any thing in any Act contained, or any Law or Usage, to the contrary in anywise notwithstanding: Provided always, that it shall be lawful for the Commissioners of Stamps and Taxes, at their Discretion, to give all or any Part of such Penalties as Rewards to any Person or Persons who shall have detected the Offenders, or given Information which may have led to their Prosecution and Conviction.

Interpretation of Act.

XXII. And be it enacted, That the Term "Bank Notes" used in this Act shall extend and apply to all Bills or Notes for the Payment of Money to the Bearer on demand, other than Bills and Notes of the Governor and Company of the Bank of *England*; and that the Term "Banker" shall extend and apply to all Corporations, Societies, Partnerships, and Persons, and every individual Person carrying on the Business

Business of Banking, whether by the Issue of Bank Notes or otherwise; and that the Word "Person" used in this Act shall include Corporations; and that the Word "Coin" shall mean the Coin of this Realm; and that the Singular Number in this Act shall include the Plural, and the Plural Number the Singular, except where there is any thing in the Context repugnant to such Construction; and that the Masculine Gender in this Act shall include the Feminine, except where there is any thing in the Context repugnant to such Construction.

Alteration of Act.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Name and Title, as set forth in Licence.	Name of the Firm.	Head Office, or principal Place of Issue.	Amount of Circulation authorized by Certificate.	Notes in Circulation during the Week ending Day of		*Average of Four Weeks of all Notes.		Account of Coin held by the Banker at the head Office or principal Place of Issue, on the Day of		*Average total Amount of Coin held by the Bank during Four Weeks ending	
				£5 and upwards.	Under £5.	£5 and upwards.	Under £5.	Gold.	Silver.	Gold.	Silver.
								£	£		

Held on each Day of the Week preceding that Day.	Gold.	Silver.
Monday -		
Tuesday -		
Wednesday		
Thursday -		
Friday -		
Saturday -		

* To be inserted at the End of each Period of Four Weeks.

I being [the Banker, Chief Cashier, Managing Director, *or* Partner of the Bank, *or other Officer duly authorized by the Director, as the Case may be,*] do hereby certify, That the above is a true Account of the Notes in Circulation and Coin held by the said Bank during the Week above written.

Dated the Day of 18 . (Signed)

SCHEDULE (B.)

Name and Title, as set forth in Licence.	Name of the Firm.	Head Office or principal Place of Issue.	Amount of Circulation authorized by Certificate.	Average Amount of Notes in Circulation during the Four Weeks ending the Day of			Average total Amount of Coin held during Four Weeks ending	
				£5 and upwards.	Under £5.	Total.	Gold.	Silver.

I hereby certify, That each of the Bankers named in the above Return who have issued an Amount of Notes beyond that authorized in their Certificate [with the Exception of *A. B. or C. D., as the Case may be,*] have held an Amount of Gold and Silver Coin not less than that which they are required to hold during the Period to which this Return refers.

Dated

Officer of the Stamps.

SCHE-

SCHEDULE (C.)

[*Place*] [*Day*] [*Month*] [*Year*]

Twenty-one Days after Date I promise to pay to *A.B.* of [*Place*], or his Order, the Sum of for Value received by *C.D.*

Witness, *E.F.*

And the Endorsement, toties quoties.

[*Day*] [*Month*] [*Year*]

Pay the Contents to *G.H.* of [*Place*], or his Order.

Witness, *J.K.* *A.B.*

SCHEDULE (D.)

[*Place*] [*Day*] [*Month*] [*Year*]

Twenty-one Days after Date pay to *A.B.* of [*Place*], or his Order, the Sum of Value received, as advised by *E.D.*

To *E.F.* of [*Place*].

Witness, *G.H.*

And the Endorsement, toties quoties.

[*Day*] [*Month*] [*Year*]

Pay the Contents to *J.K.* of [*Place*], or his Order.

Witness, *L.M.* *A.B.*

CAP. XXXIX.

An Act to amend the Law of Arrestment of Wages in *Scotland.* [21st *July* 1845.]

'WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to alter and amend an Act passed in the Thirty-ninth and Fortieth Years of King* George *the Third, for the Recovery of Small Debts in* Scotland: And whereas another Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act for the more effectual Recovery of Small Debts in the Sheriffs Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs, in* Scotland: And whereas it is expedient that the said Acts should be amended, as regards the Arrestment of Wages:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall not be lawful or competent to arrest Wages upon the Dependence of any Action raised by virtue of the said recited Acts, any thing therein contained to the contrary notwithstanding. 6 G. 4. c. 48. 7 W. 4. & 1 Vict. c. 41. Arrestment of Wages not competent on Dependence of Action.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Alteration of Act.

CAP. XL.

An Act for amending an Act for making Provision for Parish Schoolmasters in *Scotland.* [21st *July* 1845.]

'WHEREAS an Act was passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making better Provision for the Parochial Schoolmasters, and for making further Regulations for the better Government of the Parish Schools in* Scotland: And whereas by the said Act it is provided, that if the Heritors, qualified as thereby required, and Minister, shall fail to elect a Schoolmaster within Four Calendar Months from the Time the Vacancy shall have taken place, then the Presbytery within the Bounds of which the Parish is situated shall apply to the Convener of the Commissioners of Supply of the County or Stewartry, who, or any Five of them, at a Meeting to be called by the Convener upon Thirty Days Notice, shall have Power, *jure devoluto,* and are hereby directed, to elect a Person to supply the Vacancy: And whereas in various Cases of Vacancies the Presbyteries have failed to apply to the Convener of the Commissioners of Supply so as to enable him to call such Meeting for the Exercise by the Commissioners of Supply of the *jus devolutum* so conferred upon them, and great Inconvenience and Injury have been experienced by Parishes, in consequence of Schoolmasters not having been elected to supply such Vacancies:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That failing such Election as aforesaid, and such Application by the Presbytery to the Convener of the Commissioners of Supply, then, within Twenty-one Days after the Expiration of the Four Months after which the Presbytery is so required to apply to the Convener of the Commissioners of Supply, it shall be lawful for any Heritor of the Parish to make Intimation of the Vacancy, whether now existing or that may hereafter occur, by Letter to the Convener of the Commissioners of Supply of the County or Stewartry within which the Parish is situated, requiring him to call a Meeting of such Com- 43 G. 3. c. 54. On Failure of Election of Schoolmaster, and of Application to Convener, the Commissioners of

Supply to appoint.

Commissioners upon Thirty Days Notice; and the Commissioners of Supply, or any Five of them, assembled at such Meeting or any adjourned Meeting, shall have Power, *jure devoluto*, to take the Matter of such Vacancy into consideration, and, unless good Cause be shown to the contrary, to proceed forthwith to the Election of a Schoolmaster, according to the Intent and Meaning of the said recited Act, and such Election shall be good and valid to all Intents and Purposes.

CAP. XLI.

An Act for amending the Laws concerning Highways, Bridges, and Ferries in *Scotland*, and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money. [21st *July* 1845.]

'WHEREAS it has been found by Experience that the Laws concerning Highways, Bridges, and Ferries in *Scotland*, and concerning the Statute Service for making and repairing them, and the Conversion thereof in Money, may be amended in various Particulars: And whereas it is expedient that further Regulations should be made concerning the said Highways, Bridges, and Ferries, and that the System of managing them should be rendered more uniform:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Enactments, Provisions, Matters, and Things in this Act contained shall extend to all Highways, Bridges, and Ferries in *Scotland* to which Statute Service, or the Conversion thereof in Money, or any Assessment in lieu of such Conversion, is or shall be applied, and to all Acts of Parliament now in force or which shall hereafter be passed affecting such Highways, Bridges, or Ferries in *Scotland*, saving and excepting such Enactments, Provisions, Matters, and Things as shall be expressly varied, altered, or repealed by any Act that shall be hereafter passed.

This Act to apply to all Statute Service Roads, Bridges, &c.

II. And be it enacted, That the Word "Trustees" in this Act shall be held to mean and apply to all Justices of the Peace acting under the Authority of any Act of Parliament for making and repairing Highways, Bridges, and Ferries in *Scotland* by Statute Service, or the Conversion thereof in Money.

The Word "Trustees" to include Justices, &c.

Regulation of Meetings.

III. And be it enacted, That all Trustees acting in the Execution of this or any Act of Parliament for making and repairing Highways, Bridges, and Ferries in *Scotland* by Statute Service, or the Conversion thereof in Money, or Assessment in lieu of such Conversion, shall at all their Meetings pay their own Expences, and shall in the first place, where it is not otherwise directed by any local Act, appoint a Preses at every Meeting, who in case of an equal Number of Votes, including his own, shall have the casting Vote; and no Order or Determination at any such Meeting, once made or agreed upon, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to propose such Revocation or Alteration shall have been given at a previous Meeting, and entered in the Minutes of such Meeting, and transmitted by Post to every Trustee not present at such previous Meeting who shall have been present at the Meeting where such Order or Determination was made, and such Notice shall also be published by Two several Advertisements in some Newspaper or Newspapers usually circulated in the County or District of the County where the Road or Roads or the principal Part thereof shall be, Ten Days at least previous to such subsequent Meeting; and it shall be lawful for any Two Trustees as aforesaid at any Time to call or require their Clerk to call a Meeting: Provided always, that Notice of such Meeting and of the Purpose thereof shall be published by Two Advertisements as aforesaid.

Officers to be appointed and Security to be taken.

IV. And be it enacted, That all such Trustees may and are hereby authorized to appoint Clerks, Collectors, Treasurers, Superintendents, Surveyors, and other Officers, with reasonable Allowances for their Trouble, and to take such Security from any of them for their Intromissions, and for the faithful Discharge of their Duty, as may be deemed expedient; and no Person acting as such Trustee, Clerk, Collector, Treasurer, Superintendent, Surveyor, or other Officer, shall directly or indirectly have or hold any Share or Interest in any Contract for making or repairing any of the said Highways, Bridges, or Ferries, under a Penalty of Twenty Pounds.

Trustees may pursue and be pursued in the Name of their Clerk, &c.

V. And be it enacted, That all such Trustees may pursue and be pursued in the Name of their Clerk or Treasurer for the Time being; and no Action or Process shall cease by the Death or Removal of such Clerk or Treasurer, but shall be continued in the Name of the Clerk or Treasurer for the Time.

Books of Minutes and Accounts to be kept and audited.

VI. And be it enacted, That all such Trustees shall cause a Book or Books to be kept, in which shall be entered all the Minutes of their Orders and Proceedings, as also true and regular Accounts of all Service performed and of all Money received and expended on account of the Highways, Bridges, and Ferries under their Charge, specifying the Sums applied to ordinary Repairs, and to Improvements of each Highway, Bridge, and Ferry, and to Management and Expences, and the Sums due and not recovered, as also the Amount of Debt and Interest thereof; and such Accounts for the Year current at the passing of this Act shall be made up in each County or District of a County, and shall be audited and signed by Two of the said Trustees, or by their Preses, if more than Two be present, within a Year after the passing of this Act; and the Accounts so made up, audited, and signed shall include all Transactions preceding the Period of One Month before the Time at which they are so signed; and similar Accounts shall be annually thereafter made up, and shall in like Manner be audited and signed within One Month from the Time to which they are so made up; and after the First Year from and after the passing of this Act it shall not be lawful for any Person whatsoever to act in any way in the Collection

Collection of another Year's Conversion until such Accounts shall have been made up, audited, and signed as above directed.

Permission to inspect Accounts.

VII. And be it enacted, That any Person, having performed Service or paid the Conversion in Money or Assessment for the past or current Year, may see and take a Copy of the said Accounts or any Part thereof on paying One Shilling to the Clerk or Treasurer for each Time of Inspection; and an Abstract of such Accounts shall be printed and published annually in at least One Newspaper usually circulated in the County or District where the Road or Roads or principal Part thereof shall be, within One Month after the said Accounts are audited and signed as aforesaid; and any Clerk or Treasurer neglecting to make up or refusing or not permitting Inspection of such Accounts as aforesaid, or failing to print and publish the Abstract thereof as aforesaid, shall forfeit and pay a Sum not exceeding Five Pounds to any such Person who shall prosecute for the same, with the Expences of Process or Proceedings.

Proceedings for Recovery of Conversion to commence within Six Months.

VIII. And be it enacted, That it shall not be lawful to commence any legal Process or Proceeding for the Recovery of any Sum due or leviable as Conversion of Statute Service, or Assessment in lieu of such Conversion, for making or maintaining any Highway, Bridge, or Ferry, after Six Months from the Time when the said Sum shall have become leviable; and in all Cases previous Demand shall be made Thirty Days before commencing such Process or Proceeding.

Mode of recovering Conversion Money. 7 W. 4. & 1 Vict. c. 41.

IX. And be it enacted, That it shall be competent to recover any Sum under One hundred Pounds *Scots* due or leviable as aforesaid for making or repairing any Highway, Bridge, or Ferry, according to the Provisions of an Act passed in the Seventh Year of King *William* the Fourth and in the First Year of Queen *Victoria*, intituled *An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs in* Scotland, any thing to the contrary in any local Act notwithstanding: Provided always, that nothing herein contained shall in any way alter or affect any Enactment or Provision in any local Act relative to Warrants for Poinding for the Purpose aforesaid, or any Proceeding consequent thereon, saving and excepting that it shall not be competent after the passing of this Act to imprison any Person for Nonperformance of Statute Labour, or Nonpayment of the Conversion thereof or Assessment in lieu of such Conversion.

No Person liable to work or pay who does not possess Lands, &c. valued at 2*l.* yearly.

X. And be it enacted, That from and after this present Year One thousand eight hundred and forty-five it shall not be lawful to require any Person, not being the Proprietor or Occupier of Lands, Buildings, or other Heritable Subjects of the yearly Value of Two Pounds or more, to work or perform Statute Service on any Highway, Bridge, or Ferry, or to exact or levy Money from any such Person as Conversion of Statute Service, or otherwise for making or maintaining any Highway, Bridge, or Ferry; and all Warrants for Poinding or Imprisonment, and other legal Proceedings whatsoever, against any such Person as aforesaid, on account of Nonperformance of such Work or Service, or Nonpayment of such Money or Conversion, are hereby prohibited and discharged, saving and excepting such Proceedings as shall have been commenced before the last Day of *December* One thousand eight hundred and forty-five, which, notwithstanding any thing herein contained, may be continued and carried on in all respects as if this Act had not been passed.

Power to exempt Persons who do not possess Lands, &c. valued above 5*l.*

XI. And be it enacted, That it shall and may be lawful for all such Trustees at a General Meeting assembled, on previous Notice of such Purpose being given as above directed, from Time to Time to fix and determine any Amount of yearly Value of Lands, Buildings, and other Heritable Subjects not under Two Pounds and not above Five Pounds, to the Proprietors and Occupiers of which such Trustees shall think fit to extend the said Exemption in any County or District of a County; and it shall not thereafter be lawful to require any Person, not being the Proprietor or Occupier of Lands, Buildings, or other Heritable Subjects of a yearly Value above the Amount so fixed, to work or perform Statute Service on any Highway, Bridge, or Ferry, or to exact or levy Money from any such Person as Conversion of Statute Service or otherwise for making or maintaining any Highway, Bridge, or Ferry.

Proprietors in certain Cases to be assessed instead of Tenants.

XII. And be it enacted, That in all Cases in which, by Authority of any local Act now in force, Money, as Conversion of Statute Service, or Assessment in lieu thereof, is authorized to be assessed on Lands, Buildings, or other Heritable Subjects, and is payable in whole or in part by the Occupiers or Tenants of such Lands, Buildings, or other Heritable Subjects, it shall and may be lawful to assess upon and recover from the Proprietor of any such Lands, Buildings, or other Heritable Subjects such Money, or Part thereof, as the Trustees appointed by such local Act may think proper, so payable by any Occupier or Tenant thereof, who is not Occupier or Tenant or Proprietor of Lands, Buildings, or Heritable Subjects of the yearly Value in the whole of Two Pounds: Provided always, that if all the Lands, Buildings, or other Heritable Subjects belonging to such Proprietor shall not be of the yearly Value of Two Pounds, no Part of such Money shall be assessed upon or recovered from such Proprietor.

Assessments ceasing by this Act may be levied in any County upon all Lands, &c. not herein-before exempted.

XIII. And be it enacted, That in all Cases in which any Sum of Money heretofore exigible as Conversion of Statute Service, or Assessment in lieu thereof, shall under this Act cease to be so exigible, it shall be lawful for all such Trustees at a General Meeting assembled to assess in any County or District of a County any Sum not exceeding the Amount of the Conversion or other Money which by reason of this Act shall cease to be exigible, and to cause the same to be levied upon all Lands, Buildings, and other Heritable Subjects not herein-before exempted from Assessment, or to be added to the Sums otherwise assessable by any local Act, and that notwithstanding the Rate of Assessment should be thereby raised above the maximum Amount authorized by such local Act; and all such

Sums so assessed or added shall be levied and applied in the same Manner as the Money might have been levied and applied in lieu of which the said Sums are assessed; and all such Sums shall be payable, one Half by the Owners, and the other Half by the Occupiers of the Lands, Buildings, or other Heritable Subjects so assessed; and it shall be competent to levy from the Occupiers the Half payable by the Owners, and such Occupiers shall be entitled to deduct such Half from the Rent payable to the Owners or other Parties having Right to such Rent.

Levying of Conversion Money as a Poll Tax to cease.

XIV. 'And whereas it is expedient to abolish the personal Performance of Statute Service, and the 'levying of the Conversion thereof in Money, or any Assessment in lieu of such Conversion, as a Poll 'Tax;' be it enacted, That from and after this present Year One thousand eight hundred and forty-five it shall and may be lawful for all such Trustees at a General Meeting assembled, if they shall think fit, to order and direct that in any County or District of a County all such Performance of Statute Service, and all such levying of Conversion or Assessment in lieu thereof, shall cease and determine.

Trustees to ascertain the annual Value of Lands, &c. assessed.

2 & 3 Vict. c. 42.

XV. And be it enacted, That in the Case of such Assessment being laid upon Lands, Buildings, and Heritable Subjects as aforesaid, the annual Value thereof shall be ascertained by such Trustees in manner prescribed by the local Acts now in force, or in such and like Manner as the annual Value of Lands, Buildings, and Heritable Subjects is authorized and directed to be ascertained in Counties and Burghs respectively under and by virtue of an Act passed in the Second and Third Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to improve Prisons and Prison Discipline in* Scotland; and it shall be lawful for such Trustees, if they shall think, to assume the Amount ascertained as the annual Value of such Lands, Buildings, and Heritable Subjects in Counties and Burghs respectively, under the said recited Act, to be the Amount on which the Assessment hereby authorized to be levied may be levied for the Purposes of this Act.

Proprietors not exempt from Debts due to Trustees under any other Act.

XVI. And be it enacted, That nothing herein contained shall extend or be deemed or construed to extend to prevent the commencing any legal Process or Proceeding for the Recovery of any Debt or Debts, Sum or Sums of Money, with Interest thereon, allocated and apportioned by virtue of any Act of Parliament now in force upon any Proprietor or Proprietors of Lands, Heritor or Heritors, according and in proportion to the real or valued Rents of such Lands within any County, and now due and owing by any such Proprietor or Proprietors, Heritor or Heritors, to any Trustees acting by virtue of any such Act of Parliament, but all such Debts, Sums of Money, and Interest thereon, may be recovered in the same Manner, to all Intents and Purposes, as if this Act had not been passed.

Wadsetters, &c. to be held Proprietors.

XVII. And be it enacted, That all Liferenters and Wadsetters shall be deemed and held to be Proprietors for all the Purposes of this Act; and that where any House has been or shall be built by any Tenant under a Building Lease, such Tenant, and his Heirs and Assignees, shall for the Purposes of this Act be deemed and taken to be Proprietor of such House.

Power to get Materials.

XVIII. And be it enacted, That it shall be lawful for all such Trustees, or any Person authorized by them, to search for, dig, and carry away Materials for making or repairing any Highway, Bridge, or Ferry, or for building, making, or repairing any Work connected therewith, from any common Land, open uncultivated Land, or Waste, or to deposit Mud or Rubbish thereon, without paying any Surface Damages or any thing for such Materials, except for Stone to be used for building, and to carry the same through the Ground of any Person; such Trustees, or other Persons authorized by them, filling up the Pits or Quarries, levelling the Ground wherefrom such Materials shall be taken, or fencing off such Pits or Quarries, so that the same shall not be dangerons to any Person or Cattle, and paying for or tendering the Damage done by going through and over any inclosed or arable Lands for or with such Materials, Mud, or Rubbish, such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for such Trustees, and other Persons authorized by them as aforesaid, to search for, dig, and carry away any such Materials in or out of the inclosed Land of any Person where the same may be found, and to land or carry the same through or over the Ground of any Person, (such Materials not being required for the private Use of the Owner or Occupier of such Land, and such Land or Ground not being an Orchard, Garden, Lawn, Policy, Nursery for Trees, planted Walk or Avenue to any House, nor inclosed Ground planted as an Ornament or Shelter to a House, unless where Materials have been previously in use to be taken by the said Trustees,) making or tendering such Satisfaction for Stones to be used for building, and for the Surface Damage done to the Lands from whence such Materials shall be dug and carried away, or over or on which the same shall be carried or landed, as such Trustees shall judge reasonable; and in case such Trustees and the Proprietor or Occupier of such Lands shall differ as to the Amount of such Payments and Damages as aforesaid, it shall be competent to the Sheriff or Justices of the Peace for the Shire wherein the Place from whence such Materials shall have been taken, or on which the same shall have been landed or carried, shall be situate, on the Application of either Party, with Inducie of Six Days, to hear and determine all Questions as to the Amount of such Payments and Damages, and the Expences attending the same: Provided always, that before taking such Materials from any inclosed Land from which the same shall not previously have been in use to be taken, Fourteen Days previous Notice in Writing, signed by Two Trustees, shall be given to or left at the usual Residence of the Proprietor and Occupier of the Land or Quarry from which it is intended to take the same, or his or her known Agent, to appear before the Sheriff or any Two Justices of the Peace acting for the Shire where the said Lands are situate, to show Cause why such Materials shall not be so taken; and in case such Proprietor, Occupier, or Agent shall attend pursuant to such Notice, or shall neglect or refuse to appear (Proof on Oath in such

Satisfaction.

Notice to be given before Materials are taken from inclosed Lands.

Case

Case being duly made of the Service of such Notice), such Sheriff or Justices shall authorize or prohibit the Trustees to take such Materials, or make such Order as they shall think fit.

Penalty on taking away Materials provided for repairing Highways, Bridges, or Ferries.

XIX. And be it enacted, That it shall not be lawful for any Person to take away any Materials which shall have been procured or provided or used for making or repairing any Highway, Bridge, or Ferry, or to take any Materials out of any Quarry which shall have been opened by any such Trustees for the Purpose of getting Materials, so as to interrupt or interfere with the Workings carried on by such Trustees; and every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to use adjoining Ground as a temporary Road.

XX. And be it enacted, That it shall be lawful for all such Trustees to make a Road through the Grounds adjoining to any ruinous or narrow Part of any Highway (not being an Orchard, Garden, Lawn, Policy, planted Walk or Avenue to any House, or Nursery for Trees), to be made use of as a public Highway whilst the old Road is repairing or widening, making Recompence to the Proprietor and Occupier of such Grounds for the Damages they may thereby sustain; and in case such Trustees and such Proprietor or Occupier shall differ as to the Amount of such Damages, it shall be competent to the Sheriff or Justices of the Peace for the Shire where such Damages or any Part thereof shall have been incurred, on the Application of either Party, with an Inducie of Six Days, to hear and determine all Questions as to the Amount of such Damages, and the Expences attending the same.

Trustees to make Side Drains.

XXI. And be it enacted, That it shall be lawful for all such Trustees to make sufficient Side Drains on any Highway, with Power to conduct the Water therefrom into any adjoining Land, Ditch, or Watercourse (such Land not being the Site of any House or Garden), in such Manner as shall be least injurious to the Proprietor or Occupier of such Land, the said Side Drains to be maintained at the Expence of the Trustees.

Trustees may make Ditches.

XXII. And be it enacted, That it shall be lawful for all such Trustees to make sufficient Ditches along the Side of any Highway, provided that if the Land is inclosed on the Side of such Highway such Ditch shall be made on the Field Side of the Fence, and also to make proper Ditches and Outlets from the said Side Ditches through any Lands adjoining any such Highway (not being the Site of any House or Garden), in such Manner as shall be least injurious to the Proprietor and Occupier of such Land; and the Occupier of such Land (unless such Land be uninclosed and waste) shall be obliged in all Time thereafter to keep clear such Side Ditches and other Ditches or Outlets, as well as all such Ditches already made along the Sides of any Highway, when so required by the said Trustees or their Surveyor; and in case the Proprietor or Occupier shall neglect or refuse to cleanse such Side Ditches or other Ditches or Outlets, when duly required by such Trustees or Surveyors, such Trustees or Surveyors are hereby empowered to cleanse such Side Ditches or other Ditches or Outlets, and levy the Expence thereof from the Occupier of such Grounds: Provided always, that nothing herein contained shall prohibit any Proprietor or Occupier from substituting, to the Satisfaction of the Trustees, any other equally effectual Ditch or Outlet in place of that constructed by the Trustees.

Timber, Stones, &c. left on Roads may be seized.

XXIII. And be it enacted, That it shall be lawful for any such Trustee or Surveyor of any Highway, or other Person authorized by the said Trustees, *brevi manu*, to seize and carry off any Timber, Stone, Dung, Rubbish, or other Matter or Thing whatsoever laid or left upon any such Road or Footpath, or on any Side Drain or Ditch of such Road, and to sell or otherwise dispose of the same as a Forfeiture in such Manner as the Trustees shall direct, unless such Matter or Thing shall be previously redeemed by the Owner thereof by Payment of the Penalty in such Case enacted: Provided always, that the Proprietor or Occupier of any Lands or Houses may lay down any Materials for building or repairing any House or Wall immediately adjoining any Highway, such Materials occupying One Fourth Part of such Road only, and such Proprietor or Occupier giving Three Days previous Notice in Writing to the Clerk or Surveyor of the Road, and erecting such Fence round such Materials, and fixing and lighting Lamps thereon, in such Manner as the Trustees may require.

Penalties on Persons making Encroachments.

XXIV. And be it enacted, That if any Person shall fill up or obstruct any Ditch at the Side of any Highway, or any Ditch used for conveying Water from the said Road, or any Side Drain thereof, or Ditch or Drain under the same, or shall encroach by making any Dwelling House or other Building, or any Hedge, Ditch, or other Fence, or in any other Manner whatever, on any Highway, or shall make any Drain, Gutter, Sink, or Watercourse across, under, or upon, or shall turn or conduct any Drain or Water across, under, or upon, or in any way break up the Surface of any Highway, without the Consent in Writing of the Trustees of such Highway, or of their Surveyor, such Person shall forfeit for every such Offence a Penalty not exceeding Five Pounds; and it shall be lawful for the Trustees of any such Highway to cause such Dwelling House or other Building, Hedge, Ditch, or Fence, Drain, Sink, Watercourse, Gutter, or other Encroachment, to be taken down or filled up at the Expence of the Person so offending.

Parishes to defray Damages to Parapets, &c. committed by Persons undiscovered.

XXV. And be it enacted, That it shall be lawful for all such Trustees, where the Parapet of any Bridge, or any Fence, Milestone, Direction Post, or any Erection, Building, Matter, or Thing belonging to the said Trustees, or used for the Purposes of the Trust under their Management, shall be destroyed or injured, and the Persons so offending cannot be discovered and convicted, to complain to the Sheriff or Justices of the Peace of the Shire in which such Damage shall have been committed, having previously given Notice in Writing of their Intention of making such Complaint on the Church Door of the Parish in which the said Damage shall have been committed for Two consecutive *Sundays*, and which Complaint the said Sheriff or Justices shall hear in a summary Way; and if they shall sustain the same they are hereby empowered and required to assess the Amount of such Damage, and the

Expences

Expences of Process or Proceedings, upon the Proprietors, Occupiers, and such other Persons of the Parish wherein such Damage shall have been committed as aforesaid as would if this Act had not been passed have been liable for the Payment of the Conversion Money leviable for Statute Labour in the Shire in which such Parish is situated, which Assessment shall be levied by the said Trustees upon the same Persons, in the same Proportions, with the same Relief to Landlords against Tenants, and in the same Manner as the said Conversion Money may be levied; and in the event of any fractional Part of such Assessment being less than a Halfpenny the whole of such Halfpenny shall be leviable from the Individual in whose Assessment such Fraction shall occur, and any Surplus that may arise therefrom shall be applied to the Repair of the Roads.

Penalty on Persons committing Nuisances, &c.

XXVI. And be it enacted, That if any Person shall ride upon any Footpath or Causeway on or by the Side of any Highway made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description, or any Wheelbarrow, Truck, or Sledge, or any single Wheel of any Waggon, Cart, or Carriage apart therefrom, upon any such Footpath or Causeway; or shall wilfully obstruct, or do or cause any Injury or Damage to be done to the same, or to the Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull down or damage any Bridge, Wall, or any Building, Fence, or Erection made by the Trustees of any Highway, or repaired or repairable by them; or shall break, injure, remove, or displace any Tools, Trestles, Bars, Stones, Materials, or other Article whatsoever belonging to such Trustees, or used on any such Road under their Authority; or shall haul or draw, or caused to be hauled or drawn, upon any Part of any Highway, any Timber, Stone, or other Thing, otherwise than upon a wheeled Carriage, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in part upon a wheeled Carriage to drag or trail upon such Road; or in ploughing or harrowing any adjacent uninclosed Land shall turn any Horse, Plough, or Harrow in or upon such Road or the Side Drains or Ditches thereof; or shall, in or upon such Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person, driving any Carriage, Cart, Horse, or other Beast on such Road, conveying any Iron Bar or Rod, Tree, Wood, Stone, Basket, or Pannier, or any other Matter or Thing, except Hay and Straw, suffer the same to project by more than Thirty Inches from the Side of such Horse or other Beast, or more than One Foot laterally beyond the Wheels of such Carriage, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along such Highway; or if any Person shall carry any Timber or other Article above Twenty-five Feet long on any Cart or Carriage not having more than Two Wheels; or if any Hawker, Higgler, Gipsy, or other Person shall pitch any Tent or encamp upon or by the Sides of any Part of any Highway; or if any Person occupying or using a Blacksmith's Shop, Foundry, Smelting House, Iron or Brass Work, Boiler-making Work, Glass Work, Soda, Soap, or Chemical Work, shall not, by good and close Shutters, every Evening after it becomes Twilight, or otherwise, bar and prevent the Light from such Shop shining into or upon such Road, and from being dangerous or detrimental to Travellers; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever within One hundred Feet of the Centre of such Road, or shall discharge any Gun, Pistol, or other Fire-arms, fly Kites, or bait or run for the Purpose of baiting any Bull, or play at Football, Tennis, Fives, Cricket, or any other Game or Games upon such Road, or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Cart, or other Carriage whatever upon such Road or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, except in Cases of Accident, and in Cases of Accident for a longer Time than may be necessary to remove the same, or shall not place such Waggon or other Carriage during the Time of loading or unloading the same, or of taking Refreshments, as near to one Side of such Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon such Road or on the Side or Sides thereof, or the Footpaths or Causeways adjoining; or shall hang or lay any Linen Clothes or other such Article on any Hedge or Fence of any such Road; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever to run or flow into or upon such Road or Footpaths from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person driving any Pigs or Swine upon such Road shall suffer such Pigs or Swine to root up or damage such Road, or the Fences, Hedges, Banks, or Copse on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on such Road the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if any Person shall pull down, damage, injure, or destroy any Lamp or Lamp Post put up, erected, or placed in or near the Side of any Highway, or shall extinguish the Light of any such Lamp; every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Fifty Shillings, over and above the Damages occasioned thereby.

Regulation of Drivers.

XXVII. And be it enacted, That if the Driver of any Cart, Waggon, or other such Carriage on any Highway shall ride on the Shafts, or in or on any other Part of such Carriage, without having and holding Reins attached to each Side of the Bridle of each Beast of Draught drawing such Cart or Carriage, or shall at any Time leave the same travelling on any such Road without having some Person

to

to guide the Beast or Beasts of Draught drawing the same, or shall allow to go at large any Dog that may be attending him, or his Waggon, Cart, or other such Carriage, or shall not chain or fasten the same to such Waggon, Cart, or Carriage, or if the Driver of any Sort of Carriage shall not keep to the left or near Side of such Road on meeting or on being overtaken by any other Carriage or any Rider, or shall wilfully prevent any other Person passing him or his Carriage, such Driver shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds over and above the Damages occasioned thereby.

As to One Driver taking charge of Two or more Carts, &c.

XXVIII. And be it enacted, That if One Person act as the Driver of more than Two Carts, Waggons, or other such Carriages on any Highway, or if the hinder of Two Carts, Waggons, or other such Carriages, under the Care of only One Person, shall be drawn by more than One Horse, or if the Horse of such hinder Cart, Waggon, or Carriage shall not be attached by a Rein to the Back of the Cart which shall be foremost, and follow in the same Line therewith, the Horse drawing such hinder Cart not being permitted to be further from the foremost than Six Feet, the Owner or Driver of every such Waggon, Cart, or other Carriage shall for each Transgression in any of the Points aforesaid forfeit and pay a Sum not exceeding Forty Shillings.

Children not to drive Carts, &c.

XXIX. And be it enacted, That no Waggon or Cart travelling on any Highway shall be driven by any Person who shall not be of the full Age of Fourteen Years, under a Penalty for each such Offence not exceeding Forty Shillings, to be paid by the Owner of such Waggon or Cart.

Persons opening up Roads for laying Pipes for Water, &c. must repair them.

XXX. And be it enacted, That if the Causeways and Footpaths of any Highway, or any Part of such Highway, shall be opened up by any Person or Persons, with Leave of the said Trustees, or otherwise having Authority so to do, for the laying of Pipes for Water, Gas, Tunnels, or Railroads, or for any other Purpose whatever, and the same shall not be immediately thereafter repaired, renewed, and rendered completely sufficient and good by the Person or Persons opening up the same to the Satisfaction of the said Trustees or their Surveyor, then the said Trustees or their Surveyor shall have full Power and they are hereby authorized to execute the necessary Repairs on the Part or Parts of such Road or Footpath so opened up, and to restore the same completely, and to charge the Expence thereof against the Person or Persons opening up the same, which shall be ascertained by an Account under the Hands of the said Trustees or a Quorum of them, or of their Clerk or Surveyor; and if any Damage shall happen to the Public from the Operations of the Persons opening up the Road as aforesaid, such Persons shall be solely liable for the same, and be obliged to relieve the said Trustees thereof, and of all Expences attending the same; and in all Cases where any Injury shall arise to any Highway from any Drain, Conduit, Pipe, Water, Matter, or Thing whatsoever, being conveyed across, in, under, or upon, or by any thing done upon, any Part of any such Road by any Person having Leave or otherwise entitled so to do, and such Injury shall not be immediately repaired to the Satisfaction of the Trustees, they or their Surveyor are hereby authorized to repair the same, and charge the Expence thereof as aforesaid against the Person occasioning the said Injury, or for whose Uses or Purposes the Thing occasioning the same shall be done or kept.

Surveyors, &c. not to leave Materials unnecessarily on the Roads.

XXXI. And be it enacted, That if the Surveyor of any Highway, or any Contractor or other Person employed on such Road, shall lay on any Part of any such Road any Heap of Stones or other Materials for the Repair thereof, and shall permit the same to remain longer than necessary for the breaking and spreading of such Materials, or shall lay on any such Road any Matter or Thing, or shall knowingly permit to remain on any Part of any such Road any Matter or Thing, which may endanger the Safety of any Passenger, or shall dig any Pit or make any Cut on any Highway without sufficiently fencing the same, such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds over and above the Damages occasioned thereby, and Expences; and it shall be lawful for any Person travelling along any Highway to prosecute for such Sum, Damages, and Expences in manner hereinafter provided: Provided always, that it shall be lawful for any such Surveyor, Contractor, or other Person to have on any such Road, during Daylight, any Trestles or Bars in any such Manner as the Trustees of such Road may judge necessary to prevent Interruption of the Work during the repairing of the Road, or to prevent Carts or Carriages from running in Tracks injurious to the Road: Provided also, that such Trestles or Bars shall at all Times be placed in such Manner as not to be more inconvenient to Passengers than may be necessary to prevent Interruption to the Work, or to prevent Carts or Carriages from running in Tracks injurious to the Road.

Proprietors to fence Pits made near the Roads.

XXXII. And be it enacted, That if the Proprietor or Occupier of any Lands adjacent to any Highway shall dig any Pit or make any Cut upon or within Twelve Feet of the Side of any such Road, and shall leave the same unfenced so as to be dangerous to Travellers, and shall not fence the same when required so to do by any Two of the Trustees of such Road, or any Procurator Fiscal of the Shire within which the said Pit or Cut is situated, such Proprietor or Occupier shall forfeit and pay a Sum not exceeding Five Pounds for every Day such Pit or Cut shall continue to be unfenced beyond Three Days after Notice shall have been given as aforesaid, and it shall be lawful, after such Notice, for the said Trustees or Procurator Fiscal to cause the same to be fenced at the Expence of such Proprietor or Occupier.

No Animal to be pastured on the Roads.

XXXIII. And be it enacted, That if any Horse, Cattle, Ass, Sheep, Swine, or other Beast of any Kind shall be pastured, or left or permitted to remain, or found straying on any Highway, or the Sides thereof (except on such Parts of any Road as pass through or over any Common or Waste Ground, or Land not inclosed, unless it be arable on one Side), the Person so pasturing or leaving such Beast, or permitting the same to remain, or the Person having the Charge of such Beast, or the Owner thereof if such Person cannot be found, shall forfeit and pay a Sum not exceeding Five Shillings for every such Beast;

Beast; and it shall be lawful for any Trustee of such Highway, or the Surveyor of such Trustees, or any other Person authorized by them, *brevi manu*, to seize and detain the same until such Penalty and the Expences of Process and Proceeding shall be paid; and in case the said Penalty and Expences shall not be paid within Three Days after Notice of such Detention shall be given at the Parish Church nearest to the Place where such Animal shall be found, the said Surveyor or other Person shall sell the same, with the Authority of the Sheriff or any Justice of the Peace for the Shire, who are hereby empowered to grant such Authority; and, after deducting the Amount of the said Penalty and Expences, such Surveyor or other Person shall pay the Surplus, if any, to the Owner of such Animal so detained.

Side Ridges to be made in uninclosed Lands.

XXXIV. And be it enacted, That every Person in ploughing any uninclosed Land adjoining any Highway shall make Side Ridges along the Sides of such Road of the Breadth of Twelve Feet at the least, under a Penalty not exceeding Five Pounds.

Gates to open inwards.

XXXV. And be it enacted, That no Gate of any Park, Field, or Inclosure whatsoever shall be made to open into or towards any Part of any Highway, or be suffered so to open, except the Hanging Post thereof shall be fixed or placed so far from the Centre of any Part of such Road as that no Part of such Gate shall, when open, project over any Part of such Road, or of any Footpath belonging thereto; and the Occupier of any Park, Field, or Inclosure having any Gate opening outwards, contrary to the Meaning of this Act, shall, within Six Days after Notice to him or her given, either personally or in Writing, from the Trustees of such Road or their Surveyor, cause such Gate to be hung so that no Part of the Gate, when open, shall project over any Part of such Road, or of any Footpath belonging thereto; and if such Occupier fail so to do, the Surveyor of any such Road shall cause the Gate to be hung as herein-before directed, and charge the Expence of making such Alteration and hanging such Gate against the said Occupier, who shall, over and above such Expence, forfeit and pay a further Sum, not exceeding Five Pounds, for such Neglect.

Weeds to be cut by Trustees.

XXXVI. And be it enacted, That the Trustees of every Highway shall cut or cause to be cut all Weeds growing on the same or the Sides thereof, when inclosed, at a proper Season of the Year, in order to prevent such Weeds coming into Seed; and if they fail so to do for Eight Days after being required by the Proprietor or Occupier of the adjoining Land, by Notice in Writing given to their Clerk or Surveyor, such Proprietor or Occupier may cut the same, and charge the Expence thereof against the said Trustees.

Owners of Waggons, Carriages, &c. shall cause their Names to be painted thereon.

XXXVII. And be it enacted, That the Owner of every Waggon or Cart, and also of every Coach, Post Chaise, or other Carriage, let either in the whole or in part to Hire, shall paint in a straight Line horizontally upon some conspicuous Part on the off or right Side of his Waggon or Cart, and upon the Panels of the Doors of all such Coaches, Post Chaises, or other Carriages, before the same shall be used upon any Highway, the Christian and Surname and Place of Abode of such Person, or the Christian and Surname and Place of Abode of the principal Partner or Owner thereof, in large legible Roman Letters, either of a dark Colour upon a light Ground or of a light Colour on a dark Ground, not less than One Inch in Height, with Numbers, beginning with Number One where more of such Carriages respectively than One shall belong to the same Owner, and proceeding in regular Progression, and shall continue the same thereupon as aforesaid so long as such Waggon, Cart, or other Carriage shall be used upon any Highway; and every Owner of any such Waggon, Cart, or other Carriage using or allowing the same to be used upon any Highway without the Names and Descriptions painted thereon respectively as aforesaid, and every Person driving the same, shall forfeit for every such Offence a Sum not exceeding Forty Shillings; and every Person driving any such Waggon, Cart, or other Carriage, who shall refuse to stop, and permit the Name to be read or uncovered by any Person requiring him so to do, shall over and above forfeit for every such Offence any Sum not exceeding Forty Shillings.

Trustees may prosecute before Sheriff and Justices at the Expence of the Trust.

XXXVIII. And be it enacted, That it shall be lawful for the Procurator Fiscal and for all such Trustees, or any Person authorized by them, or for any One of their Number, to prosecute for any Expences, Penalty, Forfeiture, or Fine imposed by this or any Act made for making or maintaining any Highway, Bridge, or Ferry, and to recover the same, before the Sheriff or the Justices of the Peace of the Shire in which the same shall have become due or been incurred, or where the Offender shall reside, subject to Appeal in manner herein-after mentioned; and it shall be lawful for the said Trustees to allow the Expences of such Prosecutions to be defrayed out of the Funds of the Trust.

Proceedings for recovering Penalties, &c.

XXXIX. And be it enacted, That all Expences, Penalties, Forfeitures, and Fines imposed by this or any such Act as aforesaid (excepting such Penalties as are herein otherwise directed to be recovered and applied) shall, after hearing the Party complained of, or on the Nonappearance of such Party after Summons, on an Induciæ of Six Days, personally, or at the Dwelling Place of such Party, (of which the Oath of One Witness, or an Execution of Citation without Witnesses, shall be sufficient Evidence,) upon Proof of the Fact before the Sheriff or Justices of the Peace for the Shire in which the same shall have become due or been incurred, or where the Offender shall reside, either by the Confession of the Party offending or by the Oath of any One credible Witness, or other competent Evidence, be levied, together with the Expences of the Prosecution and Conviction, by Poinding and Sale of the Goods and Effects of the Party offending, by Warrant under the Hand of such Sheriff or Justices (which Warrant such Sheriff or Justices are hereby empowered to grant); and the Surplus (if any), after deducting such Expences, Penalties, Forfeitures, and Fines, and the Expences of the Proceedings and Charges of such Poinding and Sale, shall be returned to the Owner of such Goods and Effects; and in case the same shall not be forthwith paid upon Conviction, then it shall be lawful for such Sheriff or Justices to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Poinding, unless the Offender shall give sufficient Security, to the Satisfaction of and to the Amount

Amount fixed by such Sheriff or Justices, for his or her Appearance before such Sheriff or Justices on such Day as shall be appointed for the Return of such Warrant of Poinding, which Security the said Sheriff or Justices are hereby empowered to take by Bond of Caution or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects can be found, then it shall be lawful for the said Sheriff or Justices, in all Cases where the Penalties sought to be recovered shall exceed the Sum of Forty Shillings, and they are hereby authorized and required, by Warrant under their Hand, to cause such Offender to be committed to the Common Gaol or House of Correction of the Shire where the Offender shall be or reside, there to remain for any Time not exceeding Four Months, unless such Expences, Penalties, Forfeitures, and Fines, and the Expences of the Proceedings, shall be sooner paid; and in all Cases where the Penalties awarded shall be less than the Sum of Forty Shillings the said Sheriff or Justices may, when no Effects can be found as above, commit the Offender to Prison for any Time not exceeding Two Months, unless the said Penalties, Fines, and Expences shall be sooner paid; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, if not otherwise directed to be applied by this Act, or the Act under which the same shall have been incurred, or in so far as not directed by the Sheriff or Justices to be paid towards the Expences of the Proceedings, shall be paid to the Trustees for making and maintaining the Roads, or to their Treasurer, and applied and disposed of for the Purposes of such Roads.

Summary Process.

XL. And be it enacted, That it shall be lawful for the Sheriff or any One Justice before whom any Complaint for the Recovery of any such Expences, Penalties, Forfeitures, or Fines may be brought, to proceed, if such Sheriff or Justice, duly considering the Nature of the Case, shall think fit, and not otherwise, in a summary Way, and to grant Warrant for bringing the Parties complained upon before him for Examination, and after hearing Parties, on Confession or Probation by the Oath of any credible Witness or other competent Evidence, to proceed to determine thereon, without any written Pleadings or Record of Evidence, and to grant Warrant for levying the said Penalties by Poinding and Sale, and in the Case of a Return of no Effects, or in case it shall appear to the Satisfaction of such Sheriff or Justice that no sufficient Effects can be found, for Commitment of the Offender as above enacted; but in all such Cases a Record shall be preserved of the Charge and of the Judgment pronounced.

Attendance of Witnesses.

XLI. And be it enacted, That if any Person shall be summoned as a Witness to give Evidence before any Sheriff or before any Justice of the Peace touching any Matter contained in any Act relating to Highways, Bridges, or Ferries, or in this Act, either on the Part of the Prosecutor or the Person accused, and shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such Refusal or Neglect, then such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds; and it shall be no Objection to any Witness that such Witness shall have appeared without Citation, or without having been regularly cited.

For securing transient Offenders.

XLII. 'And whereas Offences may be committed against this Act, or other Acts for making and 'maintaining Highways, Bridges, or Ferries, by Persons unknown to the Surveyors or other Officers;' be it therefore enacted, That it shall be lawful for any of the Trustees of any Highway, or any of their Clerks or their Surveyors or other Officers respectively, and such other Person as any of them shall call to their Assistance, or for any Person seeing any Offence committed against this or any such Act, without any Warrant or other Authority than this Act, *brevi manu*, to seize and detain any unknown Person who shall commit any such Offence, and take such Person without Delay before the Sheriff or any neighbouring Justice of the Peace for the Shire where the Offence shall have been committed or where such Offender shall be seized and apprehended, who shall forthwith examine and discharge or commit such Person till Caution de judicio sisti be found, or shall proceed in the summary Way above directed, as the Case may seem to require.

Appeal.

XLIII. And be it enacted, That any Person who shall think himself or herself aggrieved by any Judgment or Proceedings of any Justice or Justices of the Peace in the Execution of this Act, for which no particular Relief has been hereby provided, may, within Three Months after such Judgment or Proceedings, but not afterwards, appeal to the Justices of the Peace at the Quarter Sessions, the Appellant giving Fifteen Days previous Notice of such Appeal to the opposite Party, and to the Clerk of the said Trustees and the Clerk of the Justices of the Peace, and finding Caution to pay the Expences of such Appeal; and where by this Act the adjudging of any Penalty, Forfeiture, or Fine, or the determining the Amount of any Payment, Damages, or Expences, or any other Matter, is committed to any Justice or Justices of the Peace, or to the Sheriff, or to the Justices of the Peace assembled in their Quarter Sessions, originally or by Appeal, all Judgments, Determinations, and Proceedings of such Justice or Justices not appealed from as aforesaid, and of such Sheriff or Quarter Sessions, shall be final and conclusive, and shall not be subject to Review by Advocation or Suspension, or by Reduction, or by any Process of Law or Court whatsoever, any Law or Usage to the contrary notwithstanding.

Judgment of Sheriff or Quarter Sessions to be final.

Warrants, &c. may be enforced in any other County.

XLIV. And be it enacted, That all Warrants, Interlocutors, Judgments, and Sentences of Sheriffs and Justices, issued or pronounced under the Authority of this Act, may be enforced against the Person or Effects of any Party or Witness in any other County, as well as in the County where the same are issued or pronounced: Provided always, that such Warrants, Interlocutors, Judgments, and Sentences shall be endorsed by the Sheriff or a Justice of the Peace of such other County; and such Endorsation shall be sufficient Authority to the Constables or Sheriff's Officers of the original County or of such other County to put the same to Execution within such other County.

Existing Causes not to be affected hereby, nor

XLV. And be it enacted, That all Civil Causes and Prosecutions for Penalties, Forfeitures, and Fines commenced before the passing of this Act, on account of any Matter concerning any Highway, Bridge,

the Powers of Sheriffs.

or Ferry, shall be carried on and included in the same Manner as if this Act had not been passed; and nothing contained herein or in any local Act shall render it incompetent for any Sheriff to hear and determine any Civil Causes or Prosecutions for Penalties, Forfeitures, and Fines, on account of any of the Matters herein-before or in any local Act enacted, according to the Provisions of an Act passed in the Seventh Year of King *William* the Fourth and in the First Year of Queen *Victoria*, intituled *An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs, in* Scotland.

7 W. 4. & 1 Vict. c. 41.

Prosecutions to be brought within Six Months.

XLVI. And be it enacted, That all Civil Causes, Petitions, Complaints, and Processes whatsoever, and Prosecutions or Proceedings, for Expences, Penalties, Forfeitures, and Fines imposed by this Act or any local Act, or for any Damages incurred or any Wrongs done or Injuries suffered in any Matter thereto relating, or for any thing done in pursuance of any of the Powers by this or any such Act given and granted, shall be commenced within Six Calendar Months after the Penalty, Forfeiture, Fine, or Damage shall have been incurred, or Wrong done or Injury suffered, or Fact committed, and not afterwards: Provided always, that nothing in this Clause contained shall apply to or affect in any way what is above enacted concerning Processes and Proceedings for the Recovery of any Sum due or leviable as the Conversion of Statute Service, and the Expences thereof.

Not to extend to Middle District, Edinburgh.

XLVII. And be it enacted, That nothing in this Act contained shall be construed to extend or apply to the Middle District in the County of *Edinburgh*.

CAP. XLII.

An Act to enable Canal Companies to become Carriers of Goods upon their Canals.

[21st *July* 1845.]

'WHEREAS by divers Acts of Parliament Railway Companies have been empowered to convey upon their Railways all such Goods, Wares, Merchandize, Articles, Matters, and Things as may be offered to them for that Purpose, and to make such reasonable Charges for such Conveyance as they may from Time to Time determine upon: And whereas greater Competition for the public Advantage would be obtained if similar Powers were granted to Canal and Navigation Companies which have from Time to Time been incorporated or established under the Authority of Parliament; but such beneficial Purpose cannot be effected without the Authority of Parliament:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the Company of Proprietors, Trustees, or the Undertakers of any Canal, River, or Navigation, or their respective Committees, Directors, or Managers, or their Superintendents or other Agents by them duly authorized, to carry as Common Carriers for their own Profit upon their respective Canals, Rivers, or Navigations, or upon any Railways or Tramways belonging thereto, and constructed under the Powers of their respective Acts of Parliament, or upon any other Canals, Rivers, or Navigations communicating therewith, either directly or by means of any intermediate Canal, River, or Navigation, all such Goods, Wares, Merchandize, Articles, Matters, and Things as may be intrusted to them for that Purpose, and for the better enabling them so to do to purchase, hire, and construct, and to use and employ, any Number of Boats, Barges, Vessels, Rafts, Carts, Waggons, Carriages, and other Conveniences, and also to establish and furnish such Haulage, Trackage, or other Means of drawing or propelling the same, either by Steam, Animal, or other Power, or for the Purpose of collecting, carrying, conveying, warehousing, and delivering such Goods, Wares, Merchandize, Articles, Matters, and Things, as to any such Company or Undertakers shall seem fit, and to make such reasonable Charges for such Conveyance, warehousing, Collection, and Delivery as they may respectively from Time to Time determine upon, in addition to the several Tolls or Dues which any such Company or Undertakers are now authorized to take for the Use of their said Canals, Navigations, or Railways.

Enabling Canal Companies to carry Goods on their Canals, or Canals communicating therewith.

Company to be subject to the Bye Laws of any other Company upon whose Canal they may act as Carriers.

II. Provided always, and be it enacted, That any such Company, Commissioners, Trustees, or Undertakers, using or employing any Steam Power for propelling by means of Paddle Wheels, Boats, Barges, Vessels, or Rafts, upon any Canal, River, or Navigation, (other than their respective Canals, Rivers, and Navigations,) shall use and employ the same, subject to such Bye Laws, Rules, and Regulations touching the Construction, Dimensions, Power, Rate of Speed, and otherwise, of such Boats, Barges, Vessels, or Rafts so propelled by Steam as aforesaid as the Directors, Commissioners, or Undertakers of the Canals, Rivers, and Navigations respectively on which such last-mentioned Boats, Barges, Vessels, or Rafts shall be used and employed shall see fit to make and publish in that Behalf, and they are hereby authorized and empowered to make and publish such Bye Laws, Rules, and Regulations, and from Time to Time to add to or amend the same, as Need may require; but it is hereby expressly provided and enacted that any Bye Laws, Rules, and Regulations so to be made and published shall be made equally applicable to and binding on all Companies and Persons so using such last-mentioned Boats, Barges, or other Vessels.

Canal Companies may provide Boats and Power for hauling and tracking Vessels of other Persons.

III. And be it enacted, That it shall also be lawful for any such Company, Trustees, or Undertakers to purchase and provide and use Boats and other Vessels, and also Horses, Steam or other Power, and Machinery, for hauling, tracking, and towing, upon their own Canals, Rivers, or Navigations, or upon any other Canals, Rivers, or Navigations communicating therewith, either directly or by means of any intermediate Canal, River, or Navigation, and to employ a sufficient Number of competent Persons for those Purposes, and to demand and receive for the Use of such Boats, and for such hauling, tracking, or towing

towing such reasonable Hire or Remuneration as shall be fixed by the respective Committees, Directors, or Managers of such Canals or Navigations, or as shall be agreed upon between them and any Person desiring the Use of any such Boats or Vessels, or requiring such hauling, tracking, or towing.

Tolls, &c. to be charged equally to all Persons.

IV. Provided always, and be it enacted, That all Charges to be made by any such Company for the Carriage of any such Goods, Wares, Merchandize, Articles, or Things, or for the Use of their Boats and other Vessels, or for the Supply of Haulage, Trackage, or other Power, shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile, or *per* Ton *per* Mile, or otherwise, in respect of all Goods, Wares, Merchandize, Articles, and Things of a like Description, and conveyed or propelled in a like Boat or Vessel at the same Rate of Speed, and passing along the same Portion of any such Canal or Navigation under the like Circumstances, and no Reduction or Advance in any of such Charges shall be made, either directly or indirectly, in favour of or against any particular Company or Person passing along or using, or sending Goods, Wares, Merchandize, Articles, or Things along the same Portion of any such Canal or Navigation under the like Circumstances.

Company may sue and be sued as Carriers, and may prefer Indictments.

V. And be it enacted, That any Canal or Navigation Company exercising the Powers by this Act granted shall have all the same Powers and Remedies for recovering any Sum or Sums of Money which shall or may become due and owing to such Company as Carriers, or for the Use of any Boats or Vessels, or for the Supply of any Haulage, Trackage, or other Power, by virtue of this Act, as are given to them respectively by their said several Acts of Parliament in reference to the Tolls and Duties thereby made payable, or they may, at their Option, sue for and recover such Charges, or any Part thereof, in any of the Superior Courts; and such Company may in like Manner be sued for any Loss sustained by any Person or Persons employing the said Company as Carriers, or for any Neglect or Misconduct of such Company or their Servants in respect of their Conduct as Carriers by virtue of this Act; and such Company may prosecute any Indictment or other Proceeding at Law in respect of any Offence arising or being committed in the course of such carrying or other Proceeding under this Act; and it shall be sufficient if any Goods or other Things which are set out in any Indictment shall be described and laid to be the Property of the said Company.

Provisions in force relating to Common Carriers to apply to such Companies.

VI. Provided always, and be it enacted, That nothing herein contained shall in any Case extend to charge or make liable any such Company further or in any other Case than where, according to the Laws of this Realm for the Time being, Common Carriers would be liable; nor shall any thing herein contained extend to deprive such Company of any Protection or Privilege which either now or at any Time hereafter Common Carriers have or may be entitled to, but such Company shall from Time to Time and at all Times have and be entitled to the Benefit of every such Protection and Privilege.

Companies empowered to contract with other Canal Companies.

VII. 'And whereas, in order to facilitate the Conveyance of Goods and Merchandize and other Matters 'and Things in manner aforesaid, it is expedient that Canal and Navigation Companies should be 'empowered to enter into Arrangements with each other in the way that Railway Companies are 'authorized, so as to avoid the Necessity for a Change of Boats and other Delays arising from a 'Diversity of Interest;' be it enacted, That, notwithstanding any thing in this Act or in any of the said Acts for establishing or incorporating the said Companies contained, it shall be lawful for any such Canal or Navigation Company as aforesaid and they are hereby empowered from Time to Time to make and enter into any Contract or Agreement with any other Canal or Navigation Company, or the Commissioners or Undertakers thereof respectively, (and which Contract or Agreement such other Company is hereby authorized to enter into,) either for the Division or Apportionment of Tolls, Dues, and Charges, or for the Passage over or along their respective Canals or Navigations, or any Branches thereof, or any Railways or Tramways connected therewith and belonging thereto as aforesaid, of any Boats, Barges, or other Vessels, or of any Carriages or Trucks drawn or propelled by Steam, Animal, or other Power, of or belonging to any other Company, or which shall pass along any other Line of Canal, Navigation, or Railway, or for the Passage over or along any other Line of Canal, Navigation, or Railway of any such Boats, Barges, or other Vessels, Carriages, or Trucks drawn or propelled as aforesaid, which shall belong to any such Company, or which shall pass along their Line of Canal, Navigation, or Railway, upon the Payment of such Tolls and Duties, and under such Conditions and Restrictions, as may be deemed advisable and may be mutually agreed upon, and also to enter into any other Contract with any other Canal or Navigation Company that may be deemed advisable; and any such Contract may contain such Covenants, Clauses, Conditions, and Agreements as the contracting Parties may think advisable and mutually agree upon.

Canal Companies empowered to lease their Tolls.

VIII. And be it enacted, That it shall be lawful for any such Canal or Navigation Company, from Time to Time, by Lease, to take effect in possession within Six Months from the letting thereof, to let the Tolls and Duties or any Part thereof, upon the whole or any Part of any such Canal or Navigation, or of any such Railways or Tramways, to any other Canal or Navigation Company, (and which Lease such other Canal or Navigation Company is hereby authorized to accept and enter into,) for any Period not exceeding Twenty-one Years from the Commencement of any such Lease: Provided always, that no such letting shall take place unless public Notice of the Intention to let such Tolls, or the Part thereof intended to be let, shall have been given by the Company proposing to let the same, by Advertisement, at least Fourteen Days prior to the Meeting of the Directors or Managers at which it shall be intended to let such Tolls.

Lessees to be deemed Collectors.

IX. And be it enacted, That during the Continuance of any such Lease the respective Lessees named therein, and also all Persons appointed by them to collect the Tolls so let, shall be deemed Collectors of the Tolls so let, and they shall have the same Powers to collect and recover such Tolls, and be subject to

the same Rules, Duties, and Penalties in reference thereto, as if they had been appointed for that Purpose by the Company demising the same.

Lessee making default to be removed.

X. And be it enacted, That if any such Lease shall become void or voidable, according to any Stipulations therein contained for that Purpose, by reason of the Failure on the Part of the Lessee to comply with any of the Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear or unpaid for Twenty-one Days after the same shall become payable, then, upon Application made by the Company who shall have demised the same, to a Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, Weighing Machine, or other Building, with the Appurtenances, belonging to the Lessors, and remove from the same the Lessee or Collector or other Person found therein, together with his Goods, and take possession thereof and of all Property found therein belonging to the Lessors, and deliver the same to them or any Person appointed by them for that Purpose.

Power to re-let Tolls.

XI. And be it enacted, That upon such Possession being obtained it shall be lawful for the Company having made such Demise to determine the Lease (if any) previously subsisting, and the same shall accordingly be utterly void, except as to the Remedies of the Lessors for Payment of the Rent due, or in respect of any unperformed or broken Obligations or Conditions on the Lessee's Part, all which Remedies shall remain in full Force; and in every such Case, either during such Proceedings or on the Termination thereof, the Company may again let the Tolls to the same or any other Person, or cause them to be collected in the same Manner as if no such former Lease had been made relative thereto.

Act not to apply to Canals vested in Shareholders, until approved of at a Meeting, or in other Cases by Proprietors, and Notices inserted in Gazettes, &c.

XII. Provided always, and be it enacted, That this Act shall not apply to any Canal or Navigation the Property wherein is vested in Shareholders, nor shall the Powers of leasing herein-before contained be exercised by any such Canal or Navigation Company, until a Meeting of the Shareholders thereof shall have been duly convened in such Manner as Meetings are by their respective Acts of Incorporation or Settlement required to be called or are usually called, and it shall have been determined by a Majority of Two Thirds of the Votes of the Shareholders in such Meeting assembled, either in Person or by Proxy, where by such Acts of Incorporation or Settlement voting by Proxy is allowed, to adopt the Powers and Provisions hereby granted, or such and so many of them as it shall at such Meeting be determined shall be adopted, or to grant or accept any such Lease, nor to any Canal or Navigation the Property wherein is vested in One or more Owner or Owners, Proprietor or Proprietors, unless the Owner or Owners, Proprietor or Proprietors thereof shall determine to adopt the Powers and Provisions hereby granted, nor in either Case until public Notice of any such Determination and Intention shall have been inserted in the *London Gazette* in respect of Canals or Navigations in *England* or *Wales*, in the *Edinburgh Gazette* in respect of Canals or Navigations in *Scotland*, and in the *Dublin Gazette* in respect of Canals or Navigations in *Ireland*, and in some Newspaper circulating in the County or Counties wherein such Canal or Navigation, or some Part thereof, shall pass, One Month at the least previously to the Exercise of any such Powers, whereupon, or immediately after the Expiration of such Notice, every such Company, or their respective Committees, Directors, or Managers, or their Agents by them duly authorized in manner aforesaid, may from Time to Time put in force and exercise the said Powers or any of them, in the Manner by this Act authorized.

Act not to exempt Canal Companies from any general Act.

XIII. And be it enacted, That nothing herein contained shall be construed to exempt any Canal or Navigation Company who shall adopt the Powers of this Act from the Operation of any general Act regulating the Manner of charging Tolls and other Charges upon Canals or Navigations in respect of Passengers, Goods, Animals, Articles, and Things of a like Description, which may be passed in the course of any future Session of Parliament.

Alteration of Act.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XLIII.

An Act for encouraging the Establishment of Museums in large Towns. [21st *July* 1845.]

'WHEREAS it is expedient to promote the Establishment and Extension of Museums of Art and Science in large Towns, for the Instruction and Amusement of the Inhabitants thereof:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Town Councils of certain Municipal Boroughs may purchase Lands and erect thereon Museums of Art and Science.

That it shall be lawful for the Council of any Municipal Borough, the Population of which, according to the last Account from Time to Time taken thereof by Authority of Parliament, exceeds Ten thousand Persons, if such Council shall think fit so to do, to purchase Lands, and to erect thereon Buildings suitable for Museums of Art and Science, and to maintain and keep the same in good Repair, and to accept any Gifts, Grants, or Devises of Lands, Tenements, or Hereditaments, for the Purpose of establishing, improving, or maintaining such Museums, or to contribute toward the Establishment and Maintenance of such Museums in any neighbouring Borough; and that the Costs and Charges of such Lands and Buildings, and the keeping of the same in good Repair, and the Payment of any Principal Money or Interest borrowed under the Authority of this Act, or of such Contribution, shall be chargeable upon and paid for out of the Borough Fund of such Municipal Borough, and for that Purpose the Council may levy with and as Part of the Borough Rate, or by a separate Rate to be levied in like Manner as the Borough Rate, such Sums of Money as shall be from Time to Time needed, so that the whole Amount of the Borough Rate be not increased in any One Year for the Purposes of this Act by more than One Halfpenny

Halfpenny in the Pound, or if a separate Rate be levied so that such Rate do not in any One Year amount to more than One Halfpenny in the Pound of the annual Value of the Property in the Borough rateable to the Borough Rate.

Town Councils may borrow Money for Purchase of Lands, &c.

II. And be it enacted, That for the Purchase of such Lands, and for defraying the Costs of such Buildings as may be erected thereon, or for contributing to the Cost of such Purchase or building, it shall be lawful for the Council of any such Municipal Borough as aforesaid, from Time to Time, with the Approval of the Commissioners of Her Majesty's Treasury, to borrow at Interest the Amount of Money which may be required for the same, on the Security of the Borough Rates as aforesaid, or the separate Rate authorized by this Act.

Such Lands, &c., to vest in Town Council.

III. And be it enacted, That the Lands and Buildings so purchased or erected as aforesaid, and also all Specimens of Art or Science, and Articles of every Description, which may be purchased for or presented to any such Museum, and accepted by the Council thereof, shall be vested in and held upon trust for ever by the Mayor, Aldermen, and Burgesses of the Borough in which such Museum shall be situated, and shall be managed by the Council of the Borough, and kept in fit and proper Order, for the Benefit of the Inhabitants of the Borough, and others resorting thereto.

Rates of Admission to Public.

IV. And be it enacted, That the Council of any such Municipal Borough may from Time to Time fix such Rates of Payment for Admission to any such Museum as the Council may think expedient, not exceeding the Sum of One Penny for each Person admitted, and the Amount so raised shall be employed in defraying the Salaries of the Curators and other Persons employed in charge of such Museum, and in lighting, warming, cleaning, and otherwise supporting and improving the same; and that the Council may also make such Regulations for the Preservation of the Contents of such Museum, and for the Maintenance of Order within it, as may to them seem expedient.

Regulations for preserving Contents, &c.

Alteration of Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XLIV.

An Act for the better Protection of Works of Art, and Scientific and Literary Collections.

[21st *July* 1845.]

'WHEREAS it is expedient to provide for the better Protection of Works of Art, and of Scientific and Literary Collections, and also of public Statues and Monuments from wanton Injury:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act every Person who shall unlawfully and maliciously destroy or damage any thing kept for the Purposes of Art, Science, or Literature, or as an Object of Curiosity, in any Museum, Gallery, Cabinet, Library, or other Repository, which Museum, Gallery, Cabinet, Library, or other Repository is either at all Times or from Time to Time open for the Admission of the Public, or of any considerable Number of Persons, to view the same, either by Permission of the Proprietor thereof, or by the Payment of Money before entering the same, or any Picture, Statue, Monument, or Painted Glass in any Church or Chapel or other Place of religious Worship, or any Statue or Monument exposed to public View, shall be guilty of a Misdemeanor, and, being duly convicted thereof, shall be liable to be imprisoned for any Period not exceeding Six Months, and, if a Male, may during the Period of such Imprisonment be put to hard Labour, or be once, twice, or thrice privately whipped, in such Manner as the Court before which such Person shall be tried shall direct.

Punishment for malicious Injury to Works of Art, &c.

Malice to be implied.

II. And be it enacted, That every Punishment imposed on any Person for an Offence against this Act shall apply and be enforced, whether the Offence shall be committed from Malice conceived against the Owner of the Thing damaged or destroyed or not.

Apprehension of Offenders.

III. And be it enacted, That any Person found committing any Offence against this Act may be immediately apprehended, without a Warrant, by any other Person, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law.

Right to recover Damages.

IV. Provided always, and be it enacted, That nothing herein contained shall be deemed to affect the Right of any Person to recover by Action at Law Damages for the Injury so committed.

Accessories as Principals.

V. And be it enacted, That every Person who shall abet, counsel, or procure the Commission of any Offence against this Act shall be punished as a principal Offender.

Extent of Act.

VI. And be it enacted, That this Act shall not extend to *Scotland*.

Alteration of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XLV.*

An Act to make perpetual and amend an Act of the Fifth and Sixth Years of Her present Majesty, for preventing Ships clearing out from any Port in *British North America* or in the Settlement of *Honduras* from loading any Part of their Cargo of Timber upon Deck.

[21st *July* 1845.]

'WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for preventing, until the First Day of* May *One thousand eight hundred and forty-five, Ships clearing out from any Port in* British 5 & 6 Vict. c. 17.

* *Repealed by Cap.* 84. *of this Session.*

'North America *or in the Settlement of* Honduras *from loading any Part of their Cargo of Timber* 'upon Deck: And whereas it is expedient that the said Act should be further continued and made 'perpetual, but it is necessary that certain Amendments should be made therein:' Be it therefore

Recited Act, except so much as is hereby repealed, to be made perpetual.

enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act, except so much thereof as is herein-after repealed, shall from and after the passing of this Act be and continue in force and be perpetual.

Repealing so much of Act as prohibits lading of Cargo upon Deck or sailing without Certificate, and as imposes a Penalty therefor.

II. And be it enacted, That so much of the said Act as enacts that it shall not be lawful for any Part of the Cargo of any Ship or Vessel laden with Timber or Wood Goods, and clearing from any *British* Port in *North America* or the Settlement of *Honduras* between the First Day of *September* and the First Day of *May* in each Year, to be placed during any Part of the Voyage on the Deck of such Ship or Vessel, and that no Captain or Master of any Ship or Vessel so clearing shall be permitted to sail without first procuring a Certificate from the Clearing Officer that all the Cargo is below Deck, and so much of the said Act as imposes a Penalty upon any Captain or other Person offending against the Provisions thereof, shall be repealed.

Clearing Officers to ascertain and certify that Cargo of certain Ships is below Deck.

III. And be it enacted, That before any Clearing Officer permits any Vessel wholly or in part laden with Timber or Wood Goods to clear out from any *British* Port in *North America* or in the Settlement of *Honduras*, for any Port in the United Kingdom, at any Time after the First Day of *September* or before the First Day of *May* in any Year, he shall ascertain that the whole of the Cargo of such Vessel is below Deck, and shall give the Captain or other Person having Command of such Vessel a Certificate to that Effect; and no Captain or other Person having Command of any Vessel so laden as aforesaid shall sail from any of the Ports aforesaid for any Port of the United Kingdom at any such Time as aforesaid until he has obtained such a Certificate as aforesaid from the Clearing Officer.

Ships not to sail without Certificate.

No Part of Cargo to be placed on Deck.

IV. And be it enacted, That no Captain, Owner, Supercargo, or other Person having Command of any Vessel in respect of which such Certificate as aforesaid has been obtained shall place, or permit or cause to be placed, or to remain or be, upon or above the Deck of such Vessel, any Part of the Cargo thereof, until such Vessel has arrived at the Port of her Destination: Provided always, that if the Captain or other Person having Command of any such Vessel consider that it is necessary, in consequence of the springing a Leak or of other Damage received or apprehended during the Voyage, to remove any Portion of the Cargo upon Deck, he may remove or cause to be removed upon the Deck of such Vessel so much of the Cargo and may permit the same to remain there for such Time as he considers expedient: Provided also, that the Store, Spars, or other Articles necessary for the Vessel's Use shall not be taken to be Cargo for the Purposes of this Act.

Removal of Cargo in Cases of Leakage or Damage.

Stores not to be taken as Cargo.

Penalty for Offences against this Act.

V. And be it enacted, That if any Captain or other Person having the Command of any Vessel for which such Certificate as aforesaid is hereby required sails or attempts to sail without having obtained such Certificate, or places, or permits or causes to be placed, or to remain or be, upon or above the Deck of such Vessel, any Part of the Cargo thereof, except in the Cases in which the same is not forbidden by this Act, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Provisions of recited Act respecting Indictments and Proceedings applied to Indictments, &c. under this Act.

VI. And be it enacted, That all the Enactments of the said Act respecting Indictments, Informations, and Proceedings in respect of Offences alleged to have been committed against the Provisions thereof, and respecting Proceedings for the Recovery of the Penalties inflicted thereby, shall be held and taken to apply to all Indictments, Informations, and Proceedings against any Person or Persons in respect of Offences committed or alleged to have been committed against the Provisions of this Act, and to all Proceedings for the Recovery of any Penalty incurred or alleged to have been incurred by any Person or Persons under this Act.

Alteration of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. XLVI.

An Act for the Appointment of additional Constables for keeping the Peace near Public Works in *Ireland*. [21st *July* 1845.]

'WHEREAS it is expedient to provide for the Appointment and Payment of additional Head and 'other Constables for keeping the Peace, and for the Protection of the Inhabitants and the Secu- 'rity of Property, in the Neighbourhood of Railway Works and other Public Works in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, in any Case in which the Works of any Railway, Canal, or other Public Work of a similar Nature shall be in progress of Construction in *Ireland*, upon the Application of the Company or other Parties carrying on any such Public Work, or upon the Application of Two or more Justices of the Peace of the County acting in the Petty Sessions of the District in or through which any such Public Work may be in the Course of Construction, to whom it shall be made appear, on the Oath of Two or more credible Witnesses, that the Appointment of additional Constables for the keeping of the Peace, and for the Protection of the Inhabitants, and the Security of Property, in the Neighbourhood of such Works, is necessary in consequence of the Behaviour or reasonable Apprehension of the Behaviour of the Persons employed in the said Works, it shall be

Additional Head and other Constables may be appointed by the Lord Lieutenant to keep the Peace near the Works of Railways, &c. in Ireland.

be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, if he or they shall so think fit, from Time to Time to order and direct that, in addition to the Number of Head and other Constables whom the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* is or are authorized to appoint by virtue of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to consolidate the Laws relating to the Constabulary Force in* Ireland, and the other Acts amending the same, such Number of Head and other Constables as he or they shall think fit, not exceeding in any Case the Number specified in any such Application as aforesaid, shall be appointed and employed during the Construction of such Public Works, in aid of and in conjunction with the said Constabulary Force in such County, County of a City, County of a Town, or Place, near to the said Public Works so in progress of Construction, as shall be mentioned in the said Order, and shall remain there for such Length of Time, or remove to or remain at such other Place or Places near to such Public Works for such Time or Times, as shall be mentioned or directed by such Order, or any other Order or Orders which may from Time to Time be made by such Lord Lieutenant or other Chief Governor or Governors or by the Inspector General of the said Constabulary Force, under the Control and Directions of the said Lord Lieutenant or other Chief Governor or Governors; and such Constables may in like Manner, by any such Order, be reduced in Number, or wholly removed from the Neighbourhood of such Works; and the Head and other Constables so appointed shall, during the Period of such Employment, have the same Amount of Pay and Allowances, and the same Rights, Powers, and Authorities, Privileges and Advantages, and be subject to the same Provisions and Enactments, Rules, Regulations, and Orders, and be in all respects in the same Situation in the County, County of a City, or County of a Town in which they shall be stationed, as far as the Circumstances of the Case will admit, as if they had been appointed to and formed Part of the Constabulary Force established in and for such County, County of a City, or County of a Town. 6 & 7 W. 4. c. 13.

Expence of additional Head and other Constables to be paid by the Company or Parties carrying on such Works.

II. And be it enacted, That the Inspector General of the said Constabulary Force, with the Assistance of the Receiver of the said Force, shall from Time to Time, or as often as he shall think convenient, prepare and certify under his Hand a detailed Account of the Expence incurred for the Pay, Salary, Clothing and Equipment, Lodging, and other Allowances of such Men so appointed and employed as aforesaid, which Expence, when approved and certified by the Chief or Under Secretary of such Lord Lieutenant or other Chief Governor or Governors, the said Company or Parties, or their Agent, shall, upon demand, pay to the said Receiver, to be placed to the Credit of the County, County of a City, or County of a Town in which such Constables as aforesaid shall have been so employed.

If the Company or Parties neglect to pay the Expence, it may be recovered at the Suit of Her Majesty's Attorney General for Ireland, or by Distress and Sale of the Goods of the Company.

III. And be it enacted, That in all Cases where the Company or other Parties carrying on such Public Work shall refuse or neglect, during Fourteen Days next after Demand thereof, to pay any such Expence, or any Part thereof, as shall have been so certified and approved as aforesaid, the same shall and may be sued for in any of the Superior Courts, at the Suit of Her Majesty's Attorney General for *Ireland*, as a Debt due to Her Majesty, or, upon Production of such Account, so certified and approved, before any Two Justices of the County, County of a City, or County of a Town in which such Constables shall have been so employed as aforesaid; and upon Proof on Oath of such Demand made as aforesaid of such Company or Parties, or any Officer superintending such Public Works, and upon the Application of the said Receiver of the Constabulary Force, or any Person by him authorized in Writing, it shall be lawful for such Justices, by their Warrant under their Hands and Seals (which they are hereby authorized and required to grant), to cause the Amount of such Account to be levied, together with the Expences of levying the same, by Distress and Sale of the Goods and Chattels of the Company or other Parties carrying on such Public Works as aforesaid; and the Surplus, if any, arising from such Distress and Sale, after deducting the Amount of such Account, together with the reasonable Expences attendant on such Distress and Sale, shall be rendered to the said Company or Parties.

Alteration of Act.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XLVII.

An Act for the further Prevention of the Offence of Dog Stealing. [21st *July* 1845.]

'WHEREAS by an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny, and other Offences connected therewith*, certain Provisions were made for the Prevention of Dog Stealing: And whereas it is expedient, for the further Prevention of the said Offence, that the Provisions of the said recited Act, so far as relates to Dog Stealing, and to dealing with the Offenders in respect to the said Offence, shall be repealed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Provisions, so far as aforesaid, shall be repealed. 7 & 8 G. 4. c. 29.

Certain Provisions of recited Act repealed.

Punishment for stealing Dogs:

First Offence.

Second Offence.

II. And be it enacted, That if any Person shall steal any Dog, every such Offender shall be deemed guilty of a Misdemeanor, and being convicted thereof before any Two or more Justices of the Peace shall for the First Offence, at the Discretion of the said Justices, either be committed to the Common Gaol or House of Correction, there to be imprisoned only or be imprisoned and kept to hard Labour for any Term not exceeding Six Calendar Months, or shall forfeit and pay over and above the Value of the said Dog, such Sum of Money, not exceeding Twenty Pounds, as to the said Justices shall seem meet; and if any Person so convicted shall afterwards be guilty of the said Offence, every such Offender

Offender shall be guilty of an indictable Misdemeanor, and being convicted thereof shall be liable to suffer such Punishment, by Fine or Imprisonment, with or without hard Labour, or by both, as the Court, in its Discretion shall award, provided such Imprisonment do not exceed Eighteen Months.

Penalty for having Possession of stolen Dogs, or of their Skins: First Offence. Second Offence.

III. And be it enacted, That if any Dog, or the Skin thereof, shall be found in the Possession or on the Premises of any Person by virtue of any Search Warrant, to be granted as is hereafter in that Behalf provided, the Justice by whom such Search Warrant was granted may restore the same to the Owner thereof, and the Person in whose Possession or on whose Premises the same shall be so found such Person (knowing that the Dog has been stolen, or that the Skin is the Skin of a stolen Dog,) shall, on Conviction before any Two or more Justices of the Peace, be liable for the First Offence to pay such Sum of Money, not exceeding Twenty Pounds, as to the Justices shall seem meet; and if any Person so convicted shall be afterwards guilty of the said Offence, every such Offender shall be deemed guilty of a Misdemeanor, and punishable accordingly.

Penalty for compounding for Offences against this Act.

IV. And be it enacted, That if any Person shall publicly advertise or offer a Reward for the Return or Recovery of any Dog which shall have been stolen or lost, and shall in such Advertisement use any Words purporting that no Questions will be asked, or shall make use of any Words in any public Advertisement purporting that a Reward will be given or paid for any Dog which shall have been stolen or lost without seizing or making any Inquiry after the Person producing such Dog, every such Person shall forfeit the Sum of Twenty-five Pounds for every such Offence to any Person who will sue for the same, by Action of Debt, to be recovered with full Costs of Suit.

Apprehension of Offenders.

V. And be it enacted, That any Person found committing any Offence punishable either upon summary Conviction or upon Indictment by virtue of this Act may be immediately apprehended without a Warrant by any Police Officer, or by the Owner of the Dog, with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and forthwith taken before some neighbouring Justice of the Peace to be dealt with according to Law; and if any credible Witness shall prove upon Oath before a Justice of the Peace a reasonable Cause to suspect that any Person has in his Possession or on his Premises any stolen Dog, such Justice may grant a Warrant to search for such Dog; and any Person to whom any Dog shall be offered to be sold or delivered, if he shall have reasonable Cause to suspect that such Dog has been stolen, is hereby authorized, and, if in his Power, is required to apprehend and forthwith to convey before a Justice of the Peace the Party offering the same, together with such Dog, to be dealt with according to Law.

Penalty for receiving Money to restore stolen Dogs.

VI. And be it enacted, That any Person who shall corruptly take any Money or Reward directly or indirectly under pretence or upon account of aiding any Person to recover any Dog which shall have been stolen, or which shall be in the Possession of any Person not being the Owner thereof, shall be guilty of a Misdemeanor, and punishable accordingly.

Offenders may be remanded, or admitted to Bail.

VII. And be it enacted, That any Justice may, if he shall think fit, remand for further Examination, or may suffer to go at large, with or without Sureties, upon his personal Recognizance, any Person who shall be charged before him with any Offence or Misdemeanor punishable by this Act, whether the same be punishable by summary Conviction or as an indictable Misdemeanor.

If Penalties not paid Justices to commit Offenders.

VIII. And be it enacted, That in every Case of summary Conviction under this Act where the Sum which shall be forfeited for the Value of any Dog as is herein-before provided, or which shall be imposed as a Penalty by the Justices, shall not be paid either immediately after the Conviction or within such Period as the Justices shall at the Time of the Conviction appoint, it shall be lawful for the convicting Justices to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only or imprisoned and kept to hard Labour for any Term not exceeding Two Calendar Months where the Amount of the Sum forfeited, or of the Penalty imposed, or of both (as the Case may be), together with the Costs, shall not exceed Five Pounds, and for any Term not exceeding Four Calendar Months where the Amount, with Costs, shall not exceed Ten Pounds, and for any Term not exceeding Six Calendar Months in any other Case, the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

CAP. XLVIII.

An Act to substitute a Declaration for an Oath in Cases of Bankruptcy. [21st *July* 1845.]

'WHEREAS it is highly desirable that Oaths shall not be administered unnecessarily by public Authority, and there is reason to believe that the Examination of a Bankrupt or of the Wife of a Bankrupt before Commissioners in Bankruptcy will be equally effectual for obtaining a Disclosure of the Truth, and a full Discovery of all that can be useful for the Benefit of Creditors, when such Examination is conducted without Oath:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Persons who are now or shall be hereafter declared Bankrupts under any Fiat, or the Wives of such Persons respectively, shall and may be hereafter examined before such Commissioners without being sworn, but after making and signing the Declaration contained in the Schedule hereunto annexed.

Bankrupts may be examined after making and signing Declaration.

Penalty for making false Declaration.

II. And be it enacted, That if any such Person so to be examined shall, in the course of the Examination, wilfully make any false Statement, such Person may be thereupon convicted of a Misdemeanor, and shall be, at the Discretion of the Court before which the Conviction shall take place, liable

to

to undergo the Pains and Penalties now by Law imposed upon Persons guilty of wilful and corrupt Perjury.

III. Provided always, and be it enacted, That nothing herein shall in anywise affect the Right of the Commissioners of Bankrupt to judge how far the Answers to be made are satisfactory, or to commit to Prison in case they shall hold such Answers to be unsatisfactory, nor the Right of any Commissioner or Creditor to withhold his Signature from the Certificate of Conformity. Not to affect Right of Commissioners to commit for unsatisfactory Answers, &c.

SCHEDULE.

Form of Declaration to be made by the Bankrupt or the Bankrupt's Wife.

I *A.B.*, the Person declared a Bankrupt under a Fiat in Bankruptcy, [*or* I *C.D.*, the Wife of, *et cetera*,] do solemnly promise and declare, That I will make true Answer to all such Questions as may be proposed to me respecting all the Property of the said *A.B.*, and all Dealings and Transactions relating thereto, and will make a full and true Disclosure of all that has been done with the said Property, to the best of my Knowledge, Information, and Belief.

(Signed) *A.B.*
[*or C.D.*, the Wife of the said *A.B.*]

CAP. XLIX.

An Act to settle an Annuity * on Sir *Henry Pottinger* Baronet, in consideration of his eminent Services. [21st *July* 1845.]

* £1,500 a Year.

CAP. L.

An Act to facilitate the Recovery of Loans made by the *West India* Relief Commissioners. [21st *July* 1845.]

'WHEREAS by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for enabling His Majesty to direct the Issue of Exchequer Bills to a limited Amount for the Purposes and in the Manner therein mentioned; and for giving Relief to* Trinidad, British Guiana, *and* Saint Lucie, it was (amongst other things) enacted, that it should be lawful for the Commissioners thereby appointed, and their Successors, or any Three of them, to advance or lend Exchequer Bills to the Amount therein specified to the Owners of Estates which had suffered Injury from the Causes therein specified in the Islands of *Jamaica, Barbadoes, Saint Vincent*, and *Saint Lucie*, and that the said Commissioners should take such Security or Securities as therein mentioned for the Repayment of any such Advances or Loans at or before the Expiration of Ten Years from the Time of such Advances respectively, with Interest in the meantime after the Rate of Four Pounds *per Centum per Annum*, to be paid in manner therein mentioned; and it was further enacted, that if Default should be made in Repayment of all or any Part of such Loan or Advance, or of the Interest thereof or any Part thereof, any Person duly authorized by the said Commissioners might enter upon and take possession of the Property upon which such Loan should have been charged, and receive the Rents, Issues, and Profits thereof until the Repayment of such Loan and the Interest thereof, and all Costs incidental to such taking possession as therein mentioned; and it was also enacted, that if any Default should be made in Repayment of all or any Part of such Loan or Advance for which any Mortgage should be taken by the said Commissioners as a Security, the said Commissioners, or their Attorney or Attornies to be appointed for that Purpose, upon Judgment to be entered up, should take possession of all or any Part of the said mortgaged Premises, and by Sale or Mortgage of the same or a competent Part thereof raise such a Sum as should be sufficient to repay all Monies due on such Loan or Advance, and the Interest thereof, and all Costs attending such Proceedings: And whereas by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act for granting Relief to the Island of* Dominica; *and to amend an Act of the Second and Third Years of His present Majesty, for enabling His Majesty to direct the Issue of Exchequer Bills to a limited Amount for the Purposes therein mentioned*, the Provisions of the last-mentioned Act were extended to the Island of *Dominica*, so far as the same were applicable: And whereas by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to amend Two Acts of His late Majesty King* William *the Fourth, for the Relief of certain of Her Majesty's Colonies and Plantations in the* West Indies, it was (amongst other things) enacted, that it should be lawful for the said Commissioners for the Time being acting in the Execution of the said recited Acts, with such Consent as therein mentioned, to grant any Extension of the Time limited for the Repayment of any such Loan or Advance as aforesaid for any Period not exceeding Ten Years from the Day originally fixed for Payment thereof, with Interest after the Rate aforesaid, so that every such Extension of Time be made on certain Conditions therein mentioned as to the Mode of Repayment of such Loan, and also subject to an absolute Power of Sale of the Hereditaments charged with any such Loan to be vested in Her Majesty, Her Heirs and Successors, in manner therein mentioned: And whereas by an Act passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act for giving additional Powers to the Commissioners for the Relief of certain of Her Majesty's Colonies and Plantations in the* West Indies, after repealing and altering certain of the Provisions contained in

2&3 W.4.c.125.

5&6 W.4. c.51.

3&4 Vict. c.40.

7&8 Vict. c.17.

'the last-recited Act respecting the granting of Extension of Time, it was by the Act now in recital 'enacted, that it should be lawful for the Commissioners acting in the Execution of the said recited Acts, 'or any Three of them, to make any Transfer of any Sum of Money secured to Her Majesty by virtue 'of any Security made in pursuance of the said recited Acts respectively, and any Interest thereon, 'and to convey the Securities for the same unto or in trust for any Person or Persons who should pay 'all Principal Monies secured by such Mortgage Security as aforesaid, and the Interest thereon, in 'manner therein mentioned: And whereas it is expedient to make some further Provisions for facilitating 'the Recovery of the Principal and Interest of any Loans made or to be made in pursuance of the said 'recited Acts or any of them, and for making Transfers of the Securities for the same or any Part 'thereof, and also to enable the said Commissioners for the Time being to compound any Debts due to 'them or to Her Majesty in respect of any such Loans as aforesaid:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners for the Time being acting in the Execution of the said recited Acts, or any of the said Acts, or any Person or Persons for the Time being acting under their Direction, or any Commissioners in aid appointed as by the said first-recited Act is mentioned, from Time to Time to make sale of all or any Part of any Hereditaments which have been or shall be taken possession of by them or him for Nonpayment of any Principal or Interest, in pursuance of the Provisions in that Behalf in the said Act of the Second and Third Years of the Reign of His said late Majesty King *William* the Fourth contained, and (as regards any Principal Monies due) whether Judgment shall have been entered up or not, as by the said last-mentioned Act is provided; provided always, that no such Sale shall be made unless for at least Three Calendar Months previously to such Sale there shall have been inserted in the *London Gazette*, and in such public Newspaper or Newspapers in the Colony where the Property shall be situated as the said Commissioners shall direct, a Notice of the Intention of the Commissioners to exercise their Power of Sale; and any such Sale may be made at any Time after such Three Months Notice shall have been given; and any such Sale may be made subject to such special Conditions as to the Title, or the Deeds, Copies, or other Evidences to be produced, the Evidence relating to the Identity of the Property sold, and the Mode and Times of Payment of the Money, as the said Commissioners, or the Persons acting under their Direction, or the said Commissioners in aid, shall think fit; and any Contract for Sale may be altered or rescinded by the said Commissioners, or such Persons respectively as aforesaid, in such Manner in all respects as they shall think fit; and any Part of the Purchase Money may be left on the Security of all or any Part of the Hereditaments sold, or may be secured on any other Security; and such Securities shall either be made to Her said Majesty as by the said first-recited Act is provided, and with such Powers and Priorities as by the said first-recited Act is provided, or otherwise as the said Commissioners shall think fit; and no Purchaser or other Person shall be bound to inquire whether such Possession was taken, or any Monies were due, on the Security of the said Hereditaments sold; and any such Monies (when any such Sale shall be made out of *England*) may be paid to such Person or Persons as the said Commissioners shall, either before or after such Sale, authorize to receive the same, whose Receipts in Writing shall be sufficient Discharges to the Persons paying the same; but any Monies due on any Security to be made as last aforesaid shall be paid into the Bank of *England* in manner directed by the said first-recited Act; and any Securities which may be taken for any Part of such Purchase Money may be released or otherwise transferred by the said Commissioners in all respects as if the same were an original Security taken under the said recited Acts.

If default be made in Payment of Loans or Interest, the mortgaged Premises may be sold on certain Conditions.

II. And be it enacted, That it shall be lawful for the Commissioners for the Time being acting in the Execution of the said recited Acts from Time to Time to make any Transfer of any Part of any Sum or Sums of Money secured to or owing to Her Majesty, under or by virtue of any Security made in pursuance of the said recited Acts or any of them, and either before or after such Sum or Sums shall be actually due, and any Interest thereon, and to convey and assure or declare Trusts of such proportionate Part, either undivided or in Severalty, as they the said Commissioners shall think fit, of the Securities for the same Sum or Sums, unto or in trust for any Person or Persons who shall pay and discharge any Part of the Principal Monies due or secured by such Mortgage Security as aforesaid, and the Interest thereon; and any such Sum or Sums of Money to be paid in consideration of such Transfer as aforesaid shall be paid into the Bank of *England*, and in all respects as by the said first-recited Act is provided with respect to the Repayment of the Monies to be secured by virtue of the Provisions of that Act; and the Person or Persons to whom any such Transfer or Disposition as aforesaid shall be made, his or her Heirs, Executors, Administrators, and Assigns, shall, under and by virtue thereof, to the Extent to which the same shall be thereby conceded or granted by the said Commissioners, be entitled to all such and the same Priorities, Privileges, Powers, and Securities in respect of such Monies and Hereditaments so transferred and assured as by the said recited Acts or any of them are given to Her Majesty, or the said Commissioners, or any of them, or which Her said Majesty, Her Heirs and Successors, or the said Commissioners acting in the Execution of the said recited Acts, would have had in case no such Transfer had been made, and that either subject and without Prejudice to, or concurrently with, or with Priority over the Priorities, Privileges, Powers, and Rights of Her said Majesty, Her Heirs and Successors, and of the said Commissioners, or any other Persons to whom any other Part of the Monies or Securities may be transferred and assured, in respect of the Residue of any such Principal Monies, and the Interest thereof, and the Securities for the same, which shall remain due to and vested in Her said Majesty, Her Heirs and Successors, or the said Commissioners, or be so transferred and assured as aforesaid.

Commissioners may transfer Portions of Securities.

III. And

III. And be it enacted, That it shall be lawful for the Commissioners for the Time being acting in the Execution of the said recited Acts, with the Consent in Writing of the Lord High Treasurer for the Time being, or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, by Warrant under his or their Hand or Hands, to compound any Debt or Debts on account of any Loan or Advance made or hereafter to be made under or in pursuance of the said recited Acts or any of them, and to stay any Proceedings for the Recovery of the same, upon Payment of such Sum or Sums of Money, and upon such Terms and Conditions, as they may think fit, such Sum or Sums of Money to be paid into the Bank of *England* in all respects as by the said first-recited Act is provided with respect to the Repayment of the Monies to be secured by virtue of the Provisions of that Act; and that upon any such Payment being duly made as aforesaid it shall be lawful for the said Commissioners acting in execution of the said recited Acts to make and execute such Releases and Reconveyances of the Debt which shall have been so compounded as aforesaid, and the Interest thereof, and the Securities for the same, as if the full Amount of the Debt so compounded, and all Interest for the same, had been duly paid and discharged. Commissioners may compound Debts with Consent of Treasury.

IV. And be it enacted, That any Act, Matter, or Thing hereby authorized to be done may be done by any Three of the said Commissioners for the Time being, and that the Execution of any Deed or Instrument, either in pursuance of this Act or of any of the said recited Acts, and whether already executed or hereafter to be executed, referring to or reciting any Warrant, Authority, or Assent of the Lord High Treasurer, or of Three of the Commissioners of Her Majesty's Treasury, either made in pursuance of this Act or of any of the said recited Acts, shall be Evidence of such Authority or Assent; and the Execution of any Deed or other Instrument, already executed or hereafter to be executed, purporting to be executed by the said Commissioners or any Three of them, shall be taken as Evidence that such Commissioners so executing were duly appointed. Three Commissioners may act.

V. And be it enacted, That all and every the several Clauses, Powers, Provisions, Enactments, Penalties, and Restrictions in the said Acts contained, so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act, and to every thing to be done in pursuance of this Act, and as if all such Clauses, Powers, Provisions, and Enactments were herein repeated and set forth. Provisions of recited Acts to extend to this Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Alteration of Act.

CAP. LI.

An Act to enable Archbishops and Bishops in *Ireland* to charge their Sees with the Costs incurred by them in defence of their Rights of Patronage, in certain Cases; and also to enable Tenants for Life and other Persons having limited Interests in Estates in *Ireland* to charge said Estates with the Costs incurred by them in asserting their Rights to Ecclesiastical Patronage in certain Cases. [31st *July* 1845.]

'WHEREAS an Act was passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto*, it was amongst other things enacted, that after the Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person should bring any Quare impedit or other Action or any Suit to enforce a Right to present to or bestow any Ecclesiastical Benefice, as the Patron thereof, after the Expiration of One hundred Years from the Time at which a Clerk should have obtained Possession of such Benefice adversely to the Right of Presentation or Gift of such Person, or of some Person through whom he claims, or of some Person entitled to some preceding Estate or Interest, or undivided Share, or alternate Right of Presentation or Gift, held or derived under the same Title, unless a Clerk should subsequently have obtained Possession of such Benefice on the Presentation or Gift of the Person so claiming, or of some Person through whom he claimed, or of some other Person entitled in respect of an Estate, Share, or Right held or derived under the same Title: And whereas by an Act passed in the Session of Parliament held in the Sixth and Seventh Years of Her present Majesty, intituled *An Act for extending to* Ireland *the Provisions not already in force there of an Act of the Third and Fourth Years of the Reign of the late King* William *the Fourth, intituled* 'An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto;' *and to explain and amend the said Act*, it was amongst other things thereby enacted, that after the First Day of *January* One thousand eight hundred and forty-four the several Clauses and Enactments in the said first-mentioned Act and therein-before recited, relating to any Right to present to or bestow any Church, Vicarage, or any other Ecclesiastical Benefice, (the Clause thereof providing that the said Act, so far as it related to any such Right, should not extend to *Ireland*, always excepted,) should extend and apply to *Ireland*, and that as fully and effectually as if the said Clauses and Enactments were thereby repeated, substituting for the said Date of the Thirty-first Day of *December* One thousand eight hundred and thirty-three the Date of the First Day of *January* One thousand eight hundred and forty-four; and it was by the said last-mentioned Act further declared and enacted, that the said last-mentioned Act should not be prejudicial or available to or for any Plaintiff or Defendant in any Action or Suit already commenced, or on or before the said First Day of *January* One thousand eight hundred and forty-five to be commenced, relating to any Right to present to or bestow 3 & 4 W. 4. c. 27. 6 & 7 Vict. c. 54.

'bestow any Church, Vicarage, or other Ecclesiastical Benefice in *Ireland:* And whereas in consequence 'of the Provisions of the said Acts numerous Actions of Quare impedit and Proceedings have been 'brought and instituted, and are now depending, for the Purpose of determining the Right of Presenta- 'tion to divers Ecclesiastical Benefices and Preferments in *Ireland*, by Persons whose Claims to 'exercise such Right would but for the instituting of such Proceedings have been barred by the 'Provisions of the aforesaid Acts: And whereas numerous Actions and Proceedings have been brought 'and instituted and are now pending against Archbishops and Bishops in *Ireland*, for the Recovery of 'Advowsons and Rights of Presentation to Ecclesiastical Benefices and Preferments in their Dioceses 'the Patronage whereof has been for long and uninterrupted Periods exercised by them and their 'Predecessors in right of their Sees, and the said Archbishops and Bishops have been and will be put 'to heavy Expences in preparing to defend and in defending in the said Actions and Proceedings their 'Rights of Patronage for themselves and their Successors; and it is just and expedient that they 'should be enabled to charge such Expences on the Estates of their respective Sees, subject to the 'Regulations herein-after provided:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Archbishop and Bishop in *Ireland*, Defendant in any Action of Quare impedit or other Action or Suit already brought or instituted against him, and which was pending on the Sixteenth Day of *June* One thousand eight hundred and forty-five, or on which any Writ of Error or Appeal was then pending, for the Recovery of the Right of Presentation to or Patronage of any Ecclesiastical Benefice or Preferment the Patronage whereof has heretofore been enjoyed by him or his Predecessors in right of his See or of any See united thereto, shall be entitled to charge the Amount of all Costs reasonably incurred by him in or about the Preparation and Conduct of and consequent upon his Defence to such Action or Suit, including, if Occasion shall be, his Costs incidental to any Appeal or Writ of Error from any Judgment therein, (and which Costs respectively he shall not be enabled to recover from the Plaintiff or Plaintiffs in such Action, Suit, or Appeal, or Writ of Error, with the Costs also of creating any Securities hereby authorized to be made,) upon the Estates or other Revenues of his See, in manner herein-after directed; provided that a Judge before whom such Action or Suit shall have been first tried, or by whom the same shall have been first determined, shall certify by Writing under his Hand, to be deposited and preserved in the Registry of the Diocese, that such Archbishop or Bishop had probable Cause for defending such Action or Suit, and that he ought to be allowed to charge his Costs under the Provisions of this Act; and that the presiding Judge of any Court of Error, or the Speaker of the House of Lords in Cases of Appeal or Writ of Error there prosecuted, shall in like manner certify that there was good Ground of prosecuting or defending such Appeal or Writ of Error; and if any such Action or Suit, Appeal or Writ of Error, shall be dismissed, abated, or discontinued before any Trial or Determination thereof, or the Plaintiff shall be nonsuited therein, then a Certificate, signed by a Judge of the Court in which such Action or Suit has been brought or instituted, shall be effectual for the Purposes aforesaid; and that no Judge shall be precluded from considering an Archbishop or Bishop, grounding his Defence to any such Action or Suit upon previous Presentations or Collations only, to have had probable Cause for such Defence; provided also, that the Amount of Costs to be charged under the Authority of this Act shall be determined and certified by some Officer to whom the Taxation of Costs between the Plaintiff and Defendant in such Action or Suit shall or would be referrable, and that his Certificate shall be also deposited in the Registry of the Diocese.

Every Archbishop and Bishop, Defendant in Actions for Right of Patronage, may charge the Costs of such Actions on the Revenues of the See.

Judge to certify for Costs.

II. And be it enacted, That after such Certificates as aforesaid shall have been obtained by any Archbishop or Bishop, and deposited in the Registry of his Diocese, (which Certificates shall, for the Purposes of the Securities hereby authorized to be made, be conclusive Evidence of his Authority to raise the Amount certified by such Taxing Officer to be due to him,) it shall be lawful for him to raise, by way of Loans, for his Benefit and Reimbursement, the same Amount, or any Part or Parts thereof, and all Costs incident to the Execution of these present Authorities, from any Persons or Corporations willing to advance the same, and, as a Security for the Money to be so raised, by any Deed or Deeds, duly sealed and delivered by him, and also registered in the Registry of his Diocese, to demise any Messuages, Lands, Towns, Tenements, Tithes, Rents-charge, or other Rents and Hereditaments of or belonging to his See, to the Persons or Corporations advancing the same Money, or to such Person or Persons as they respectively may appoint, by way of Mortgage, for any Term or Terms of Years, subject to proper Provisions for the Cesser of every such Term on Payment of the Principal Money to be so borrowed, with Interest thereon, to the Persons or Corporations who shall advance the same, their Executors, Administrators, Successors, or Assigns, at the Times and in the Manner herein-after mentioned; (that is to say,) the Interest thereof, or of so much thereof as shall from Time to Time remain unpaid, at such Rate as shall be agreed upon, to be paid on the half-yearly Days to be therein appointed, and One Thirtieth Part of the Principal Money at the End of the Third Year from the Determination of the Action or Suit, or the Cesser of the Proceedings with respect to which the said Costs shall have been incurred, and a like Thirtieth Part of the Principal Money at the End of each of the succeeding Twenty-nine Years, which Mortgage or Mortgages shall bind every succeeding Archbishop or Bishop of the same See, until the Principal Money and Interest thereby secured shall be paid off and discharged, as fully and effectually as if such Successor had made or executed the same.

On obtaining Judge's Certificate, Money for defraying Costs, &c. may be raised by Mortgage.

III. And be it enacted, That every such Mortgage shall contain a Covenant from the Archbishop or Bishop making the same, for himself, his Heirs, Executors, and Administrators, to pay and keep down

Mortgage to contain a Covenant for Pay-

so much of the said Principal Money and Interest as shall become payable upon such Mortgage or Mortgages during his Continuance in his said See. ment of Principal and Interest.

IV. And be it enacted, That it shall not be lawful for any Mortgagee under the foregoing Authorities to enter into the Possession of the mortgaged Hereditaments or any Part thereof until some Principal Money or Interest secured by any such Mortgage or Mortgages shall be in arrear and unpaid for more than Forty Days after the same respectively shall have become due, but that when and so often as there shall be any such Arrear it shall be lawful for the Mortgagee or Mortgagees, his, her, or their Executors, Administrators, Successors, or Assigns, to recover the Monies so in arrear, together with the Costs and Charges attending the Recovery thereof, upon or out of the mortgaged Hereditaments, by Distress and Sale, in such Manner as Rent Service may by Law be recovered, or by entering on and receiving the Rents and Profits of the same Hereditaments, until full Payment of the same Arrears and Costs and Charges respectively. For Recovery of Monies due on Mortgages.

V. Provided always, and be it enacted, That no Mortgagee or Mortgagees of the Lands or Possessions of any See under the foregoing Provisions shall after any Avoidance thereof be entitled to recover from the Hereditaments therein comprised more than One Year's Interest accrued before such Avoidance upon any Principal Sum due thereon, or more than One Instalment of Principal Money which shall have previously fallen due. No Mortgagee to recover more than One Year's Interest, &c. after Avoidance.

VI. And be it enacted, That every Archbishop and Bishop making any such Mortgage as aforesaid, and his Successors, shall pay the Principal and Interest Monies thereby secured at the Times and in manner thereby appointed for the said Purposes, or so much of the same Monies respectively as shall from Time to Time be due; and that upon every Avoidance which shall happen of the See during the Subsistence of any such Security the Archbishop or Bishop avoiding the same, his Heirs, Executors, or Administrators, shall pay so much of the accruing half-yearly Payment of Interest, if any, not actually due at the Time of such Avoidance, as shall be in proportion to the Time which at such Avoidance shall have elapsed of the current Half Year, and, in case such Avoidance shall happen in any Year at the End of which any Instalment of the said Principal Sum shall be due, shall also pay so much of the annual Instalment then accruing of the said Principal Sum as shall be in proportion to the Part which at such Avoidance shall have elapsed of the current Year of the Security: Provided also, that it shall be lawful for the Archbishop or Bishop who shall be entitled to charge any such Principal Monies as aforesaid on the Security of the Possessions of his See, in lieu of borrowing the same, to grant to any Trustee or Trustees for himself any such Security for the same Monies, and Interest thereon at any Rate not exceeding Four Pounds *per Centum per Annum*, as he might have granted to any Person or Corporation advancing the same Monies; and that if any Archbishop or Bishop entitled to charge any Principal and Interest Monies upon the Possessions of his See under the Provisions of this Act shall die without having fully exercised or relinquished his Power, and before the Expiration of One Year from the Time at which the same Power shall have arisen, it shall be lawful for his Executors or Administrators to exercise the same Power to the like Extent as he might himself have done if still living, for the Benefit and in Increase of his Personal Estate; and that if any such Archbishop or Bishop shall die within Three Calendar Months next after the Determination of any Action or Suit, or the Cesser of the Proceedings in or with reference to which he shall have incurred any Costs, which, if living, and having obtained such Certificates as aforesaid, he might have charged on the Possessions of his See, then and in such Case his Executors or Administrators shall be at liberty to apply for such Certificates, and after obtaining the same to create any such Security for the Benefit of his Personal Estate as he might himself have created for the Amount of such Costs and Interest thereon. For regulating Payment of Principal and Interest, and Proportions of Interest on Avoidance. Principal Monies may be charged on Estates of the See in Trust, in lieu of borrowing.

VII. Provided also, and be it enacted, That notwithstanding any such Mortgage or Mortgages as aforesaid it shall be lawful for the Archbishop or Bishop who shall have made the same, and his Successors, from Time to Time to make such Contracts and Agreements for Leases, and to grant such Leases, as he or they might have entered into or executed in case the said Mortgage or Mortgages had not been made. Mortgages not to interfere with Power of leasing.

VIII. 'And whereas many such Writs of Quare impedit have been sued out and Proceedings instituted 'by Persons who, under Family Settlement or otherwise, would only be entitled to a Life Estate or other 'limited Interest in the Advowsons or Right of Presentation to the Ecclesiastical Benefices to recover 'which the said Writs have been sued out and Proceedings instituted; and it is just and expedient that the 'said Plaintiffs in such Actions should be enabled, under certain Restrictions, to charge the reasonable 'Costs and Expences incurred by them in prosecuting such Claims upon the Estates of those who would 'be entitled in remainder to such Advowsons or Right of Presentation;' be it enacted, That it shall and may be lawful for every Person who has now sued out any Writ of Quare impedit or instituted or brought any other Action or Suit to recover the Right of Presentation to or Patronage of any Ecclesiastical Benefice or Preferment in *Ireland*, and who shall in such Action or Suit finally establish his Right to such Advowson, Presentation, or Patronage, and who shall be by any Family Settlement or otherwise entitled only to a Life Estate or other limited Interest in or to the Advowson or Right of Presentation or Patronage in respect of which he shall so establish his Right, shall be entitled to charge all such Costs as he shall have incurred in the bringing and prosecuting of such Actions, and all Costs incidental thereto, including the Costs incident to any Appeal or Writ of Error therein, and over and above all such Costs as he shall be entitled to recover from the Defendant or Defendants in such Action, upon the Fee and Inheritance of the said Advowson, Right of Presentation, or Patronage, and also upon the Remainder, Fee, or Inheritance of all Lands, Tenements, and Hereditaments of which he shall be seised Who may charge Costs of Quare impedit.

seised of the same Estate as in the said Advowson, Right of Presentation, or Patronage, and which are or shall be settled to the same Uses as the said Advowson, Right of Presentation, or Patronage: Provided always, that the Amount of Costs to be charged under the Authority of this Act shall be determined and certified by the Master of the Court of Common Pleas in *Ireland*, whose Certificate shall be final and conclusive, for the Purpose of the Securities hereby authorized to be made, that the Amount specified in such Certificate was properly and necessarily incurred.

Such Costs to be determined by Master of Common Pleas in Ireland.

Costs to be charged on Lands, &c. specified in Master's Certificate.

IX. And be it enacted, That it shall be lawful for any Plaintiff having obtained any Certificate as aforesaid, and which Certificate shall be deposited in the Office for registering Deeds in *Ireland*, by Deed under his Hand and Seal to charge the said Lands, Tenements, and Hereditaments which by this Act he is authorized to charge with the Amount specified in such Certificate; and such Charge, subject to all prior Incumbrances affecting the said Lands, Tenements, or Hereditaments, shall, on being registered in the Office for registering Deeds in *Ireland*, pursuant to the Statutes for that Purpose, be as valid and effectual to all Intents and Purposes as if made by a Person having the absolute Interest in the said Lands, Tenements, and Hereditaments; and that it shall and may be lawful for the said Plaintiff to exercise such Power of charging said Lands in favour of any Person that he may think fit, either as a Security for the Loan of Money or otherwise; and that such Charge so created shall bear Interest from the Day of the Registration of the Deed creating same, at a Rate not exceeding Five Pounds *per Centum per Annum*, and shall be capable of being assigned and transferred.

Liability of such Lands, &c. limited.

X. Provided always, and be it enacted, That it shall not be lawful for any Person entitled to the said Charge to proceed to raise the Amount of the same by Sale of any of the Lands, Tenements, and Hereditaments upon which same shall be so charged, during the Continuance of the Life Estate of the Person so creating said Charge, nor shall it be lawful for such Person, at the Determination of the said Life Estate, to charge more than One Year's Arrear of Interest accruing during the said Life Estate, upon the Inheritance or Remainder in the said Lands; and that it shall be lawful for the Person entitled to such Charge, whenever One Year's Interest shall be in arrear, to apply by Petition, verified by Affidavit, to a Court of Equity in *Ireland*, stating the Facts, and it shall and may be lawful for such Court of Equity, on being satisfied that such Charge has been rightly created under this Act, and that One Year's Interest is due thereon, to appoint a Receiver over all or a competent Part of the Lands, Tenements, and Hereditaments included in such Charge, for the Purpose of paying such Interest, or if a Receiver be already appointed over such Lands, then to extend the said Receiver to the Matter of such Petition.

Plaintiff may charge his Costs, &c. if nonsuited, provided the Judge certifies that they ought to be charged.

XI. And be it enacted, That in case a Verdict shall be had against any Plaintiff, Tenant for Life as aforesaid, in any such Suit or Action, or the Plaintiff be nonsuited, or Judgment shall be given against such Plaintiff, or such Action shall be discontinued, dismissed, or abated before any Trial thereof, it shall and may be lawful for such Plaintiff to charge all such reasonable Costs and Expences which he shall incur in such Actions, including the Costs of any Appeal or Writ of Error from any Judgment therein, together with all Costs to which the Plaintiff may become liable, upon such Lands, Tenements, and Hereditaments, (except the said Advowson,) as he would have been entitled under the Provisions herein-before contained to charge his Costs if he had been successful in said Suit; provided that the Judge before whom such Action shall be tried, in case of a Verdict or Nonsuit in a Trial at Nisi Prius before a single Judge, and in all other Cases the Chief Justice of the Court of Common Pleas in *Ireland*, shall certify by Writing under his Hand that the said Plaintiff had probable Cause for instituting such Proceedings, and that such Costs ought properly to be charged upon the Lands, Tenements, and Hereditaments by this Act made chargeable therewith; and upon the obtaining of such Certificate the like Reference shall be made to the Master of the Court of Common Pleas to ascertain the Amount of such Costs, and the like Proceedings in all respects had, as herein-before provided in the Case in which the Plaintiff shall succeed, and with the same Force and Effect in all respects as is herein-before provided with regard to the same: Provided always, that the Certificate of the Judge or Lord Chief Justice, as the Case may be, shall be deposited, in such Case, together with the Master's Certificate of the Amount of such Costs, in the Office for registering Deeds in *Ireland*.

Construction of Act.

XII. And be it enacted, That the Word "Plaintiff" in this Act shall be deemed and construed to include the Case in which more than One Person is Plaintiff; and that, except where the Provisions or Context of this Act exclude such Construction, every Word importing the Singular Number only shall extend and be applied to mean several Persons and Things as well as one Person and Thing; and that every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

To what Suits Provisions of this Act shall extend.

XIII. And be it enacted, That all the Provisions of this Act shall extend and be applied to all such Cases in which Proceedings have been taken or Suits commenced for the Recovery of the Advowsons of or Right of Presentation to any Ecclesiastical Benefice in *Ireland* in the Names of any Person or Persons, as Trustees, where the immediate Cestuique Trust would be only Tenant for Life of such Advowson; and that for the Purposes of this Act all such Proceedings shall be deemed to have been taken and such Actions instituted in the Name of the said Tenant for Life, who shall have the same Power of charging the Costs and Expences incurred by him or by such Trustees, upon any Lands, Tenements, and Hereditaments of which he is Tenant for Life, as if the said Proceedings had been brought in the Name of such Tenant for Life, and not in the Name of said Trustees.

CAP. LII.

An Act for the Relief of Persons of the Jewish Religion elected to Municipal Offices.

[31st *July* 1845.]

'WHEREAS the Declaration prescribed by an Act of the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments*, upon Admission into Office in Municipal Corporations, cannot conscientiously be made and subscribed by Persons of the Jewish Religion:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, instead of the Declaration required to be made and subscribed by the said recited Act, every Person of the Jewish Religion be permitted to make and subscribe the following Declaration within One Calendar Month next before or upon his Admission into the Office of Mayor, Alderman, Recorder, Bailiff, Common Councilman, Councillor, Chamberlain, Treasurer, Town Clerk, or any other Municipal Office in any City, Town Corporate, Borough, or Cinque Port, within *England* and *Wales* or the Town of *Berwick-upon-Tweed*. 9 G. 4. c. 17. Persons professing the Jewish Religion, on accepting the Office of Mayor, &c., to make a Declaration.

'I *A.B.*, being a Person professing the Jewish Religion, having conscientious Scruples against subscribing the Declaration contained in an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments*, do solemnly, sincerely, and truly declare, That I will not exercise any Power or Authority or Influence which I may possess by virtue of the Office of to injure or weaken the Protestant Church as it is by Law established in *England*, nor to disturb the said Church, or the Bishops and Clergy of the said Church, in the Possession of any Right or Privileges to which such Church or the said Bishops and Clergy may be by Law entitled.' Declaration.

II. And be it enacted, That such Declaration shall, with respect to any such Office, be of the same Force and Effect as if the Person making it had made and subscribed the Declaration aforesaid contained in the said Act of the Ninth Year of the Reign of King *George* the Fourth. Declaration to be as valid as that of 9 G. 4. c. 17.

CAP. LIII.

An Act to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, certain Turnpike Acts. [31st *July* 1845.]

'WHEREAS it is expedient that the several Acts herein-after specified should be continued for a limited Time:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain*, which will expire on or before the End of the next Session of Parliament, shall be continued until the First Day of *October* in the Year One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament; except such Acts for making, repairing, or regulating any Turnpike Road or Roads as shall be sooner repealed under the Provisions of an Act passed in the last Session of Parliament, intituled *An Act to consolidate and amend the Laws relating to Turnpike Trusts in* South Wales. Continuance of Acts. 7 & 8 Vict. c. 91. s. 34.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Alteration of Act.

CAP. LIV.

An Act to amend the Laws in force in *Ireland* for Unions and Divisions of Parishes; for the Settlement of the Patronage thereof, and the Celebration of Marriages in the same.

[31st *July* 1845.]

'WHEREAS by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws in force in* Ireland *for Unions and Divisions of Parishes, and for uniting or disappropriating appropriate Parishes or Parts of Parishes; and to make further Provision with respect to the erecting Chapels of Ease, and making Perpetual Cures*, it is amongst other things enacted, "that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, with the Assent of the major Part of His Majesty's Privy Council in *Ireland* in Council assembled, Six at least assenting, and with the Advice and Approbation of the Archbishop of the Province and the Bishop of the Diocese, certified under their Hands and Archiepiscopal and Episcopal Seals, with the Consent of the respective Patrons, certified under their Hands and Seals, attested by Two or more credible Witnesses subscribing thereunto, to divide old Parishes, or to separate any Parish or Part of a Parish heretofore united, in whatever Manner such Union may have been effected, and to unite Parishes one to another, or any Part of a Parish to another Parish or Part of a Parish, in perpetuity, and to erect such divided or united Parishes or Parts of Parishes into new Parishes, with all parochial Rights:" And whereas it is expedient that the said Provision should be extended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual 7 & 8 G. 4. c. 43.

The Lord Lieutenant and Privy Council in Ireland, with the Consent of the Archbishop, Bishop, and Patrons, may unite Parts of One or more Parishes to any other Parish or Parishes.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors, with Assent of the major Part of the Privy Council as aforesaid, in like Manner, and with such Advice, Approbation, and Consent respectively as aforesaid, certified or attested as aforesaid, to unite Parts of One or more Parishes to any other Parish or Parishes or Part or Parts of a Parish or Parishes, and to erect such united Parishes or Part or Parts of a Parish or Parishes, or such Unions, into new Parishes, with all parochial Rights; and all such Unions made under this Act shall be subject to the several Provisions of the said recited Act in respect to Unions made under that Act, save and except so far as the same would be repugnant to this Act: Provided always, that nothing in this Provision contained shall be construed to prejudice the Powers in the said recited Act contained as to Unions or Divisions of Parishes.

When new Unions are created, the Lord Lieutenant and Council, with the Assent of the Archbishop, Bishop, and Patrons, may make a Settlement of the Patronage.

II. 'And whereas by the said recited Act it is amongst other things also enacted, "that when Two 'or more Churches or Parishes shall be united into One, in pursuance of the said Act, the same 'having formerly had distinct Patrons, in such Cases the Lord Lieutenant or other Chief Governor or 'Governors of *Ireland* for the Time being, and Privy Council, with the Advice and Approbation of the 'respective Archbishop and Bishop in whose Province and Diocese the said Churches were situate, shall 'divide the Patronage by Turns among the Patrons, giving to each of them a Right to present oftener 'and seldomer, according to the true yearly Value of the respective Parish or Parishes whereof they 'are Patrons, the Consent of each Patron being first had, and entered in the Instrument for erecting the 'said Union; and such Settlement or Settlements as aforesaid shall be final and binding to all Patrons, 'whether Ecclesiastical or Lay Patrons, and to all Parties for ever; reserving always unto every Arch-'bishop and Bishop, Registrars and Schoolmasters, their respective Dues payable out of every such 'Parish so united: Provided always, that where the Queen's Majesty, Her Heirs and Successors, is or 'shall be entitled to the Presentation of any of the said Parish Churches so to be united, he and they 'shall, from and immediately after such Union, upon the then first Vacancy, have the first Presentation 'of an Incumbent unto such united Church, and afterwards, upon the then next Vacancy, the other 'respective Patrons severally, as the Lord Lieutenant or other Chief Governor or Governors and Council 'aforesaid, with the Advice and Approbation aforesaid, shall direct and appoint, regard being had to the 'respective Values of the several Parishes so to be united as aforesaid, and so in course respectively in 'manner aforesaid:" And whereas it is expedient that further Provision should be made for the 'Settlement of the Patronage of Ecclesiastical Unions;' be it therefore enacted, That where, in pursuance of the said recited Act or this Act, Two or more Churches or Parishes shall be united into One, or where any Parish or Part of a Parish or Parts of Parishes shall be united to any other Parish or Parishes or Part of a Parish or Parts of Parishes, in every such Case it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, with the Assent of Her Majesty's Privy Council in *Ireland* as aforesaid, if he and they shall so think fit, and with the Advice and Approbation of the Archbishop and the Bishop in whose Province and Diocese the said Churches, Parishes, Part or Parts of a Parish or Parishes, are situate, certified under their Hands and Archiepiscopal and Episcopal Seals, and with the Consent of each Patron or Person, or Body Politic, Corporate, or Collegiate, whose Ecclesiastical Patronage shall be in anywise affected by the Creation of such Union, (every such Consent to be first had, and entered in the Instrument for erecting the said Union,) to make and establish such a Settlement or Distribution of the Patronage of such Union, and of the Patronage of all Unions and Parishes from which any Parish or Parishes or any Part of a Parish or any Parts of Parishes have been severed in order to create such Union, as in the Opinion of such Lord Lieutenent or other Chief Governor or Governors and Privy Council as aforesaid the Justice of the Case shall require; and every such Settlement or Distribution shall be final and binding to and upon all Patrons, whether Ecclesiastical or Lay Patrons, and to and upon all Parties for ever; reserving always unto every Archbishop and Bishop, Registrar and Schoolmaster, their respective Dues payable out of every such Parish or Part of a Parish so united: Provided always, that in every Case where the Consent of the Queen's Majesty, Her Heirs or Successors, is to be given to any such Settlement or Distribution of Patronage, or to making any Union, under this Act, the Consent in that Behalf of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, under his or their Hand and Seal or Hands and Seals, shall to all Intents and Purposes be as good and valid in Law as if the Consent of Her Majesty, Her Heirs or Successors, had been thereunto signified by Letters Patent under the Great Seal of *Ireland*.

The Consent of the Crown as Patron may be given by the Lord Lieutenant.

In Cases of Divisions of Parishes, &c., Power to apportion Charges for Improvements on Glebes, &c.

III. And be it enacted, That in case the Lord Lieutenant or other Chief Governor or Governors of *Ireland* and Privy Council shall by virtue of the Powers in that Behalf in them vested under any Act now in force or under this Act divide old Parishes, or separate any Parish or Part or Parts of a Parish or Parishes heretofore united, and in case the Incumbent of any Union or Parish or Part of a Parish divided or separated shall by virtue of any Law or Statute be entitled to receive from the next Successor of such Incumbent in such Union, Parish or Parishes, or Part thereof, any Sum or Sums of Money on account of any Purchase of or Addition to Glebes, or of any Buildings or Improvements, or of Money paid by such Person to his immediate Predecessor on such Accounts respectively, then and in every such Case it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors and Privy Council to order and direct that such Sum or Sums of Money shall be charged and chargeable, in such Shares and Proportions as they shall think just and reasonable, upon the several Parishes or Part or Parts of Parishes respectively theretofore united; and such Shares and Proportions shall be paid and payable by the several Incumbents of such Parishes respectively, or Part or Parts of Parishes respectively,

to

to such Person and at such Times and in such Manner as the whole of such Sum or Sums of Money would have been payable by virtue of any Law or Statute in force in *Ireland* in case such Division or Separation had not taken place: Provided always, that it shall and may be lawful for every such Incumbent or other Person, or his Representatives, having paid any such Share or Proportion in manner aforesaid, to receive and recover from his next and immediate Successor such Part of such Share and Proportion, at such Time, and by such Ways and Means, as if such Share or Proportion had been paid by him to his next and immediate Predecessor by virtue of any Law or Statute in force in *Ireland*, unless there shall be any Provision to the contrary thereof contained in such Order of such Lord Lieutenant or other Chief Governor or Governors and Privy Council as aforesaid, in which last-mentioned Case such Part of such Share or Proportion shall not be recoverable from such Successor.

The Division of the Union of Burnchurch shall, if so ordered by the Lord Lieutenant and Council, take effect forthwith.

IV. 'And whereas it is expedient, and hath been agreed between and by the Archbishop of *Dublin* 'and the Bishop of *Leighlin, Ferns,* and *Ossory,* and the present Incumbent of the Ecclesiastical Union 'of *Burnchurch,* herein-after mentioned, situate in the Diocese of *Ossory* and County of *Kilkenny,* (in 'case the Consent and Approbation of the said Lord Lieutenant or other Chief Governor or Governors 'and Privy Council should be given thereto,) that the said Union should be divided, and that such 'Division should be made to take effect forthwith;' be it therefore enacted, That every Order or Instrument to be made or executed in pursuance or by virtue of the said Act of the Seventh and Eighth Years of King *George* the Fourth and of this Act, or of any of them, for or in respect of the Division of the said Ecclesiastical Union of *Burnchurch,* or in relation to making any new Union, to be composed wholly or in part of any Part or Parts of such present Union of *Burnchurch,* or in relation to the Ecclesiastical Patronage affected or to be affected by such Division or any such new Union as last aforesaid, shall come into operation and take effect from and immediately after the making or Execution of such Order or Instrument, or at such Time or Times as may be appointed in such Order or Instrument, as fully and effectually, to all Intents and Purposes, as the same would under the said recited Act or this Act come into operation or take effect upon the Decease of the then Incumbent or Incumbents of all and every or any Parish, Parishes, or Part or Parts of a Parish or Parishes affected thereby.

Providing for Celebration of Marriages, until a Parish Church is erected in any disunited or newly erected Parish.

V. 'And whereas, under the Provisions of the said recited Act, and other Acts for the Dissolution of 'Unions of Parishes in *Ireland,* certain Parishes have been disunited, and constitute distinct Benefices, 'in each of which Benefices so disunited a Parish Church has not as yet been built: And whereas, under 'the Provisions of this present Act, Parishes may be disunited, and new Parishes may be erected in 'which Churches have not as yet been built;' be it therefore enacted, That, until a Parish Church be built in any such disunited or newly erected Parish, Marriages of Parties dwelling therein may be celebrated, according to the Rites of the United Church of *England* and *Ireland,* in the Parish Church of any adjoining Parish.

Alteration of Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LV.

An Act to continue for Two Years, and to the End of the then next Session of Parliament, and to amend, an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in* Ireland. [31st *July* 1845.]

50 G. 3. c. 102.

'WHEREAS an Act was passed in the Fiftieth Year of the Reign of His Majesty King *George* 'the Third, intituled *An Act for the more effectually preventing the administering and taking of* 'unlawful Oaths *in* Ireland; *and for the Protection of Magistrates and Witnesses in Criminal Cases:* 'And whereas the said Act was amended by an Act passed in the Fourth Year of the Reign of His 'Majesty King *George* the Fourth, intituled *An Act to amend and render more effectual the Provisions* 'of an Act made in the Fiftieth Year of His late Majesty's Reign, for preventing the administering and 'taking unlawful Oaths *in* Ireland: And whereas the Provisions of the said last-recited Act were 'extended and rendered more effectual by an Act passed in the Session of Parliament holden in the 'Second and Third Years of the Reign of Her present Majesty, intituled *An Act to extend and render* 'more effectual for Five Years an Act passed in the Fourth Year of the Reign of His late Majesty King 'George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for* 'preventing the administering and taking unlawful Oaths *in* Ireland: And whereas by an Act of the 'last Session of Parliament the said last-recited Act was continued for the further Period of One Year 'from the First Day of *September* in the Year One thousand eight hundred and forty-four, and will 'expire on the First Day of *September* in this present Year; and it is expedient that the same should be 'further continued and amended as herein-after provided:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said last-recited Act of the Second and Third Years of the Reign of Her present Majesty, subject to the Amendment herein-after contained, shall be and continue in full Force and Effect for the further Period of Two Years from the said First Day of *September* in this present Year, and until the End of the then next Session of Parliament.

4 G. 4. c. 87.

2 & 3 Vict. c. 74.

7 & 8 Vict. c. 78.

2 & 3 Vict. c. 74. continued for Two Years, as hereby amended.

So much of last-recited Act as enacts that Persons having in possession Copies of Passwords, &c. shall be deemed guilty of unlawful Combination, &c. repealed.

II. And be it enacted, That from and after the passing of this Act so much of the said last-recited Act of the Second and Third Years of the Reign of Her present Majesty as enacts, that any Person who after the Day therein mentioned shall knowingly have in his Possession any Copy, written or printed, of any such Password or Passwords as therein mentioned, or other secret Mode of Communication, or of any Oath, Engagement, Test, or Declaration made use of or purporting to be made use of by any such Society as in the said last-recited Act mentioned, or by any Division of any Society declared to be unlawful by the said Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, and shall not be able satisfactorily to account for the same, shall be deemed guilty of an unlawful Combination and Confederacy, and shall be liable to such and the like Penalties, Proceedings, and Punishment as by the said Act of the Second and Third Years of the Reign of Her present Majesty is provided, shall be and the same is hereby repealed, save and except as to any Matter or Thing heretofore done under the Authority of the same.

Alteration of Act.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LVI.

An Act to alter and amend an Act passed in the Third and Fourth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to enable the Owners of Settled Estates to defray the Expences of draining the same by way of Mortgage.* [31st *July* 1845.]

3 & 4 Vict. c. 55.

'WHEREAS by an Act passed in the Third and Fourth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to enable the Owners of Settled Estates to defray the Expences of draining the same by way of Mortgage*, after reciting that whereas much of the Land in *England* and *Ireland* would be rendered permanently more productive by improved Draining, and nevertheless, by reason of the great Expence thereof, Proprietors having a limited Interest in such Land were often unable to execute such draining, and that it was expedient, as well for the more abundant Production of Food as for the increased Employment of Farming Labourers, and the extended Investment of Capital in the permanent Improvement of the Soil, that such Proprietors should be relieved from such Disability, due Regard being had to the Interests of those entitled in remainder, it was amongst other things enacted, that it should be lawful for any Tenant for Life, or for Term of Years, as therein mentioned, entitled to any Lands in *England* or *Ireland*, or such Guardian or Guardians as therein mentioned, to apply by Petition to Her Majesty's Court of Chancery or Exchequer in *England* or *Ireland* for Leave to make permanent Improvement in the Lands to which he or she should be so entitled, by draining; and by the said Act Provision is made for the charging the Cost of such Draining on the Lands so drained, and otherwise as in the said Act is mentioned: And whereas the Advantages contemplated by the said recited Act are diminished by reason of the Costs attending the making such Application and such Charge as by the said Act is provided; and it is therefore, and for other Reasons, expedient that the Provisions of the said Act should be repealed, and should be re-enacted, with such Modifications, Extensions, and Alterations as are after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, subject to any Proceedings under the said recited Act which at the Time of the passing of this Act shall be pending, the said recited Act shall be and is hereby repealed.

Recited Act repealed.

Pending Proceedings may be completed.

II. And be it enacted, That from and after the passing of this Act any Proceedings now pending may be completed under the Provisions of this Act, as if the same had commenced after this Act had passed.

Tenants by Curtesy, Trustees, &c. may petition for Leave to make permanent Improvements in Lands in their Possession.

III. And be it enacted, That any Person entitled in possession to any Land as Tenant by the Curtesy, or for his own Life, or any other Life or Lives, or for Years determinable on any Life or Lives, or any Infant entitled as aforesaid by his Guardian or next Friend, or any Idiot or Lunatic entitled as aforesaid by the Committee of his Estate, or any married Woman entitled as aforesaid for her separate Use by her next Friend, or the Husband of any married Woman entitled as aforesaid in her Right, or any Feoffees or Trustees for any charitable (or other) Purposes, or any Ecclesiastical or other Corporation Aggregate or Sole, or any Mortgagee or Incumbrancer in Fee in possession of the Land mortgaged or incumbered, or any Person entitled in Fee to any Equity of Redemption, and in possession of the Land mortgaged, shall be at liberty to apply to the High Court of Chancery, by Petition to the Lord Chancellor or the Master of the Rolls, for Leave to make any permanent Improvements in the Land to which such Person or Corporation shall be so entitled, or any Part thereof, by draining the same with Tiles, Stones, or other durable Materials, or by warping, Irrigation, or Embankment in a permanent Manner, or by erecting thereon any Buildings of a permanent Kind incidental or consequential to such draining, warping, Irrigation, or embanking, and immediately connected therewith, and shall in such Petition be at liberty to pray that the Expence of making any such permanent Improvement may be made a Charge on the Inheritance of the Land under the Provisions of this Act.

Such Petition to be referred to the Master, who shall report thereupon.

IV. And be it enacted, That upon the Presentation of any such Petition as aforesaid it shall be lawful for the Court, without requiring the Attendance of any Counsel or Solicitor, to refer it to One of the Masters of the said Court to make all necessary and proper Inquiries, and consider all such Estimates and Valuations as shall be produced before him in relation to the Matter of such Petition, and thereupon to report whether in his Opinion it will be beneficial to all Persons interested in the Land that such permanent Improvements should be made under the Provisions of this Act.

V. And

Master's Report to be filed, and on Confirmation thereof by the Court Improvements may be made.

V. And be it enacted, That such Report shall be filed in the Report Office of the said Court, and if no special Application to review the same shall be made within Fourteen Days after the filing thereof, it shall be lawful for the said Court, upon the Petition of the Party obtaining the same, and without the Attendance of any Counsel or Solicitor, to confirm the said Report absolutely, and thereupon to authorize or permit such permanent Improvements to be made; and the Master may thereupon certify that any Person advancing Money for the Purpose of making such permanent Improvements of the Land under the Provisions of this Act will, upon its appearing to the said Master that such Sum of Money has been fully expended in making such Improvements, or in paying the Expence of obtaining the Authority of the said Court, become and be entitled to a Charge on the Land for the Repayment of the Money advanced, with Interest; provided that upon Application to the Court to confirm the Master's Report it shall be lawful for the Court, if in its Opinion the Case shall appear to require the same, to refer it back to the Master to review his Report, or to receive fresh Evidence in support of the Master's Finding, or otherwise for the Purpose of ascertaining in a more satisfactory Manner whether it is proper to make the Improvements proposed under the Provisions of this Act.

Certificate to be issued by the Master.

After Endorsement of Master's Certificate Inheritance to become charged with Expences incurred.

VI. And be it enacted, That the Master, having granted such Certificate as aforesaid, is to be at liberty to inquire and state what Expences have been incurred in and about the Application to the Court, and making the necessary Surveys, Valuations, and Estimates, and also to inquire and state what Sums of Money have been actually expended in such Improvements; and the Master, being satisfied as to the Amount of such Expences, may endorse upon the said Certificate that it hath been made to appear to him that the whole, or such Part of the Monies so advanced as aforesaid as upon the Evidence shall appear to have been so advanced, hath been fully expended in manner aforesaid, and upon such Endorsement being made the Inheritance of the said Lands shall thereupon become and be charged with the Payment of the said Sum, with Interest as from the Time when the same was advanced; and such Charge shall have Priority over other Charges, except Tithe Commutation Rent-charges, and any Quit or Chief Rents incident to Tenure; and a Memorial of every such Certificate, charging Hereditaments in the Counties of *Middlesex* and *Yorkshire* in *England*, or any Hereditaments in *Ireland*, may in all respects be registered as Deeds are now registered in *Middlesex*, *Yorkshire*, and *Dublin* respectively, and without Payment of any Fee.

Registry of Memorial of Certificate.

Certificate to be filed, and Duplicate to be Evidence.

VII. And be it enacted, That such Certificate as aforesaid shall be filed in the Report Office, and a Duplicate thereof, signed by the Master, shall be delivered to the Person advancing the Money, and shall be legal Evidence of his Title to the Money; and the Security shall take effect as from the granting of the Certificate.

Money advanced to bear Interest.

VIII. And be it enacted, That the Money so to be advanced, or so much thereof as shall from Time to Time remain unpaid, shall bear Interest at such Rate as shall be agreed upon, not exceeding the Rate of Five *per Centum per Annum*, from the Time when the same shall be advanced, and such Interest shall be payable half-yearly.

Principal to be repaid by equal annual Instalments.

IX. And be it enacted, That the Principal Money so to be advanced shall be repaid by equal annual Instalments; and such annual Instalments shall, in the Case of Improvements by Drainage, warping, Irrigation, or Embankment, be not less than Twelve nor more than Eighteen in Number, and shall, in the Case of Improvements by the Erection of Buildings, be not less than Fifteen nor more than Twenty-five in Number.

Person in possession of Lands charged bound to pay Interest, &c. during Continuance of his Title.

X. And be it enacted, That any Person on whose Petition such Charge shall be made, and every succeeding Tenant for Life or other Person having only a limited Interest in the Lands charged, shall be bound to pay the Interest and Instalments which become from Time to Time due and payable during the Continuance of his Title to the Land, and on the Termination of such Title by Death or otherwise the Inheritance shall remain chargeable with no more than Six Months Arrears of Interest then due, and One Half of the last Instalment then due, and the Interest and Instalments thereafter to become due.

Works, &c. to be kept in repair by Tenant for Life, &c.

XI. And be it enacted, That every Tenant for Life or other Person having a limited Interest shall be bound to keep in repair any Buildings erected or built, or Embankments or Works for Irrigation constructed or made, under the Provisions of this Act, and as if he were Tenant for Life subject to Impeachment for Waste.

Lord Chancellor, &c. to make Orders for facilitating Proceedings.

XII. And be it enacted, That for the simplifying the Proceedings under this Act, and the rendering the same inexpensive, it shall be lawful for the Lord High Chancellors of *Great Britain* and of *Ireland* respectively, or the Lords Commissioners or Keepers of the Great Seal respectively, with the Assistance of the Master of the Rolls of *England* and *Ireland* respectively, from Time to Time to make such Orders and Provisions as they may think proper for the facilitating the Mode of Application to the Court, and of the Proceedings before the Master or otherwise.

Assent of Occupier requisite for Improvement of Lands held by him.

XIII. Provided always, and be it enacted, That where any Portion of Land proposed to be drained or otherwise improved or built on as aforesaid shall be in the actual Occupation of any Person, the Consent in Writing of such Person shall be necessary in order to give Validity to the Application of the Proprietor in respect of the Land, any thing herein-before contained to the contrary notwithstanding.

Appointment of Surveyors and other Officers.

XIV. And be it enacted, That it shall be lawful for the Master either to require the Evidence of a Surveyor to be from Time to Time appointed by him to make such Reports as to the Matters to be referred to him, or, if he shall think fit, to take the Evidence of the Surveyor appointed by any Party applying to the Court; and that it shall be lawful for the Lord High Chancellors of *Great Britain* and of *Ireland* respectively, and the Lords Commissioners or Lords Keepers respectively, from Time to Time to appoint any Persons respectively as the Persons to report to or give Evidence before the

Chief Baron of Exchequer in Dublin to have the Powers hereby given to Lord Chancellor of Ireland.

Master to whom the Matter shall be referred: Provided always, that it shall be lawful for any Persons hereby authorized to apply to the Court of Chancery in *Ireland* to apply to the Court of Exchequer in *Dublin* instead of the Lord Chancellor, and the Lord Chief Baron of such Court shall in all respects have the same Powers as are hereby given to and vested in the Lord High Chancellor of *Ireland* or the Lord Commissioner or Keeper of the Great Seal of *Ireland*, and the Matters directed to be done by a Master of the Court of Chancery may in all respects be done and executed by the Chief Remembrancer of the said Court of Exchequer.

Alteration of Act.

XV. And be it enacted, That this Act may be altered, amended, or repealed by any Act to be passed in the present Session of Parliament.

CAP. LVII.

An Act to extend the Indemnity of Members of Art Unions against certain Penalties. [31st *July* 1845.]

7 & 8 Vict. c. 109.

'WHEREAS an Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to indemnify Persons connected with Art Unions, and others, against certain Penalties:* And whereas the Indemnity secured to Members of Art Unions against the Suits, Prosecutions, Liabilities, Pains, and Penalties therein mentioned refers only to things done by them before the Thirty-first Day of *July* in this Year; and it is expedient to extend the same:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Persons, being Members of any such Art Union as is specified in the said Act, shall be discharged and freed from all Suits and Prosecutions, Liabilities, Pains, and Penalties, to which by Law they might be liable, as being concerned in Lotteries, Little-goes, or unlawful Games, for any thing which may be done by them or any of them, as Members of such Art Union, before the First Day of *August* in the Year One thousand eight hundred and forty-six, touching the Purchase of any Picture or other Work of Art, or the Sale or Distribution thereof, by Chance or Lot.

Indemnity of Members of Art Unions continued.

Alteration of Act.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LVIII.

An Act to suspend until the First Day of *October* One thousand eight hundred and forty-six the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. [31st *July* 1845.]

CAP. LIX.

An Act to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads. [31st *July* 1845.]

[4 & 5 *Vict. c.* 59. *continued as in Title.*]

CAP. LX.

An Act to continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, the Act to amend the Laws relating to Loan Societies. [31st *July* 1845.]

[3 & 4 *Vict. c.* 110. *continued as in Title.*]

CAP. LXI.

An Act to make certain further Provisions for the Consolidation of Turnpike Trusts in *South Wales.* [31st *July* 1845.]

7 & 8 Vict. c. 91.

'WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to consolidate and amend the Laws relating to Turnpike Trusts in* South Wales: And whereas in pursuance of the said Act certain Commissioners have been appointed to execute the Powers and Authorities thereby conferred, and to carry the same into execution; but the Powers of the said Commissioners will cease and determine by virtue of the said Act on the Twenty-ninth Day of *September* next: And whereas it is necessary that Provision should be made for carrying certain Parts of the said Act into effect after such Commission shall have expired, and also that some further Enactments should be made for more fully accomplishing the Objects of the said Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Pieces of Road in the Schedule marked (A.) to this Act annexed shall become and shall respectively be managed and maintained as Part of the County Roads of the Counties in which they are respectively situate.

Certain Roads to become County Roads.

II. 'And

Provision for Roads partly situated in different Counties.

II. 'And whereas the several Pieces of Road mentioned in Schedule (B.) to this Act annexed have 'heretofore been repaired and maintained as Parts of certain Turnpike Trusts which extend respectively 'into Two or more Counties: And whereas it is expedient that such Pieces of Road should continue 'to be repaired and maintained under one uniform Management, as heretofore;' be it therefore enacted, That the several Pieces of Road mentioned in the Schedule marked (B.) to this Act annexed shall be and shall respectively be managed and maintained, and for the Purposes of this Act and the above-recited Act be considered, as Part of the County Roads of the several Counties therein specified respectively.

Power to make new Branch Road in Brecknockshire authorized by 1 G. 4. & 1 W. 4. c. xxviii. to be made by certain Trustees therein named.

III. 'And whereas by an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, 'intituled *An Act for more effectually repairing and improving several Roads in the Counties of* 'Brecon, Radnor, *and* Glamorgan, *and for making and maintaining several new Branches of Road to* '*communicate therewith*, the Trustees for carrying the said Act into execution were empowered, 'amongst other things, to make and construct a certain Line or Branch of Road commencing at or 'near *Tavern-y-Prydd* on the Turnpike Road leading from *Builth* to *Llandovery*, and thence crossing 'the Rivers *Dulas* and *Irvon*, to *Pontrhydverre*, and from thence to the Turnpike Road leading from 'the Confines of the County of *Caermarthen* to *Llandovery*, and which said new Line of Road would 'extend through the several Parishes of *New Church*, *Llangammarch*, and *Llanwrtid*, subject to the 'Provisions and Regulations of the said Act: And whereas the said Line of Road has not yet been 'made, but the same, if now constructed, would afford a complete Communication between *Builth* and '*Llandovery*, and would be otherwise beneficial to the said County of *Brecknock*;' be it therefore enacted, That, subject to the Provisions and Restrictions contained in the said first-recited Act, all the Powers conferred upon the said last-mentioned Trustees by the said last-recited Act, so far as relates to the Construction of the said last-mentioned Line of Road, shall be and the same are hereby vested in the County Roads Board of the said County of *Brecknock*, provided that such last-mentioned Powers be exercised and the said Line of Road be constructed and made within Five Years from the passing of this Act; and such Road, when completed, shall be managed and maintained as Part of the County Roads of the County of *Brecon*.

Awards and Charges made by Commissioners under former Act confirmed.

IV. 'And whereas the afore-mentioned Commissioners have made certain Apportionments by the 'said recited Act directed to be made, and have also made various Awards and Reports to Her 'Majesty's Secretary of State for the Home Department, and the Monies by the said Awards directed 'to be paid have been paid or are in the Course of Payment; and to avoid any Doubts as to whether 'in all respects the Forms and Directions by the said Act prescribed have been complied with, or as to 'whether the Mode or Terms of making the said Apportionments, Awards, and Reports, or the Matters 'contained therein, or the Manner of the Execution thereof, are in exact conformity with the Provisions 'of the said Act, and to give full Force and Validity to the Charges made or to be made in pursuance 'of the said Act,' be it enacted, That all Charges made or to be made by the said Commissioners, or by One of Her Majesty's Principal Secretaries of State, as the Case may be, and purporting to be made in pursuance of the said recited Act, or of the said Act and this Act, shall after the making thereof be good and effectual in all respects whatsoever, and according to the true Intent and Meaning thereof, and notwithstanding that in certain Cases the said Commissioners may not in all respects have complied or may not hereafter comply with the precise Forms and Directions in the said Act contained, or may not have apportioned, or may not hereafter apportion, on different Counties, Parts of the Debts of any Turnpike Trust, in any Case in which the said Commissioners have given or shall hereafter give in any Report to such Secretary of State their Reasons for not having made or for not making such Apportionment, and such Reports have been or shall be approved by such Secretary of State.

Provision for facilitating Payments by Exchequer Loan Commissioners.

Former Payments confirmed.

V. And be it enacted, That the Public Works Loan Commissioners may pay any Monies by the said Awards or by any future Awards directed to be paid to any Parties who it shall be made to appear to their Satisfaction are the Persons or Bodies beneficially entitled thereto, and notwithstanding any Error or Omission in the aforesaid Awards or Reports, or the Awards or Reports hereafter to be made, as to the Parties or the Names or Descriptions of the Parties entitled thereto; and further, that all Payments already made, and which the said last-mentioned Commissioners would have been entitled to make, and which would have been effectual if this Act had passed previously to the making of such Payments, shall be and the same are hereby confirmed.

Interest at Three per Cent. may be charged by Exchequer Loan Commissioners.

VI. And be it enacted, That all Charges so made, or to be made as aforesaid, shall be valid, notwithstanding Interest after the Rate of Three Pounds *per Centum per Annum* has been or may be charged by the said Public Works Loan Commissioners on the Amount of Monies paid or to be paid by them, from the Date of Payment thereof up to the Time of making up the Accounts, as by the said Act is directed, and from which Period the several Annuities charged or to be charged upon the said Counties respectively are to become payable, although the Rate of Interest charged or to be charged upon such Monies is not specified in the aforesaid Act.

Commissioners to appoint Trustees of Monies secured upon charitable and religious Trusts.

VII. 'And whereas the Interest of and in divers Sums of Money charged or secured upon the Tolls 'of certain Turnpike Trusts has been heretofore conveyed to or vested in Trustees, in trust to apply 'the Proceeds thereof to certain charitable and other Purposes of a public Nature: And whereas in 'some Cases the Trustees of Turnpike Roads have heretofore acted as the Trustees of such Sums of 'Money so secured, and in some Cases the Deeds by which such Trusts were constituted have been 'lost, or the Trustees originally appointed have died, and no new Appointment of Trustees has since 'been made, or the Persons in whom the legal Interest in such Monies is now vested have become

'incapacitated,

'incapacitated, or are desirous to be relieved from the Burden of such Trusts; and it is expedient that Provision should be made for the better securing of such Monies to the Uses and Purposes to which the same were intended and of Right ought to be applied;' be it therefore enacted, That, subject to the Provisions of any general Act which may hereafter be passed for the Regulation of Charitable Trusts in *England* and *Wales*, it shall be lawful for the Commissioners acting in execution of the said recited Act, in any Case in which they shall find that Monies have been secured upon the Tolls of any Turnpike Trust in *South Wales* upon any such charitable or public Trust as aforesaid, for the Execution of which Trust no Trustees, or no Persons legally qualified or competent to act as Trustees, or no sufficient Number of such legal and competent Trustees, exist, by Order under their Hands and Seal to appoint or substitute such fit and proper Persons as they shall determine to be the Trustees, either alone or jointly with any former or existing Trustees, for the Purpose of receiving and applying such Monies as aforesaid to the several charitable or public Purposes to which the same were intended to be and have heretofore been applied, such Purposes in each Case to be specified in such Order of the said Commissioners, and also by such Order to relieve and discharge any Persons now being Trustees of any such Trusts as aforesaid, and who shall be desirous to be so relieved and discharged from the same, and to appoint other fit and proper Persons in their Stead; and in every such Case the Order of the said Commissioners so made as aforesaid shall be a good and valid Appointment or Discharge, as the Case may be, of such Trustees, without any other Deed or Instrument whatsoever.

Trustees to invest the Monies awarded to them for the Benefit of the Trust.

VIII. And be it enacted, That such Trustees so appointed as aforesaid, so soon as they shall have received such Monies as shall be awarded to them by the said Commissioners, shall forthwith invest the same in the best and most advantageous Manner for the Uses and Purposes of such Trusts respectively, regard being had as well to the Nature of the Security by which such Principal Monies may be assured as to the Rate of Interest payable on the same.

Secretary of State empowered to extend or vary the Limits of Towns after the Commission has terminated.

IX. 'And whereas by the said first-recited Act it is amongst other things enacted, that no Toll shall 'be taken, and that no Money arising from Tolls on any Turnpike Roads shall be laid out in paving, 'repairing, or cleansing any Street, Road, or Highway within the Limits of any City or Market or 'Borough Town for which there shall not be any local Act, and which said Limits shall be fixed and 'determined, for the Purposes of this Act, with respect to every such City or Market or Borough Town 'respectively, by the said Commissioners, upon the Report and Recommendation of the County Roads 'Board acting in and for the County to which any such City or Market or Borough Town shall belong: 'And whereas the Limits of the several Cities and Market and Borough Towns which are subject to 'the Powers and Provisions of the said Act have been fixed and determined by the said Commissioners 'in the Manner by the said Act prescribed; but it is expedient that Power should be vested in some 'competent Authority to vary or extend such Limits in any particular Case, from Time to Time, as 'Circumstances may require;' be it enacted, That after the Termination of the said Commission it shall be lawful for One of Her Majesty's Principal Secretaries of State, if he shall think fit, by Order under his Hand, upon the Recommendation of the County Roads Board acting in and for the County to which any such City or Market or Borough Town shall belong, from Time to Time to vary or extend the Limits which shall have been fixed and determined for the same respectively by the said Commissioners as aforesaid.

Repeal of Part of 7 & 8 Vict. c. 91. s. 52, respecting Toll for passing or repassing through any Gate within a Mile from Boundary of County.

X. 'And whereas by the said recited Act it is enacted, that from and after the Repeal of the said 'local Acts respectively, when any Toll shall have been once taken in respect of any Horse or other 'Animal not drawing, or of any Horse or other Animal drawing any Carriage or Vehicle, at any Toll 'Gate or Bar within any of the said Counties, no Toll shall be thereafter taken in respect of the same 'Horse or other Animal, or in respect of the same Carriage or other Vehicle, on the same Day (to be com-'puted from Twelve of the Clock of the Night to Twelve of the Clock in the next succeeding Night), 'for repassing through the same Gate or Bar, or for passing or repassing through any other Gate or Bar 'in the same County within the Distance of Seven Miles from the Gate or Bar at which such Toll shall 'have been taken, such Distance being measured along Turnpike Roads only, nor for passing or repassing 'through any Gate or Bar in any other of the said Counties adjoining within the Distance of Two Miles 'from the Gate or Bar at which such Toll shall have been taken, to be measured as aforesaid, along and 'in respect of Turnpike Roads within either of such Counties, nor within One Mile, measured as 'aforesaid, from the Boundary of such Counties;' be it enacted, That so much of the said recited Act as enacts that no such Toll as last mentioned shall be taken for passing or repassing through any Gate or Bar, within One Mile, measured as aforesaid, from the Boundary of such Counties, shall be and the same is hereby repealed.

Waggons on Springs not to be liable to Toll as Caravans.

XI. 'And whereas Doubts have arisen as to the Description of Carriages which may be liable to Toll 'according to the Provisions of the said recited Act under the Denomination of Caravans;' be it enacted, That no Waggon, Wain, Cart, or other such like Carriage shall be liable to Toll as a Caravan by reason of its being constructed on Springs, unless the same shall be customarily employed in the Conveyance of Passengers for Hire.

County Roads Board for Carmarthen may carry out a certain Agreement under 11 G. 4. & 1 W. 4. c. 16.

XII. 'And whereas under and by virtue of an Act passed in the Eleventh Year of the Reign of 'King *George* the Fourth, intituled *An Act for inclosing Lands within the several Parishes* of Kidwelly, 'St. Mary Kidwelly, Saint Ishmael, *and* Pembrey, *in the County of* Carmarthen, a certain Agreement 'was entered into between the Commissioner for carrying out the said Inclosure and the Trustees of 'the *Kidwelly* Trust, for constructing a Line of Turnpike Road along a certain Embankment across the 'Gwendraeth Fawr River in the said County: And whereas such Agreement has been only partially

'carried

'carried into effect: And whereas the Act constituting the said *Kidwelly* Trust has been recently 'repealed under the Powers conferred by the herein-before first-recited Act: And whereas it is 'expedient to vest in the County Roads Board of the said County Power to complete and carry out the 'said Agreement in like Manner as it might have been had the said *Kidwelly* Trust continued to exist;' be it therefore enacted, That the said County Roads Board of the said County may, if they shall think it expedient so to do, complete and carry out the said Agreement with the Commissioner acting under the *Kidwelly* Inclosure Act, in like Manner as the Trustees of the *Kidwelly* Turnpike Trust might have done; and that such Road along the said Embankment, when completed, shall become and be a Part of the County Roads of the said County of *Carmarthen*.

County Roads Boards may dispose of their vested Interest in Toll Houses.

XIII. 'And whereas the carrying into execution the said recited Act will cause several of the Toll 'Houses now or lately vested in the Trustees of the several Turnpike Trusts in *South Wales* to become 'useless for the Purpose of Toll Houses: And whereas the pulling down and disposing of the same, 'according to the Provisions of general Turnpike Acts, would be attended with great Loss to the 'several Counties in which the same are situate, and many of the said Toll Houses may be disposed of 'and left standing without Injury to any Parties;' be it therefore enacted, That the several County Roads Boards in *South Wales* in whom any Freehold or other Interest in such Toll Houses may have become vested may make Sale of or otherwise dispose of such Interest, any thing in the said general Turnpike Acts or in any other Act to the contrary notwithstanding: Provided always, that the said County Roads Boards, before they shall proceed to dispose of any such Toll House shall cause their Interest in the same to be valued by some indifferent Surveyor; and in case their Interest in the same shall be any Interest less than Freehold such Interest shall be first offered at the Price which the said Surveyor shall have put upon the same, to the Person to whom such Freehold shall belong, or if their Interest in the same shall be a Freehold Interest, then to the Owner of the Lands surrounding such Toll House, or to the Lord of the Manor, in case such Toll House shall have been built upon the Waste; and in case any of the said Parties respectively to whom such Right of Pre-emption may belong shall not within One Month after such Offer made consent to purchase the same, or in case such Toll House shall adjoin the Lands of Two or more Owners, or shall not stand upon the Waste of any Manor, then the County Roads Boards may proceed to dispose of the same by Auction, or in such other Manner as they shall deem most expedient.

Interpretation of Act.

XIV. And be it enacted, That the Words used in this Act shall be construed according to the same Rules of Interpretation as are prescribed in the said recited Act.

Alteration of Act.

XV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

1.—A Piece of Road leading out of the present Turnpike Road from Llandowror to Haverfordwest, at or near a Place called Tavernspite in the County of Pembroke, and joining a certain other Turnpike Road leading from Llandowror to Hobbs Point, at or near a Place called the Red Roses, in the County of Carmarthen.

2.—A Piece of Road lying between Carmarthen Bridge and the Toll Gate now called Pensarn Gate.

3.—A Piece of Road lying between the Northern End of the Bridge over the Towey at or near Llangathen and the main Road from Carmarthen to Llandilo Fawr near the Broad Oak.

4.—So much of the Road leading from Carmarthen to Lampeter as lies between the main Turnpike Road from Carmarthen to Llandilo and Glangwilly Bridge.

SCHEDULE (B.)

1.—A Portion of the Turnpike Road between the Towns of Brecon and Hay, of the Length of Half a Mile or thereabouts, and lying within the County of Radnor, as Part of the County Roads of the County of Brecknock.

2.—All those Parts of the Turnpike Road leading from Neath to Merthyr Tydvil towards Abergavenny, as far as Rhydyblew, which lie in the Counties of Brecknock and Monmouth respectively, as Part of the County Roads of the County of Glamorgan.

3.—Two several Portions of Turnpike Road lying in the County of Hereford, and situate respectively between the Termination of the Mortimer's Cross Trust and New Radnor, and also so much of the Turnpike Road between Knighton and Walton as lies in a certain detached Part of the County of Hereford, as Parts of the County of Radnor.

CAP. LXII.

An Act to make further Provisions as to Stock and Dividends unclaimed. [31st *July* 1845.]

'WHEREAS by an Act passed in the Fifty-sixth Year of the Reign of His late Majesty King 'George the Third, intituled *An Act to authorize the transferring Stock upon which Dividends* 56 G. 3. c. 60. '*shall remain unclaimed for the Space of at least Ten Years at the Bank of* England, *and also all* '*Lottery Prizes or Benefits and Balances of Sums issued for paying the Principals of Stocks or* '*Annuities which shall not have been demanded for the same Period, to the Commissioners for the Reduction*

'*of*

'*of the National Debt*, Provision is made for transferring all Capital Stock in respect of which any 'Annuities constituting Part of the National Debt are payable at the Bank of *England*, and upon or in 'respect of which the Dividends shall be due and remain unclaimed for the Space of Ten Years, and the 'Balances of Sums issued for paying the Principals of Stocks or Annuities which shall not have been 'demanded for the same Period, to the Commissioners for the Reduction of the National Debt; and by 'the said Act Provision is made for enabling Parties entitled thereto to procure a Re-transfer of such 'Stock, and Payment of the Dividends due thereon; and it is necessary to make further Provisions in 'relation thereto:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case in which any Dividends or Dividend accrued due on any Stocks, Funds, or Annuities constituting any Part of the National Debt, and transferrable at the Bank of *England*, shall not have been demanded for the Period of Ten Years or upwards preceding the last Day upon which any Dividend shall have become due or payable upon or in respect of the same Stocks, Funds, or Annuities, such Dividends or Dividend, and all other Dividends since accrued in respect of the same Stocks, Funds, or Annuities, shall immediately after the Expiration of such Period of Ten Years be paid to the Account of the Commissioners for the Time being for the Reduction of the National Debt, and shall be by them invested in the Manner directed by the said recited Act with respect to the Dividends upon Stocks, Funds, and Securities transferred to the said Commissioners in the Manner therein mentioned; and it shall be lawful for the Governor or Deputy Governor for the Time being of the Bank of *England*, or for the High Court of Chancery, to direct the Payment of such Dividends to any Persons or Person claiming to be entitled thereto, in the same Manner in all respects as is by the said Act directed with respect to the Stocks, Funds, and Securities transferred to the said Commissioners as therein mentioned.

When any Dividends on Stock have remained unclaimed for Ten Years, the same to be paid to the Commissioners for the Reduction of National Debt.

Payment of such Dividends to Claimants to be directed as in other Cases.

II. And be it enacted, That no Re-transfer of any Capital Stock exceeding the Sum of Twenty Pounds, or of any Terminable Annuities exceeding One Pound *per Annum*, shall be made from the Account of the said Commissioners under the Authority of the said recited Act to any Persons or Person, nor shall Payment be made under the Authority of the said recited Act, or of this Act, of any Dividends or Dividend exceeding Twenty Pounds in the whole, until Three Calendar Months after Application shall have been made for the same, nor until such Notice shall have been given thereof as the said Governor and Company are herein-after authorized to require; and it shall be lawful for the said Governor and Company to require the Person or Persons making such Application to give such public Notice by Advertisements in One or more Newspapers circulating in *London* and elsewhere, as the said Governor and Company shall think fit; and every such Notice shall state the Name, Description, and Addition of the Person in whose Name the unclaimed Stock or Dividends stood when transferred to the said Commissioners, and the Amount thereof, and the Name of the Claimant, and the Time at which such Re-transfer or Payment will be made if no other Claimant shall sooner appear and make out his Claim; and when and so often as any such Stock shall be directed to be transferred, or such Dividends to be paid, by any Order of the High Court of Chancery, such Notice shall also state the Purport or Effect of such Order.

Notice to be given by Advertisement before Re-transfer or Payment of any Stock or Dividends to any Claimant.

III. And be it enacted, That it shall be lawful for any Persons or Person, at any Time before the actual Re-transfer of any such Capital Stock or Annuities, or before Payment of any such Dividends to any such Claimant as aforesaid, to apply to the Court of Chancery by Motion or Petition to rescind, alter, or vary any Order made for such Transfer or Payment.

Application to rescind Order for Transfer, &c.

IV. 'And whereas, under and in pursuance of an Act passed in the Thirty-third Year of the Reign of 'His late Majesty King *George* the Third, intituled *An Act for placing the Stock called* East India '*Annuities under the Management of the Governor and Company of the Bank of* England, *and* '*ingrafting the same on the Three Pounds* per Centum *Reduced Annuities, in redemption of a Debt of* '*Four millions two hundred thousand Pounds owing by the Public to the* East India *Company; and for* '*enabling the said Company to raise a Sum of Money by a further Increase of their Capital Stock, to be* '*applied in discharge of certain Debts of the said Company*, certain Annuities payable out of the public 'Revenue, and theretofore granted to the *East India* Company, and then held partly by the said *East* '*India* Company, and partly by various Persons to whom the last-named Company had assigned the 'same, were converted into Three Pounds *per Centum* Reduced Annuities, transferrable at the Bank of '*England*, and the Dividends then remaining unclaimed in respect of such *East India* Annuities were 'paid over to the said Governor and Company of the Bank of *England*: And whereas the said Governor 'and Company have now in their Hands the Sum of Three thousand six hundred and sixty-three Pounds 'Thirteen Shillings and Eight-pence, Part of such last-mentioned unclaimed Dividends, which have 'continued unclaimed for upwards of Forty Years;' be it enacted, That the said Governor and Company shall forthwith after the passing of this Act pay the said Sum of Three thousand six hundred and sixty-three Pounds Thirteen Shillings and Eight-pence to the Account of the said Commissioners for Reduction of the National Debt; and the same shall thenceforth be and remain subject to the Claims and Demands of the Proprietors of the Stock in respect whereof the said Dividends accrued, in such and the same Manner as if the same had been paid over under the Provisions of the said recited Act of the Fifty-sixth Year of King *George* the Third; and the said Governor and Company shall be indemnified from all Claims and Demands in respect thereof.

The Sum of 3,663*l.* 13*s.* 8*d.* arisen from unclaimed Dividends on East India Annuities to be paid to Commissioners for the Reduction of the National Debt.

V. And be it enacted, That it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury for the Time being, from Time to Time, and at any Time, to authorize and empower the said Governor and Company of the Bank of *England* to inquire into and investigate

Lords of the Treasury may authorize Inquiries into the

investigate the Circumstances of any Stocks, Funds, Annuities, or Dividends remaining unclaimed for the Time being, with a view to ascertain the Owners thereof, and to allow to the said Governor and Company such Compensation as to the said Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, shall seem just, for their Trouble and Expences to be incurred in and about such Inquiries and Investigation, and also from Time to Time to allow to the said Governor and Company a reasonable Compensation for all Costs and Expences to be incurred by them in and about the Notices and Advertisements hereby directed, and other the Services required or authorized by this Act, which Compensation may be deducted rateably from the Stocks and Dividends to be from Time to Time re-transferred or paid, and with reference to which such Trouble, Costs, and Expences shall have been incurred, and such Services performed respectively, or the same may be paid by the said Commissioners for the Reduction of the National Debt out of the Stocks and Dividends to be received by them under and by virtue of the said first-recited Act or this Act, and which shall not be claimed.

Circumstances of unclaimed Stocks and Dividends.

Payment of Expences, &c.

VI. And be it enacted, That the Word "Stocks" in this Act shall extend to any Stocks, Funds, or Annuities which now are or at any Time hereafter shall be transferrable at the Bank of *England*; and that, except where the Sense or Context is repugnant to such Construction, the Plural Number in this Act shall be construed to include the Singular, and the Masculine Gender to include the Feminine.

Interpretation of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Alteration of Act.

CAP. LXIII.

An Act to facilitate the Completion of a Geological Survey of *Great Britain* and *Ireland*, under the Direction of the First Commissioner for the Time being of Her Majesty's Woods and Works. [31st *July* 1845.]

'WHEREAS Sums of Money have been from Time to Time granted and appropriated by Parliament to the making a Geological Survey of *Great Britain* and *Ireland*, in connexion with a Trigonometrical Survey of *Great Britain*, in progress under the Direction of the Master General and Board of Ordnance, and Powers are vested in the said Master General and Board of Ordnance for facilitating the Execution and Completion of Surveys under their Charge: And whereas the Union, under the Board of Ordnance, of Surveys having no direct Connexion with each other has in some Instances been productive of Inconvenience, and it has been deemed expedient to withdraw the Geological Survey of the United Kingdom from the Conduct of the Master General and Board of Ordnance, and to place the same under the Direction and Superintendence of the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, subject nevertheless to the Control of the Lord High Treasurer or Commissioners for the Time being of Her Majesty's Treasury: And whereas it is essential to the Prosecution of such Geological Survey that the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings should have as ample Powers for making and completing the same as the Master General and Board of Ordnance possess for making and completing Surveys in charge of the said last-mentioned Board:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, for the Purpose of making and completing a Geological Survey of the United Kingdom, or any Part thereof, it shall be lawful for any Surveyor or other Person appointed by or acting under the Orders of the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and for any Person assisting or employed by any Surveyor or other Person so appointed or acting under such Orders as aforesaid, and they are hereby respectively authorized and empowered, from Time to Time, after Notice in Writing of the Intention of entering shall have been given to the Owner or Occupier, as the Case may be, to enter into and upon the Land of any Owner or Person whomsoever, for the Purpose of making and carrying on any Geological Survey authorized by the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and to break up the Surface of any Part of such Land for the Purpose of ascertaining the Rocks, Strata, or Minerals within or under the same, and to take and carry away Specimens of the Rocks, Strata, or Minerals found therein, and to fix any Post, Stone, Mark, or Object to be used in the Survey in any such Land (except as herein-after mentioned), and to dig up any Ground for the Purpose of fixing any such Post, Stone, or Mark, and also to enter into or upon any Land through which any such Surveyor or other Person so appointed or acting or employed as aforesaid shall find it necessary to pass for the Purposes of such Survey, at any reasonable Time in the Day, until the Survey shall be completed: Provided always, that it shall not be lawful for any such Surveyor or other Person appointed or acting or employed as aforesaid to fix any Object, Post, Stone, or Mark within any walled Garden, Orchard, or Pleasure Ground, without the Consent of the Owner or Occupier thereof: Provided also, that such Surveyor or other Persons so appointed or employed as aforesaid shall do as little Damage as may be in the Execution of the several Powers to them granted by this Act, and shall make Satisfaction to the Owner or Occupier, as the Case may require, of such Land, or the Owner of any Trees which shall be in any way injured, for all Damages to be sustained in the Execution of any of the Powers of this Act, in case the same shall be demanded; and in case of Dispute between the said Surveyor or other Persons appointed or employed as aforesaid, on the one hand, and the Owner or Occupier, as the Case may be, on the other hand, as to the Amount of Damage sustained, the same shall

Power to enter Lands, break Surface, and affix Marks.

Satisfaction to be made for Damage.

be ascertained and determined by any Two or more Justices of the Peace, in Petty Sessions assembled, of the County in which the Lands or Trees may be situate.

Penalty on obstructing Survey or removing Marks.

II. And be it enacted, That if any Person shall resist or wilfully obstruct or hinder any Surveyor or other Person employed or assisting in the Execution of any Survey under the Provisions of this Act, or shall take away or displace, or wilfully deface or destroy, any Stone, Post, Mark, or Object which shall be set up and placed for the Purposes of any such Survey, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, in the Discretion of the Justices before whom such Offender shall be convicted.

Damages how to be paid.

III. And be it enacted, That all Damages awarded or agreed to be paid to any Owner or Occupier of Land, or Owner of Trees, for any Injury sustained under the Provisions of this Act, shall be paid out of any Aids granted by Parliament for making or completing a Geological Survey of the United Kingdom.

Recovery of Penalties.

IV. And be it enacted, That all Penalties and Forfeitures inflicted or imposed by this Act may be recovered in a summary Way by the Order and Adjudication of any Two Justices of the Peace for the County or Place in which such Penalty shall be incurred, on Complaint to them for that Purpose exhibited, and shall afterwards be levied, as well as the Costs of Proceedings for the Recovery thereof, in case of Nonpayment, by Distress, Poinding, or other legal Process, and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant of such Justices; and such Justices are hereby authorized and empowered to summon before them any Witness, and to examine such Witness upon Oath or Affirmation of and concerning al Offences, Penalties, and Forfeitures under this Act, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant or other legal Process shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner of the Goods or Chattels so seized or distrained; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, or Poinding, or other legal Process, unless the Offender shall give Security, to the Satisfaction of such Justices, for his Appearance before such Justices on such Day as shall be appointed for the Return of such Warrant of Distress, or Poinding, or other legal Process, such Day not being more than Seven Days from the Time of taking any such Security, and which Security the said Justices are hereby empowered to take, by way of Recognizance, Caution, or otherwise; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justices and they are hereby authorized and required, by Warrant under their Hands and Seals, to cause such Offender to be committed to the Gaol of such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unless such Penalties or Forfeitures respectively, and all reasonable Charges, shall be sooner paid and satisfied; and such Penalties and Forfeitures, when so levied, shall be paid and applied to the Use of any Infirmary or charitable Institution in the County in which such Offence shall be committed, in such Manner as such Justices respectively shall direct and appoint.

Plea of General Issue.

V. And be it enacted, That if any Person shall be sued or prosecuted for any thing done or executed in pursuance of this Act, or of any Clause, Matter, or Thing therein contained, such Person may plead the General Issue, and give the special Matter in Evidence for his Defence.

Interpretation of Act.

VI. And be it enacted, That in construing this Act the Word "County" shall be taken to include Hundred, City, Borough, Town, Townland, Parish, Burghs, Royal Parliamentary Burghs, Burghs of Regality and Barony, extra-parochial and other Places, Districts, and Divisions, by whatsoever Denomination the same respectively shall be known or called; the Word "Justices" shall include all Persons acting in the Commission of the Peace for any County so interpreted as aforesaid, Sheriffs or Stewards of Counties or Stewartries in *Scotland*, and the Sheriff and Court of Deemsters of the *Isle of Man*; the Word "Owner" shall include all Bodies Politic, Corporate, or Collegiate, and all Persons entitled to any Estate or Interest in possession; and the Word "Land" shall extend to Lands, Grounds, Hereditaments, and Heritages, of any Tenure or Description; and every Word importing the Singular Number shall, when necessary to give full Effect to the Enactments herein contained, be deemed to extend and be applied to several Persons or Things as well as one Person or Thing; and any Words importing the Plural Number only shall include the Singular Number; and every Word importing the Masculine Gender shall, when necessary, extend and be applied to a Female as well as a Male.

Alteration of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXIV.

An Act to amend certain Regulations respecting the Retail of Spirits in *Ireland*.

[31st *July* 1845.]

6 & 7 W. 4. c. 38.

'WHEREAS by an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled 'An Act to amend the Laws relating to Excise Licences, and to the Sale of Wine, Spirits, Beer, and Cider, by Retail, in* Ireland,' it is enacted, " that from and after the passing of this Act no Person in *Ireland* who shall be duly licensed under any Act or Acts for granting Excise Licences to deal in or sell Coffee, Tea, Cocoa Nuts, Chocolate,

or

'or Pepper, nor any Person deemed a Grocer within the Meaning of the Laws of the Excise in force 'in *Ireland* at or immediately before the passing of this Act, shall be entitled to take out any Licence 'to retail Spirits in the House or on the Premises of such Retailer, or in any House or on any Premises 'within One Quarter of a Mile of the House or Premises of such Retailer, other than a Licence to 'retail Spirits in Quantities not less at One Time than One Pint, and to be consumed elsewhere than 'in the House or on the Premises of such Retailer; and any Licence to retail Spirits in any other 'Manner, granted after the passing of this Act, to any such Grocer or Person so licensed as aforesaid, 'shall be wholly null and void to all Intents and Purposes whatsoever:" And whereas it is expedient 'that so much of the said Act as is above recited should be repealed, and that all Excise Licences to 'Persons in *Ireland* to deal in or sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper, or to retail Spirits 'in the House or on the Premises of such Retailer, or to be consumed elsewhere than in the House or 'on the Premises where sold, should be granted in the same Manner and at the same Rates of Duty 'as if so much of the said Act as is above recited had not been enacted:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act so much of the said Act as is above recited shall be repealed; and that the Excise Licence to Persons in *Ireland* trading in or selling Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper, and the Excise Licence to Persons in *Ireland* to be Retailers of Spirits, not being Retailers of Spirits after mentioned, to be drunk or consumed in or upon the House or Premises where sold, and the Excise Licence to Retailers of Spirits in *Ireland*, being duly licensed to trade in, vend, and sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper, and not selling Spirits in any greater Quantity at One Time than Two Quarts, or any Spirits to be consumed in the House or on the Premises of such Retailer, shall be severally granted in like Manner and at the same Rates of Duty respectively, and under the same Regulations, as the same are respectively applicable thereto and directed by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal several Duties payable on Excise Licences in* Great Britain *and* Ireland, *and to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licences*, and by another Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Sale of Wine, Spirits, Beer, and Cider by Retail in* Ireland, and by the said Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, save and except so much of the said last-mentioned Act as is above recited and hereby repealed, and by another Act of the Second and Third Years of the Reign of Her Majesty, intituled *An Act for the better Prevention of the Sale of Spirits by unlicensed Persons in* Ireland, and by another Act of the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to continue for Five Years so much of an Act of the Second and Third Years of Her present Majesty, as enables Justices to grant Warrants for entering Places in which Spirits are sold without Licence in* Ireland.

So much of the Act as is recited repealed, and all Excise Licences for the Retail of Spirits in Ireland to be granted as if such Regulation had not been enacted.

6 G. 4. c. 81.

3 & 4 W. 4. c. 68.

2 & 3 Vict. c. 79.

7 & 8 Vict. c. 82.

II. 'And whereas the said Act passed in the Sixth Year of the Reign of King *George* the Fourth, and the 'Licence therein mentioned to Retailers of Spirits in Ireland, being duly licensed to trade in, vend, and 'sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper, and not selling Spirits in any greater Quantity at 'One Time than Two Quarts, or any Spirits to be consumed in the House or on the Premises of such 'Retailer, require that the Spirits sold under such Licence shall be consumed elsewhere than in the 'House or on the Premises of such Retailer;' be it enacted, That from and after the passing of this Act it shall be lawful for any Justice of the Peace, or any chief or other Constable, or Overseer, within the Limits of his Jurisdiction, to enter into any House or Place kept by such Retailer as aforesaid for selling Spirits or any other Article, at any Time or Hour at which such House or Place is kept open for any such Sale as aforesaid; and if any such Retailer, on demand of Entrance by any such Justice, chief or other Constable, or Overseer, opposes or obstructs such Entrance, or delays to admit such Justice, chief or other Constable, or Overseer, into any such House or Place, or if such Retailer is found selling Spirits by Retail to be consumed in such House or Place, or harbouring any Person who appears to be or to have recently been drinking or tippling Spirits therein, such Retailer, over and above every other Penalty he incurs, shall forfeit and pay the Sum of Two Pounds, to be sued for and recovered as any other Penalty under the said recited Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, and subject to the several Provisions in the said recited Act in that Behalf; and on due Conviction of any such Offence as aforesaid the Licence of such Retailer shall become forfeited.

Justices of the Peace, Constables, or Overseers authorized to enter the Houses of Persons licensed to retail Spirits to be consumed elsewhere than on the Premises.

III. 'And whereas by the said Act of the Third and Fourth Years of the Reign of His said Majesty 'King *William* the Fourth Persons in *Ireland* applying for an Excise Licence to sell Spirits to be 'consumed in the House or upon the Premises where sold are required to enter into a certain Bond to 'Her Majesty, Her Heirs and Successors, conditioned as therein mentioned;' be it enacted, That such Bond shall not be subject or liable to the Payment of any Stamp Duty whatever, any thing in any Act or Acts to the contrary notwithstanding.

Bond required of Spirit Retailers by the 3 & 4 W. 4. c. 68. not to be subject to Stamp Duty.

IV. And be it enacted, That this Act, where it is not otherwise specified, shall be deemed to have commenced and shall take effect from the Fourth Day of *July* in this present Year.

Commencement of Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Alteration of Act.

CAP. LXV.

An Act to determine the countervailing Duties payable on Spirits of the Nature of plain *British* Spirits, the Manufacture of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, imported into the United Kingdom; and to prohibit the Importation of rectified or compound Spirits from the said Islands. [31st *July* 1845.]

'WHEREAS, by the Laws now in force, Goods the Produce or Manufacture of the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark* may be imported from the said Islands respectively into the United Kingdom, on Payment of such Proportion of such Duties as fairly countervail any Duties of Excise payable on the like Goods the Produce of the Part of the United Kingdom into which they are imported: And whereas the Duties of Excise payable on plain *British* Spirits the Produce of or distilled in *England* is Seven Shillings and Ten-pence upon every Gallon of such Spirits of the Strength of Hydrometer Proof, and Three Shillings and Eight-pence upon every Gallon of the like Spirits at the same Strength distilled in *Scotland*, and Two Shillings and Eight-pence upon every Gallon of the like Spirits at the same Strength distilled in *Ireland*; but by reason of the Duty of Excise on Malt, being Materials from which such Spirits are made, and of the Duty of Excise on Licences to Distillers and Makers of Malt and Spirits, the Duties before-mentioned cannot be taken as fair countervailing Duties on the like Spirits the Produce or Manufacture of the said Islands imported into any of the Parts of the United Kingdom aforesaid, and it is necessary therefore to determine the same: And whereas plain *British* Spirits, when imported from one of the said Parts of the United Kingdom into another, must be removed under the Provisions of the Laws of Excise, and subject, when so removed, to be dealt with in all respects as if the same had been distilled in the Country into which the same have been so removed: And whereas Spirits denominated *British* Brandy and *British* Compounds, distilled or made in any Part of the United Kingdom, cannot be so removed, and there are no Duties of Excise payable thereon on which any countervailing Duty can be fairly estimated:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the countervailing Duties to be charged on all Spirits of the Nature or Quality of plain *British* Spirits, manufactured or distilled in the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, and imported from any of the said Islands into the United Kingdom, shall be as follows; (that is to say,)

Countervailing Duties imposed by this Act.

For and upon every Gallon of such Spirits of the Strength of Hydrometer Proof, as ascertained by *Sikes'* Hydrometer, imported into *England*, the Sum of Nine Shillings, and so in proportion for any greater Degree of Strength, or any greater or less Quantity:

For and upon every Gallon of such Spirits of the like Strength imported into *Scotland*, the Sum of Four Shillings and Ten-pence, and so in proportion for any greater Degree of Strength or any greater or less Quantity:

For and upon every Gallon of such Spirits imported into *Ireland*, the Sum of Three Shillings and Ten-pence, and so in proportion for any greater Degree of Strength or any greater or less Quantity.

Duties to be under the Management of the Commissioners of Excise.

II. And be it enacted, That the said several countervailing Duties shall be under the Management of the Commissioners of Excise, and shall be collected, paid, and accounted for as Duties of Excise, and in the same Manner as any Duties of Excise now imposed on plain *British* Spirits manufactured in *England*, *Scotland*, or *Ireland* respectively, and removed from any one of the said Parts of the United Kingdom into any other, are directed to be collected, paid, and accounted for when made payable in that Part of the United Kingdom into which such Spirits are so removed, under any Law or Laws of Excise; and the general and special Provisions, Clauses, Enactments, Regulations, Pains, Penalties, and Forfeitures contained in any Act or Acts relating to the Collection and Management of the Revenue of Excise shall, so far as the same are applicable thereto, be applied to the Collection and Management of the said countervailing Duties and to this Act.

Spirits of the Nature of plain British Spirits, manufactured in the Islands, and imported into the United Kingdom, to be denominated plain British Spirits, and imported under same Regulations as Spirits removed from Scotland, &c.

When so imported to be dealt with as Spirits the Ma-

III. And be it enacted, That all Spirits of the Nature or Quality of plain *British* Spirits manufactured in any of the Islands aforesaid, and imported into any Part of the United Kingdom, shall be denominated plain *British* Spirits, and shall be imported only under such Denomination, and at the like Strength, and in Casks of the same Size, and Vessels of the same Tonnage, as the like Spirits manufactured in *England*, *Scotland*, or *Ireland* may be removed from one of the said Parts of the United Kingdom into another; and the said Spirits when so imported from any of the said Islands, shall, upon such Importation, and before landing, be entered under the like Denomination with the proper Officer of Excise at the Port at which such Spirits are imported, subject to the Provisions aforesaid, and under the like Regulations, Pains, Penalties, and Forfeitures as are imposed in such respect on plain *British* Spirits under any Law or Laws of Excise, and subject to the several Provisions, Clauses, and Enactments (except so far as altered by this Act) of any Law or Laws of the Customs respecting the Declaration and Certificate of Produce, and other Regulations required by the said last-mentioned Laws to be observed respecting Goods the Produce or Manufacture of any of the said Islands, and imported into any Part of the United Kingdom, and respecting such Goods when subject to any countervailing Duties or Regulations of Excise; and all such Spirits so imported shall, on Arrival in *England*, *Scotland*, or *Ireland* respectively, be dealt with in all respects as if the same had been distilled and made in the Country into which the same have been so imported, and shall be removed by Permit

Permit as Spirits of the like Kind or Denomination are directed to be removed by Permit under the Laws of Customs and Excise; and the Person or Persons to whom the same are sent for Sale shall have the same Privileges, and be subject to the like Licences, Regulations, and Penalties in respect of such Spirits, as Rectifiers, Dealers in and Retailers of Spirits in the Country into which such Spirits have been imported, and as if such Spirits had been distilled in the same.

nufacture of that Part of the United Kingdom into which imported.

IV. And be it enacted, That no Spirits of the Produce or Manufacture of any of the said Islands, and imported into any Part of the United Kingdom, shall be deemed or taken to be plain *British* Spirits under this Act, unless the same are made and distilled from the same Materials as the like Spirits are directed to be made when distilled in the United Kingdom; (*videlicet*,) Malt, Corn, or Grain, or any Mixture thereof, or Sugar only, or Potatoes only, or Mangel-wurzel only; and the Declaration and Certificate of Produce required by the Laws of the Customs shall specify the particular Materials aforesaid from which such Spirits have been manufactured; and in case any Dispute arises thereupon, the Proof that such Spirits have been made and distilled from such Materials as aforesaid shall lie upon the Importer, Owner, or Claimer thereof; and if any such Declaration or Certificate as aforesaid is found to be false in any of the Particulars aforesaid, or in any Particular therein mentioned, and required to be inserted therein by the Laws of the Customs, all the Spirits imported thereon, or to which such Declaration or Certificate relates, shall be forfeited, and may be seized by any Officer of Customs or Excise.

Plain Spirits the Manufacture of the Islands aforesaid to be made from the same Materials as in the United Kingdom.

The Declaration and Certificate of Produce to certify the same.

V. And be it enacted, That no Spirits of the Nature or Quality of *British* Brandy or *British* Compounds, or any Spirits other than plain *British* Spirits as the same are respectively denominated and described in the Laws of Excise and by this Act, the Produce or Manufacture of any of the said Islands, shall be imported into any Part of the United Kingdom, on pain of the Forfeiture thereof, and of all Casks or other Packages, and of the Vessel or Boat, used in the Removal or Importation thereof, which may be seized by any Officer of Customs or Excise; and the Importer thereof, and every Person concerned therein, shall for every such Offence incur the Penalty of One hundred Pounds; and all such Penalties and Forfeitures may be sued for, recovered, and applied as any other Penalties or Forfeitures under any of the Laws of the Customs or Excise.

Spirits of the Nature of British Brandy or Compounds, the Manufacture of any of the said Islands, prohibited to be imported.

VI. And be it enacted, That any Spirits of the Produce or Manufacture of any of the Islands aforesaid may, if imported for Exportation only, be imported into the United Kingdom, to be entered and warehoused for Exportation only, under the Provisions of any Law or Laws of the Customs in force for the Time being made for the warehousing of Goods without Payment of Duty upon the first Entry thereof.

All Channel Island Spirits may be entered to be warehoused for Exportation.

VII. And be it enacted, That this Act shall be deemed to have commenced and shall take effect from and after the Eighth Day of *August* One thousand eight hundred and forty-four, for and in respect of all Spirits of the Nature or Quality of *British* Brandy or *British* Compounds, or other Spirits than plain *British* Spirits as denominated and described in the Laws of Excise and by this Act, the Produce or Manufacture of any of the said Islands, which have been imported at any Time subsequent to the above Date, and are now in Bond or Customs Warehouse, in so far that no such Spirits shall be removed or admitted into Consumption in any Part of the United Kingdom on Payment of any countervailing Duty or otherwise, but the same may be exported from the United Kingdom or otherwise as the Commissioners of Her Majesty's Treasury may in that respect direct.

Act to commence from 8th August as to all prohibited Spirits which have been imported since that Date and are now in Bond.

VIII. And be it enacted, That this Act may be amended or repealed by any Act or Acts to be passed in this present Session of Parliament.

Alteration of Act.

CAP. LXVI.

An Act to enable Her Majesty to endow new Colleges for the Advancement of Learning in *Ireland*. [31st *July* 1845.]

FOR the better Advancement of Learning among all Classes of Her Majesty's Subjects in *Ireland*, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case Her Majesty shall be pleased by Letters Patent under the Great Seal of *Ireland* to found One or more new Colleges for the Advancement of Learning in *Ireland*, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being shall be empowered, by Warrant under the Hands of any Three or more of them, to charge the Consolidated Fund of the said United Kingdom (after providing for all preceding Charges, and in preference to all future Charges), and to direct to be issued or paid thereout, such Sum of Money as shall be needed by the Trustees herein-after mentioned for purchasing or providing Lands, Tenements, and Hereditaments for the Use of such College or Colleges, and for the necessary Buildings, with the Appurtenances thereof, and for establishing and furnishing the same, not exceeding the Sum of One hundred thousand Pounds in the whole.

Grant of 100,000*l.* out of the Consolidated Fund for building new Colleges in Ireland.

II. And be it enacted, That the Commissioners of Public Works in *Ireland* for the Time being shall be Trustees for the Purpose of purchasing or providing, as herein-after mentioned, any Buildings, Lands, Tenements, or Hereditaments that may be necessary for the said Colleges and the Sites thereof, and the Premises to be occupied therewith respectively, and for erecting thereon suitable Buildings, and for repairing, enlarging, and improving the same from Time to Time, and for upholding and furnishing the same from Time to Time, for the Use of the said Colleges respectively.

Commissioners of Public Works to be Trustees for providing Buildings and Lands necessary for the Colleges.

III. And

Commissioners of Public Works to be a Corporation for the Purposes of this Act.

III. And be it enacted, That for the Purposes of this Act the said Commissioners of Public Works in *Ireland* for the Time being, and their Successors, shall be a Corporation by the Name or Style of "The Commissioners of Public Works in *Ireland*," and by that Name, for the Purposes of this Act, shall have perpetual Succession and a Common Seal, to be by them made, and from Time to Time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all Courts and before all Justices and others, and in that Capacity shall be deemed Promoters of the Undertaking authorized to be executed by this Act.

Power to Commissioners of Public Works to purchase or rent Buildings, Lands, &c. which may be required for said Colleges.

IV. And be it enacted, That in order to enable the said Commissioners of Public Works in *Ireland* to purchase and provide the Buildings, Lands, Tenements, and Hereditaments which may be required for the said Colleges and the Sites thereof, it shall be lawful for the said Commissioners, with the Approval of the Commissioners of Her Majesty's Treasury, to contract and agree with any Person or Persons, or Body or Bodies Corporate, for the Purchase or renting of any Buildings, Lands, Tenements, or Hereditaments required for such Colleges or the Sites thereof, and also for the Purchase of any subsisting Leases, Terms, Estates, or Interests therein or Charges thereon; and the Buildings, Lands, Tenements, or Hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to or in trust for Her Majesty, Her Heirs and Successors, in such Manner and Form as the said Commissioners of Her Majesty's Treasury shall direct.

Consolidation of Lands Clauses Consolidation Act with this Act.

V. And be it enacted, That the "Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act, except the Clauses with respect to the Purchase and taking of Lands otherwise than by Agreement: Provided always, that all things by the said Act required or authorized to be done by the Promoters of the Undertaking may be done by any Two of the Commissioners of Public Works in *Ireland*, subject to the Approval of the Commissioners of Her Majesty's Treasury in the Cases provided by this Act.

Commissioners of Public Works to obtain Surveys, Plans, and Specifications, and submit same to the Treasury.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Public Works, if they shall be so directed by the Commissioners of Her Majesty's Treasury, to employ the County Surveyor, or any other competent Surveyor or Architect, to make a Survey or Estimate of any of the said proposed Works, and to prepare such Plan, Section, or Specification thereof as may be necessary, and send the same to the Commissioners of Her Majesty's Treasury for their Approval; and if the said Commissioners of Her Majesty's Treasury shall think fit to authorize the Work in any such Plan, Section, or Specification, or any Modification thereof which they may think proper, to be undertaken, they shall, by Warrant under their Hands, direct the said Commissioners of Public Works to execute such Work at and for an Amount not exceeding a Sum to be specified in such Warrant; and the said Commissioners of Public Works shall, upon Receipt of such Warrant, forthwith cause the Construction of the Work mentioned therein to be proceeded with.

Commissioners of Public Works to lay Accounts before Parliament.

VII. And be it enacted, That the said Commissioners of Public Works shall cause detailed Accounts in Writing of their Proceedings under this Act, of the several Sums received by them as such Commissioners for the Purposes of this Act, and of the Sums expended by them for such Purposes, and the Mode of such Expenditure, and the several Works made or in progress under this Act, to be made up to the Thirty-first Day of *December* in each Year; and such Accounts shall be laid before both Houses of Parliament within Six Weeks thereafter, if Parliament be then sitting, or if not, then within Six Weeks after the first Meeting of Parliament subsequent to the Thirty-first Day of *December;* and the said Commissioners shall, as often as they shall be required so to do by the Commissioners of Her Majesty's Treasury, transmit to the said Commissioners of the Treasury like Accounts made up to such Period as the said Commissioners of the Treasury shall direct; and it shall be lawful for the said Commissioners of Her Majesty's Treasury to give such Directions as they shall think proper, defining the Duties of the said Commissioners of Public Works in the Execution of this Act; and the said Commissioners of Public Works shall observe all such Directions as aforesaid which shall from Time to Time be signified to them by the said Commissioners of Her Majesty's Treasury.

Proceedings in Actions by and against the Commissioners of Public Works. 1 & 2 W. 4. c. 33.

VIII. And be it enacted, That the several Enactments contained in an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, which affect or relate to any Action or Suit to be commenced against the Commissioners for the Execution of the last-recited Act, or their Secretary, or any Person or Persons, for any thing done by virtue of or in pursuance of the last-recited Act, or any Proceedings in any such Action or Suit, or any Limitation of Time for the commencing thereof, or any Costs thereof, or any Evidence to be given therein, or any Notice of Action or Suit or Satisfaction or Tender thereof, or any Action or Suit to be commenced by the said Commissioners, or any Proceedings therein, or the said Commissioners suing or being sued in the Name of their Secretary, or any Abatement or Discontinuance of any such Action or Suit, or to the Court in which, or to the Terms or Conditions on which, any such Action or Suit shall be brought against the said Commissioners, collectively or individually, or their Secretary, shall be held to apply to and extend to any Action or Suit to be commenced against the Commissioners of Public Works in *Ireland*, or their Secretary, or any Person or Persons, for any thing done by virtue of or in pursuance of this Act, or to any Proceedings in any such Action or Suit, or to the Limitation of Time for the commencing thereof, or to any Costs thereof, or to any Notice of any such Action or Suit, or to any Evidence to be given therein, or to any Action or Suit to be commenced by the said Commissioners of Public Works in the Execution of this Act, or on account of or in pursuance of this Act, or to any Proceedings in any such Action or Suit, or to the said Commissioners suing or being sued in the Name of their Secretary for the Time being, or to any Abatement or Discontinuance of any such Action or Suit,

or

or to the Court in which or to the Terms or Conditions on which any such Action or Suit shall be brought against the said Commissioners of Public Works, collectively or individually, or against their Secretary.

Restraint on Alienation of Property.

IX. And be it enacted, That it shall not be lawful for any College within the Provisions of this Act to alien, mortgage, charge, or demise any Lands, Tenements, or Hereditaments to which it may become entitled, unless with the Approval of the Commissioners of Her Majesty's Treasury, except by way of Lease for any Term not exceeding Thirty-one Years from the Time when such Lease shall be made, in and by which there shall be received and made payable, during the whole of the Term thereby granted, the best yearly Rent that can reasonably be gotten for the same, without any Fine or Foregift.

Her Majesty to be Visitor of the new Colleges.

X. Provided always, and be it enacted, That no College shall be entitled to the Benefit of this Act, or deemed to be within the Provisions thereof, unless it be declared and provided, in and by the Letters Patent constituting such College, that the Visitor or Visitors of the said College shall be such Person or Persons as it shall please Her Majesty, Her Heirs and Successors, from Time to Time to appoint, by any Warrant or Warrants under the Sign Manual, to execute the Office of Visitor; and that all the Statutes, Rules, and Ordinances concerning the Government and Discipline of such Colleges shall be made or approved by Her Majesty, Her Heirs and Successors; and that the President, Vice President, and Professors shall hold their several Offices during the Pleasure of Her Majesty, Her Heirs and Successors; and that the sole Power of appointing the President and Vice President shall be vested in Her Majesty, Her Heirs and Successors, and that the Power of appointing the Professors shall be vested in Her Majesty, Her Heirs and Successors, until the End of the Year One thousand eight hundred and forty-eight, and afterwards as shall be otherwise provided by Parliament, or in default of any Provision to the contrary, in Her Majesty, Her Heirs and Successors.

Statutes made for the Discipline of the Colleges to be laid before Parliament.

XI. And be it enacted, That all the Statutes, Rules, and Ordinances which shall be made or approved from Time to Time by Her Majesty, Her Heirs and Successors, concerning the Government and Discipline of the said Colleges respectively, which shall be in force at the Beginning of every Session of Parliament, and which shall not have been before that Time laid before Parliament, shall from Time to Time, within Six Weeks after the Beginning of every such Session, be laid before both Houses of Parliament by One of Her Majesty's Principal Secretaries of State.

Grant of 21,000*l.* annually out of Consolidated Fund for endowing new Colleges.

XII. And be it enacted, That the said Commissioners of Her Majesty's Treasury shall be empowered, by Warrant under the Hands of any Three or more of them, to charge the said Consolidated Fund of the said United Kingdom (after providing for all preceding Charges, but having Preference for all future Charges), and to direct to be issued or paid thereout by Four equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, such Sums of Money as shall be needed for defraying the several Stipends which shall be by Her Majesty appointed to be paid to the President and Vice President and to such Professors in the several Faculties of Arts, Law, and Physic as shall be from Time to Time established by Her Majesty, Her Heirs and Successors, and to the Bursar, Registrar, Librarian, and other Office Bearers and Servants in each of the said Colleges, and for defraying the Expences of such Prizes and Exhibitions as shall be by Her Majesty, Her Heirs and Successors, awarded for the Encouragement and Reward of Students in each of the said Colleges, not exceeding in any One Year the Sum of Seven thousand Pounds for every such College, or the Sum of Twenty-one thousand Pounds in the whole, the first Instalment for each College to become due and payable on such of the said quarterly Days of Payment as shall first happen next after the Grant of the Letters Patent for the Establishment of such College.

Fees may be taken in addition to Stipends, and for the Benefit of the College.

XIII. And be it declared and enacted, That it shall be lawful for the Professors in each of the said Colleges, in addition to the Stipends with which they shall be so respectively endowed, to demand and receive from the Students in the said Colleges such reasonable Fees for Attendance on their Lectures, and for the Bursar of the College to collect from the said Students on behalf of the said College, such reasonable Fees for Matriculation and other Collegiate Proceedings, as shall be from Time to Time provided by the Statutes, Rules, and Ordinances so to be made or approved by Her Majesty, Her Heirs and Successors, as aforesaid.

Lecture Rooms to be assigned for religious Instruction.

XIV. And for the better enabling every Student in the said Colleges to receive religious Instruction according to the Creed which he professes to hold, be it enacted, That it shall be lawful for the President and Professors or other governing Body of each of the said Colleges which shall be constituted in and by the said Letters Patent to assign Lecture Rooms within the Precincts of such College, wholly or in part, for the Use of such religious Teachers as shall be recognized by such governing Body, subject in each Case to the Approval of Her Majesty, Her Heirs and Successors, and also, subject to the like Approval, to make Rules concerning the Days and Times when such religious Instruction shall be given therein, and for securing that the same shall not interfere with the general Discipline of the College: Provided always, that no Student shall be compelled by any Rule of the College to attend any theological Lecture or religious Instruction other than is approved by his Parents or Guardians, and that no religious Test shall be administered to any Person in order to entitle him to be admitted a Student of any such College, or to hold any Office therein, or to partake of any Advantage or Privilege thereof; but this Proviso shall not be deemed to prevent the making of Regulations for securing the due Attendance of the Students for Divine Worship at such Church or Chapel as shall be approved by their Parents or Guardians respectively.

Where Students shall dwell.

XV. And for the better Government of the Students in the said Colleges, be it enacted, That no Student shall be allowed to continue in any of the said Colleges unless he shall dwell with his Parent or Guardian, or with some near Relation or Friend selected by his Parent or Guardian and approved by the

the President of the College, or with a Tutor or Master of a Boarding House licensed by the President of the College as herein-after provided, or in a Hall founded and endowed for the Reception of Students, and recognized by the College as herein-after provided.

Licence of Tutors and Masters of Boarding Houses.

XVI. And be it enacted, That every Person who is desirous of being licensed as a Tutor or Master of a Boarding House in any of the said Colleges shall apply in Writing under his Hand to the President of the College for his Licence; and it shall be lawful for the President, if he shall think fit, to require of any such Applicant such Testimonials of Character and Fitness for the Office as shall be satisfactory to him; and the Application shall specify the House or Houses belonging to or occupied by the Applicant, and intended by him for the Reception of Students, and the Number of Students who may be conveniently lodged and boarded therein, and also the Provision or Regulation proposed to be made for securing to the said Students the Means of due Attendance upon such religious Instruction and Divine Worship as may be approved by his Parents and Guardians and recognized by the governing Body of the College, and thereupon it shall be lawful for the President, in his Discretion, to grant or withhold the Licence for the academical Year then current or then next ensuing; and every such Licence shall be registered in the Archives of the College, and shall enure until the End of the academical Year in which it shall be registered, and shall then be of no Force unless renewed in like Manner, but shall be revocable at any Time, and may be forthwith revoked by the President of the College in case of any Misbehaviour of such Tutor or Master of a Boarding House, or of the Students under his Care, which in the Opinion of the President and a Majority of the Professors of the College ought to be punished by immediate Revocation of such Licence.

Endowment of Halls for Students.

XVII. And be it enacted, That it shall be lawful for any Person whomsoever having Power to make an absolute Disposition thereof to give, grant, devise, bequeath, or assure, by any Deed, Will, or other Instrument sufficient in Law to create or convey an Estate therein, any Messuages, Lands, Tenements, and Hereditaments, or any Estate therein, or any Interest arising thereout, or any Money, Chattels, and Effects, to any Trustee or Trustees willing to accept the Trust, or to the Commissioners of Charitable Donations and Bequests in *Ireland* and their Successors, in trust for founding and endowing Halls for the Reception of Students in any of the said Colleges, and by such Deed, Will, or Instrument to establish Rules or to specify the Authority for establishing Rules to be observed by the Students admitted to the Benefits of such Foundation, and to specify the Authority by which the Observance of such Rules is to be enforced; Provided always, that no such Hall shall be recognized by any of the said Colleges unless the Instrument of Foundation shall provide that such Rules, and also the Appointment from Time to Time of the Principal or other Person holding chief Authority in such Hall, shall be of no Force until allowed by the Person or Persons appointed or to be appointed as aforesaid by Her Majesty, Her Heirs and Successors, to execute the Office of Visitor of the said College.

Commissioners of Public Works may make Loans to Companies incorporated for founding Halls. 1 & 2 W. 4. c. 33. 6 & 7 W. 4. c. 108. 7 W. 4. & 1 Vict. c. 21. 6 & 7 Vict. c. 44.

XVIII. And for the Encouragement of Persons willing to found and endow Halls for the Reception of Students in the said Colleges as aforesaid, be it declared and enacted, That if Her Majesty, Her Heirs and Successors, shall be pleased, by Letters Patent under the Great Seal of *Ireland*, to incorporate any Number of Persons willing to found and endow any such Hall or Halls as aforesaid, such incorporated Hall shall be deemed a public Work for the Promotion of which the Commissioners of Public Works in *Ireland* may make Loans within the Meaning of an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, and of all Acts passed or to be passed for the Amendment thereof; and that it shall be lawful for the Commissioners of Public Works in *Ireland* to make Loans to such incorporated Bodies respectively for the Extension and Promotion of such Foundations according to the Provisions of the last-recited Acts.

Religious Teachers to be endowed by private Benefactions.

XIX. And be it enacted, That it shall be lawful for any Person whomsoever having Power to make an absolute Disposition thereof to give, grant, devise, bequeath, or assure, by any Deed, Will, or other Instrument sufficient in Law to create or convey an Estate therein, any Messuages, Lands, Tenements, and Hereditaments, or any Estate therein, or Interest arising thereout, or any Money, Chattels, and Effects, to any Trustee or Trustees willing to accept the Trust, or to the Commissioners of Charitable Donations and Bequests in *Ireland*, and their Successors, in trust for establishing and maintaining Lectures or other Forms of religious Instruction for the Use of such Students of the said Colleges respectively as shall be desirous of receiving the same, subject to such Regulations consistent with the Intentions of the Donor thereof, as shall be made by the governing Body of the College, and approved by Her Majesty, Her Heirs and Successors: Provided always, that no such Gift shall take effect until it shall have been accepted by the governing Body of the College, and until Her Majesty, Her Heirs and Successors, shall have signified Her or Their Approval of the Regulations according to which such Gift is to be applied.

Colleges to make Reports to Her Majesty, to be laid before Parliament.

XX. And be it enacted, That every such College which shall be established and endowed under this Act shall once at least in every Year, and also whenever Her Majesty's Pleasure shall be signified in that Behalf, report to Her Majesty their Proceedings; and a Copy of every such Report shall be laid before both Houses of Parliament within Six Weeks after the same shall have been made, if Parliament be then sitting, or if not, then within Six Weeks next after the next Meeting of Parliament.

Alteration of Act.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXVII.

An Act for making further Regulations for more effectually securing the Correctness of the Jurors Books in *Ireland*. [31st *July* 1845.]

'WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries in* Ireland, containing Directions for making out yearly in every County, County of a City, and County of a Town in *Ireland*, a List or Lists of all Persons qualified and liable to serve on Juries as therein provided, and for copying the same into a Book, to be called "The Jurors Book," and enacting that the Sheriff shall not, in answer to any Writ of Venire facias, or Precept for the Return of Jurors, return the Names of any Persons not contained in the Jurors Book for the then current Year: And whereas it is expedient to make further Regulations for the Purpose of more effectually securing the Correctness of the said Jurors Books:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the following Provision of the said Act, (*videlicet*,) "and when every such List shall be duly corrected by the Justices present at such Special Sessions or Adjournment thereof, and allowed and signed by them or Three of them, they the said Justices shall cause One General List to be made out therefrom, containing the Names of all Persons whose Qualification shall have been so allowed, arranged according to Rank and Property; and the presiding Justices at such Sessions shall deliver the same to the Clerk of the Peace, who shall thereupon cause the same to be truly and fairly copied, in the same Order, in a Book to be by him provided for that Purpose, at the Expence of the County, City, and Town respectively, with proper Columns for making the Register herein-after directed, and shall forthwith deliver the same Book to the Sheriff of the County, City, or Town, or his Under Sheriff, or the Town Clerk, which Book shall be called 'The Jurors Book for the Year ' (inserting the Calendar Year for which such Book is to be in use), and that every Sheriff on quitting his Office shall deliver the same to the succeeding Sheriff; and that every Jurors Book so prepared shall be brought into Use on the First Day of *January* after it shall be so delivered by the Clerk of the Peace to the Sheriff, or his Under Sheriff, and shall be used for One Year then next following," shall be and the same is hereby repealed. 3 & 4 W. 4. c. 91. Repeal of Part of Section 9, 3 & 4 W. 4. c. 91.

II. And instead thereof be it enacted, That when every such List made out and delivered by any High Constable or Collector shall be duly corrected by the Justices present at such Special Sessions or Adjournment thereof as in the said Act is mentioned, the said Lists shall be marked in their Presence with the successive Numbers 1, 2, 3, &c., according to the Number of such Lists; and when the said Lists so corrected and numbered, shall be allowed and signed by them or any Three of them the said Justices shall cause One General List to be made out therefrom, containing the Names of all Persons whose Qualification shall have been so allowed, arranged according to Rank and Property, which General List shall be compared by the presiding Justices at such Sessions with the said Lists so allowed and signed and numbered as aforesaid, and shall be corrected by such Justices (if necessary) by reference to such Lists, and be made to correspond therewith; and the presiding Justices at such Sessions shall sign such General List at the Foot of each Page thereof, and shall deliver the same, together with the Lists so allowed and signed and numbered as aforesaid to the Clerk of the Peace, who shall thereupon cause the same to be truly and fairly copied, in the same Order in which the Names shall be arranged in the said General List, in a Book to be by him provided for that Purpose at the Expence of the County, City, and Town respectively, with proper Columns for making the Register directed by the said Act, and shall forthwith deliver the same Book to the Sheriff of the County, City, or Town, or his Under Sheriff, or the Town Clerk, which Book shall be called "The Jurors Book for the Year " (inserting the Calendar Year for which such Book is to be in Use), and that every Sheriff on quitting his Office shall deliver the same to the succeeding Sheriff, and that every Jurors Book so prepared shall be brought into use on the First Day of *January* after it shall be so delivered by the Clerk of the Peace to the Sheriff or his Under Sheriff, and shall be used for One Year then next following. Jury Lists, when allowed and signed by the Justices, to be numbered in their Presence with the Numbers 1, 2, 3, &c., and a General List to be made out, and signed by them. The General List to be copied into a Book to be called the Jurors Book.

III. And be it enacted, That the Clerk of the Peace shall cause the said Jury Lists, so allowed and signed as aforesaid, and the said General List, to be placed among the Records in his Office, and shall allow the same to be inspected at all reasonable Times, without Fee or Reward, by any Person who, by the Provisions of the said Act of the Fourth Year of the Reign of His late Majesty King *William* the Fourth, would be entitled to peruse the Copies of any of the Jury Lists delivered to such Clerk of the Peace by the High Constable and Collector or Collectors. The Jury Lists, &c. to be placed among the Records in the Office of the Clerk of the Peace, &c.

IV. And be it enacted, That if the Jurors Book shall be found to contain any Name which shall not be contained in any one of the said Jury Lists, or if any Name which shall be contained in any one of such Jury Lists shall not appear in such Book, it shall be lawful for Her Majesty's Court of Queen's Bench in *Dublin*, or any Judge of the said Court, upon Complaint thereof made to the said Court or Judge, to order the said Sheriff or Under Sheriff and the Clerk of the Peace respectively to produce the said Jurors Book and the said Jury Lists to the said Court or Judge; and if upon Inspection of the said Book and Jury Lists any such Error shall be found in the said Jurors Book the said Court or Judge shall order the same to be amended, and such Amendment shall be forthwith made and signed by the said Sheriff or Under Sheriff and Clerk of the Peace, in the Presence of the said Court or Judge. Jurors Book may be corrected by the Court of Queen's Bench or by a single Judge, upon Complaint made thereof.

High Constables and Collectors required to cause Lists to be printed.

V. 'And whereas it is desirable that the Lists to be made out by the High Constables and Collector 'or Collectors under the Provisions of the said Act should in every Case be printed;' be it therefore enacted, That instead of the Words "you are authorized to order a sufficient Number of Copies thereof to be printed," which are contained in the Precept for returning Lists of Jurors in Schedule (A.) to the said Act annexed, such Precept shall in every Case contain the Words following; (*videlicet*,) "you are required to order a sufficient Number of Copies thereof to be printed;" and the said High Constables and Collector or Collectors are hereby required to cause a sufficient Number of Copies of the said Lists to be printed accordingly.

Grand Jury at Assizes, &c. to present Sum of Money for Expence of printing Lists.

VI. And be it enacted, That it shall be lawful for the Grand Jury of each County, County of a City, or County of a Town, from Time to Time at the next ensuing Assizes or Presenting Term, and they are hereby empowered, if they shall so think fit, without previous Application at Presentment Sessions, to present such Sum of Money as they shall deem reasonable for defraying the Expence of printing such Lists.

Alteration of Act.

VII. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

CAP. LXVIII.

An Act to stay Execution of Judgment for Misdemeanors upon giving Bail in Error.

[31st *July* 1845.]

'WHEREAS it is expedient to make Provision for staying the Execution of Judgment upon 'Prosecution for Misdemeanor while a Writ of Error is depending to reverse such Judgment:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case of Judgment, whether given before or after the passing of this Act for a Misdemeanor, where the Defendant or Defendants shall have obtained a Writ of Error to reverse such Judgment, Execution thereupon shall be stayed until such Writ of Error shall be finally determined; and in case the Defendant or Defendants shall be imprisoned under such Execution, or any Fine shall have been levied, either in whole or in part, in pursuance of such Judgment, the said Defendant or Defendants shall be entitled to be discharged from Imprisonment, and to receive back any Money levied on account of such Fine from the Person or Persons in whose Possession the same shall be, until such final Determination as aforesaid: Provided always, that no Execution upon any such Judgment shall be stayed unless and until the Defendant or Defendants shall become bound by Recognizance, to be acknowledged before One of the Judges of Her Majesty's Court of Queen's Bench, or One of the Commissioners appointed to take Special Bail in Actions depending in the Superior Courts, with Two sufficient Sureties to be approved of by such Judge or Commissioner, in such Sum as such Judge or Commissioner shall direct, to prosecute the Writ of Error with Effect, and in case the Judgment shall be affirmed, forthwith to render the said Defendant or Defendants to Prison, according to the said Judgment, where Imprisonment shall have been adjudged; and every such Recognizance shall, after Justification of Bail, be filed of Record in the said Court of Queen's Bench, in like Manner and upon Payment of the like Fees as in the Case of other Recognizances filed in the Crown Office in that Court; and the Judge of the said Court of Queen's Bench, and the said Commissioner, shall have the like Powers, in respect of the justifying such Bail in Error, and the Examination of the Sureties, and the like Rules shall apply, as in respect of Special Bail in Actions depending in such Court: Provided always, that in the Case of any Defendant under legal Disability it shall be sufficient if Two Persons, to be approved of by such Judge or Commissioner, shall become bound by Recognizance on the Behalf of such Defendant, to be acknowledged and conditioned as aforesaid.

Execution on Judgments for Misdemeanors stayed or suspended by Writ of Error and Bail thereon.

Certificate of Recognizance being duly filed.

II. And be it enacted, That the Clerk of the Crown in the said Court of Queen's Bench shall for the Purposes herein-after mentioned make out and deliver to the Defendant or Defendants, or his or their lawful Attorney, Certificates in Writing under his Hand that such Recognizance is duly filed of Record in such Court, upon Payment of the like Fee as for other Certificates delivered at the Crown Office; and any such Certificate, when duly verified by Affidavit to be made before One of the Judges of the Superior Courts of Common Law, or a Commissioner duly authorized, shall be a sufficient Warrant to every Gaoler or other Person having Custody of such Defendant or Defendants in execution of such Judgment to discharge him or them out of Custody, and also to every Person having in his Possession the whole or any Part of any Fine levied in Execution of such Judgment to authorize and require the Repayment thereof to the Defendant or Defendants; but no Person who shall have received any such Money, and have paid it over to any other Person, according to the Course of the Exchequer, shall be liable to repay to the Defendant or Defendants any Part of the Money so paid over.

Time of Imprisonment how reckoned.

III. And be it enacted, That where Judgment upon such Writ of Error shall be affirmed, and Imprisonment shall have been adjudged, the Period for its Continuance in pursuance of such Judgment, if such Imprisonment shall not have commenced under such Execution, shall be reckoned to begin from the Day when such Defendant or Defendants shall be in actual Custody under such Judgment; and if the Defendant or Defendants shall have been discharged from Imprisonment in manner herein-before provided, such Defendant or Defendants shall be liable to be imprisoned for such further Period as, with the Time during which such Defendant or Defendants may already have been imprisoned under such Execution, shall be equal to the Period for which such Defendant or Defendants was or were so adjudged to be imprisoned as aforesaid.

IV. And

IV. And be it declared and enacted, That when the Judgment shall have been for Payment of a Fine, and Imprisonment until such Fine be paid, either with or without Imprisonment for a certain Time, and the Defendant or Defendants shall have paid the Fine, or the same or any Part thereof shall have been levied, and shall have been received back, under the Provisions herein-before contained, and the Judgment upon Writ of Error brought shall be affirmed, the Defendant or Defendants shall not be entitled, by reason of such Payment as aforesaid, to be discharged from Imprisonment, notwithstanding the Expiration of any certain Time of Imprisonment for which the original Judgment shall have been given, until the Fine shall be again paid. Payment and Recovery of a Fine not to prevent Imprisonment till Fine again paid.

V. And be it enacted, That if the Court in which any such Writ of Error shall be pending shall upon Motion in that Behalf decide that the Defendant or Defendants by whom it shall be brought has or have wilfully delayed or neglected to prosecute the same with Effect, it shall be lawful for such Court to order the Writ of Error to be quashed, and thereupon the Defendant or Defendants who brought such Writ of Error shall be liable to Execution upon the Judgment. Writ of Error to be quashed in case of Delay or Neglect to prosecute it.

VI. And be it enacted, That this Act shall not extend to *Scotland*. Extent of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Alteration of Act.

CAP. LXIX.

An Act to amend an Act of the Sixth Year of Her present Majesty, for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in *Ireland*. [31st *July* 1845.]

'WHEREAS by an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in* Ireland, it is amongst other things enacted, that if the Proprietors of Two Thirds or more in Extent of the Lands proposed to be drained or improved by Drainage under the Provisions of the said Act should have assented in Writing to the Execution of the proposed Works, the Commissioners acting in execution of said Act should make and sign a Declaration describing the Lands proposed to be drained or improved, and declaring the then actual Value thereof, and the Increase in such Value by means of the proposed Works, and the Proportion in which such Lands should be chargeable towards the Expence of the proposed Works, such Proportion being fixed according to such actual Value and such estimated Increase as aforesaid, and also stating the several other Matters and Things in and by the said Act authorized and required; and it is by the said Act further enacted, that it should and might be lawful for the Commissioners appointed under the said Act, from Time to Time as Occasion should require, to borrow and take up at Interest any Sum or Sums of Money required for defraying the Costs, Charges, and Expences to be incurred by them in the Execution of any Works for the Drainage and Improvement of any Land, or the Navigation of any River, or the Formation of any Reservoir under or by virtue of the said Act, and that the Repayment of such Sum or Sums of Money, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*, should be secured to the Party lending the same upon the Monies accruing to the said Commissioners under or by virtue of the Award to be made by the said Commissioners as in the said Act mentioned; and it is in and by the said Act further enacted, that as soon as conveniently might be after any Works for the Drainage or Improvement of any Land or the Navigation of any River under the said Act, or any other Work by the said Act authorized, should have been completed, the Commissioners should draw up an Award or Instrument in Writing in the Manner and Form therein particularly mentioned and described, and that the respective Sums of Money which by the Award of the said Commissioners should be specified as the Proportions or Contributions payable in respect of the several Parcels or Portions of the Land drained or improved by Drainage, or by any Works under the said Act, towards the total Amount of the Sums expended in and about such Drainage or Improvements, as aforesaid, with Interest for such respective Sums of Money at a Rate not exceeding Five Pounds *per Centum per Annum* from the Date of such Award, should be charged on such several Parcels or Portions of the Land so drained or improved as aforesaid, and that in preference to and with Priority over all Incumbrances on such Land: Provided nevertheless, that any Quit or Chief Rent issuing thereout, or other Incumbrance thereon, previously to the Date of the said Award, should have Priority to such Charges to the Extent of the Value of such Land before the Improvements were effected, but no further; and the same respective Sums of Money, with such Interest for the same as aforesaid, should also be charged upon so much of any other Land situate within One Mile of any Part of the Lands so drained or improved, and settled with the Lands so drained or improved to the same Uses, Intents, and Purposes, by virtue of Limitations contained in the same Instrument or the same Set of Instruments, as the said Commissioners should by their said Award, or any Instrument under their Hands and Seals enrolled in the Rolls Office, direct, limit, and appoint, having regard to the Sufficiency of the said Lands to satisfy and secure the Charge thereon, but subject, as to such other Land, to the full Amount of all Incumbrances affecting the same prior to the Date of the said Award: And whereas Applications have been made to the said Commissioners for the Drainage of Land, and the Improvement of Navigation and Water Power of several Rivers and Lakes, in *Ireland*, and Undertakings and Works for those Purposes are now in progress under the Direction of the said Commissioners: And whereas it is expedient and just that the Monies to be charged upon Lands by 5 & 6 Vict. c. 89.

'any such Award as aforesaid shall take Priority and have Effect as to such Lands from the Date of the 'said Declaration in and by the said Act authorized, instead of the Date of the said Award; and for 'the more effectual Attainment and Extension of the Benefits likely to arise from the said Act it is 'expedient to facilitate the raising of Monies for the Purposes thereof, and to amend the said Acts in 'certain other respects as herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in the Case of all Loans to be effected and Declarations to be made by the said Commissioners after the passing of this Act, under the Provision of said recited Act or this Act, the respective Sums of Money which, by the Award to be made by the said Commissioners, shall be specified as the Proportions or Contributions payable in respect of the several Parcels or Portions of the Land drained or improved by Drainage, or by any Works under the said Act or this Act, towards the total Amount of the Sums expended in and about such Drainage or Improvements as aforesaid, with Interest for such respective Sums of Money at the Rate not exceeding Five Pounds *per Centum per Annum*, shall from the Date of such Declaration be charged on such several Parcels or Portions of the Land so drained or improved as aforesaid, and that in preference to and with Priority over all Incumbrances on such Land, save only that any Quit or Chief Rent issuing thereout, or other Incumbrance thereon, previously to the Date of the Memorandum of the Registry of such Declaration, as by this Act authorized and directed to be made by the said Commissioners, shall have Priority to such respective Sums of Money so charged to the Extent of the Value (as stated by the said Commissioners in any such Declaration) of such Land before the Improvements were commenced, but no further; and the same respective Sums of Money, with such Interest for the same as aforesaid, shall also be charged upon so much of any other Land situate within One Mile of any Part of the Lands so drained or improved, and settled with the Lands so drained or improved, to the same Uses, Intents, and Purposes, by virtue of Limitations contained in the same Instrument or the same Set of Instruments, as the said Commissioners shall by the said Award, or any Instrument under their Hands and Seals, and enrolled in the Rolls Office, direct, limit, and appoint, having regard to the Sufficiency of the said Lands to satisfy and secure the Charge thereon, but subject, as to such other Land as aforesaid, not being Part of the Lands so drained or improved, to the full Amount of all Incumbrances affecting the same prior to the Registry of the Memorandum of such Declaration.

Apportioned Expences of Works to be charged on Lands.

Provisions in recited Act as to Charge on Lands to apply to Land of the same Proprietor.

II. And be it enacted, That the Provisions in the said recited Act and this Act contained relating to the Charge of any Monies or Interest on Land situate within One Mile of any Part of the Land drained or improved shall be deemed and construed to extend and apply to all Land belonging to the same Proprietor, as the Land so drained or improved, situate within One Mile of any Part of the Lands so drained and improved, for all his Estate and Interest existing at the Time of such Declaration of the said Commissioners as aforesaid.

The Proprietors may give other Security in lieu of the Lands so situate.

III. And be it enacted, That if any Proprietor shall prefer to give other Security in lieu of the Lands so situate within One Mile of the Lands drained or improved as aforesaid, such Security shall be given within a Time to be fixed by public Notice by the Commissioners previous to the Date of the Declaration aforesaid, any thing in the said Act to the contrary notwithstanding.

The whole of the Lands chargeable shall be described in the Declaration.

IV. And be it enacted, That the Extent of the whole of the Land or Premises which, under the Provisions of said Act or this Act, may become chargeable with the Monies expended in pursuance of the Provisions thereof, shall be entered, stated, or described in every such Declaration, as herein-before mentioned, to be made by said Commissioners; and when such Declaration shall be finally settled a Copy thereof shall be printed, and deposited with the Clerk of the Peace, as in said Act directed.

The Commissioners to cause Memorandum of Declaration to be drawn up and registered.

V. And be it enacted, That so soon as conveniently may be after the making of any such Declaration as in and by the said recited Act or this Act authorized as aforesaid the said Commissioners shall draw up a Memorandum or Instrument in Writing, setting forth therein the several Lands (with the County, County of a City or Town, and Barony or Parish in which the same may be situate) which shall be the Subject of or contained in such Declaration, and also setting forth the Proprietors of such Lands respectively, and which Memorandum or Instrument shall be signed and sealed by the said Commissioners, and be in the Form in the Schedule marked (B.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and the said Commissioners shall at the same Time sign and seal a Memorial of such Memorandum or Instrument, directed to the Registrar for registering Deeds, Conveyances, and Wills in *Ireland*, and cause the Memorial of such Instrument to be registered in the Office for Registry of Deeds in the City of *Dublin;* and the Registrar of said Registry Office, his and their Assistant, Deputies, and other Officers, are hereby authorized and required to receive and register the same in such and the same Manner as any Deeds or Instruments are registered in said Office, and enter all such Memorials of such Instruments in the Abstract Books and Indexes of or relating to Memorials registered and kept in the said Offices, subject to the Payment of such Fees as may now be lawfully demanded and received upon the Registry of Memorials of Deeds in the said Office.

Declarations heretofore made to be registered.

VI. And be it enacted, That the said Commissioners shall, within Three Months from the passing of this Act, draw up Memorandums or Instruments in Writing in the Manner and Form aforesaid, or as near thereto as the Circumstances of each Case will admit, of the several Declarations heretofore by them made under the Provision of the said recited Act, and Memorials thereof respectively, and cause the said Memorials to be entered and registered in the Register's Office for registering of Deeds in the City of *Dublin* in the same Manner as last aforesaid.

VII. And

VII. And be it enacted, That no Appeal to any Assistant Barrister against any Declaration to be made by the said Commissioners shall be heard, unless a Notice in Writing of such Appeal be lodged with the Secretary of the said Commissioners at their Office in *Dublin* within Twenty-one Days next after the Publication of such Declaration. No Appeal, unless Notice in Writing within 21 Days after Declaration.

VIII. And be it enacted, That when the said Commissioners shall think fit to borrow or raise at Interest or shall have borrowed any Sum of Money under the Powers for that Purpose given by the said recited Act or this Act, it shall and may be lawful for the said Commissioners, if they shall so think fit, to include in such Loan as well the Principal Sum estimated to be required as all Interest which may be agreed to be paid thereon during the Interval between such Loan and the making of the Award relative to the Works for which such Loan may have been contracted, such Interest to be payable half-yearly or otherwise as the said Commissioners shall think fit; and all Sums so borrowed for Payment of Interest shall be secured in like Manner as the Principal Sum of which the Interest shall have been so provided for as aforesaid. Power to borrow Money to pay Interest pending Execution of Works.

IX. And be it enacted, That from and after the passing of this Act it shall not be necessary that any Transfer of the Right or Interest in or to any Sum secured by any Certificate heretofore issued or hereafter to be issued under the said recited Act or this Act shall be in any specified Form, and that every Person who shall be entitled to the Money secured by any such Certificate may transfer his Right and Interest to the Principal Sum and Interest Money thereby secured to any Person by Endorsement thereon, and that all Rights and Remedies of the Person so endorsing in, to, or in respect of such Certificate shall, after such Endorsement, be vested in the Person to whom such Transfer shall be made, and that it shall not be necessary that the said Transfer or Endorsement shall be produced or certified to the Secretary of the said Commissioners, or for the said Secretary to make an Entry thereof, as in and by the said recited Act directed. Certificate of Loans may be transferred by Endorsement.

X. And be it enacted, That it shall and may be lawful for the said Commissioners, in any Case where they shall so deem fit, to make any Certificate or Set of Certificates granted under the said Act or this Act for the whole of the Monies required to be borrowed for such Case, payable at any Time (to be fixed as herein-after provided) intervening between Two Periods to be stated in such Certificates; and it shall be lawful for the said Commissioners to alter the Form of the Certificate provided by the said Act to suit the Circumstances of each Case, and such Certificate so varied shall be equally good and effectual as if the same were according to the Form by said Act prescribed. Commissioners may make Certificates payable within certain Periods.

XI. And be it enacted, That where more than One Certificate for any such Case shall be so issued and made payable between Two such Periods as aforesaid, the Commissioners shall, as soon as may be convenient after the final Settlement of their Award, give Notice in the *Dublin Gazette*, and in such other Newspapers and by such other Means as they shall think fit, to the Holders of such Certificates of their Intention, on a Day and Hour in said Notice to be fixed, not sooner than Fourteen Days from the Publication thereof, to hold a Ballot for the Purpose of determining the Order in which such Certificates shall be paid off; and upon the Day and at or after the Hour named the Commissioners shall accordingly proceed to make such Ballot in presence of such (if any) the Holders of such Certificates, or their Agents or Representatives, as shall attend at such Ballot, and if none of such Persons shall attend then in the Absence of such Persons; and the Result of such Ballot shall be recorded in the Office of the said Commissioners, and noted upon all such of the said Certificates as shall be then or subsequently produced to the said Commissioners; and such Record and Notification shall be signed by the Secretary for the Time being of said Commissioners, and all such Certificates shall be paid off in the Order so to be determined by such Ballot. Commissioners to determine by Ballot the Order in which Certificates shall be paid.

XII. And be it enacted, That in all Cases of Certificates issued in the Mode herein-before prescribed, and also in all Cases where, pursuant to the Provisions of the said recited Act, the Commissioners are empowered or required to borrow Money at a lower Rate of Interest than the Certificates which for the Time being shall be in force shall bear, and shall issue like Certificates at such reduced Rate of Interest, it shall and may be lawful for the said Commissioners and they are hereby required to publish a Notice or Notices in the *Dublin Gazette*, and in such other Newspapers as they shall deem fit, fixing a Time, not sooner than Six Months from the Date of such Notice, when the Principal Money secured by any or the whole of such Certificates shall become payable, having regard to the Order in which, in pursuance of the Provisions of this Act and the said recited Act, such Certificates shall have been made payable; and in such Notice the Certificates to become payable shall be described by the Name of the District or Work for which they have been issued, and the Number, Letter, or other Mark fixed by said Commissioners on such Certificates; and it shall be lawful for the said Commissioners, at the Expiration of the Time in such Notice stated, to pay off the Monies due on account of such Certificates named in such Notice, and from and after the Expiration of the Time appointed by said Notice the Interest on the Principal Monies secured by such Certificates shall cease and determine. The Commissioners may, on Notice, pay off Certificates.

XIII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to invest in any of the Public or Government Funds or Securities, in their Names as such Commissioners, or in the Name of their Secretary for the Time being, for the Benefit of the Parties interested in such Funds, (but without Risk to the said Commissioners,) any Sums of Money applicable to the Purposes of the said recited Act or this Act which may be in their Hands remaining unapplied. Commissioners may invest Funds.

XIV. And be it enacted, That the said Commissioners may and shall in all Cases sue and be sued in the Name of the Secretary of the Commissioners of Public Works in *Ireland* for the Time being for and on behalf of the said Commissioners; and that in all Indictments or Criminal or Civil Proceedings Power to sue and be sued.

the

the Name of the Commissioners of Drainage shall be a sufficient Description of the said Commissioners; and that no such Action or Suit at Law or in Equity shall abate or be discontinued by the Death or Removal of such Secretary; and the Secretary for the Time being shall always be deemed the Plaintiff or Defendant in such Action or Suit (as the Case may be).

Commissioners may refer to Maps, &c.

XV. And be it enacted, That it shall and may be lawful for the said Commissioners, in making any Declaration or Award, or doing any other Act by this Act or the said recited Act authorized, to do so in and by reference to Maps, Plans, and Schedules, or otherwise, as they may think best.

Assents to be in the Form in Schedule.

XVI. And be it enacted, That the Assents of Proprietors and Owners under the said recited Act shall be in the Form in the Schedule (A.) to this Act annexed, or as near thereto as the Circumstances of each Case will permit, and that the Assent of every Proprietor given under his Hand in such Form shall, to all Intents and Purposes, be conclusive against and binding upon such Proprietor of and all Persons interested in the Lands of such Proprietor in respect of which such Assent shall be given, and also upon and against the same Lands respectively.

Production of Assents to be Proof of Execution.

XVII. And be it enacted, That the Production of such Assents by or from the Office of the said Commissioners shall be deemed and taken in all Courts of Law and Equity as good and sufficient Proof thereof, and of the due Execution thereof, without any further or other Evidence of the Execution of same.

Officers to give Security.

XVIII. And be it enacted, That every Clerk, Collector, Receiver, or other Officer to be appointed or employed under the said recited Act or this Act, shall, when required so to do by the said Commissioners, give such Security to the Secretary for the Time being of the Commissioners of Public Works in *Ireland* in such Sum as shall be determined on by the Commissioners acting in execution of the said recited Act and this Act, conditioned for the due Performance and Execution of such Duties and Works for which such Person or Persons shall respectively be so appointed or employed as aforesaid, or in such other Condition as the Commissioners of Drainage may think proper and require; and each Security shall and may be sued upon and enforced by the Secretary of Commissioners of Public Works for the Time being for and on behalf of the said Commissioners of Drainage.

Security for Sums heretofore advanced.

XIX. And be it enacted, That the respective Sums of Money which shall become chargeable under any Award to be made by the said Commissioners in respect of any District as to which the said Commissioners have heretofore made a Declaration, and as to which Money has been borrowed and taken up by them for the Execution of any Work in such District, shall for the Purpose of securing the Money so borrowed and taken up by the said Commissioners, be Charges on the Lands to become chargeable therewith as in said Act mentioned, but with Priority over all Charges created on such Lands after the passing of this Act.

Value of Lands.

XX. And be it enacted, That the Extent in Value of the Land drained or improved before the Improvements were effected in said Act mentioned shall be construed, deemed, and taken to be the Value thereof before the Improvements were commenced.

Interpretation of Act.

XXI. And be it enacted, That the said recited Act shall continue and be in full Force and Effect, save and except so far as the same is altered by or inconsistent with this Act, and that the said recited Act and this Act shall be construed together as One Act; and that in the Construction of this Act, except where the Nature of the Provision or the Context of this Act shall exclude such Construction, the Words "Lands," "River," "Person" or "Persons," "Proprietor" or "Proprietors," "Quit or Chief Rent," and "Counties," shall be construed to extend and be applied as in said recited Act is directed and provided; and every Word importing the Singular Number only shall extend and be applied to several Persons and Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; the Words "said Commissioners" shall mean the Commissioners or any Two of them acting in execution of the said recited Act and this Act; and the Word "Proprietor" in the said recited Act and this Act, in addition to the Meanings in the said recited Act applied to it, shall also mean the reputed Proprietor.

Alteration of Act.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

DRAINAGE ACTS, VICT. c .

ASSENT.

District of .

WHEREAS, under the Provisions of an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled "An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland," and of another Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty amending the same, it is proposed to drain and improve by Drainage certain Lands within the District designated by the Commissioners for the Execution of the said Act the District of in the County of for which Purpose certain Maps, Plans, Sections, Estimate, and Schedules have been lodged, in pursuance of the Provisions of said first-recited Act, for public Inspection for Six successive Weeks, as thereby directed, at

at in the County of and which said Maps, Plans, Sections, and Estimate are signed by Commissioners for the Execution of the said Acts.

And whereas I, the undersigned, am a Proprietor, within the Terms of said Act, of some of the Lands within said District, and comprised in said Schedules; that is to say, in the Townlands of

Now these Presents witness, that I have assented and do hereby assent, as such Proprietor, to the Execution of the Works for the Drainage and Improvement by Drainage of the Lands within said District by the said Commissioners, pursuant to the Provisions of the said Acts.

Witness my Hand, this Day of 184

Present

The undersigned, being Tenant of of the above Lands, whose Concurrence in the above Assent is required under the Provisions of the said Act, do hereby consent to the Execution of the said Works.

Witness my Hand, this Day of 184

Present when signed by

SCHEDULE (B.)

Memorandum of a Declaration under the Drainage Act.

District of County of

We, the Commissioners acting in execution of an Act made and passed in the Sixth Year of the Reign of Her present Majesty Queen Victoria, intituled [*here set forth Title of the original Act*], and also of another Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty amending the same, have heretofore, to wit, on the Day of 18 , made a Declaration in the Manner by the said Acts or one of them directed, and in the Schedule hereunto annexed we have set forth the several Lands which are the Subject of or contained in the said Declaration, as well as the Names of the Proprietors of such Lands respectively.

In witness whereof, *&c.*

Signed, sealed, and delivered by the said

In Presence of

Townland.	Barony or Parish.	County, County of a City or Town.	Name of Proprietor.

CAP. LXX.

An Act for the further Amendment of the Church Building Acts. [31st *July* 1845.]

'WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and render more effectual Two Acts, passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Fifth Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to make further Provision, and to amend and render more effectual Three Acts, passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, and in the Third Year of His present Majesty, for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend and render more effectual an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled 'An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes:'* And whereas another Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His said late Majesty, to render more effectual the aforesaid Act passed in the Fifty-ninth Year of the

58 G. 3. c. 45. 59 G. 3. c. 134. 3 G. 4. c. 72. 5 G. 4. c. 103. 7 & 8 G. 4. c. 72. 1 & 2 W. 4. c. 38. 2 & 3 W. 4. c. 61.

'Reign

'Reign of His Majesty King *George* the Third: And whereas another Act was passed in the Session of
7 W. 4. & 1 Vict. c. 75. 'Parliament holden in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act*
'*to prolong for Ten Years Her Majesty's Commission for building new Churches:* And whereas another
'Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of
1 & 2 Vict. c. 107. 'Her said Majesty Queen *Victoria*, intituled *An Act to amend and render more effectual the Church*
'*Building Acts:* And whereas another Act was passed in the Session of Parliament holden in the Second
2 & 3 Vict. c. 49. 'and Third Years of the Reign of Her present Majesty, intituled *An Act to make better Provision for*
'*the Assignment of Ecclesiastical Districts to Churches or Chapels augmented by the Governors of the*
'*Bounty of Queen* Anne; *and for other Purposes:* And whereas another Act was passed in the Session
'of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled
3 & 4 Vict. c. 60. '*An Act to further amend the Church Building Acts:* And whereas another Act was passed in the
'Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty,
7 & 8 Vict. c. 56. 'intituled *An Act concerning Banns and Marriages in certain District Churches and Chapels:* And
'whereas it is expedient that some of the Provisions of the herein-before recited Acts should be
'amended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

Explanation and Extension of the Provisions of 3 G. 4. c. 72. § 30.

and by the Authority of the same, That, notwithstanding any Limitation or Restriction or other Thing contained in the herein-before recited Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, where a new Church has been already built or shall hereafter be built in any Parish or District Parish, or ancient or parochial Chapelry, and where the Bishop of the Diocese and the Patron and Incumbent of such Parish, District Parish, or ancient or parochial Chapelry shall at any Time certify to Her Majesty's Commissioners for building new Churches that it will be for the Convenience of such Parish, District Parish, or ancient or parochial Chapelry that such new Church, being duly consecrated, should be substituted for the old or existing Church situate therein, it shall be lawful for the said Commissioners, by an Instrument under their Common Seal, with the Consents of such Bishop, Patron, and Incumbent, under their Hands and Seals, to declare that such new Church, being duly consecrated, shall be substituted for such old or existing Church, and to transfer the Endowments, Emoluments, or Rights belonging to such old or existing Church, or to the Incumbent or Minister thereof, to such new Church, and to the Incumbent or Minister thereof, and his Successors; and it shall be lawful in every such Case for the Trustees (if any) of such old or existing Church, or of any Rights, Emoluments, or Endowments belonging thereto, or to the Incumbent or Minister thereof, and they are hereby required, and indemnified for so doing, to transfer the same according to the Direction of the said Commissioners; and immediately from and after such Transfer all Glebe Lands, Tithes, and other Endowments, Emoluments, Fees, and Profits, and every Matter or Thing, whether real or personal, and all Rights and Privileges wherewith any such old or existing Church is, or was at the Time of such Substitution, endowed, or to which the Incumbent or Minister thereof was or is entitled, shall be vested in and belong to the Incumbent or Minister for the Time being of such new Church, and his Successors, in as ample a Manner as the Incumbent or Minister of the old or existing Church might have enjoyed the same if such Transfer had not taken place, and the Incumbent or Minister of such old or existing Church shall thereupon be, to all Intents and Purposes, the Rector, Vicar, Perpetual Curate, or Minister, as the Case may be, of such new Church, instead of Rector, Vicar, Perpetual Curate, or Minister of such old or existing Church, without any Presentation, Institution, Induction, Collation, or other Form of Law being had, observed, or required; and such new Church shall thereupon have the same Rights and Privileges as such old or existing Church, and such Offices of the Church as were performed and celebrated in such old or existing Church shall be performed and celebrated in such new Church, and such new Church shall be to all Intents and Purposes in lieu of the old or existing Church; and at any Time within Six Months after the Substitution of such new Church for the old or existing Church, the Bishop of the Diocese may of his own mere Motion issue, or if thereunto required by any Person claiming to hold a Pew or Seat free of Rent in such old or existing Church by Faculty or Prescription shall issue, a Commission under his Hand and Seal, directed to the Archdeacon of the Archdeaconry in which such old or existing Church shall be situate, and to any Two Incumbents of Parishes situate within such Archdeaconry, and to any Two Laymen nominated by the Churchwardens of such old or existing Church, who are hereby required to nominate for such Purpose Two fit Persons not claiming any such Pew or Seat as aforesaid; and such Commission shall direct the Commissioners thereby appointed to inquire into the Rights of Persons, if any, who claim to hold any such Pews or Seats as aforesaid; and the said Commissioners, or any Three or more of them, of whom the said Archdeacon shall be One, shall, as soon as conveniently may be, proceed to examine into such Claims, after giving Fourteen Days previous Notice thereof, by affixing a Copy of such Commission on the Church Door of such new Church; and such Notice, signed by such Archdeacon, shall specify the Day and Time and Place on

Claims of Persons to Pews in the old Church to be investigated, and if proved such Persons to have Pews in the new Church, on the

which such Examination is to be made; and after making an Examination into such Claims the Commissioners so appointed, or the Majority of them shall, under their Hands transmit in Writing to the said Bishop the Names and Residences of the Persons who have substantiated their Claims to such Pews or Seats, and if the said Bishop is satisfied therewith he shall assign, under his Hand and Seal, to such Parties respectively, convenient Pews or Seats in such new Church, and such Seats so assigned shall be held and enjoyed by the Parties entitled to the same in as free and ample a Manner as the Pews or Seats to which they had or would have been entitled in such old or existing Church; and if any Party shall find himself aggrieved by the Finding of such Commission the Bishop of the Diocese shall have Power

to

to afford Redress, by allotting to such Party Seats in such new Church, if the Justice of the Case shall in his Judgment require it; and the old or existing Church, if such Bishop shall think fit, may thereupon be wholly or partly pulled down, under a Faculty to be granted for that Purpose; and the said Bishop shall in that Case take care that all Tombstones, Monuments, and monumental Inscriptions in such Church so pulled down are as far as may be preserved by the Churchwardens, at the Expence of the Parish, or if it shall seem fit to the said Bishop the same shall be transferred to the Church so substituted as aforesaid, at the Expence of the said Parish or District Parish, or ancient or parochial Chapelry, as the Case may be; provided that in case such new Church shall have been built wholly or in part out of the Funds placed at the Disposal of Her Majesty's said Commissioners under the Provisions of the herein-before recited Acts or any of them, and such Transfer shall have been made, Rents for the Pews or Seats in such new Church shall only be fixed by Her Majesty's said Commissioners under the Provisions of such Acts for that Number of Seats therein which shall exceed the Number of Seats provided in such old or existing Church: Provided always, that nothing herein contained shall authorize the Substitution of any new Church in lieu of the old or existing Church as aforesaid, when the Advowson of or Right of Nomination to such new Church shall belong to any other Body or Person than to the Patron of such old or existing Church, without the Consents in Writing of the Patron and Incumbent or Minister of such new Church.

Same Terms as in the old one.

II. And be it enacted, That the Rector, Vicar, Perpetual Curate, or Minister of such old or existing Church next succeeding after such Transfer, and his Successors, shall be and is hereby declared to be the Rector, Vicar, Perpetual Curate, or Minister, as the Case may be, of such new Church; and the Body or Person who for the Time being would have had a Right of presenting or appointing the Incumbent or Minister of such old or existing Church, in case such Transfer had not been made, shall in lieu thereof, when any Vacancy occurs, have such and the like Right of presenting or appointing the Incumbent or Minister of such new Church as such Body or Person would have had with respect to the old or existing Church.

Incumbent of old Church and his Successors to be Incumbent of new Church.

III. 'And whereas it is expedient to remove any Doubts touching the Validity of any Proceedings by 'Her Majesty's said Commissioners in Cases in which, under the Provisions of the herein-before recited 'Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, they have 'substituted a new Church in lieu of the old or existing Church, in any Parish, and have transferred 'the Tithes, Glebe, and other Endowments belonging to such old or existing Church to such new 'Church;' be it therefore enacted and declared, That every Substitution of a new Church in lieu of an old or existing Church, and every Transfer heretofore made of the Tithes, Glebe, and other Endowments belonging to such old or existing Church, to such new Church, by the said Commissioners, purporting to be under the Provisions of the herein-before last-mentioned Act, shall be and shall be held to be valid in Law from the Time of such Substitution and Transfer.

Former Proceedings under 3 G. 4. c. 72. s. 30. valid.

IV. And be it enacted, That where any Part of the Cathedral Church has been accustomed to be used as a parochial Church, it shall be lawful for Her Majesty's said Church Building Commissioners, with Consent of the Ecclesiastical Commissioners for *England*, and with the Consents of the Bishop of the Diocese and of the Dean and Chapter of such Cathedral Church, and with the Consents also of the Patron and of the Incumbent or Minister of such Church, to transfer the Rights, Emoluments, Tithes, and other Endowments (if any) as herein-before particularly specified belonging to the Incumbent of such Church, to any new Church which has been or hereafter may be built, and which is situate in the Parish where such Part of such Cathedral is, or is deemed to be, the Parish Church; and in case of such Transfer the same Provisions herein-before contained, touching the Rights and Privileges, Succession and Appointment of the Incumbent or Minister of such new Church, and the Performance of the Offices therein, and the Examination into the Claims of Parties claiming to hold Pews, or Seats by Faculty or Prescription in the old Parish Church, and the Assignment of Pews or Seats to those who have substantiated such Claims as herein-before mentioned, shall apply to such new Church which after such Transfer shall become the Parish Church in lieu of the former Parish Church so belonging to such Cathedral; and such new Church, and the Incumbent or Minister thereof, shall, from and immediately after such Transfer, be and remain subject in all respects to the same ordinary and other Ecclesiastical Jurisdiction and Superintendence as the old parochial Church and the Incumbent or Minister thereof respectively were or otherwise would have been subject to; and the Part of the Cathedral Church so vacated shall thenceforth remain and be deemed to be Part of the Cathedral Church itself, in the same Manner and as fully as if it had never been used as a parochial Church, and shall thenceforth be subject to the same Control and Superintendence, and to the same Laws as to Repairs, as exist and are in force with respect to the Cathedral Church itself; and the Parish shall thenceforth be exempt from all further Liability (if any) to keep the same in repair: Provided always, that the Party or Parties liable to the Repair of the said Part of the said Cathedral Church, whilst it was so used as a parochial Church, shall continue to be liable to the Repairs of such new Church.

Where Part of a Cathedral Church has been used as a Parochial Church, a Transfer of the Rights, &c. belonging to such Parochial Church may, with certain Consents, be made by the Church Building Commissioners to a new Church; and the Parochial Church shall thenceforth be under the same Control, &c. as the Cathedral Church.

V. And be it enacted, That where at the passing of this Act there is not any consecrated Church in One of Two Parishes which may have been for Thirty Years next before the passing of this Act united, or reputed to have been united, for Ecclesiastical Purposes, and where a new Church has been or shall hereafter be built wholly or in part out of any Funds at the Disposal of Her Majesty's said Commissioners in the said Parish in which there is not any such Church as aforesaid, the whole of such Parish may, after the Consecration of such new Church, be disunited for Ecclesiastical Purposes from the other Parish, and may be formed into a separate and distinct Parish for such Purposes, with the same Consents, in the same

Parish heretofore united with another shall be disunited after new Church built therein.

same Manner, and under and subject to the same Provisions and Consequences as are mentioned and contained in the herein-before recited Acts or any of them, or in this Act, relative to the Formation of a distinct and separate Parish, where the same is formed out of one Parish not united with another Parish.

Appointment of Churchwardens for a District Chapelry and consolidated Chapelry.

VI. And be it enacted, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, That, in all Cases not otherwise expressly provided for, Two fit Persons shall be annually appointed Churchwardens for the Church of every District Chapelry or consolidated Chapelry already or hereafter to be formed under the Provisions of the herein-before recited Acts or any of them, or this Act, such Persons residing within the District Chapelry or consolidated Chapelry; and the first Appointment of Two such Persons shall, with respect to the Church of any District Chapelry or consolidated Chapelry already formed as aforesaid, take place within Two Calendar Months after the passing of this Act, and with respect to a Chapelry District or consolidated Chapelry to be hereafter formed as aforesaid, within Two Calendar Months after the Formation of the same; and the first Appointment of such Persons, in either of such Cases, shall take place at a Meeting of the Minister of such Church and the Householders of the District, to be summoned in all respects as such Minister shall direct; and every subsequent Appointment shall take place at the usual Period of appointing Parish Officers, at a Meeting to be summoned in all respects as if such District were a Parish and such Meeting were a Parish Vestry Meeting; and in each such Case one of such Persons shall be chosen by the then Incumbent or Minister serving such Church, and the other by the Householders, or the Majority of such Householders, residing in such District Chapelry or consolidated Chapelry; and the Two Persons, when so appointed and elected Churchwardens, shall appear and be admitted according to Law, and shall collect and receive the Rents of the Pews and Seats in every such Church, and pay the Stipend or Salary assigned by Her Majesty's said Commissioners to the Minister and Clerk of such Church, if the said Commissioners have fixed the Rents for the same, or assigned such Stipend or Salary, and shall also do, perform, and execute all lawful Acts, Matters, and Things necessary for and concerning the Management, good Order, and Decency of Behaviour to be kept and observed in such Church by the Congregation thereof, and for the Recovery of such Pew Rents, if in arrear; and the Money given at the Offertory at such Church shall be disposed of by the Minister and Churchwardens of such Church, in the same Manner as the Money given at the Offertory at any Parish Church is by Law directed to be disposed of by the Minister and Churchwardens of such Parish; and the Persons so to be appointed and chosen Churchwardens shall continue in their said Office until others shall be appointed and chosen in like Manner in their Stead.

Appointment of Churchwardens for an additional Church the Site whereof has been accepted by the Commissioners.

VII. And be it enacted, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, That, in all Cases not otherwise expressly provided for, Two fit and proper Persons shall be annually appointed Churchwardens for any new Church (without a District) already built or hereafter to be built upon a Site whereof Her Majesty's said Commissioners shall have accepted the Conveyance, under the Provisions of the herein-before recited Acts; and the first Appointment of such Persons shall take place within Two Calendar Months after the passing of this Act with respect to a Church already built and consecrated, and within Two Months after the Consecration of a Church to be so hereafter built; and the next Appointment of such Persons, in either of such Cases, shall take place at the next usual Period of appointing Parish Officers; and in each such Case one of such Persons shall be chosen by the Minister of such Church, and the other by the Renters of Pews therein, or by the Majority thereof, at any Meeting to be summoned, in all respects as the Minister of such Church, or (if there shall be no Minister) as the Churchwardens going out of Office, shall direct; and the Two Persons, when so appointed and elected Churchwardens, shall appear and be admitted according to Law, and shall collect and receive the Rents, if any, of the Pews and Seats in any such Church, and pay the Stipend and Salary, if any, assigned by the said Commissioners to the Minister and Clerk of such Church, and shall also do, perform, and execute all lawful Acts, Matters, and Things necessary for and concerning the Management, good Order, and Decency of Behaviour to be kept and observed in such Church by the Congregation thereof, and for the Recovery of the Pew Rents in such Church, if the same are in arrear; and the Persons so to be appointed and chosen Churchwardens shall continue in their said Office until others shall be appointed and admitted in like Manner in their Stead: Provided always, that if there are no rented Pews in such Church the Minister of such Church shall appoint both Churchwardens: Provided also, that if such new Church is made the Church of a distinct and separate Parish, District Parish, District Chapelry, or consolidated Chapelry, the several Provisions of the herein-before recited Acts or this Act touching the Appointment and Election of Churchwardens for the same, and their Powers and Duties in each such Case, shall thenceforth respectively apply to such Church.

No such Churchwarden to be by virtue of his Office Overseer of the Poor.

VIII. Provided always, and be it enacted, That no Churchwardens appointed under the Provisions of this Act shall be Churchwardens for any other Duties than for those herein-before mentioned; but all other legal Duties appertaining to the Office of Churchwardens shall be discharged within such District Chapelry or consolidated Chapelry, and in respect of the Church thereof, and also in respect of any such new Church as aforesaid without a District, by the Churchwardens who would have discharged the same if this Act had not been passed; and that no Churchwardens appointed under the Provisions of this Act shall in virtue of such Office be deemed Overseers of the Poor.

Explanation and Amendment of Part of 59 G. 3. c. 134. as to Formation of consolidated Chapelries.

IX. 'And whereas it is expedient to explain and amend the Provisions of the herein-before recited Act, 'passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, touching the 'Formation of consolidated Chapelries;' be it therefore enacted, That where a Population is collected together at the Extremities of and locally situate in Parishes or extra-parochial Places contiguous to each other, at a Distance from the respective Churches of such respective Parishes or extra-parochial Places, and

and where there is or shall hereafter be a consecrated Church in any of such Parishes or extra-parochial Places so circumstanced and situated as aforesaid, it shall be lawful for the said Commissioners, with the Consent of the Bishop of the Diocese, or if such Parishes or Places are situate in different Dioceses, then with the Consents of the respective Bishops thereof, signified under his or their Hands and Seals, and with the Consents also in like Manner signified of the Patrons of such respective Parishes or extra-parochial Places, to represent to Her Majesty in Council the Expediency of uniting any such contiguous Parts of such Parishes or Parts, or the whole of such extra-parochial Places, into One consolidated Chapelry for such Church with respect to all Ecclesiastical Purposes, and such Representation shall contain a Description of such Boundaries as may appear advisable to Her Majesty's said Commissioners for such consolidated Chapelry, and shall state to what Corporate Body, aggregate or sole, or Person, their or his Successors, Heirs, and Assigns, the Right of Presentation and Appointment to the Church of such consolidated Chapelry is proposed, with such Consents as aforesaid, and with the Approval of the said Commissioners, to belong; and if thereupon Her Majesty in Council shall think fit to order such consolidated Chapelry to be so formed, such Order shall be good and valid for the Purpose of forming the same, and the Right of Presentation and Nomination to the Church of every such consolidated Chapelry so formed shall belong to and (when Occasion may require) may be exercised by such Body or Person, their or his Successors, Heirs, and Assigns, as shall be mentioned in such Representation, and the Spiritual Person so nominated and appointed, when Occasion may require, shall be presented to the Bishop of the Diocese for his Licence; and (save and except in those Cases where at the Time of such Consolidation such Church was either the Church of a Rectory or Vicarage, and then the said Church shall retain its original Character,) the Church of such consolidated Chapelry shall be deemed a Perpetual Curacy, and shall be considered in Law as a Benefice Presentative, so far only as that the Licence thereto shall operate in the same Manner as Institution to any Benefice, and shall render void other Livings, in like Manner as Institution to any Benefice, and the Spiritual Person serving the same shall be deemed the Incumbent thereof, with exclusive Cure of Souls therein, and shall have perpetual Succession, and shall be and is hereby declared to be a Body Politic and Corporate, and he and his Successors may receive, take, and hold such Endowments in Lands or Tithes, or both, or any such Augmentation, as shall be granted to him or them, in the same Manner as any other Incumbent is by Law entitled to do; and every such Incumbent shall be subject to all Jurisdictions and Laws, ecclesiastical or common, and to all Provisions contained in any Acts of Parliament in force relating to such Persons, and the Church of every such consolidated Chapelry shall be subject to the Jurisdiction of the Bishop within whose Diocese and Archdeaconry the Communion Table of such Church shall be locally situated, and to all the Laws in force concerning Presentation and Appointment to Benefices and Churches, and all other Laws relating to the holding the same: Provided always, that where at the Time of forming such consolidated Chapelry the said Church shall be full, the Spiritual Person filling such Church shall be and remain Incumbent of the said Church and also of the whole consolidated Chapelry.

Minister thereof to be a Perpetual Curate.

X. And be it enacted, That Banns of Marriage may be published, and Marriages, Christenings, Churchings, and Burials performed, in the Church of every such consolidated Chapelry so formed, and, notwithstanding any thing contained in the herein-before recited Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third to the contrary thereof, the Fees arising therefrom shall, unless voluntarily relinquished by them or either of them, belong to the Incumbent and Clerk respectively of the Parishes out of which such consolidated Chapelry shall have been formed, under the Provisions of this Act, during their respective Incumbencies, or during the Time the Clerk shall retain his Situation; and the Incumbent of such consolidated Chapelry formed under this Act shall keep an Account of the Fees so received, and shall every Year pay over the same to such Incumbents and Clerks respectively who would have been entitled to them if such consolidated Chapelry had not been formed; and after the next Avoidance of such respective Incumbencies, and after the Situations of such respective Clerks shall have become vacant, such Fees shall belong and be paid to the Incumbent of such consolidated Chapelry and the Clerk of the Church thereof.

Offices of the Church may be performed therein.

Apportionment of Fees.

XI. And be it enacted, That where the Church of such consolidated Chapelry shall have been built wholly or in part by means of the Funds placed by Parliament at the Disposal of Her Majesty's said Commissioners, it shall be lawful for them, with the Consent of the Bishop of the Diocese, to apply the Provisions contained in the herein-before recited Acts passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His late Majesty King *George* the Third, touching the Reservation of Pew Rents, and the Assignment thereout of a Stipend to the Minister and a Salary to the Clerk, to the Church of any such consolidated Chapelry, and to the Incumbent and Clerk thereof.

Pew Rents may be fixed for the Minister and Clerk of any consolidated Chapelry, if Money granted for its Erection.

XII. And be it enacted, That it shall be lawful for Her Majesty's said Commissioners to make a Grant out of the available Monies in their Hands for or towards the Erection of new Churches in aid of the Erection of any new Church intended to be made the Church of any consolidated Chapelry, although the Population of the Parish or extra-parochial Place in which such Church will be situate may not amount to Four thousand Persons and upwards, and although there may be Church Accommodation for more than One Fourth of the Inhabitants of such Parish or extra-parochial Place, provided that the consolidated Chapelry to be formed under the Provisions of this Act shall contain a Population of at least Four thousand Persons, with Church Accommodation therein for not more than One Fourth of the Inhabitants thereof.

Commissioners may in certain Cases make Grants in aid of the Erection of a Church for such consolidated Chapelry.

XIII. And be it enacted, That in all Cases the Freehold of the Site of every Church of which Her Majesty's said Commissioners may have accepted or shall accept a Conveyance under the Provisions of the

How the Freehold of Sites for Churches, &c. shall vest.

the herein-before recited Acts or any of them (as to any Church not yet consecrated, when the same shall be consecrated,) shall vest in the Incumbent for the Time being of such Church; and the Freehold of every Burial Ground of which the said Commissioners may have accepted or shall accept a Conveyance under the Provisions of the herein-before recited Acts or any of them shall, after the same shall have been consecrated, vest in the Incumbent for the Time being of the Church to which such Burial Ground shall belong, or if there shall be no such Incumbent, then in such Body or Person as the said Commissioners may, with Consent of the Bishop of the Diocese, in such special Case direct, until there shall be an Incumbent, and from and after that Time then in such Incumbent, for the Use of the Inhabitants of the Place for which such Burial Ground was acquired; and the Freehold of any House, Garden, and Appurtenances, and Land for the Residence and Glebe of the Spiritual Person serving any Church, of which the said Commissioners may have accepted or shall hereafter accept a Conveyance, under the Provisions of the herein-before recited Acts or any of them, shall vest in the Incumbent or Minister of such Church for the Time being; provided that nothing in this Act contained shall authorize the Interment of any Person under any Church.

Land obtained for a Burial Ground for any Parish may be declared by the Commissioners Part of such Parish for that Purpose, although not within the Bounds of such Parish.

XIV. 'And whereas it is by the said herein-before recited Act, passed in the Fifty-ninth Year of the 'Reign of His late Majesty King *George* the Third, enacted, that where the said Commissioners should 'make a Grant in aid of purchasing Cemeteries not within the Bounds of the Parish for which the 'same should be provided, such Cemeteries should, after Consecration, be deemed Part of the Parish 'for the Use of which they should have been purchased or provided: And whereas it is expedient that 'the said Commissioners should have the Power of declaring that such Land as shall be approved of by 'them for the Purpose of a new or additional Burial Ground or Burial Grounds should be deemed Part 'of the Parish or Parishes for the Use of which they shall have been provided, although not within 'the Bounds of such Parish or Parishes, and whether any Grant in aid of the Purchase of such Land 'shall have been made or or not by the said Commissioners;' be it therefore enacted, That where any Land shall have been purchased or obtained for any new or additional Burial Ground not within the Bounds of the Parish or Parishes for the Use of which the same shall have been so purchased or obtained, it shall be lawful for the said Commissioners, if they shall think fit, in accepting a Conveyance of such Land for the Purposes aforesaid, under the Provisions of the herein-before recited Acts or any of them, to declare in such Conveyance, or by any other Instrument under their Common Seal, that such Land shall, after the Consecration thereof for the Purposes aforesaid, be and be deemed to be Part of the Parish or Parishes for the Use of which such Land shall have been so purchased or obtained, and, after Consecration, such Land shall be Part of such Parish or Parishes accordingly for the Purposes aforesaid.

Church of a District Parish may be resigned by Incumbent of original Parish; such Resignation to operate as Avoidance of Church of original Parish.

XV. And be it enacted, That when any District Parish has been or shall hereafter be formed, under the Provisions of the herein-before recited Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, it shall be lawful for the Incumbent of the Parish out of which such District Parish shall have been formed to resign voluntarily, with the Consent of the Bishop of the Diocese, the Church of such District Parish, and such Resignation shall have the same Effect as the Avoidance or Resignation of the Parish Church, with respect to the Performance of the Offices of the Church in the Church of such District Parish; and thereupon such District Parish, and the Church thereof, shall be a Perpetual Curacy and Benefice, and shall be subject to the same Laws as are in force with respect to District Parishes where an Avoidance or Resignation of the Church of the original Parish shall have taken place.

Boundaries of new Parishes, &c. may be altered although Five Years may not have elapsed since Parishes, &c. were formed.

XVI. And be it enacted, That, any thing in the herein-before recited Act passed in the Third and Fourth Year of Her present Majesty to the contrary notwithstanding, it shall be lawful for Her Majesty's said Commissioners at any Time to alter the Boundaries of a distinct and separate Parish, District Parish, District Chapelry, or consolidated Chapelry, although Five Years may not have elapsed since the Description of such Boundaries has been enrolled in the High Court of Chancery, or registered in the Registry of the Diocese; provided that such Alteration of Boundaries shall be subject to the same Provisions, except as herein excepted, as are contained relative thereto in the herein-before recited Acts.

Church of a District Chapelry and Church augmented by the Ecclesiastical Commissioners for England to be a Perpetual Curacy, and Minister a Perpetual Curate.

XVII. And be it enacted, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, That the Church of any District Chapelry formed or to be hereafter formed under the Provisions thereof, although such Church may not have been augmented by the Governors of the Bounty of Queen *Anne*, and also any Church now or hereafter to be augmented by any Order of Her Majesty in Council ratifying any Scheme of the Ecclesiastical Commissioners for *England*, and with a District Chapelry assigned thereto, shall be and is hereby declared to be a Perpetual Curacy and Benefice, and the Licence thereto shall operate in the same Manner as Institution to any Benefice, and the Minister duly nominated and licensed thereto, and his Successors, shall not be a Stipendiary Curate, but shall be and be esteemed in Law to be a Perpetual Curate, and Body Politic and Corporate, with perpetual Succession, and he and his Successors may receive, take, and hold to himself and themselves all such Lands, Tithes, and Rent-charges as shall be granted unto or purchased for him or them by the said Ecclesiastical Commissioners for *England*, or otherwise, in the same Manner as any other Incumbent is by Law entitled to do; and such Perpetual Curate shall thenceforth have, within and over the District Chapelry so assigned, sole and exclusive Cure of Souls, and shall not be in anywise subject to the Control or Interference of the Rector, Vicar, or Minister of the Parish or Place from which such District Chapelry shall have been taken, any Law or

Statute

Statute to the contrary notwithstanding, save and except as to any *Easter* Dues and Offerings which would not belong to the Perpetual Curate of such District Chapelry if this Act had not been passed, and save and except also as to the Fees, if any, reserved to the said Incumbent on the Assignment of such District Chapelry, which shall still continue to belong to and shall be paid over to him by the Perpetual Curate of such District Chapelry according to such Reservation: Provided always, that nothing herein contained shall alter or affect the Right of Nomination or Appointment belonging or hereafter to belong to any Corporate Body or Person in respect to the Church of any such District Chapelry.

Licence of Minister of a new Church not void by Avoidance of Parish Church, unless revoked by Bishop.

XVIII. And be it enacted, That the Licence of the Minister appointed to serve a new Church (without a District) already or to be hereafter built, wholly or in part, by means of any Monies at the Disposal of Her Majesty's said Commissioners, under the Provisions of the herein-before recited Acts or any of them, shall not be rendered void by reason of the Avoidance of the Parish Church of the Parish in which such new Church is situate, unless such Licence shall be revoked by the Archbishop or Bishop who may have granted the same, or by the Successor of such Archbishop or Bishop.

The Purchase Money of Lands sold under Provisions of recited Acts need not be paid into Bank of England but may be paid to Trustees.

XIX. And be it enacted, That, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, it shall not be necessary to pay into the Bank of *England* any Sums of Money to be paid for any Lands or Hereditaments to be purchased or acquired by virtue of such Acts or any of them, although the same may amount to or exceed Two hundred Pounds (unless Her Majesty's said Commissioners shall require such Sums to be paid into such Bank), but the same may be invested in the Names of Trustees, as in the said Act is provided in the Cases when the Amount thereof shall be under the Sum of Two hundred Pounds; and in any Declaration of Trust to be made of any such Monies the said Commissioners may make such special Provisions for the Investment of such Monies, and the Appointment of new Trustees thereof, or otherwise, as they shall think fit.

The Purchase Money of Lands sold under 58 G. 3. c. 45. and belonging to an Incumbent in right of his Living, may be paid to and applied by the Governors of Queen Anne's Bounty for the Benefit of the Incumbent.

XX. And be it enacted, That in every Case in which Land or other Hereditaments belonging to an Incumbent in right of his Church shall be sold and conveyed by him to Her Majesty's said Commissioners, and in which the Purchase Money is, under the Provisions of the herein-before recited Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, directed to be paid into the Bank of *England*, or invested in the Names of Trustees, such Purchase Money shall, instead of being paid into the Bank of *England*, or invested in the Names of Trustees, be paid to the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, and be appropriated by the said Governors to the Benefice to which the Land or other Hereditaments so sold shall have belonged, and shall be applicable and disposable by the said Governors to and for the Benefit and Augmentation of such Benefice, in such and the same Manner, and with such and the same Powers of Investment in the Purchase of Land, and Exchange for other Land and Hereditaments, and otherwise, and with other Powers and Authorities, in all respects, according to the Rules, Orders, and Constitutions for the Time being in force for the Management of the Bounty of Queen *Anne*, as if the Money so appropriated had been originally provided or appropriated by the said Governors, out of the Funds at their Disposal, for the Benefit and Augmentation of the same Benefice.

Such Purchase Money to be paid to Treasurer of Queen Anne's Bounty, whose Receipt shall be a valid Discharge.

XXI. And be it enacted, That in all Cases in which Money shall be payable to the Governors of the Bounty of Queen *Anne* under the Provision last herein-before contained such Money shall be paid to the Treasurer for the Time being of the said Governors; and the Receipt or Receipts of such Treasurer shall be an effectual Discharge or effectual Discharges for so much Money as in such Receipt or Receipts shall be expressed, to the Person or Persons paying the same; and after obtaining such Receipt or Receipts the Person or Persons paying such Money shall be absolutely discharged from all Liability touching such Money, and from all Trusts relating thereto.

Apportionment of Bequests, &c., and also of Charges, to be made by the Court of Chancery.

XXII. And be it enacted, That where Her Majesty's said Commissioners shall have already formed or shall hereafter form any distinct and separate Parish, District Parish, or District Chapelry, under the Provisions of the herein-before recited Acts or any of them, or this Act, out of any Parish or extra-parochial Place, it shall be lawful for the Court of Chancery, any thing in the herein-before recited Acts to the contrary notwithstanding, on a Petition being presented to the said Court by any Two Persons resident in any such Parish or extra-parochial Place, (such Petition to be presented, heard, and determined according to the Provisions of an Act passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to provide a summary Remedy in Cases of Abuses of Trusts created for charitable Purposes*,) to apportion between the remaining Part of such Parish or Place and the distinct and separate Parish, or District Parish, or District Chapelry, any charitable Devises, Bequests, or Gifts which shall have been made or given to or for the Use of any such Parish or extra-parochial Place, or the Produce thereof, and in any such Case to direct that the Distribution of the Proportions of such Devises, Bequests, or Gifts, or the Produce thereof, as shall be so apportioned, shall be made and distributed by the Incumbent or Spiritual Person serving the Church, or by the Churchwardens of any such distinct and separate Parish, District Parish, or District Chapelry, either jointly or severally, as the said Court of Chancery may think expedient; and it shall also be lawful for the said Court of Chancery to apportion between the remaining Part of such Parish or Place as aforesaid, and such separate Divisions or Districts, any Debts or Charges which may have been before the Period of such Apportionment contracted or charged upon the Credit of any Church Rates in such Parish or Place; and all such Apportionments shall be registered in the Registry of the Diocese in which such Parish or Place shall be locally situate, and Duplicates thereof shall be deposited with the Churchwardens of such Parish or Place, and of each such Division or District as aforesaid, and in all such Cases the Costs shall be at the Discretion of the said Court; and such apportioned Debts or Charges shall be raised and paid

52 G. 3. c. 101.

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by the Parish or Place in which they may be apportioned in such and the like Manner as the Entirety was to be raised and paid, or in such Manner and under such Provisions and Conditions as the said Court shall direct, and when any Securities may have been given for the same the Court may order new Securities to be given for the apportioned Debts by such Persons and Bodies, and in all respects as the said Court may direct, and all Securities shall be valid and binding; and the Powers and Authorities given to the said Commissioners by the herein-before recited Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, with respect to the Apportionment by them of such Devises, Bequests, Gifts, and Charges, shall, after the passing of this Act, with respect to the future Exercise of such Powers and Authorities, cease and determine.

Agreement as to Nomination entered into before building, &c. of any new Church to be binding.

XXIII. And be it enacted, That if before or during the building of any new Church, or previous to its Consecration, the Bishop of the Diocese and the Patron and Incumbent of the Parish in which such new Church has been or is intended to be built shall enter into an Agreement in Writing that the Right of Nomination to such new Church shall on its Consecration belong to and be exercised by any Body Corporate, Aggregate or Sole, or by any Person or Persons, such Agreement shall be binding on such respective Parties, their Successors, Heirs, and Assigns, and they shall be compellable to fulfil the same.

Assent of the Commissioners to any Conveyance, &c. to be testified by their Seal, &c.

XXIV. And be it enacted, That no future Conveyance to be made to the said Commissioners in pursuance of the herein-before recited Acts or any of them, or any other future Instrument thereby directed to be made with their Privity or Assent, shall be valid and effectual unless and until the Assent thereto of the said Commissioners shall be testified by any Seal in use by them being affixed thereto; but after such Seal shall have been affixed to such Instrument, such Instrument shall take effect as from the making thereof; and no future Instrument to which such Seal is as aforesaid so directed to be affixed, and which is directed to be registered in the Registry of any Diocese, shall be so registered unless and until such Seal shall have been so affixed.

Application of former Church Building Acts to this Act.

XXV. And be it enacted, That the existing Powers, Privileges, and Authorities contained in the herein-before first recited Acts or any of them may be used and applied for the Purpose of carrying this Act or the said Acts respectively into execution, *mutatis mutandis*, so far as the same are applicable thereto, and are not inconsistent with or repugnant to the Provisions of this Act.

CAP. LXXI.

An Act to extend certain Provisions in the Act for consolidating and amending the Laws relating to Highways in *England*. [31st *July* 1845.]

5 & 6 W. 4. c. 50.

'WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of* Great Britain *called* 'England, after reciting that under Acts of Parliament theretofore made, and which might thereafter be 'made, for the inclosing of waste Land, Parcels of Land had been and might be expressly allotted to 'Parishes, or to the Surveyor of the Highways, for the Purpose of obtaining Materials for the Repair 'of the Highways in such Parish, and the Materials in such Parcels of Land had been and might be 'exhausted, it was enacted, that in such Cases it should and might be lawful for the Surveyor of such 'Parish for the Time being, by and with the Consent of the Vestry, and he was thereby authorized and 'required, with the Consent in Writing of the Justices of the Peace at a Special Sessions for the 'Highways, to sell and convey to some Person whose Lands adjoin thereto, or, if he should refuse to 'purchase, to any other Person, the said Parcels of Land from which the said Materials had been 'so exhausted as aforesaid, at and for such Price as the said Justices might deem fair and reasonable, and 'with the Money arising therefrom, and with such Consent as aforesaid, to purchase other Lands in lieu 'thereof: And whereas it is desirable to extend the Provisions herein-before recited to other Cases 'than those mentioned in the said Act:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, the recited Act and all the Provisions therein contained, shall apply and extend not only to the Lands in the said Act specified, but to all Lands belonging or which hereafter may belong to Parishes, or to the Surveyor of the Highways for the Purposes aforesaid, which have been or hereafter shall be lawfully used for the Purpose of obtaining Materials for the Repair of the Highways in such Parish, the Materials in which Lands have been or hereafter may be exhausted.

Extending Provisions of recited Act.

Recited and this Act One.

II. And be it enacted, That the said Act and this Act shall be construed together as One Act.

Alteration of Act.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXXII.

An Act to render it unnecessary to keep up *Rothwell* Gaol, in the Honor of *Pontefract*, in the West Riding of the County of *York*. [31st *July* 1845.]

'WHEREAS the Queen's most Excellent Majesty, in right of Her Duchy of *Lancaster*, is seised of 'the Honor of *Pontefract*, in the West Riding of the County of *York*, and there now is within 'the said Honor a certain Common Gaol or Prison known by the Name of "*Rothwell* Gaol," and the 'recent Alterations in the Law relating to the Imprisonment of Debtors having caused the Number of 'Prisoners ordinarily confined in the said Gaol to be very small, it has become expedient that after the 'Period herein-after mentioned no Person or Persons should be committed into Custody to such Gaol, 'and

'and that Persons committed into Custody from the Court Baron of the said Honor should be 'committed to and imprisoned in the County Gaol or Prison at *York* known by the Name of "*York* 'Castle:" And whereas Doubts have been entertained whether Commitments from the said Court Baron 'may lawfully be made to *York* Castle; and it is expedient that such Doubts should be removed:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on, from, and after the First Day of *February* which will be in the Year One thousand eight hundred and forty-six no Person or Persons shall be committed or ordered to stand committed into Custody by or from any of Her Majesty's Courts at *Westminster*, or the said Court Baron, or any other Court whatsoever, or by or under any Writ, Warrant, Precept of Execution, or Process whatsoever, to *Rothwell* Gaol, nor shall any Person or Persons (except as herein-after is excepted) be imprisoned therein, but the said Gaol (except so far as relates to any Person or Persons then in Custody therein) shall cease to be and to be used as a Gaol or Prison.

On and after 1st February 1846 no Person to be committed to Rothwell Gaol.

II. And be it enacted, That if on the said First Day of *February* there shall be, besides such Prisoner or Prisoners, if any, as shall then be in the Custody of the Keeper of *Rothwell* Gaol under any Process of the said Court Baron, any Prisoner or Prisoners in the Custody of the Keeper of *Rothwell* Gaol by or under any Writ, Warrant, Precept, or Process whatever, the said Keeper shall, within One Week from the said First Day of *February*, certify under his Hand to the Lord Chief Justice of the Court of Queen's Bench a true List containing the Name or Names of such Prisoner or Prisoners as last mentioned, with the Cause and Time of his or their Commitment respectively; and as soon thereafter as may be the said Lord Chief Justice shall issue his Warrant or Warrants under his Hand, directed to the Keeper of *Rothwell* Gaol, requiring him to convey to *York* Castle, and to deliver into the Custody of the Keeper of *York* Castle there, the said Person or Persons so as last aforesaid in his Custody, or such of them as shall be named in any such Warrant; and upon the Receipt of any such Warrant the Keeper of *Rothwell* Gaol shall, and he is hereby authorized and empowered so to do (unless the Person or Persons named in such Warrant shall before the Receipt of the same have been lawfully discharged out of his Custody), forthwith convey the said Person or Persons to *York* Castle, and there deliver him or them into the Custody of the Keeper of *York* Castle, together with the Warrant or Warrants of his or their Commitment respectively; and the Removal of any such Prisoner or Prisoners in obedience to the Warrant of the Lord Chief Justice as aforesaid shall not be construed to be an Escape; and the Keeper of *York* Castle shall receive the said Person or Persons from the Keeper of *Rothwell* Gaol, together with such Warrant or Warrants, and shall detain such Person or Persons in his Custody in obedience to such Warrant or Warrants.

Prisoners from Courts at Westminster to be removed to York Castle, by Warrant of the Lord Chief Justice of the Queen's Bench.

III. And be it declared and enacted, That on, from, and after the said First Day of *February* (if on the said Day there shall be no Prisoner in the Custody of the Keeper of *Rothwell* Gaol, or if there shall then be any Prisoner or Prisoners in the Custody of the Keeper of *Rothwell* Gaol, so soon as there shall cease to be any such Prisoner or Prisoners in such Custody, by Removal in obedience to the Warrant of the Lord Chief Justice, or lawful Discharge of such Prisoner or Prisoners, as the Case may be respectively,) it shall not be necessary to repair, maintain, or keep up *Rothwell* Gaol, or to maintain or keep up the Office or Offices of Keeper or Gaoler thereof, or any other Office of or in respect of the said Gaol; and the Liability (if any) of the Queen's most Excellent Majesty, Her Heirs, Successors, or Assigns, to repair, maintain, or keep up the same respectively, or to repair, maintain, or keep up any Gaol or Prison whatever within the Honor of *Pontefract*, or in respect of Her Majesty, Her Heirs, Successors, or Assigns, being seised of the said Honor, shall absolutely cease and determine.

Not necessary to keep up Rothwell Gaol.

IV. And be it enacted, That on, from, and after the said First Day of *February* the Sheriff for the Time being of the said County of *York* shall, and he is hereby authorized and empowered so to do, execute or cause to be executed within the Liberty and Franchise of the said Honor of *Pontefract* all Writs of Capias, or Capias ad satisfaciendum, and all other Writs, Precepts, or Process whatsoever against the Person, to the said Sheriff directed or sent, (whether such Writs, Precepts, or Process shall or shall not contain a Non omittas Clause,) in the same Manner, and to the same Extent, and by and under the same Powers and Liabilities, for all Purposes whatsoever, as if the Liberty and Franchise of the said Honor were not an ancient Liberty or Franchise having Execution or Return of Writs; and the Liability (if any) of the Bailiff for the Time being of the said Liberty, as Bailiff of the said Liberty, to execute or return any such Writ, Precept, or Process under or by virtue of any Mandate or Warrant to him made, sent, or directed by the said Sheriff shall absolutely cease and determine.

Sheriff of York may enter the Liberty of Pontefract to execute against the Person.

V. And be it declared and enacted, That on, from, and after the said First Day of *February*, in every Case in which it shall be lawful to commit any Person or Persons, or to order any Person or Persons to stand committed, into Custody by or from the said Court Baron, or by or under any Precept of Execution, Warrant, or Process whatsoever of or from the same, it shall be lawful to commit any such Person or Persons into Custody to, or to order any such Person or Persons to stand committed into Custody to, and to imprison any such Person or Persons in *York* Castle; and the Keeper for the Time being of *York* Castle shall be and is hereby required to receive and take into Custody all Persons who shall be committed or ordered to stand committed to *York* Castle by or from the said Court Baron under or by virtue of this Act.

All Commitments within the said Honor may be made to York Castle, and Keeper thereof to receive such Persons into Custody.

VI. And be it enacted, That every Clause, Matter, and Thing contained in an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for the more easy and speedy Recovery*

Provisions of 2 & 3 Vict. c. 85. to extend to

Commitments from Court Baron under this Act.

Recovery of Small Debts and Damages within the Honor of Pontefract, *Parcel of Her Majesty's Duchy of* Lancaster, *in the West Riding of the County of* York, *and for altering the Practice and extending the Jurisdiction of the Court Baron of the said Honor,* shall, so far as the same may be applicable thereto, be construed to extend to any Case in which any Person shall be committed or ordered to stand committed into Custody by or from the said Court Baron under or by virtue of this Act, in the same Manner and to the same Extent as if the Provisions of the said Act of the Third Year of the Reign of Her present Majesty had been herein expressly contained and re-enacted.

Act not to affect Rights of Her Majesty in respect of the Honor.

VII. Provided always, and it is hereby expressly declared and enacted, That nothing in this Act contained shall be construed to restrain, diminish, or in any way affect (except so far as herein is expressly mentioned) any Franchise, Liberty, Right, Power, Privilege, or Authority before or at the Time of the passing of this Act held, possessed, or enjoyed by the Queen's most Excellent Majesty or Her Predecessors, or by any of Her Bailiffs or other Officers, over, in, or in respect of the said Honor of *Pontefract.*

Act not to affect 2 & 3 Vict. c. 85. except as expressly mentioned.

VIII. Provided also, and be it enacted, That nothing in this Act contained shall be construed to repeal, alter, or in any way affect (except so far as herein is expressly mentioned) the said Act of the Third Year of the Reign of Her present Majesty, or any Power given in the said Act of committing from the said Court Baron to any Common Gaol other than *Rothwell* Gaol, or in any way to affect the Validity of the Commitment, Custody, or Imprisonment of any Person or Persons committed to or in Custody in *Rothwell* Gaol before the said First Day of *February* which will be in the Year One thousand eight hundred and forty-six.

Alteration of Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Public Act.

X. And be it enacted, That this Act shall be and be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges and others.

CAP. LXXIII.

An Act to enable the Commissioners of Her Majesty's Woods and Works to apply certain Monies now in their Hands towards discharging the Incumbrances affecting the *Shrewsbury* and *Holyhead* Road. [31st *July* 1845.]

'WHEREAS under and by virtue of divers Acts of Parliament certain Sums of Money have from Time to Time been granted to the Commissioners or Trustees having the Care and Management of the Road from *London* to *Holyhead,* and the Bridge across the *Menai Straits,* and the Harbour of *Holyhead,* for the Formation, Maintenance, and Repair of the said Road, Bridge, and Harbour, or certain Parts thereof respectively, but the whole of such Sums have not been required for the Purposes for which the same were respectively granted, and there is now standing in the Bank of *England,* to the Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as the Balance of the unapplied Portions of such Sums, together with the Accumulations of Interest or other Income thereon, and the Balance of the Harbour Dues and other Income arising in the said Harbour of *Holyhead,* the Sum of Eleven thousand nine hundred and ten Pounds Seventeen Shillings and Ten-pence, or thereabouts: And whereas the Tolls arising from the Line of Road from *Shrewsbury* to *Holyhead* are subject to divers Mortgage Charges to the Amount of Fifteen thousand two hundred and seventy-seven Pounds, Nine Shillings, or thereabouts, imposed thereon from Time to Time by the Trustees for the Time being in whom the said Line of Road was vested, and such Mortgage Charges bear Interest after the Rate of Five Pounds *per Centum per Annum:* And whereas it is expedient that the said unapplied Balance of Eleven thousand nine hundred and ten Pounds Seventeen Shillings and Ten-pence should be made available for the Discharge of some of the said Mortgage Charges hereinbefore mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, or any Two of them, to pay or apply all or any Part of the said Sum of Eleven thousand nine hundred and ten Pounds Seventeen Shillings and Ten-pence, such Balance as aforesaid, in Payment and Discharge of the said Mortgage Charges herein-before mentioned, or any of them, or any Arrears of Interest in respect of the same; and any such Mortgage Charges may be paid on such Evidence or on such Indemnity as the said Commissioners, or any Two of them, may think fit.

Balance of Monies granted for London and Holyhead Road to be applied in paying off Mortgage Charges upon Shrewsbury and Holyhead Road.

Alteration of Act.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

CAP. LXXIV.

An Act to amend an Act of the Seventh Year of King *William* the Fourth, for preventing the advertising of Foreign and other illegal Lotteries; and to discontinue certain Actions commenced under the Provisions of the said Act. [31st *July* 1845.]

6 & 7 W. 4. c. 66.

'WHEREAS by an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to prevent the advertising of Foreign and other illegal Lotteries,* it is enacted, that if any Person shall print or publish, or cause to be printed or published, any Advertise-

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'ment or other Notice of or relating to the Drawing or intended Drawing of any Foreign Lottery, or of 'any Lottery or Lotteries not authorized by some Act or Acts of Parliament, or if any Person shall print 'or publish, or cause to be printed or published, any Advertisement or other Notice of or for the Sale of 'any Ticket or Tickets, Chance or Chances, or of any Share or Shares of any Ticket or Tickets, Chance 'or Chances, of or in any such Lottery or Lotteries as aforesaid, or any Advertisement or Notice 'concerning or in any Manner relating to any such Lottery or Lotteries, or any Ticket, Chance, or Share, 'Tickets, Chances, or Shares, thereof or therein, every Person so offending shall for every such Offence 'forfeit the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, 'or Information in any of His Majesty's Courts of Record in *Westminster* or *Dublin* respectively, or in 'the Court of Session in *Scotland*, one Moiety thereof to the Use of His Majesty, His Heirs and Successors, 'and the other Moiety thereof to the Use of the Person who shall inform or sue for the same: And 'whereas the Printers, Publishers, and Proprietors of divers Newspapers have inadvertently printed and 'published some Advertisements or Notices of or relating to the Matters in the said Act mentioned, 'or some of them, and many Actions, Suits, Informations, and Prosecutions have been brought and 'commenced against such Printers, Publishers, and Proprietors, or some of them, by Persons who sue, 'inform, and prosecute, as well on their own Behalf as on behalf of Her Majesty, to recover various 'Penalties incurred or alleged to have been incurred under the Provisions of the said Act; and it is 'expedient that all further Proceedings in such Actions, Suits, Informations, and Prosecutions should be 'prevented, and such other Provision made in relation thereto and otherwise as is herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That immediately from and after the passing of this Act it shall be lawful for any Person or Persons against whom any original Writ, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, on or before the Day of the passing of this Act, for the Recovery of any pecuniary Penalty or Penalties incurred under the said Act, except in the Cases herein-after provided, to apply to the Court in which such original Writ, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or, if such Court shall not be sitting, to any Judge of either of the Superior Courts at *Westminster* or *Dublin* respectively, or to any Judge of the Court of Session in *Scotland*, (as the Case may have arisen in *England*, *Ireland*, or *Scotland* respectively,) for an Order that such Writ, Suit, Action, Bill, Plaint, or Information shall be discontinued, upon Payment of the Costs incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Courts respectively; and every such Court aforesaid is hereby authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Plaintiffs, or to his or their Attorney, of the Application, to make such Order as aforesaid; and upon the making of such Order, and Payment or Tender of such Costs as aforesaid, such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued.

Persons sued before the passing of this Act for Penalties incurred under the recited Act may apply to the Court or a Judge to stay Proceedings on certain Conditions.

II. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to any Action, Suit, Bill, Plaint, or Information in which any Judgment or Conviction shall have passed on or before the Day of the passing of this Act, or to any Action, Suit, Bill, Plaint, or Information which shall have been or shall be commenced, prosecuted, entered, or filed by or in the Name of Her Majesty's Attorney General or Solicitor General in that Part of *Great Britain* called *England*, or Her Majesty's Attorney or Solicitor General for *Ireland*, or Her Majesty's Advocate for *Scotland*, for or on behalf of Her said Majesty.

Not to extend to Actions in which Judgment has been obtained, &c.

III. And be it enacted, That from and after the passing of this Act all Fines, Penalties, and Forfeitures imposed by or incurred or which may be incurred under the said recited Act shall go and be applied to the Use of Her Majesty, Her Heirs and Successors.

Penalties incurred under said Act to go to Her Majesty.

IV. Provided always, and be it enacted, That from and after the passing of this Act every such Fine, Penalty, or Forfeiture may be sued or prosecuted for, in the Name of Her Majesty's Attorney General or Solicitor General in *England* or *Ireland*, or of Her Majesty's Advocate General or Solicitor General in *Scotland*, or of the Solicitor of Stamps and Taxes in *England* or *Scotland*, or of the Solicitor of Stamps in *Ireland*, or of any Person to be authorized to sue or prosecute for the same by Writing under the Hands of the Commissioners of Stamps and Taxes, or in the Name of any Officer of Stamp Duties, by Action of Debt, Bill, Plaint, or Information in the Court of Exchequer at *Westminster* in respect of any Fine, Penalty, or Forfeiture incurred in *England*, and in the Court of Exchequer in *Dublin* in respect of any Fine, Penalty, or Forfeiture incurred in *Ireland*, and in the Court of Exchequer in *Scotland* in respect of any Fine, Penalty, or Forfeiture incurred in *Scotland*; and, except as is herein-before provided, it shall not be lawful for any Person other than as aforesaid to inform, sue, or prosecute for any such Fine, Penalty, or Forfeiture as aforesaid: Provided always, that in no such Proceeding as aforesaid shall any Essoign, Protection, Wager at Law, nor more than One Imparlance, be allowed.

Fines, &c. may be sued for in the Name of the Attorney or Solicitor General in England or Ireland, or Her Majesty's Advocate for Scotland, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Alteration of Act.

CAP. LXXV.

An Act to amend an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law respecting defamatory Words and Libel.* [31st *July* 1845.]

6 & 7 Vict. c. 96. 'WHEREAS by an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law respecting defamatory Words and Libel*, it is, amongst other things, enacted and provided, that the Defendant in an Action for a Libel contained in any public Newspaper or other periodical Publication may plead certain Matters therein mentioned, and may upon filing such Plea be at liberty to pay into Court a Sum of Money by way of Amends for the Injury sustained by the Publication of such Libel; and it is thereby further enacted, that such Payment into Court shall be of the same Effect, and be available in the same Manner and to the same Extent, and be subject to the same Rules and Regulations as to Payment of Costs and the Form of Pleading, except so far as regards the pleading of the additional Facts therein-before required to be pleaded by such Defendant, as if Actions for Libel had not been excepted from the personal Actions in which it is lawful to pay Money into Court, under an Act passed in the

3 & 4 W. 4. c. 42. Session of Parliament held in the Fourth Year of His late Majesty, intituled *An Act for the further Amendment of the Law, and the better Advancement of Justice:* And whereas the said Act of the Fourth Year of the Reign of His late Majesty relates only to Proceedings in the Superior Courts in *England*, but by an Act passed in the Session of Parliament held in the Third and Fourth Years of

3 & 4 Vict. c. 105. the Reign of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for the further Advancement of Justice, in* Ireland, a like Provision is made for Payment of Money into Court in all personal Actions pending in any of the Superior Courts in *Ireland* as is contained in the said Act of the Fourth Year of the Reign of His late Majesty in regard to Actions pending in the Superior Courts in *England*, with a like Exception of Actions for Libel; and it is expedient to prevent any Doubts as to the Application of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty to Actions pending in the Superior Courts in *Ireland*, which may be created by reason of the Omission of a Reference in the last-mentioned Act to the said Act of the Third and Fourth Years of the Reign of Her present Majesty:' Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when in any Action pending in the Superior Courts in *Ireland* for a Libel contained in any public Newspaper or other periodical Publication the Defendant shall plead the Matters allowed to be pleaded by the said first-mentioned Act, and shall on filing such Plea pay Money into Court as provided by such Act, such Payment into Court shall be of the same Effect, and be available in the same Manner and to the same Extent, and be subject to the same Rules and Regulations now in force or hereafter to be made as to Payment of Costs and the Form of Pleading, except so far as regards the pleading of the additional Facts so required to be pleaded by such Defendant, as if Actions for Libel had not been excepted from the personal Actions in which it is lawful to pay Money into Court under the said recited Act of the Third and Fourth Years of the Reign of Her present Majesty.

In Cases of Action for Libel in Ireland, where Defendant shall plead Matters allowed by 3 & 4 W. 4. c. 42. and pay Money into Court, such Payment to be of same Effect as if required by said Act.

II. And be it declared and enacted, That it shall not be competent to any Defendant in such Action, whether in *England* or in *Ireland*, to file any such Plea, without at the same Time making a Payment of Money into Court by way of Amends as provided by said Act, but every such Plea so filed without Payment of Money into Court shall be deemed a Nullity, and may be treated as such by the Plaintiff in the Action.

Defendant not to file such Plea without paying Money into Court by way of Amends.

CAP. LXXVI.

An Act to increase the Stamp Duty on Licences to Appraisers; to reduce the Stamp Duties on Registry Searches in *Ireland*; to amend the Law relating to the Duties on Legacies; and also to amend an Act of the last Session of Parliament, for regulating the Issue of Bank Notes in *England*. [4th *August* 1845.]

55 G. 3. c. 184. 'WHEREAS under and by virtue of an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in* Great Britain, *and for granting other Duties in lieu thereof*, certain Stamp Duties specified and contained in a Schedule to the said Act annexed were granted and made payable in *Great Britain*, and (amongst others) the Duty of Ten Shillings for and in respect of a Licence to use and exercise the Calling or Occupation of an Appraiser, to be taken out yearly by every Person who shall exercise the said Calling or Occupation, or make any Appraisement or Valuation charged by the said Act with a Duty, for or in expectation of any Gain, Fee, or Reward, except licensed Auctioneers: And whereas under and by virtue of an Act passed in

5 & 6 Vict. c. 82. the Fifth and Sixth Years of Her present Majesty's Reign, intituled *An Act to assimilate the Stamp Duties in* Great Britain *and* Ireland, *and to make Regulations for collecting and managing the same until the Tenth Day of* October *One thousand eight hundred and forty-five*, the Stamp Duties granted and then payable in *England* under or by virtue of the said first-recited Act were extended to and

made

'made payable in *Ireland* for a Term limited by the said last-recited Act, in lieu of certain Stamp 'Duties thereby repealed, and the same Duties have been granted and continued and are now payable in 'Ireland for a further Term, under and by virtue of an Act passed in this present Session of Parlia- 'ment, intituled *An Act to continue for Three Years the Stamp Duties granted by an Act of the Fifth* 8 & 9 Vict. c. 2. '*and Sixth Years of Her present Majesty, to assimilate the Stamp Duties in* Great Britain *and* Ireland, '*and to make Regulations for collecting and managing the same until the Tenth Day of* October *One* 'thousand eight hundred and forty-five: And whereas it is expedient to increase the Duty in respect 'of Licences to be taken out by Appraisers in *Great Britain* and *Ireland* respectively:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Duty now payable in *Great Britain* and *Ireland* respectively under or by virtue of the said several recited Acts or any of them, for or in respect of a Licence to use and exercise the Calling or Occupation of an Appraiser, shall cease and determine, and the same is hereby repealed; and that in lieu thereof there shall be granted, raised, levied, collected, and paid in *Great Britain* and *Ireland* respectively, unto and for the Use of Her Majesty, Her Heirs and Successors, the Duty of Two Pounds.

Stamp Duty on Appraisers Licences repealed, and an increased Duty thereon granted in lieu.

For and in respect of a Licence to use and exercise the Calling or Occupation of an Appraiser, to be taken out yearly by every Person (except a licensed Auctioneer) who shall exercise the said Calling or Occupation of an Appraiser, or who, for or in expectation of any Gain, Fee, or Reward, shall make any Appraisement or Valuation chargeable by Law with any Stamp Duty.

II. 'And whereas under and by virtue of the said several recited Acts certain Duties have been 'granted and are now payable in *Ireland* in respect of Searches in the Office for the Registry of Deeds, 'and it is expedient to repeal the same, and to grant other and reduced Duties in lieu thereof;' be it therefore enacted, That from and after the passing of this Act the several and respective Stamp Duties now payable in *Ireland* under or by virtue of the said several recited Acts or either of them, in respect of Searches in the Office for the Registry of Deeds, (that is to say,) for or in respect of "any Copy or Extract of any Memorial, or of the Registry of any Memorial, registered pursuant to any Act of Parliament made for the public registering of Deeds and Conveyances," or for or in respect of "every Piece of Vellum, Parchment, or Paper upon which any such Copy or Extract shall be written after the first," shall cease and determine in *Ireland*, save and except such of the said Duties or so much or such Part or Parts thereof as have become due and payable and now remain in arrear and unpaid; and that in lieu of the said Duties so hereby repealed as last mentioned there shall be granted, raised, levied, collected, and paid in *Ireland*, unto and for the Use of Her Majesty, Her Heirs and Successors, the several Duties next herein-after mentioned; (that is to say,)

Stamp Duties payable in Ireland on Registry Searches repealed, and reduced Duties granted in lieu thereof.

For and in respect of Extracts or Abstracts from Deeds or other Acts issued from the Office for Registry of Deeds and so forth, called the Registry Office, and commonly called a Common Search, and whether such Search shall contain the Extract from any Deeds or Deed or not, and whether the same be signed by or on behalf of any Officer or Clerk belonging to such Office or not;

For each Sheet or Piece of Paper on which such Search, Extract or Extracts, Abstract or Abstracts, shall be written, the Sum of Three Shillings:

And for and in respect of Searches for Deeds, or Abstracts or Extracts from Deeds, or other Acts, issued from the Office for registering Deeds, called the Register Office, commonly called a Negative Search;

For each Copy of any Deed or Memorial, or for each Extract or Abstract from any Deed or Memorial, which such Negative Search shall give or contain, the Sum of Three Shillings;

And on the Officer's Certificate on such Search, over and above all other Duties, the Sum of Ten Shillings.

III. And be it enacted, That the said several Duties by this Act granted shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps and Taxes for the Time being; and that all the Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, contained in or imposed by the several former Acts of Parliament relating to any prior Duties of the same Kind or Description in *Great Britain* and *Ireland* respectively, and in force at the Time of the passing of this Act, shall respectively be of full Force and Effect with respect to the Duties by this Act granted, and to the Vellum, Parchment, and Paper, Articles, Matters, and Things, charged and chargeable therewith, and to the Persons liable to the Payment of the said Duties, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the said Duties hereby granted, and otherwise in relation thereto, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted with reference to the said Duties by this Act granted.

Powers and Provisions of former Acts to be applied to the Duties granted by this Act.

IV. 'And whereas under or by virtue of the said several recited Acts certain Duties have been 'granted and are now payable in *Great Britain* and *Ireland* respectively upon Legacies, and Doubts 'have been entertained whether certain Gifts by Will or Testamentary Instrument are Legacies liable 'to the said Duties, and it is expedient to remove such Doubts;' be it therefore enacted, That from and after the passing of this Act every Gift by any Will or testamentary Instrument of any Person, which by virtue of any such Will or Testamentary Instrument is, or shall be payable, or shall have Effect or be satisfied out of the Personal or Moveable Estate or Effects of such Person, or out of any Personal or Moveable Estate or Effects which such Person hath had or shall have had Power to dispose of, or which

Certain Gifts by Will or Testamentary Instrument to be deemed Legacies.

Gift is or shall be payable or shall have Effect or be satisfied out of or is or shall be charged or rendered a Burden upon the Real or Heritable Estate of such Person, or any Real or Heritable Estate, or the Rents or Profits thereof, which such Person hath had or shall have had any Right or Power to charge, burden, or affect with the Payment of Money, or out of or upon any Monies to arise by the Sale, Burden, Mortgage, or other Disposition of any such Real or Heritable Estate, or any Part thereof, whether such Gift shall be by way of Annuity or in any other Form, and also every Gift which shall have Effect as a Donation *mortis causâ*, shall be deemed a Legacy within the true Intent and Meaning of all the several Acts granting or relating to Duties on Legacies in *Great Britain* and *Ireland* respectively, and shall be subject and liable to the said Duties accordingly: Provided always, that no Sum of Money which by any Marriage Settlement is or shall be subjected to any limited Power of Appointment to or for the Benefit of any Person or Persons therein specially named or described as the Object or Objects of such Power, or to or for the Benefit of the Issue of any such Person or Persons, shall be liable to the said Duties on Legacies under the Will in which such Sum is or shall be appointed or apportioned in exercise of such limited Power.

Proviso.

Provision for Recovery and Application of Penalties under 7 & 8 Vict. c. 32.

V. 'And whereas an Act was passed in the last Session of Parliament, intituled *An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of* England *certain Privileges for a limited Period*, and certain Penalties are thereby imposed for Offences against the Provisions of the same Act, and it is expedient to provide for the Recovery and Application of such Penalties;' be it therefore enacted, That from and after the passing of this Act all pecuniary Penalties imposed by or incurred under the said last-recited Act may be sued or prosecuted for and recovered, for the Use of Her Majesty, in the Name of Her Majesty's Attorney General or Solicitor General, or of any Person authorized to sue or prosecute for the same, by Writing under the Hands of the Commissioners of Stamps and Taxes, or in the Name of any Officer of Stamp Duties, by Action of Debt, Bill, Plaint, or Information in the Court of Exchequer at *Westminster*, in such and the same Manner as any Penalties imposed by any of the Laws now in force relating to the Duties under the Management of the said Commissioners; and it shall be lawful in all Cases for the said Commissioners, either before or after any Proceedings commenced for Recovery of any such Penalty, to mitigate or compound any such Penalty as they shall think fit, and to stay any such Proceedings after the same shall have been commenced, and whether Judgment may have been obtained for such Penalty or not, on Payment of Part only of any such Penalty, with or without Costs, or on Payment only of the Costs incurred in such Proceedings, or of any Part thereof, or on such other Terms as such Commissioners shall judge reasonable: Provided always, that in no such Proceeding as aforesaid shall any Essoign, Protection, Wager of Law, or more than One Imparlance, be allowed; and all pecuniary Penalties imposed by or incurred under the said last-recited Act, by whom or in whose Name soever the same shall be sued or prosecuted for or recovered, shall go and be applied to the Use of Her Majesty, and shall be deemed to be and shall be accounted for as Part of Her Majesty's Revenue arising from Stamp Duties, any thing in any Act contained, or any Law or Usage, to the contrary in anywise notwithstanding: Provided always, that it shall be lawful for the said Commissioners, at their Discretion, to give all or any Part of such Penalties as Rewards to any Person or Persons who shall have detected the Offenders, or given Information which may have led to their Prosecution and Conviction.

Alteration of Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXVII.

An Act to make further Regulations respecting the Tickets of Work to be delivered to Persons employed in the Manufacture of Hosiery, in certain Cases. [4th *August* 1845.]

5 G. 4. c. 96.

'WHEREAS by an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen*, it was enacted, amongst other things, that "with every Piece of Work given out by the Manufacturer to a Workman to be done there shall (if both Parties are agreed) be delivered a Note or Ticket in such Form as the said Parties shall mutually agree upon:" And whereas it is expedient that, so far as relates to Persons employed in the Woollen, Worsted, Linen, Cotton, and Silk Hosiery Manufactures, such further Provision should be made for Delivery to them of a Note or Ticket of Work as herein-after is expressed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* in the Year One thousand eight hundred and forty-six, when any Manufacturer of Hosiery, or the Agent of any such Manufacturer, gives out to a Workman the Materials to be wrought, such Manufacturer or Agent shall at the same Time deliver to such Workman a printed or written Ticket, signed by such Manufacturer, containing the Particulars of the Agreement between such Manufacturer and such Workman, as in the Schedule to this Act annexed; and such Manufacturer or Agent delivering such Ticket shall make or cause to be made, and shall preserve until the Work contracted to be done shall have been completed or paid for, a Duplicate of such Note or Ticket.

Manufacturer to deliver with Materials a Ticket of Work.

Ticket to be Evidence.

II. And be it enacted, That in the event of any Dispute between the Manufacturer or his Agent and the Workman, such Ticket, and the said Duplicate thereof, shall be required to be produced, and shall, together or either of them, be Evidence of all things mentioned therein or respecting the same.

III. Pro-

When Dispute arises as to imperfect Execution the Work to be produced.

III. Provided always, and be it enacted, That where the Subject of Dispute relates to the alleged improper or imperfect Execution of any Work delivered to a Manufacturer or his Agent, such Piece of Work shall be produced in order to Adjudication, or if not produced shall be deemed and taken to have been sufficiently and properly executed.

Penalty on Manufacturer for Non-delivery of Ticket.

IV. And be it enacted, That if any Manufacturer or Agent shall neglect or refuse to deliver such Ticket to such Workman as aforesaid with the Materials so given out, and if such Workman shall complain thereof to any Justice of the Peace having Jurisdiction in the Place where the Materials shall have been delivered out or where the Workman shall reside, such Justice may summon such Manufacturer or Agent to attend before Two Justices at a Time or Place appointed for hearing the Complaint, and set forth in the Summons; and if the Person to whom such Summons so directed appears according to the Tenor thereof, or if he does not appear, and the due Service of the Summons is proved, the said Justices may proceed to hear and determine the Complaint; and if such Neglect or Refusal as aforesaid be proved, either by the Confession of the Party complained against, or by the Oath of the Complainant or of any other credible Witness or Witnesses, such Justices may convict such Offender, and may upon such Conviction adjudge him to pay such Penalty not exceeding Five Pounds, together with the Costs attending the Conviction, as such Justices shall think fit, and the Party so adjudged to pay such Penalty and Costs shall pay the same accordingly: Provided always, that in all Convictions of Adjudications under this Act, One at least of the convicting or adjudicating Justices shall be a Person not engaged in any Manufacture, Trade, Occupation, or Employment to which this Act extends, and shall not be the Father, Son, or Brother of any such Person.

Power of summoning Witnesses.

V. And be it enacted, That if any of the Parties to the said Complaint shall make Oath before any Justice having cognizance of such Complaint that he or she believes that the Attendance of any Person as a Witness will be material to the hearing of such Complaint, such Justice may summon such Person, having been paid or tendered a reasonable Sum for his Expences, to appear and give Evidence on Oath at a Time and Place set forth in the said Summons; and if any Person so summoned shall not appear at the Time and Place set forth in the said Summons, and shall not make Excuse for the Default to the Satisfaction of the Justices there present, and if the due Service of the Summons be proved, or if such Person appearing according to the Summons shall not submit to be examined as a Witness, then such Justices may adjudge such Person so making default in appearing or refusing to give Evidence to pay such Penalty not exceeding Two Pounds as such Justices shall think fit, and the Party so adjudged to pay such Penalty shall pay the same accordingly.

Service of Summons.

VI. And be it enacted, That every Summons required by this Act shall be served by delivering the same to the Person summoned, or by leaving the same at his or her usual Place of Abode, Twenty-four Hours at least before the Time appointed by the Summons for such Person to appear.

Levying and Application of Penalty.

VII. And be it enacted, That if any such Penalty or Costs so adjudged by any Justices to be paid is not paid immediately upon Adjudication, such Justices may issue their Warrant to distrain and sell the Goods and Chattels of the Person so adjudged to pay the same, for the Amount thereof, with Costs; and the Proceeds of such Distress, after paying the Penalty and Costs, and the Costs of such Distress and Sale, shall be paid over to the Person convicted; and the said Penalty shall be paid over to the Sheriff or other proper Officer of the County, City, Borough, or Place in which such Conviction shall take place, for Her Majesty's Use, and shall be returned to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.* 3 G. 4. c. 46.

No Certiorari allowed, nor Distress unlawful for Want of Form.

VIII. And be it enacted, That no Order or Conviction, or Proceeding touching the same respectively, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and that when any Distress shall have been made for levying any Money by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making the same a Trespasser, on account of any Defect or Want of Form in the Summons, Warrant, Conviction, Warrant of Distress, or other Proceedings in relation thereto, nor shall the Party distraining be deemed a Trespasser from the Beginning on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for special Damage (if any) by Action on the Case.

Interpretation of Act.

IX. And be it enacted, That the Word "Manufacturer" in this Act shall be understood to mean any Person furnishing the Materials of Work to be wrought into Hosiery Goods, to be sold or disposed of on his own Account, and the Word "Agent" to include any Person conveying or delivering the same to the Workman, and the Word "Workman" any Person actually employed in the Manufacture of the same.

Alteration of Act.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULE.

If the Material to be manufactured be into Stockings:
- Gauge:
- Ribbed or plain:
- What Kind of Material:
- Size:
- Jacks in Width:
- Mark:
- Length of Leg:
- Length of Foot:
- Narrowings in Leg:
- Narrowings in Heel:
- Narrowings in Gusset:
- Narrowings in Toe:
- Dumps or Clocks:
- Bound Heels or Toes:
- Wrought Heels or Cut:
- Wrought Feet or Cut:
- Turnings in Leg:
- Welted or not:
- Weight per Dozen:
- Price per Dozen Pair of making Legs:
- Price per Dozen Pair of making Feet:
- Name of Party putting out the Work:
- Name of Artificer.

If the Material to be manufactured be into Socks:
- Gauge:
- Ribbed or plain:
- What Kind of Material:
- Size:
- Jacks in Width:
- Mark:
- Length of Leg with Top:
- Length of Foot:
- Narrowings in Heel:
- Narrowings in Gusset:
- Narrowings in Toe:
- Cut or Wrought Heels:
- Cut or Wrought Feet:
- Price per Dozen Pair:
- Name of Party putting out the Work:
- Name of Artificer.

If the Material to be manufactured be into Gloves:
- Gauge:
- Ribbed or plain:
- What Kind of Material:
- Size:
- Jacks in Width of Hand:
- Jacks in Width of Finger:
- Mark:
- Length of Hand:
- Length of Finger:
- What Kind of Welts:
- Plaited or not:
- What Figure in Back of Hand:
- Weight per Dozen:
- Price per Dozen Pair of making Hands:
- Price per Dozen Pair of making Fingers:
- Name of Party putting out the Work:
- Name of Artificer.

If the Material to be manufactured be into Shirts:
- Gauge:
- Ribbed or plain:
- What Kind of Material:
- Size:
- Jacks in Width of Body:
- Jacks in Width of Sleeve:
- Mark:
- Length of Body:
- Length of Sleeve:
- Fashioned or not:
- Welted or not:
- Weight per Dozen:
- Price per Dozen of making Bodies:
- Prize per Dozen Pair of making Sleeves:
- Name of Party putting out the Work:
- Name of Artificer.

If the Material to be manufactured be into Caps:
- Gauge:
- Ribbed or plain:
- Material:
- Jacks in Width:
- Fashion:
- Striped or plain:
- Weight per Dozen:
- Price per Dozen:
- Name of Party putting out the Work:
- Name of Artificer.

If the Material to be manufactured be into any other Description of Hosiery:
- Gauge:
- Length:
- Width:
- Weight:
- Price:
- Fashion:
- Name of Party putting out the Work:
- Name of Artificer.

CAP. LXXVIII.

An Act to provide for the Payment of Compensation Allowances to certain Persons connected with the Courts of Law in *England*, for Loss of Fees and Emoluments. [4th *August* 1845.]

'WHEREAS the lawful Fees and Emoluments of the Clerks of Dispensations and Faculties in Chancery, the Registrar of the Cinque Ports, the Clerks of the Petty Sessions at *Deptford* and *Clapham*, who respectively held or do now hold their Offices for Life, have been either wholly abolished or greatly diminished by the Operation of certain Acts of Parliament, and Advances on account of Compensation have heretofore been made to some of them out of the Grants of Parliament for Civil Contingencies: And whereas it is reasonable and just that Compensation should be permanently allowed to the said Persons for the Loss which they have sustained, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this

this present Parliament assembled, and by the Authority of the same, That the Commissioners of Her Majesty's Treasury for the Time being shall investigate the Claims of the said Officers respectively by such Means and in such Manner as they may think proper; and if any such Claim shall be established to the Satisfaction of the said Commissioners or any Three of them they are hereby authorized and empowered to award to the Claimant, by Warrant under their Hands, such Compensation by way of Annuity as they shall, under all the Circumstances of the Case, think him entitled to for the Loss sustained; and such Compensation shall commence in each Case at such Time as the said Commissioners shall think proper, and shall be issued and paid and be payable out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland:* Provided always, that an Account of such Compensation shall be laid before the Commons House of Parliament within Fourteen Days after the Date of the Warrant, if Parliament shall be then assembled, and if not then within Fourteen Days after the meeting of Parliament then next following.

Commissioners of Her Majesty's Treasury to investigate Claims of certain Officers, and award Compensation to them out of the Consolidated Fund.

CAP. LXXIX.

An Act to continue until the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then Session of Parliament, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor. [4th *August* 1845.]

[3 & 4 *Vict. c.* 89. *continued as in Title.*]

CAP. LXXX.

An Act for regulating the Criminal Jurisdiction of Assistant Barristers as to certain Counties of Cities and Counties of Towns in *Ireland.* [4th *August* 1845.]

'WHEREAS by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, it is, among other things, enacted, that it shall be lawful for Her Majesty, if She shall be pleased, upon the Petition of the Council of any Borough, except the City of *Dublin*, as therein mentioned, to grant that a separate Court of Quarter Sessions of the Peace, or a Court of Record, for the Trial of Civil Actions, shall thenceforward be holden in and for such Borough; and it is thereby also enacted, that after the First Day of *January* therein mentioned the Justices assigned or hereafter to be assigned to keep the Peace in and for the County in which any Borough is situated, to which Her Majesty shall not have granted that a separate Court of Sessions of the Peace shall be holden in and for the same, shall exercise the Jurisdiction of Justices of the Peace in and for such Borough, as fully as by Law they and each of them can or ought to do in and for the said County: And whereas Her Majesty has not hitherto granted that any such separate Court of Quarter Sessions of the Peace should be holden in any of the Counties of Cities or Counties of Towns in the Schedule to this Act annexed named: And whereas Doubts have arisen as to whether the said Counties of Cities and Counties of Towns are included in the said last-recited Provision of the said recited Act; and it is expedient to provide for the holding of General or Quarter Sessions of the Peace in and for the said Counties of Cities and Counties of Towns:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, and until Her Majesty shall be pleased to grant that a separate Court of General or Quarter Sessions of the Peace shall be holden in and for the said Counties of Cities or Counties of Towns respectively as aforesaid, the respective Assistant Barristers for the Time being of the respective Counties named in the First Column of the Schedule to this Act annexed shall be Justices of the Peace in and for the respective Counties of Cities and Counties of Towns named in the Second Column of the said Schedule, in conjunction with such respective Counties at large in the said Schedule, and whereof they respectively are or shall be Assistant Barristers; and that the said Assistant Barristers shall have in the said Counties of Cities and Counties of Towns all such and the same Powers, Privileges, and Authorities respectively as they respectively have in and for the said respective Counties in the said First Column mentioned, and shall and may exercise such Jurisdiction, Powers, and Authorities, either alone or together with the Justices assigned to keep the Peace within the said respective Counties of Cities and Counties of Towns; and that a General or Quarter Sessions of the Peace shall be from Time to Time holden in and for the said respective Counties of Cities and Counties of Towns on the Day next but one before the Commencement of or immediately after the Termination of the General or Quarter Sessions of the Peace, or any Adjournment thereof, for the Division of the said respective Counties at large, within which or next adjacent whereto the said respective Counties of Cities or Counties of Towns are situate; and that from and after the passing of this Act such General or Quarter Sessions of the Peace so to be holden respectively in and for the said Counties of Cities and Counties of Towns, and also all adjourned Sessions thereof, shall, as to all Matters and Things arising within such Counties of Cities and Counties of Towns respectively, or within Five hundred Yards of the Boundaries thereof, have, use, and exercise all and every the same Jurisdictions, Powers, and Authorities as fully and effectually to all Intents and Purposes as any General or Quarter Sessions of the Peace holden in and for any County at large can or may

3 & 4 Vict. c. 108.

The Criminal Jurisdiction of the Assistant Barristers for the Counties named in the Schedule extended to the Counties of Cities and Towns therein named;

and General Sessions of the Peace to be held for such Counties of Cities and Towns.

may have, use, or exercise in respect of Matters and Things arising within such County at large, and also all such further and other Jurisdictions, Powers, or Authorities as were by any Act or Acts of Parliament now in force at any Time heretofore granted to or vested in the General or Quarter Sessions of the Peace of the said Counties of Cities or Counties of Towns respectively of right holden within the said Counties of Cities and Counties of Towns respectively, before the passing of the said herein-before in part recited Act passed in the said Third and Fourth Years of the Reign of our said Lady the Queen; and the Jurors returned to serve at each of such General or Quarter Sessions of the Peace, or Adjournment thereof, for such respective Counties of Cities and Counties of Towns shall be returned from the Body of such County of a City or County of a Town respectively; and it shall be lawful for such respective Assistant Barristers or the Justices of the Peace, at such respective General or Quarter Sessions of the Peace, to commit such Persons liable to Imprisonment as shall be convicted before them, or such Persons as shall be otherwise liable to Imprisonment, to the respective Prisons of such respective Counties of Cities and Counties of Towns.

General or Quarter Sessions heretofore held in Counties of Cities and Towns by Assistant Barristers to be valid.

II. 'And whereas, since the passing of the said recited Act, some of the said Assistant Barristers for 'the said respective Counties at large have acted as Justices of the Peace in and for, and have as such 'Justices held or presided or attended at General or Quarter Sessions of the Peace in and for the 'respective Counties of Cities and Counties of Towns named in conjunction with such respective 'Counties at large in the said Schedule, and it is expedient that the Acts, Matters, and Things so done 'by the said respective Assistant Barristers should be deemed to have been good, valid, and effectual;' be it therefore enacted, That any and every General or Quarter Sessions of the Peace heretofore held in and for any of the said Counties of Cities and Counties of Towns, after the passing of the said recited Act, shall be deemed to have been good, valid, and effectual to all Intents and Purposes, and that all and every Act and Acts of any such Assistant Barrister of any such County at large as aforesaid, heretofore after the passing of the said recited Act done at or relating to any such General or Quarter Sessions of the Peace held in and for any such County of a City or County of a Town named in conjunction with such County at large in the said Schedule, or done as a Justice of the Peace in and for such County of a City or County of a Town, and all and every Act of any Justice of the Peace, and every Act, Matter, or Thing done at any such last-mentioned General or Quarter Sessions, and the Act and Acts of any Officer or Constable in obedience thereto, shall be and be deemed to have been as valid, good, and effectual in the Law to all Intents and Purposes as if such Sessions had been held, or such Act or Acts, Matters or Things, had been done, after this present Act had been passed.

Alteration of Act.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

Counties	Counties of Cities and Counties of Towns.
County of Kilkenny.	Kilkenny.
County of Limerick.	Limerick.
County of Waterford.	Waterford.
County of Antrim.	Carrickfergus.

CAP. LXXXI.

An Act to amend an Act of the last Session, for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of *Dublin*. [4th *August* 1845.]

7&8 Vict. c. 106.

'WHEREAS by an Act passed in the Session of Parliament holden in the Seventh and Eighth 'Years of Her Majesty's Reign, intituled *An Act to consolidate and amend the Laws for the 'Regulation of Grand Jury Presentments in the County of* Dublin, after reciting that it was expedient 'that Provision should be made for the more speedy and effectual Repair of Roads in the County of '*Dublin* upon which Her Majesty's Mails are carried, it is enacted, that it should be lawful for the 'Commissioners acting under and in execution of an Act passed in the First and Second Years of the

1&2 W.4. c. 33.

'Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion 'of Public Works in* Ireland, or any other Act for amending the same, upon the Application of Her 'Majesty's Postmaster General for the Time being, setting forth and describing the Line of any such 'Road, or the Portion of any such Road, in the said County of *Dublin*, which might stand in need of 'Repair, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of '*Ireland*, to cause such Road, or such Portion thereof as should be described in such Application, and 'any or every Bridge, Arch, or Pipe, Gullet or Wall thereon, to be forthwith put into good and sufficient 'Repair accordingly, under the Superintendence of one of the County Surveyors; and that upon the 'Application of the said Commissioners, setting forth what Sum would be requisite and necessary from 'Time to Time for the Purposes aforesaid, it should and might be lawful for the Lord Lieutenant of '*Ireland* to direct, by his Warrant, that the Sum or Sums of Money so required by the said Commissioners should be advanced and paid to the said Commissioners out of the Produce of the Consolidated 'Fund of the United Kingdom of *Great Britain* and *Ireland*, to be applied, under the Directions of 'the said Commissioners, in manner aforesaid: And whereas it is expedient to alter and amend the

'said

'said Enactment, in so far as it empowers the Lord Lieutenant or other Chief Governor or Governors 'of *Ireland* to direct, by his Warrant, that the Sum or Sums of Money so required by the said Commis- 'sioners should be advanced and paid to the said Commissioners out of the Produce of the Consolidated 'Fund of *Great Britain* and *Ireland*,' and to substitute new Provisions in lieu thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, save and except as to Matters and Things heretofore done under the said recited Enactment, so much thereof as empowers the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct, by his Warrant, that the Sum or Sums of Money so required by the said Commissioners shall be advanced and paid to the said Commissioners out of the Produce of the Consolidated Fund, shall be and the same is hereby repealed.

So much of recited Act as empowers the Lord Lieutenant to direct Sums required by the Commissioners to be advanced out of the Consolidated Fund, repealed, &c.

II. And be it enacted, That from and after the passing of this Act, upon Application of the said Commissioners, setting forth what Sum will be requisite and necessary from Time to Time for the Purposes in the said recited Enactment mentioned, it shall be lawful to and for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them, by and with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by his or their Warrant in Writing, to direct that the Sum or Sums of Money so required by the said Commissioners appointed or acting under the said Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth shall be paid and advanced to the said last-named Commissioners, out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be applied, by and under the Direction of the said last-mentioned Commissioners, in the Manner and for the Purposes in the said recited Enactment mentioned.

The Commissioners of the Treasury, with the Approbation of the Lord Lieutenant, empowered to direct Advances to be made for such Purposes;

III. Provided always, and it is hereby declared and enacted, That it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them, in and by any Warrant authorizing or directing such Advance as aforesaid, to declare on what Terms the same shall be made, and to fix and appoint how, and in what Manner, and at what Time or Times, and by what Instalments, and with what Rate of Interest, if any, the same is to be levied and repaid to the Consolidated Fund.

and to declare the Terms upon which such Advances shall be made, &c.

IV. 'And whereas divers Sums of Money have been from Time to Time heretofore and may here- 'after be advanced from Her Majesty's Exchequer, by Direction or Authority of the Commissioners of 'Her Majesty's Treasury, or the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for 'the public Purposes of the said County of *Dublin*; and it is expedient that the Repayment thereof 'should be made with as little Delay as possible, and should not be postponed by reason of any 'Preference given to local Claims over those of Her Majesty's Exchequer;' be it therefore enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, at any Time previous to each Presenting Term, to cause an Estimate to be made of the probable Sum which in the course of the then ensuing Year will become due and payable by the said County of *Dublin*, or any Barony, Portion of a Barony, Parish, or other Denomination of Land in the said County, to the Consolidated Fund, or to Her Majesty's Exchequer, for or on account of any such Advances, together with any Arrears or Sums then remaining due and payable for or on account of any such Advances during the preceding Year; and it shall and may be lawful for the Grand Jury of the said County, at each Presenting Term, and they are hereby required, on the Production of the Certificate of the Chief Secretary or Under Secretary of such Lord Lieutenant or other Chief Governor or Governors of the Amount so estimated as aforesaid, to present, without previous Application to Presentment Sessions, to be levied off the said County, or any Barony or Baronies, Portion of a Barony, Parish, or other Denomination of Land thereof, the Amount of the Sum or Sums stated in such Certificate; and in default of such Presentment being made by the Grand Jury, it shall be lawful for the Court of Queen's Bench in *Ireland* to order the Clerk of the Crown to add such Amount to the Amount presented for other Purposes by such Grand Jury; and the Amount so presented or added shall form a Portion of the Sum to be raised on the County, or any Barony, Portion of a Barony, Parish, or other Denomination of Land thereof, and shall be apportioned, applotted, and levied together with and in the Manner directed by the said recited Act in reference to other County Charges.

Before each Presenting Term the Lord Lieutenant shall cause an Estimate to be made of Sums payable to the Exchequer by the said County during the ensuing Year;

and upon Production of the Certificate of the Chief or Under Secretary of the Amount, the Grand Jury shall present the same;

to be levied together with and as other County Charges.

V. And be it enacted, That the Amount of all Sums payable to the Consolidated Fund, or Her Majesty's Exchequer, in respect of such Advances, for or on account of the said County of *Dublin*, or any Barony, Portion of a Barony, Parish, or other Denomination of Land thereof, shall be ascertained and made up half-yearly; and a Certificate of the Amount so payable for each Half Year, with a Statement of the Accounts, and the Particulars thereof, signed by the proper Officer, shall be transmitted to the Finance Committee of the said County; and such Amount, so certified, shall, to all Intents and Purposes whatsoever, be a Charge upon all Monies, Rates, or Cesses levied or collected for the Purposes of the said County of *Dublin*, in priority and preference to any other Lien, Claim, Charge, or Demand whatsoever upon the same or any Part thereof; and such Amount shall be set apart and appropriated by the Finance Committee for the Time being acting in execution of the said recited Act, out of such public Money, Rates, or Cesses for the Repayment to the Consolidated Fund, or Her Majesty's Exchequer, of the Sum so certified, in priority and preference to any other Lien, Charge, or Demand, and shall not be applied to any other Purpose; and the said Finance Committee shall pay over the said Amount in such Manner and to such Bank or Person as the Commissioners of Her Majesty's Treasury shall direct.

Certificate of Sums so payable shall be sent to Finance Committee half-yearly;

and the Amount shall be paid by the Finance Committee.

County Officers shall be paid by Finance Committee out of any surplus Funds of the present Year.

VI. 'And whereas Doubts have arisen whether, under the Authority of the said recited Act, the 'Grand Jury of the said County of *Dublin* are authorized to make Presentments in advance for the 'Payment of the Salaries of the several County Officers to whom Salaries are payable by half-yearly 'Instalments under the said Act, so that Funds may be available for such half-yearly Payments, and no 'Presentment has consequently been made at the last Presenting Term for the Salaries of such County 'Officers;' for Remedy whereof be it enacted, That it shall and may be lawful for the said Finance Committee, out of any Surplus or Balance of the Funds of the said County which may accrue during the present Year, to pay and discharge in half-yearly Payments, commencing from the First Day of *January* One thousand eight hundred and forty-five, so far as such Surplus or Balance may enable them so to do, the Salaries when due of all or any of the said Officers, as also the Sum of Eight Pounds Eight Shillings, being the Salary of the Housekeeper of the County Court-house at *Green Street* in the City of *Dublin*, and to take Credit for such Payments in their current Accounts.

The Grand Jury shall present the Amount so paid.

VII. And be it enacted, That it shall be lawful for the Grand Jury of the said County of *Dublin*, and they are hereby required, at the next ensuing Presenting Term, to present a Sum sufficient to replace in the Bank of *Ireland*, to the Credit of the said Finance Committee, the Amount of all Sums so paid by them to the said County Officers for or on account of their Salaries during the present Year, as also to meet and discharge any Balance which may be then still due to any of the said Officers.

And at each Presenting Term the Grand Jury shall present in advance for Salaries of County Officers.

VIII. And be it enacted, That at the said Presenting Term, and at each succeeding Presenting Term, it shall be lawful to and for the Grand Jury of the said County to present in advance, and without previous Application at Presentment Sessions, such Sum as shall be estimated to be sufficient to pay the Salaries payable under the said Act to the several County Officers, as well those specified in the Schedule to the said Act annexed as the District Surveyors appointed for the said County, and also a Sum not exceeding Eight Pounds Eight Shillings a Year as Salary for the Housekeeper of the County Court-house at *Green Street* in the City of *Dublin*; and it shall be lawful for the Finance Committee for the Time being to pay to the said County Officers respectively, by half-yearly Instalments as the same shall respectively become due, the Amount of such Salaries, according to the true Intent and Meaning of the said Act.

Finance Committee may repay Sums expended in Repair of sudden Damage to Bridges, &c.

IX. And be it enacted, That it shall be lawful to and for the Finance Committee of the said County of *Dublin*, if they shall deem it expedient, out of any Balance or County Funds at their Disposal, from Time to Time to repay and discharge any Sums expended by any Person in repairing any sudden Damage to Bridges, Roads, or other County Works under the Provisions of the said Act in reference to such sudden Damage, on the Production to them of the Magistrate's Order duly authorizing such Repairs, and the Certificate of the District Surveyor that a Sum not exceeding the Sum specified in such Order hath been faithfully and honestly expended pursuant thereto; and the Grand Jury of the said County is hereby empowered to present all Sums so paid by the Finance Committee at the next Presenting Term, without previous Application at Presentment Sessions.

Repeal of Part of recited Act as to withholding Salaries, &c.

X. And be it enacted, That so much of the said recited Act as empowers the Grand Jury, with the Sanction of the Court of Queen's Bench, to present, in case of negligent or insufficient Discharge of Duty on the Part of any County Officer, any Sum less than the annual Salary specified therein to be paid to such Officer, or to withhold or refuse to make Presentment for such Officer, shall be and is hereby repealed.

The Grand Jury, with the Sanction of the Court, may suspend Salaries of County Officers, &c.

XI. And be it enacted, That from and after the passing of this Act it shall and may be lawful for the Grand Jury of the said County, at any Presenting Term, by a Resolution, to be signed by the Foreman, with the express Sanction of the Court of Queen's Bench in *Ireland*, to direct that the Payment of any Salary of any County Officer who may be guilty of any negligent or insufficient Discharge of his Duty shall be either wholly or in part withheld, or to make such Regulations for the paying or suspending the Payment of the whole or any Part of the Salaries of any of such County Officers, as the said Grand Jury, with the express Approval of the said Court of Queen's Bench, may deem expedient.

This and recited Act One.

XII. And be it enacted, That this Act shall be read and interpreted in conjunction with the said recited Act, in such and the same Manner as if the same was incorporated therein and Part thereof.

Alteration of Act.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXXII.

An Act to defray until the First Day of *August* One thousand eight hundred and forty-six the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers. [4th *August* 1845.]

[*This Act is the same, except as to Dates, as* 7 & 8 *Vict. c.* 75.]

CAP. LXXXIII.

An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in *Scotland.* [4th *August* 1845.]

'WHEREAS it is expedient that the Laws relating to the Relief of the Poor in *Scotland* should be 'amended, and that Provision should be made for the better Administration thereof:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context of the Act shall exclude or be repugnant to such Construction; (that is to say,) the Word "Burgh" shall include and apply to Cities, Burghs, and Towns which are Royal Burghs, or which send or contribute to send a Member to Parliament; "Sheriff" shall include and apply to Sheriff Substitute and Stewart Substitute; the Words "Lands and Heritages" shall extend to and include all Lands, Fishings, Freshwaters, Ferries, Quays, Wharfs, Docks, Canals, Railways, Mines, Minerals, Quarries, Coal Works, Lime Works, Brick Works, Iron Works, Gas Works, Factories, and manufacturing Establishments, Houses, Tenements, Shops, Warehouses, Mills, Cellars, Stalls, Stables, Gardens, Yards, and all Buildings and Pertinents thereof; the Word "Oath" shall include the Affirmation of a Quaker, Separatist, or Moravian; "Owner" shall apply to Life-renters as well as Fiars, and to Tutors, Curators, Commissioners, Trustees, Adjudgers, Wadsetters, or other Persons who shall be in the actual Receipt of the Rents and Profits of Lands and Heritages; "Persons" shall extend to a Body Politic, Corporate, or Collegiate; and every Word importing the Singular only shall extend to several Persons or Things as well as one Person or Thing; and every Word importing the Plural shall be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender shall extend to a Female as well as a Male.

Interpretation of Words and Expressions used in the Act.
"Burgh:"
"Sheriff:"
"Lands and Heritages:"
"Oath:"
"Owner:"
"Persons."

II. And be it enacted, That a Board of Supervision shall be and is hereby established for the Purposes of this Act, and the said Board shall consist of the following Persons; (*videlicet*,) the Lord Provost of *Edinburgh*, the Lord Provost of *Glasgow*, the Solicitor General of *Scotland*, the Sheriff Depute of the County of *Perth*, the Sheriff Depute of the County of *Renfrew*, the Sheriff Depute of the County of *Ross* and *Cromarty*, all for the Time being, together with Three other Persons, whom it shall be lawful for Her Majesty, Her Heirs and Successors, by Warrant under the Sign Manual, to appoint; and it shall also be lawful for Her Majesty, Her Heirs and Successors, to supply any Vacancy which may occur in the said Board by Removal, by Death, or otherwise of any of the said Three Persons; and the said Board shall be styled "The Board of Supervision for Relief of the Poor in *Scotland*;" and the said Board may sit from Time to Time and at such Places as they shall deem expedient.

Board of Supervision for Relief of the Poor established.

III. And be it enacted, That the Members of the said Board shall derive no Profit or Emolument for the Discharge of the Duties of their Office, except as herein-after mentioned, and shall not be personally responsible for any thing done *bonâ fide* in the Execution of this Act, or in the Exercise of the Powers therein contained: Provided always, that any necessary Expences incurred by the Board or by Members thereof, or Committees or Commissioners authorized or appointed by the Board as herein-after provided, shall be deemed as Part of the incidental Expences attending the Execution of this Act, and be paid accordingly; and an Account of all Expences of the said Board shall be annually laid before Parliament.

Members of Board to derive no Emolument.
Their Expences to be paid.

IV. And be it enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, to nominate One of the Three Members of the said Board of Supervision to be appointed by Her Majesty as aforesaid, who shall be paid, and also to appoint a fit Person to be Secretary to the said Board, who shall also be paid, and to supply any Vacancy which may occur in the said Office of Secretary; and such paid Member of the Board of Supervision and such Secretary shall each receive an adequate Salary of such Amount as shall from Time to Time be regulated and approved by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them; and such Secretary shall find sufficient Security for his Intromissions and Management to the Satisfaction of the said Board, and shall be liable to be removed by Her Majesty on the Recommendation of the said Board; and the Sheriffs of the said Three Sheriffdoms of *Perth*, *Renfrew*, and *Ross* and *Cromarty* shall each receive the Sum of One hundred Pounds Sterling *per Annum*, in addition to their present Salaries, so long as they continue to act as Members of the said Board.

One paid Member and Secretary to the Board.

V. And be it enacted, That the said Board of Supervision shall meet at *Edinburgh* in the Court Room of the First Division of the Court of Session upon the Twentieth Day of *August* next, or upon the first convenient Day within Ten Days thereafter, of which due Notice shall be given by the Secretary to each of the Members, and shall thereafter hold Two General Meetings in each Year, one upon the First *Wednesday* in *February*, and the other upon the First *Wednesday* in *August*; and at such First Meeting, and at all other Meetings to be held in pursuance of this Act, Three shall be sufficient to act; and the said Board shall have Power to adjourn for such Time and to such Place as they shall see fit; and it shall be lawful for the said Board to hold Special or *Pro re natâ* Meetings, which may be called by the Secretary, provided that such Notice shall be given in Writing by the Secretary as the Board shall direct; and that all Notices of Special or *Pro re natâ* Meetings shall specify the Business or Matter on which such Meetings are called; and it shall be the Duty of the paid Member of the said Board not only to attend at the General and the Special or adjourned Meetings, but to give regular Attendance for the Purpose of conducting the Business of the said Board; and the Board shall have Chambers in *Edinburgh* at which the ordinary Business of the Board shall be conducted, and at which the Meetings of the Board may be held.

Meetings of the Board.
Paid Member of Board of Supervision to attend regularly.

VI. And be it enacted, That the said Board shall have Power, as often as they may deem fit, to appoint any Two or more of their Number as a Committee for the Purposes of this Act, and if more than Two to fix the Number of such Committee that shall be sufficient to transact Business; and it shall be lawful for such Committee, in transacting the Business committed to them, to exercise all the Powers necessary for that Purpose which are by this Act given to the Board of Supervision; and such Committee shall be bound to report to the Board at such Time or Times as the Board shall direct, and failing such Direction shall report to the said Board at its next general statutory Meeting.

Board may name Committees.

Board may make general Rules.

VII. And be it enacted, That it shall be lawful for the said Board from Time to Time, as they shall see Occasion, to make general Rules and Regulations for conducting the Business of the said Board, and for exercising the Powers and Authorities thereof, and to alter such Rules and Regulations: Provided always, that such Rules and Regulations and Alterations, or a Copy thereof, shall be transmitted to One of Her Majesty's Principal Secretaries of State for his Sanction and Approval, and for such Additions or Alterations as he may deem necessary; and no Rules or Regulations or Alterations as aforesaid shall be effectual, except such as shall have been approved of by the said Secretary of State, who shall be understood to have approved of all such Rules and Regulations and Alterations aforesaid as shall have been transmitted for his Sanction and Approval if no Intimation to the contrary be made to the Board of Supervision within Twenty-one Days from the Date of such Transmission; and a Copy, signed and certified by the Secretary of the Board of Supervision, of the Rules and Regulations and Alterations approved as aforesaid, shall be Evidence of such Rules, Regulations, and Alterations in any Court of Law or Justice.

Board to record their Proceedings, and make annual Reports on the State of the Poor.

VIII. And be it enacted, That the said Board of Supervision shall make a Record of their Proceedings, in which shall be entered Minutes of all Meetings held by them, or any Committee appointed by them, and all Resolutions passed and Orders made by them, and all other Matters which the Board may judge proper; and the said Board shall once in every Year submit to One of Her Majesty's Principal Secretaries of State a general Report of their Proceedings, which Report shall contain in particular a full Statement as to the Condition and Management of the Poor throughout *Scotland*, and the Funds raised for their Relief; and every such Report shall be laid before both Houses of Parliament within Six Weeks after the Receipt of the same by such Principal Secretary of State, if Parliament be then sitting, or if Parliament be not sitting, then within Six Weeks of the next Meeting thereof.

Powers of the Board of Supervision to require Returns and examine Witnesses.

IX. And be it enacted, That it shall be lawful for the said Board of Supervision to inquire into the Management of the Poor in every Parish or Burgh in *Scotland*, and for this Purpose the said Board is hereby empowered to make Inquiries, and require Answers or Returns to be made to the said Board, upon any Question or Matter connected with or relating to the Relief of the Poor, and also by a Summons, signed by One of their Number, or by the Secretary, to require the Attendance of all such Persons as they may think fit to call before them upon any such Question or Matter, and to administer Oaths to and examine upon Oath all such Persons, and to require and enforce the Production, upon Oath, of all Books, Contracts, Agreements, Accounts, and Writings, or Copies thereof respectively, in anywise relating to any such Question or Matter, or in lieu of requiring such Oath as aforesaid the said Board may, if they think fit, require any such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined.

Board may authorize special Inquiries to be made.

X. And be it enacted, That it shall and may be lawful for the said Board, whenever it may seem fitting to them, to authorize and empower for a limited Time One of the Members thereof to conduct any special Inquiry in any Part of *Scotland*, and to report thereon to the Board; and such Member, so authorized and empowered, shall be entitled to summon and examine on Oath Witnesses and Havers, and to exercise all such other of the Powers by this Act given to the Board of Supervision as may be necessary for conducting such Inquiry, and such Member shall be reimbursed by the said Board for all Expences necessarily incurred by him in conducting such Inquiry, and such Expences shall be deemed Part of the Expences attending the Execution of this Act, and be paid accordingly.

Board may appoint Commissioners for conducting special Inquiries.

XI. And be it enacted, That it shall and may be lawful for the said Board of Supervision, whenever it may seem fitting to them, with the Consent of One of Her Majesty's Principal Secretaries of State, or of Her Majesty's Advocate for *Scotland*, or whenever the said Board may be thereunto required by One of Her Majesty's said Secretaries of State, or Her Majesty's said Advocate, to appoint some Person, not being a Member of the Board, but being a Member of the Faculty of Advocates, or a duly qualified Medical Practitioner, or an Architect or Surveyor, or Two or more of such Persons, to act as a Commissioner or Commissioners for the Purpose of conducting any special Inquiry for a Period not exceeding Forty Days, and to report thereon; and the said Board shall delegate to every Person so appointed for the Purpose of conducting such Inquiry all such of the Powers of the said Board as they may deem necessary or expedient for summoning or examining Witnesses and Havers, and otherwise conducting such Inquiry; and every such Appointment shall be subject to the Approval of One of Her Majesty's said Secretaries of State, or of Her Majesty's said Advocate; and every Person so appointed as aforesaid to conduct any special Inquiry shall, before he enter on the Execution of his Duties, take an Oath *de fideli administratione officii*, which Oath may be administered to him by any Member of the Board, or any One of the Judges of the Court of Session, or the Sheriff of any County; and it shall not be necessary to notify the Appointment of any such Commissioner otherwise than by intimating the same by Letter under the Hand of the Secretary, or of any Member of the Board, to the Sheriff of the County within which the Inquiry in question is to be made; and every such Commissioner shall be reimbursed by the said Board for all Expences necessarily incurred by him in conducting such Inquiry, and shall also receive such reasonable Remuneration for his Time and Trouble as may have been agreed upon between him and the said Board, and approved of by Her Majesty's said Secretary of State or Advocate; and failing of any such Agreement the Amount of the Remuneration shall be fixed by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or by such Person or Persons as he or they shall name.

Board may allow Expences of Witnesses, &c.

XII. And be it enacted, That it shall be lawful for the said Board of Supervision, in any Case where they see fit, to order and allow such Expences of Witnesses, and such Expences of or concerning the Pro-

Production of any Books, Contracts, Agreements, Accounts, or Writings, or Copies thereof, to or before the said Board or Committee thereof or Commissioner as such Board may deem reasonable; and such Expences so ordered and allowed shall be deemed Part of the incidental Expences attending the Execution of this Act, and be paid accordingly.

Penalties on Parties giving false Evidence, or refusing to obey Summons of the Board.

XIII. And be it enacted, That if any Person upon any Examination on Oath under the Authority of this Act, shall wilfully give false Evidence he shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties thereof; and in case any Person shall wilfully refuse to attend in obedience to any Summons of the said Board of Supervision or Committee thereof, or Member or Commissioner authorized or appointed by the Board as aforesaid, or to give Evidence, or shall wilfully refuse to produce any Books, Contracts, Agreements, Accounts, and Writings, or Copies of the same, which may be required to be produced before the said Board or Committee, or Member or Commissioner, or shall wilfully neglect or disobey any of the Orders of the said Board or Committee, or Member or Commissioner, or be guilty of any Contempt of the said Board or Committee, or Member or Commissioner, such Person being thereof lawfully convicted shall forfeit and pay for the First Offence any Sum not exceeding Five Pounds, for the Second and every subsequent Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds.

Power of Board to appoint Clerks, &c.

XIV. And be it enacted, That the said Board of Supervision shall be and is hereby empowered from Time to Time to appoint all such Clerks, Messengers, and Officers as they shall deem necessary and from Time to Time, at the Discretion of the said Board, to remove such Clerks, Messengers, and Officers, or any of them, and to appoint others in their Stead; provided that the Amount of the Salaries of such Clerks, Messengers, and Officers shall from Time to Time be regulated by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them; and the Name of every Person so appointed or removed as aforesaid shall forthwith be intimated to One of Her Majesty's Principal Secretaries of State for his Approval, who shall be understood to approve of such Appointment or Removal if no Notice to the contrary be received by the said Board within Twenty-one Days from the Day of the Date of such Intimation.

Members of Board of Supervision may attend Meetings of Parochial Boards.

XV. And be it enacted, That it shall be lawful for any of the Members or the Secretary of the said Board of Supervision or for any Clerk or Officer of the said Board, provided that such Clerk or Officer shall be duly authorized by a Writing signed by Two at least of the Members of the said Board of Supervision, to attend and be present at the Meetings of any Parochial Board for the Management of the Poor, and to take Part in the Discussions but not to vote at such Board.

Parishes may be combined.

XVI. And be it enacted, That in every Case in which it may appear to the Board of Supervision, on Application by the Parochial Boards of any One or more adjoining Parishes, or from a Regard to the relative Situation of Two or more such Parishes, or from any other Circumstances, that the Administration of the Affairs of the Poor therein might be carried on with greater Advantage to the said Parishes, and to the Poor therein, by the said Parishes being combined for the Purposes of this Act, then the Parochial Boards of such Parishes shall meet, on Requisition to that Effect by the Board of Supervision, for the Purpose of considering the proposed Combination; and in every Case where the Parochial Boards of Two or more such Parishes shall resolve that it is expedient and proper that such Parishes shall be combined for all Purposes connected with the Management of the Poor and the Administration of the Laws relating to their Relief, and for the Purposes of raising the necessary Funds for the Relief and Support of the Poor, and also for the Purposes of Settlement, and where it shall be established to the Satisfaction of the Board of Supervision that it is expedient and proper that such Parishes shall be so combined, it shall be lawful for the said Board of Supervision to resolve and declare that such Parishes shall thenceforward be combined for the Purposes aforesaid, and shall be considered as One Parish so far as regards the Support and Management of the Poor, and all Matters connected therewith; and all Expenditure in respect to the Poor belonging to such Combination of Parishes shall be deemed and held to be the common Expenditure of such Combination of Parishes, and be charged upon and paid out of the common and general Fund to be raised for the Relief of the Poor over the whole of such Parishes: Provided always, that, upon Application by the Parochial Board of any Parish adjacent to any such Combination, it shall be lawful for the said Board of Supervision, if they see fit, due Regard being had to the Circumstances of the Case, to resolve and declare that such Parish shall be for the Purposes of this Act added to such Combination, from and after a Date to be signified in the Resolution of the said Board of Supervision, and such Parish shall, from and after such Date, be held in Law to be a Part of such Combination in all Matters relative to the Relief of the Poor, and subject in every respect to the Provisions and Regulations hereby made and provided in relation to Combinations of Parishes; and such Resolution shall be forthwith published in such Manner as the said Board of Supervision shall direct.

Board of Supervision may add other Parishes.

Parochial Board of Managers of the Poor in Burghal Parishes or Combinations.

XVII. And be it enacted, That in every Burghal Parish or Combination of Parishes there shall be a Parochial Board of Managers of the Poor; and the whole Administration of the Laws for the Relief of the Poor shall be under the Direction and Control of such Parochial Board, on whom shall devolve all the Powers and Authorities hitherto exercised by or vested in the Magistrates of Burghs in that Behalf, or any other Body or Persons administering or entitled to administer the Laws for the Relief of the Poor in any Burgh or Burghal Parish; and until it shall have been resolved, as herein-after provided, to raise the Funds requisite for the Relief of the Poor of such Parish or Combination by Assessment, the Board shall, in the Case of a Burghal Parish, where there is no Combination of Parishes, consist of the Persons who, if this Act had not been passed, would have been entitled to administer the

Laws

Laws for the Relief of the Poor in such Parish, and shall, in the Case of a Combination of Parishes, consist of the Persons who, if this Act had not been passed, would have been entitled to administer the Laws for the Relief of the Poor in the several Parishes of which the Combination is composed, or of such Committees of their Number as they may think proper to appoint; and when in any Burghal Parish or Combination in which it shall have been resolved as herein-after provided, to raise the Funds requisite for the Relief of the Poor by Assessment, the Parochial Board of such Parish or Combination shall be constituted and chosen as follows; (that is to say,) the Persons assessed for the Support of the Poor within the Parish or Combination shall elect, in manner after mentioned, to be Members of the Parochial Board, such Number of Managers, not being more than Thirty, as the said Board of Supervision, having due Regard to the Population and other Circumstances of every such Parish or Combination, may from Time to Time fix, and possessing such Qualification by the Ownership or Occupancy of Lands and Heritages of a certain annual Value within the Parish or Combination as the said Board of Supervision, having due Regard to the Population and other Circumstances of every such Parish or Combination, may from Time to Time fix, such Qualification being in no Case fixed at a higher annual Value than Fifty Pounds, to be ascertained in manner herein-after provided in regard to the Qualification of Voters; and the Magistrates of the Burgh shall nominate Four Persons to be Members of the Parochial Board, and the Kirk Session of each Parish shall nominate not exceeding Four Members of such Kirk Session to be Members of the Parochial Board: Provided always, that those Parishes only shall be held to be separate Parishes which at the Date of this Act are separate Parishes for the Purposes of Settlement and Relief of the Poor; and that where there shall be in any such Parish Two or more Kirk Sessions the Members of such several Kirk Sessions shall meet together and nominate not exceeding Four of their Number to be Members of the Parochial Board.

Board of Supervision to fix the Day for the first Election of Managers.

XVIII. And be it enacted, That where in any Burghal Parish or Combination it shall have been so resolved to raise the Funds requisite for the Relief of the Poor by Assessment, and where the Persons from whom such Assessment is to be levied, and the Amount payable by each, shall have been ascertained or determined as herein-after provided, the Board of Supervision shall fix a Day for the Persons so assessed to elect such Number of Managers, duly qualified, to be Members of the Parochial Board as shall be regulated by the Board of Supervision as aforesaid, and shall also fix a Day or Days for the Magistrates and the Kirk Session or Kirk Sessions to nominate the Persons to be by them respectively nominated to be Members of the Parochial Board; and such Managers and Members, being elected or nominated, shall be entitled to act for the Period of One Year, and may be re-elected or re-appointed.

Mode of voting in Burghal Parishes or Combinations.

XIX. And be it enacted, That in all Cases of the Election of Managers of the Poor of any Burghal Parish or Combination under this Act the Votes shall be given or taken, collected and returned, in such Manner and under such Regulations as the Board of Supervision shall direct; and in every such Election every Person assessed for the Support of the Poor in such Parish or Combination shall be entitled to vote, whether such Assessment be made in respect of Ownership or Occupancy of Lands and Heritages, or in respect of Means and Substance; and it is hereby declared that the Owners of Lands and Heritages the annual Value of which shall be under Twenty Pounds shall have each One Vote; the Owners of Lands and Heritages the annual Value of which shall be Twenty Pounds but under Forty Pounds, Two Votes; the Owners of Lands and Heritages the annual Value of which shall be Forty Pounds but under Sixty Pounds, Three Votes; the Owners of Lands and Heritages the annual Value of which shall be Sixty Pounds but under One hundred Pounds, Four Votes; the Owners of Lands and Heritages the annual Value of which shall be One hundred Pounds but under Five hundred Pounds, Five Votes; the Owners of Lands and Heritages the annual Value of which shall be Five hundred Pounds and upwards, Six Votes; and that all Persons assessed as the Occupants of Lands and Heritages, or assessed on Means and Substance, shall each have the same Number of Votes as an Owner of Lands and Heritages assessed to the same Amount for the Support of the Poor would have; and when any Occupant shall also be the Owner of Lands and Heritages, and assessed in both Capacities, he shall be entitled to vote as well in respect of his Ownership as of his Occupancy; and when any Person who is assessed on his Means and Substance shall also be an Owner of Lands and Heritages, and assessed as such, he shall be entitled to vote as well in respect of his Ownership as of his Means and Substance: Provided always, that no Person shall for himself have more than Six Votes in all, and that no Person shall be entitled to vote who shall have been exempted from Payment of his Rates or Assessment for Relief of the Poor on the Ground of Inability to pay, or who shall not have paid all such Rates and Assessments assessed upon and due from him at the Time of so voting.

Board of Supervision may divide Burghal Parishes or Combinations into Wards or Divisions for Elections.

XX. And be it enacted, That for the Purpose of conducting the Election of Managers of the Poor it shall be lawful for the Board of Supervision to divide any Burghal Parish or Combination into such and so many Wards or Divisions as they may deem expedient, and to determine and apportion the Number of Managers to be elected by every such Ward or Division, having due Regard to the Population and the Value of Property therein: Provided always, that no Person shall be entitled to vote for the Managers of the Poor in any such Ward or Division unless he reside therein, or have a Right to vote in respect of his Ownership or Occupancy of Lands and Heritages within such Ward or Division; nor shall any Person give in any One Ward or Division, in respect of Ownership or Occupancy of Lands and Heritages, a greater Number of Votes than he is entitled to in respect of Lands and Heritages in such Ward or Division; nor shall any Person give in the whole of the Wards or Divisions into which a Parish may be divided a greater Number of Votes than he would be entitled to have given if the Parish had not been so divided.

XXI. And

Right of voting how to be ascertained.

XXI. And be it enacted, That for the Purpose of ascertaining the Number of Votes to which each Person is entitled the Books of the Collector of the Assessment for the Poor shall be taken as the Evidence of the annual Value of the Lands and Heritages assessed, and of the Amount for which each Person is assessed.

Parochial Board in Parishes not burghal or combined.

XXII. And be it enacted, That in every Parish not being a Burghal Parish, and not being Part of any Combination as aforesaid, there shall be in like Manner a Parochial Board for the Management of the Poor of such Parish, and the whole Administration of the Laws for the Relief of the Poor shall be under the Direction and Control of such Parochial Board, who shall have and exercise all the Powers and Authorities hitherto exercised by or vested in the Heritors and Kirk Session, or in the Heritors, Kirk Session, and Magistrates, or any other Body or Persons administering or entitled to administer the Laws for the Relief of the Poor in such Parish, by virtue of any Law or Usage; and such Parochial Board shall be constituted as follows; (that is to say,) in every such Parish as aforesaid in which the Funds requisite for the Relief of the Poor shall be provided without Assessment the Parochial Board shall consist of the Persons who, if this Act had not been passed, would have been entitled to administer the Laws for the Relief of the Poor in such Parish; and in every such Parish as aforesaid in which it shall have been resolved, as herein-after provided, to raise the Funds requisite for the Relief of the Poor by Assessment, the Parochial Board shall consist of the Owners of Lands and Heritages of the yearly Value of Twenty Pounds and upwards, and of the Provost and Bailies of any Royal Burgh, if any, in such Parish, and of the Kirk Session of such Parish, and of such Number of elected Members, to be elected in manner after mentioned, as shall be fixed by the Board of Supervision: Provided always, that no Provost or Bailie or Elder of the Kirk Session shall, as such, be a Member of such Parochial Board unless he is assessed for the Poor; and provided also, that not more than Six Members of the Kirk Session shall, as such, be Members of such Parochial Board; and if the Kirk Session shall consist of more than Six Members it shall be lawful for such Kirk Session from Time to Time to nominate Six of its Members to be Members of the Parochial Board, for such Time as to the Kirk Session shall seem fit; and it shall be competent for any Heritor, being a Member of the Parochial Board, to appoint, as heretofore, by a Writing under his Hand, any other Person to be his Agent or Mandatory to act and vote for him at such Board; and such Appointment shall remain in force till recalled; and such Writing of Appointment is hereby declared to be valid and lawful, although the Paper whereon it is written should not be stamped.

Elected Members.

XXIII. And be it enacted, That in every such Parish as aforesaid in which it shall have been resolved to raise the Funds for Relief of the Poor by Assessment, and in which the Persons from whom such Assessment is to be levied, and the Amount payable by each, have been ascertained or determined as herein-after provided, it shall and may be lawful for the Persons so assessed, not being Owners of Lands and Heritages of the yearly Value of Twenty Pounds, or Provost or Bailies of any Royal Burgh in such Parish, or Members of the Kirk Session, and as such Members of the Parochial Board, to elect so many of their own Number to be Members of the Parochial Board of such Parish as shall be regulated and fixed from Time to Time by the Board of Supervision, due regard being had to the Amount of the Population, the Number and Residence of the other Members of the Parochial Board, and the special Wants and Circumstances of each particular Parish; and the said Board of Supervision shall also fix a Day for the said Persons to meet and choose such Number of elected Members of the Parochial Board as shall have been fixed by the Board of Supervision as aforesaid; and such elected Members, being so appointed, shall be entitled to act for the Period of One Year, and may be re-elected: Provided always, that no Person shall be entitled to act as an elected Member unless he be assessed to the Poor, and pay Assessment to the Parish.

Elected Members how to be appointed.

XXIV. And be it enacted, That on the Day so to be fixed by the Board of Supervision as aforesaid, and on the same Day in each succeeding Year, or on a Day, as soon thereafter as may be, to be fixed by the Board of Supervision, the Persons assessed as aforesaid shall meet for the Purpose of appointing elected Members of the Parochial Board; and if they shall not agree in the Choice of elected Members, then it shall and may be lawful for the Inspector of the Poor appointed in manner after mentioned, or in case of his Absence or Inability for any Person appointed by the Parochial Board to act for the Occasion, to take in Writing and collect the Votes of the Persons entitled to vote at such Meeting, and to declare (according to the Number prescribed by the Board of Supervision) those Persons to be elected Members who shall appear to have the Majority of Votes, and in the event of an Equality the Person paying the largest Amount of Assessment shall be preferred; and at every such Meeting Owners of Lands and Heritages within the Parish under Twenty Pounds of yearly Value shall each have One Vote, and Tenants or Occupants of Lands and Heritages, and Persons assessed upon Means and Substance, if assessed to an Amount less than is assessed upon an Owner of Lands and Heritages of the yearly Value of Twenty Pounds, shall each have One Vote; and if assessed to an Amount equal to that assessed upon an Owner of Lands and Heritages of the yearly Value of Twenty Pounds but under Forty Pounds, shall each have Two Votes; and if equal to that assessed on an Owner of Lands and Heritages of the yearly Value of Forty Pounds but under Sixty Pounds, shall each have Three Votes; and if equal to that assessed on an Owner of Lands and Heritages of the yearly Value of Sixty Pounds but under One hundred Pounds, shall each have Four Votes; and if equal to that assessed on an Owner of Lands and Heritages of the yearly Value of One hundred Pounds but under Five hundred Pounds, shall each have Five Votes; and if equal to that assessed on an Owner of Lands and Heritages of the yearly Value of Five hundred Pounds or more, shall each have Six Votes; and the Books of the Collector of the Assessment in each Parish shall

be

be binding and conclusive for the Purpose of ascertaining the Number of Votes to which any Person shall be entitled in respect of the Ownership, Occupancy, or Means and Substance upon which he is assessed; and where any Person who is assessed as Owner is assessed also as Occupier, or on Means and Substance, he shall be entitled to vote as well in respect of such Occupancy, or Means and Substance, as of his being such Owner: Provided always, that no Person shall have more than Six Votes, and that no Owner of Lands and Heritages of the yearly Value of Twenty Pounds or upwards, and no Provost, Bailie, or Member of the Kirk Session, being a Member of the Parochial Board, and no Person who shall have been exempted from the Payment of his Rates or Assessments for the Relief of the Poor on the Ground of Inability to pay, or who shall not have paid all such Rates and Assessments assessed upon and due from him, shall be entitled to vote; and for the Purpose of conducting the Election it shall be lawful for the Board of Supervision to divide any Parish into such and so many Districts or Divisions as they may deem expedient, and to determine and apportion the Number of elected Members to be elected by every such District or Division, subject to the like Conditions and Restrictions as are hereinbefore provided in regard to the Election of Managers in Burghal Parishes or Combinations.

In Cases of Corporations or Joint Stock Companies, who entitled to vote.

XXV. And be it enacted, That in Cases of Lands and Heritages being owned or occupied by any Corporation, or any Joint Stock or other Company, or by Joint Owners or Joint Occupants, no Member of such Corporation or Proprietor of or interested in such Joint Stock or other Company, and no such Joint Owner or Joint Occupant, shall, as such, be entitled to vote at the Election of any Member of a Parochial Board of any Parish or Combination; but any Member or Officer of such Corporation, Joint Stock or other Company, or any One of such Joint Owners or Joint Occupants whose Name shall be entered by Order of such Corporation or Company, or the governing Body thereof, or of such Joint Owners or Joint Occupants, in the Books of the Parish or Combination, in the Manner that may be directed by the Board of Supervision, and who shall have complied with the Regulations regarding voting, shall be entitled to vote in the same Manner as if he were the Owner or Occupant of such Lands and Heritages.

Husbands in right of Wives.

XXVI. And be it enacted, That in all Meetings and Matters under this Act the Husbands of Owners of Lands and Heritages shall be entitled to vote and act in right of their Wives.

Disputes as to Elections how to be determined.

XXVII. And be it enacted, That any Dispute which may arise as to the Validity of the Election of any Person to be a Member of the Parochial Board of any Parish or Combination shall be determined by the Sheriff of the County in which such Parish or Combination, or the greater Portion of them, may be situate, upon Petition in a summary Manner; and the said Sheriff shall hear the Parties, and investigate the Matter in such Way as he may think proper, and shall have Power to call for such Evidence, and for the Production of such Documents, as he may think necessary, provided that no written Pleadings shall be allowed, and no Record shall be made of the Proceedings; and the Decision by the said Sheriff shall be final, and shall not be liable to Appeal, or to Suspension, Advocation, or Reduction, or any other Form of Review; and it shall be lawful for the said Sheriff to order the Expences of all such Proceedings to be paid by such Parties and in such Manner as to him may seem equitable: Provided always, that it shall not be lawful for any Person to question the Validity of any Election under this Act, unless a Notice in Writing of his Intention so to do be served on the Returning Officer at the Time of making the Return, or within Forty-eight Hours from the Time when such Return shall have been made.

Party returned may act in the meantime.

XXVIII. And be it enacted, That in the event of any disputed Election of any Parochial Board, or of any Member or Members of any Parochial Board, the Persons whose Names are returned by the Returning Officer as having the Majority of Votes shall be entitled to sit and act as elected Members of such Board in the meantime and until the Question regarding the Validity of their Election shall have been tried and determined; and all Acts and Deeds done by them in their Character of Members of such Board or Managers for the Poor shall be valid and effectual; and no Defect in the Qualification, Election, or Appointment of any Person acting in the Character of a Member of a Parochial Board shall vitiate or make void any Proceedings of such Board in which he may have taken a Part.

Penalty on Officer making false Return.

XXIX. And be it enacted, That if any Returning Officer be guilty of wilfully making a false Return he shall be liable to a Penalty of Fifty Pounds, to be recoverable by Action in the Court of Session, and payable to the Party or Parties aggrieved by such false Return.

Meetings of Parochial Boards and Committees.

XXX. And be it enacted, That it shall be lawful for every Parochial Board to fix certain Days and Places on and at which the General Meetings of the Board shall be held, and to adjourn such Meetings from Time to Time and to such Places as they shall see fit: Provided always, that every Parochial Board shall be bound to hold at least Two General Meetings in every Year, one on the First *Tuesday* of *February*, or as soon thereafter as may be, and the other on the First *Tuesday* of *August*, or as soon thereafter as may be, or at such other stated Times as may be approved of by the Board of Supervision, and at such Meetings to revise and adjust the Roll of Paupers and their Allowances; and it shall also be lawful for every Parochial Board to hold Special Meetings as Occasion may require, upon Summonses to be issued by the Inspector of the Poor or by the Chairman of the Board; and it shall be lawful for every Parochial Board to nominate and appoint Committees to act on behalf of the whole Board, and such Committees in transacting the Business committed to them shall exercise all the Powers necessary for that Purpose which belong to the Parochial Board.

Parochial Board to elect a Chairman annually.

XXXI. And be it enacted, That every Parochial Board shall annually elect One of their Number to be Chairman for the Year ensuing, and such Chairman shall preside at all Meetings of the Board, and shall have both an original and a casting Vote in case of Equality; and in the event of the Absence of the Chairman of the Board at any Meeting the Members present shall elect a Chairman *pro tempore*,

tempore, who shall act as Chairman of the Meeting, and such Chairman shall have a casting as well as an original Vote.

Parochial Boards to meet and make up Roll of the Poor;

XXXII. And be it enacted, That each Parochial Board shall, on the Third *Tuesday* of *September* in this present Year, or on such Day thereafter as may be fixed by the Board of Supervision, meet for the Purpose of making up or causing to be made up a Roll of the poor Persons claiming and by Law entitled to Relief from the Parish or Combination, and of the Amount of Relief given or to be given to each of such Persons, and for the Purpose of appointing an Inspector or Inspectors of the Poor in such Parish or Combination, and fixing the Amount of Remuneration to be given to every such Inspector; and such Meeting shall make up or cause to be made up such Roll as aforesaid with the least possible Delay, and shall nominate and appoint a fit and qualified Person or Persons to be Inspector or Inspectors of the Poor in such Parish or Combination, and shall fix the Amount of Remuneration to be given to every such Inspector, and shall forthwith report to the Board of Supervision the Name and Address of such Inspector, and the Amount of the Remuneration to be given to him, and shall at the same or at another Meeting, to be held on a Day not more than Fourteen Days thereafter, consider and determine as to the Mode of raising the Funds requisite for the Relief of the Poor in the Parish or Combination.

and appoint an Inspector of the Poor.

Parochial Boards may resolve that the Funds shall be raised by Assessment.

XXXIII. And be it enacted, That it shall be lawful for the Parochial Board of any Parish or Combination assembled at such Meeting, or at any Adjournment thereof, or for the Parochial Board of any Parish or Combination at any Meeting of such Board called for that Purpose, and of which due Notice shall have been given, by Letter, Advertisement, or otherwise, to all the Persons entitled to attend, to resolve that the Funds requisite for the Relief of the poor Persons entitled to Relief from the Parish or Combination, including the Expences connected with the Management and Administration thereof, shall be raised by Assessment; and if the Majority of such Meeting shall resolve that the Funds shall be raised by Assessment, such Resolution shall be final, and shall be forthwith reported to the Board of Supervision, and it shall not be lawful to alter or depart from such Resolution without the Consent and Authority of the Board of Supervision previously had and obtained.

Modes of imposing Assessment.

XXXIV. And be it enacted, That when the Parochial Board of any Parish or Combination shall have resolved to raise by Assessment the Funds requisite, such Board shall, either at the same Meeting or at an Adjournment thereof, or at a Meeting to be called for the Purpose, resolve as to the Manner in which the Assessment is to be imposed; and it shall be lawful for any such Board to resolve that one Half of such Assessment shall be imposed upon the Owners, and the other Half upon the Tenants or Occupants of all Lands and Heritages within the Parish or Combination rateably according to the annual Value of such Lands and Heritages, or to resolve that one Half of such Assessment shall be imposed upon the Owners of all Lands and Heritages within the Parish or Combination according to the annual Value of such Lands and Heritages, and the other Half upon the whole Inhabitants, according to their Means and Substance, other than Lands and Heritages situated in *Great Britain* or *Ireland*, or to resolve that such Assessment shall be imposed as an equal Per-centage upon the annual Value of all Lands and Heritages within the Parish or Combination, and upon the estimated annual Income of the whole Inhabitants from Means and Substance, other than Lands and Heritages situated in *Great Britain* or *Ireland;* and when the Parochial Board shall have resolved on the Manner in which the Assessment is to be imposed, such Resolution shall be forthwith reported to the Board of Supervision for Approval; and if the Manner of Assessment so resolved upon shall be approved by the Board of Supervision, the same shall be adopted and acted upon in such Parish or Combination, and shall not be altered or departed from without the Sanction of the Board of Supervision; and if the Board of Supervision shall disapprove of the Manner of Assessment so resolved upon as aforesaid, the Parochial Board shall, upon such Disapproval being intimated, forthwith meet and resolve upon another Mode of imposing the Assessment consistent with Law, and shall report such Resolution to the Board of Supervision; and the Manner of imposing the Assessment so resolved upon shall be adopted and acted upon in such Parish or Combination, and shall not be altered or departed from without the Sanction of the Board of Supervision.

Assessment may be imposed according to local Act or established Usage.

XXXV. And be it enacted, That if at the Date of this Act an Assessment for the Poor shall in any Parish or Parishes be imposed according to the Provisions of any local Act, or according to any established Usage, it shall be lawful for the Parochial Board or Boards of such Parish or Parishes to resolve that the Assessment in such Parish or Parishes shall be imposed according to the Rule established by such local Act or Usage; and such Resolution, if approved of by the Board of Supervision, shall continue to be acted upon in such Parish or Parishes, and shall not be altered or departed from without the Sanction of the Board of Supervision.

Parochial Boards may classify Lands.

XXXVI. And be it enacted, That where the one Half of any Assessment is imposed on the Owners, and the other Half on the Tenants or Occupants of Lands and Heritages, it shall be lawful for the Parochial Board, with the Concurrence of the Board of Supervision, to determine and direct that the Lands and Heritages may be distinguished into Two or more separate Classes, according to the Purposes for which such Lands are used and occupied, and to fix such Rate of Assessment upon the Tenants or Occupants of each Class respectively, as to such Boards may seem just and equitable.

Annual Value defined.

XXXVII. And be it enacted, That in estimating the annual Value of Lands and Heritages, the same shall be taken to be the Rent at which One Year with another such Lands and Heritages might in their actual State be reasonably expected to let from Year to Year, under Deduction of the probable annual average Cost of the Repairs, Insurance, and other Expences, if any, necessary to maintain such Lands and Heritages in their actual State, and all Rates, Taxes, and public Charges payable in respect of the same:

same: Provided always, that no Mine or Quarry shall be assessed unless it has been worked during some Part of the Year preceding the Day on which the Assessment may be ordered to be levied.

Roll of Persons liable to Assessment to be made up.

XXXVIII. And be it enacted, That when the Parochial Board of any Parish or Combination shall have resolved as aforesaid to raise by Assessment the Funds requisite, and when the Manner in which the Assessment is to be imposed shall have been fixed, and the Sum to be so raised for the Year or Half Year then ensuing shall have been ascertained, such Parochial Board shall make up or cause to be forthwith made up a Book containing a Roll of the Persons liable in Payment of such Assessment, and of the Sums to be levied from each of such Persons, distinguishing the Sums assessed in respect of Ownership or Occupancy, or Means and Substance; and the Book or Roll so made up shall be the Rule for levying the Assessment for the Year or Half Year then ensuing; and the Parochial Board shall appoint One or more fit and qualified Persons to be Collector or Collectors of the Assessments, and shall fix the Amount of Remuneration to be given to every such Collector; and it shall be competent to nominate and appoint the same Person who is an Inspector of the Poor to be Collector of the Assessment, and to fix the Amount of Remuneration to be given to such Person for the Performance of the additional Duties of Collector of the Assessment.

Assessment payable by each Person to be intimated.

XXXIX. And be it enacted, That as soon as may be after such Book or Roll is made up as aforesaid the Collector shall intimate to each Person the Amount of the Sum to be levied from him, and the Time when the same is payable.

Parochial Boards to fix annually the Amount of Assessment, and make up Roll of Ratepayers.

XL. And be it enacted, That before the Expiration of One Year from the Date at which the first Assessment under the Provisions of this Act shall have been imposed as aforesaid in any Parish or Combination, and yearly or half-yearly thereafter, the Parochial Board of every such Parish or Combination shall fix and determine the Amount of Assessment for the Year or Half Year then next ensuing, and shall make up or cause to be made up a Book containing a Roll of the Persons liable in Payment of such Assessment, and of the Sums to be levied from each of such Persons; and the Roll so made up shall be the Rule for levying the Assessment for the Year or Half Year then next ensuing; and the Collector shall forthwith intimate to each Person the Amount of the Sum to be levied from him, and the Time when the same is payable: Provided always, that it shall be lawful for the Parochial Board of any such Parish or Combination, if there shall have been found to exist any Error in the Sum or Sums to be levied by way of Assessment, or any Omissions or Surcharges in respect of the Persons liable to pay the same, to cause such Error, Omission, or Surcharge to be corrected at their next or any subsequent Meeting after such Error, Omission, or Surcharge shall have been discovered: Provided also, that nothing herein contained shall preclude any Person who considers himself aggrieved by such Assessment from his Remedy by Law in the like Form and on the same Grounds as, at the Date of the passing of this Act, was competent to any Party who considered himself aggrieved by Assessment imposed under the Statutes then in force for Relief of the Poor, but to the Extent and Effect only of exempting himself from Payment of any Surcharge which may have been made upon him.

Power to correct Errors;

and impose additional Assessments.

XLI. And be it enacted, That if the Assessment imposed for any Year or Half Year shall, from any unforeseen or other Circumstances, prove insufficient, it shall be lawful for the Parochial Board of such Parish or Combination to meet and impose such further and additional Assessment as may be sufficient to raise the Sum required.

Power to Parochial Boards to exempt on the Ground of Inability.

XLII. And be it enacted, That it shall be lawful for the Parochial Board of any Parish or Combination to exempt from Payment of the Assessment or any Part thereof, to such an Extent as may seem proper and reasonable, any Persons or Class of Persons on the Ground of Inability to pay.

Power to levy from Tenants the Assessment on Owners.

XLIII. And be it enacted, That where the one Half of any Assessment is imposed on the Owners, and the other Half on the Tenants or Occupants, of Lands and Heritages, it shall be competent for the Collector of such Assessment to levy the whole thereof from the Tenants or Occupants, who shall be entitled to recover One Half thereof from the Owners, or to retain the same out of their Rents, on Production of a Receipt granted by the Collector of such Assessment.

Long Leaseholders to be considered Owners.

XLIV. And be it enacted, That in all Landward as well as all Burghal Parishes and Combinations where Houses have been or shall be built by the Tenant of any Land held under a Building Lease upon such Land, the Tenant and his Heirs and Assignees in such Lease shall for the Purposes of this Act be deemed and taken to be the Owners of such Houses.

Canals and Railways how to be assessed.

XLV. And be it enacted, That in Cases where any Canal or Railway shall pass through or be situate in more than One Parish or Combination, the Proportion of the annual Value thereof on which such Assessment shall be made for each such Parish or Combination shall be according to the Number of Miles or Distance which such Canal or Railway passes through or is situated in each Parish or Combination in proportion to the whole Length.

The same Property not to be assessed in Two Parishes.

XLVI. And be it enacted, That the Owners and Occupiers of Lands and Heritages shall not be liable to be assessed in respect of such Lands and Heritages for the Relief of the Poor in more than One Parish or Combination.

Companies or Individuals to be assessed in certain Cases.

XLVII. And be it enacted, That if in any Parish or Combination in which an Assessment is imposed on Means and Substance any Company or any Individual shall occupy any Lands and Heritages, or shall carry on any Trade or Business in any Premises within such Parish or Combination, such Company and the Partners thereof, and such Individual, shall be liable to be assessed in such Parish or Combination on their or his Means and Substance derived from or relating to such Occupancy, Trade, or Business, although none of the Partners of such Company, nor such Individual, should be actually resident in such Parish or Combination; and such Company and Partners, and such Individual, shall not

not be liable to be assessed on the same Means and Substance in any other Parish or Combination; and if any Person shall be assessed in any Parish or Combination upon his Means and Substance, other than Means and Substance derived from or relating to the Occupancy of Lands and Heritages within such Parish or Combination, or the carrying on of Trade or Business in Premises within such Parish or Combination, such Person shall not be assessed upon the same Means and Substance in any other Parish or Combination; and if any Person shall reside in and be liable to be assessed as an Inhabitant of more than One Parish, it shall be optional to such Person to determine in which of such Parishes he shall be assessed on his Means and Substance, other than Means and Substance derived from and relating to the Occupancy of Lands and Heritages, or the carrying on of Trade or Business in Premises within any particular Parish.

Means and Substance not to be assessed in in more than One Parish.

XLVIII. And be it enacted, That no Person shall be liable to be assessed in any Parish or Combination on his Means and Substance unless the estimated annual Value thereof in whole shall exceed Thirty Pounds.

Means, &c. under 30*l.* not to be assessed.

XLIX. And be it enacted, That Clergymen shall be liable to be assessed for the Poor in respect of their Stipends.

Stipends may be assessed.

L. And be it enacted and declared, That the Privileges of Exemption from Payment of Assessments in the City of *Edinburgh*, possessed and enjoyed by Members of the College of Justice and Officers of the Queen's Household, shall not be applicable to Assessments imposed and levied for the Relief of the Poor under the Authority of this Act.

Certain Privileges of Exemption to cease.

LI. And be it enacted, That where any Assessment shall have been imposed by the Parochial Board of any Parish or Combination, such Assessment shall be payable at the Time or Times and in the Proportions to be appointed by the Parochial Board; and no Assessment shall be rendered void or affected by reason of any Mistake or Variance in the Christian or Surname or Designation of any Person chargeable therewith, but all Assessments shall be valid and effectual against the Person intended to be charged, and *bonâ fide* liable in Payment of the same.

Assessment not to be void from Error or Mis-nomer.

LII. And be it enacted, That where any Property whatsoever, whether heritable or moveable, or any Revenues, shall at the Time of the passing of this Act belong to or be vested in the Heritors and Kirk Session of any Parish, or the Magistrates, or Magistrates and Town Council of any Burgh, or Commissioners, Trustees, or other Persons on behalf of the said Heritors and Kirk Session, or Magistrates, or Magistrates and Town Council, under any Act of Parliament, or under any Law or Usage, or in virtue of Gift, Grant, Bequest, or otherwise, for the Use or Benefit of the Poor of such Parish or Burgh, it shall, from and after a Time to be fixed by the Board of Supervision, be lawful for the Parochial Board of each such Parish, or of the Combination in which such Parish or Burgh may be respectively, to receive and administer such Property and Revenues, and the Right thereto shall be vested in such Parochial Board; and the said Heritors and Kirk Session, Magistrates, Town Council, Commissioners, Trustees, or other Persons are hereby authorized and required either to continue to hold all such Property and Revenues for the Behoof of such Parochial Board, or to make, grant, subscribe, and deliver such Dispositions, Assignations, and Conveyances of all such Property and Revenues as may be necessary to enable such Parochial Board to administer the same for behoof of the Poor of such Parish or Combination.

Parish Property vested in new Parochial Boards.

LIII. And be it enacted, That all and every Sums or Sum of Money or other Funds which have been or may hereafter be given, mortified, or bequeathed for the Use of the Poor, and which shall become vested in the Parochial Board of any Parish or Combination, and whereof the annual Proceeds are to be applied for behoof of the Poor, shall, if not specially directed to be otherwise invested, be, without Delay, either lodged in a chartered Bank, or placed at Interest on Government or Heritable Security, or in the Stock of One or more of the chartered Banks in *Edinburgh*; and the Board of Supervision is hereby authorized and empowered to require Returns to be made to them from Time to Time, as they shall deem expedient, as to all such Money or Funds.

Funds to be invested.

LIV. And be it enacted, That in all Parishes in which it has been agreed that an Assessment should be levied for the Relief of the Poor, all Monies arising from the ordinary Church Collections shall, from and after the Date on which such Assessment shall have been imposed belong to and be at the Disposal of the Kirk Session of each Parish: Provided always, that nothing herein contained shall be held to authorize the Kirk Session of any Parish to apply the Proceeds of such Church Collections to Purposes other than those to which the same are now in whole or in part legally applicable, or to deprive the Heritors of their Right to examine the Accounts of the Kirk Session, and to inquire into the Manner in which the Funds have been applied: Provided also, that the Session Clerk or other Officer to be appointed by the Kirk Session shall be bound to report annually, or oftener if required, to the Board of Supervision, as to the Application of the Monies arising from Church Collections, and if such Session Clerk or other Officer shall refuse to make such Report when required he shall be liable to a Penalty not exceeding Five Pounds.

Church Collections in assessed Parishes.

LV. And be it enacted, That the Inspector of the Poor in each Parish or Division of a Parish for which he may be appointed shall have the Custody of and be responsible for all Books, Writings, Accounts, and other Documents whatsoever relating to the Management or Relief of the Poor in such Parish or Division of a Parish, and it shall be the Duty of the said Inspector to inquire into and make himself acquainted with the particular Circumstances of the Case of each individual poor Person receiving Relief from the Poor Funds, and to keep a Register of all such Persons, and of the Sums paid to them, and of all Persons who have applied for and been refused Relief, and the Grounds of Refusal, and to visit and inspect personally, at least Twice in the Year, or oftener if required by the Parochial

Duties of Inspector of the Poor.

Board or Board of Supervision, at their Places of Residence, all the poor Persons belonging to the Parish or Division of the Parish in the Receipt of Parochial Relief, provided that such poor Persons be resident within Five Miles of any Part of such Parish or Division of a Parish, and to report to the Parochial Board and to the Board of Supervision upon all Matters connected with the Management of the Poor, in conformity with the Instructions which he may receive from the said Boards respectively, and to perform such other Duties as the said Boards may direct: Provided always, that in populous and extensive Parishes or Divisions of Parishes the Duties of inspecting and visiting the Poor may be performed by Assistant Inspectors or other competent Persons, to be appointed and paid by the Parochial Board for these Duties, and for whose Conduct and Accuracy the Inspector of the Poor shall be responsible to the Board of Supervision.

Assistant Inspectors in populous Parishes.

Board of Supervision may dismiss or suspend Inspectors.

LVI. And be it enacted, That if any Inspector of the Poor shall fail or neglect or refuse to perform the Duties of his Office, or shall, in the Opinion of the Board of Supervision, be unfit or incompetent to discharge the Duties of his Office, then it shall and may be lawful for the said Board of Supervision, by a Minute or Order, to suspend or dismiss such Inspector; and the Parochial Board of the Parish or Combination for which such Person is Inspector shall forthwith proceed to appoint another Person to perform the Duties of Inspector of the Poor in the Room of the Inspector so suspended or dismissed.

Inspectors may pursue and defend Actions.

LVII. And be it enacted, That in case it shall be necessary to commence or institute any Action by or on behalf of any Parish or Combination, or Parochial Board for the Relief of the Poor, such Action may be brought in the Name of any Inspector of the Poor of such Parish or Combination as Pursuer; and in any Action to be brought against any Parochial Board it shall not be necessary to call the individual Members of the Parochial Board as Defenders, but it shall be lawful for the Pursuer in such Action to call any Inspector of the Poor of any such Parish or Combination, and such Inspector shall be bound to appear and answer on behalf of the Parochial Board; and all Summonses, Notices, Diligences, Decree, or other Proceedings served or obtained or had against any Inspector of the Poor shall be binding on and conclusive against the Parochial Board of the Parish or Combination for which he is an Inspector; and the Parochial Board shall have the entire Direction and Control of every such Action, although the same may be carried on in Name of the Inspector.

Actions transferred.

LVIII. And be it enacted, That all Actions brought by or against any Inspector of the Poor in his official Character shall be continued by or against his Successors in Office, notwithstanding the Death, Resignation, Suspension, or Removal of such Inspector, upon Notice given to such Successor, without any Action of Transference.

Lunatic Paupers to be placed in Asylums.

LIX. And be it enacted, That in every Case in which any poor Person who shall have become chargeable in any Parish or Combination shall be insane or fatuous, the Parochial Board of such Parish or Combination shall, within Fourteen Days from the Time when such Person is declared or known to be insane or fatuous, provide that such insane or fatuous Person be conveyed to and lodged in an Asylum or Establishment legally authorized to receive lunatic Patients; and the Inspectors of the Poor in every Parish or Combination shall and are hereby required to report without Delay to the Board of Supervision all Cases of insane or fatuous Persons chargeable as Paupers in their respective Parishes; and the said Board of Supervision is hereby authorized and empowered, on any Parochial Board refusing or neglecting to provide for the Removal of an insane or fatuous poor Person to an Asylum or Establishment as aforesaid within the Time herein-before specified, to take such Measures as may be necessary for removing such insane or fatuous poor Person to a Lunatic Asylum or Establishment; and the whole Expence of such Removal and all subsequent Expences shall be recoverable from and defrayed by such Parochial Board: Provided always, that under special Circumstances in particular Cases it shall be lawful for the Parochial Board, with the Consent of the Board of Supervision, to dispense with the Removal of insane or fatuous poor Persons to a Lunatic Asylum or Establishment, and to provide for them in such other Manner and under such Regulations as to Inspection and otherwise as shall be sanctioned by the Board of Supervision.

Board of Supervision may direct Removal in certain Cases.

Provision as to Poorhouses.

LX. 'And whereas for more effectually administering to the Wants of the aged and other friendless 'impotent Poor, and also for providing for those poor Persons who from Weakness or Facility of Mind, 'or by reason of dissipated and improvident Habits, are unable or unfit to take charge of their own 'Affairs, it is expedient that Poorhouses should be erected in populous Parishes;' be it enacted, That in every Case in which a Parish or Combination of Parishes contains more than Five thousand Inhabitants, according to the Enumeration of the Population then last published by Authority of Parliament, it shall be lawful for the Parochial Board of any such Parish or Combination to take into consideration the Propriety of erecting a Poorhouse for such Parish or Combination, or of altering or enlarging any existing Poorhouse; and if after full Time and Opportunity given for deliberate Consideration the said Parochial Board shall be satisfied of the Propriety of erecting a Poorhouse, or of enlarging any existing Poorhouse, and shall come to a Resolution to that effect, such Resolution shall be forthwith reported to the Board of Supervision, and if approved of by the Board of Supervision the same shall be carried into execution by the said Parochial Board.

Parishes may unite for the Purpose of building Poorhouses.

LXI. And be it enacted, That, with the Concurrence of the Board of Supervision had and obtained thereto, it shall be lawful for the Parochial Boards of any Two or more contiguous Parishes to agree to build a common Poorhouse for such Two or more Parishes; and the Expence of maintaining and erecting such Poorhouse shall be borne by such Parishes in such Proportions as shall be agreed on by the Parochial Boards of the said Parishes respectively: Provided always, that if any such Agreement for the Purpose of building a Poorhouse has once been effected, it shall not be lawful for any One or more of the Parishes

to

to withdraw from such Agreement without the Consent of the Board of Supervision previously had and obtained.

Power to borrow Money for building Poorhouses.

LXII. And be it enacted, That for the Purpose of erecting new Poorhouses, and for enlarging, altering, or repairing any existing Poorhouse, the Parochial Board in any Parish or Combination is hereby authorized and empowered to borrow Money; and for the more effectually securing the Repayment of the Sum borrowed, with Interest, it shall be lawful for the said Parochial Board to burden or charge the future Assessments for the Poor in such Parish or Combination with the Amount of the Money so borrowed: Provided always, that the Principal Sum so borrowed shall in no Case exceed Three Times the Amount of the Assessment raised for the Relief of the Poor during the Year immediately preceding that in which the Money is borrowed; and that any Loan of Money borrowed for the Purposes aforesaid shall be repaid by annual Instalments of not less in any One Year than One Tenth of the Sum borrowed, exclusive of the Payment of the Interest on the same: Provided also, that no further or other Sum shall be borrowed or chargeable on the Poor Assessment for the Purposes aforesaid until the whole of the Money last borrowed, with Interest on the same, shall have been paid off.

Plans for Poorhouses to be approved by Board of Supervision.

LXIII. And be it enacted, That from and after the passing of this Act no new Poorhouse shall be built, nor shall any existing Poorhouse be enlarged or altered, nor shall it be lawful to impose an Assessment or borrow Money for such Purposes, unless the Plan of such new Poorhouse, or of such proposed Enlargements or Alterations, shall have been submitted to and approved by the Board of Supervision, and signed, subscribed, or endorsed by at least Three of the Members of the said Board in Attestation of their Approval.

Parochial Boards to frame Rules for Regulation of Poorhouses.

LXIV. And be it enacted, That in every Case in which a Poorhouse already exists, or shall be built or enlarged or altered under the Provisions of this Act, the Parochial Board or Boards shall frame Rules and Regulations for the Management of such Poorhouse, and for the Discipline and Treatment of the Inmates thereof, and for the Admission of any known Minister of the religious Persuasion of any Inmate of such Poorhouse at all reasonable Times, on the Request of such Inmate, for the Purpose of affording religious Assistance to such Inmate, and shall submit such Rules and Regulations to the Board of Supervision for Approval; and no Rules or Regulations shall be effectual, or shall be acted upon, except such as shall have been approved by the Board of Supervision.

Poor Persons from other Parishes may be received into Poorhouses.

LXV. And be it enacted, That it shall be lawful for the Parochial Board of any Parish or Combination in which a Poorhouse has been or shall hereafter be erected to receive and accommodate in such Poorhouse poor Persons belonging to any other Parish, and to charge such Rates for the Maintenance of such poor Persons as shall be approved by the Board of Supervision, and such poor Persons shall be in all respects subject to the same Discipline and Treatment as the other Inmates of the Poorhouse in which they are so accommodated.

Medical Attendance in Poorhouses.

LXVI. And be it enacted, That in all Cases in which Poorhouses shall be erected or enlarged or altered, under the Provisions of this Act, there shall be proper and sufficient Arrangements made for dispensing and supplying Medicines to the sick Poor, under such Regulations as the Parochial Board shall make, and the Board of Supervision shall approve; and there shall be provided by the Parochial Board proper Medical Attendance for the Inmates of every such Poorhouse, and for that Purpose it shall be lawful for the Parochial Board to nominate and appoint a properly qualified Medical Man who shall give regular Attendance at such Poorhouse, and to fix a reasonable Remuneration to be paid to him by such Parochial Board: Provided always, that if it shall appear to the Board of Supervision that such Medical Man is unfit or incompetent or neglects his Duty, it shall be lawful for the Board of Supervision to suspend or remove such Medical Man from his Appointment and Attendance.

Parishes may subscribe to Hospitals, &c.

LXVII. And be it enacted, That it shall be lawful for the Parochial Board in any Parish or Combination, for the Benefit of the Poor of such Parish or Combination, to contribute annually, or otherwise, such Sums of Money as to them may seem reasonable and expedient, from the Funds raised for the Relief of the Poor, to any public Infirmary, Dispensary, or Lying-in Hospital, or to any Lunatic Asylum, or Asylum for the Blind or Deaf and Dumb.

Funds raised by Assessment applicable to Relief of occasional Poor.

LXVIII. And be it enacted, That from and after the passing of this Act all Assessments imposed and levied for the Relief of the Poor shall extend and be applicable to the Relief of occasional as well as permanent Poor: Provided always, that nothing herein contained shall be held to confer a Right to demand Relief on able-bodied Persons out of Employment.

Medical Relief, Clothing, and Education.

LXIX. And be it enacted, That in every Parish or Combination it shall and may be lawful for the Parochial Board and they are hereby required, out of the Funds raised for the Relief of the Poor, to provide for Medicines, Medical Attendance, nutritious Diet, Cordials, and Clothing for such Poor, in such Manner and to such Extent as may seem equitable and expedient; and it shall be lawful for the Parochial Board to make Provision for the Education of poor Children who are themselves or whose Parents are Objects of Parochial Relief.

Destitute Persons to be relieved, although having no Settlement in the Parish to which they apply.

LXX. And be it enacted, That in every Case in which a poor Person in any Parish or Combination shall apply for Parochial Relief, the Inspector of the Poor, or other Officer of such Parish or Combination whose Duty it shall be to attend to such Applications, shall be bound to make Inquiry forthwith into the Circumstances of the Applicant, and shall, notwithstanding such poor Person may not have a Settlement in the Parish or Combination, if he be in other respects legally entitled to Parochial Relief, be bound to furnish him with sufficient Means of Subsistence until the next Meeting of the Parochial Board, and such Board shall continue to afford to such poor Person such interim Maintenance as may be adjudged necessary until the Parish or Combination to which such poor Person belongs be ascertained, and his

Claim

Claim upon such Parish or Combination admitted or otherwise determined, or until he shall be removed; and every Inspector of the Poor, or other Officer to whom Application shall be made by or on behalf of any poor Person for Parochial Relief, shall be bound to return an Answer to such Application within Twenty-four Hours from the Time when it was made: Provided always, that if the necessary Means of Support are afforded to the Applicant in the meantime, such Inspector or other Officer may delay giving a final Answer to such Application for any Period which to him may seem necessary for prosecuting his Inquiries: Provided also, that such poor Person shall be bound to give to the Inspector and Parochial Board of the Parish or Combination to which he has applied for Relief all Information and Assistance which it is in his Power to give for the Purpose of ascertaining the Parish or Combination to which he belongs, and every other Matter regarding his Case which the Inspector may desire to ascertain, and shall be bound to answer upon Oath, if required, all such Questions as may be put to him before any Justice of the Peace or Magistrate, and in case of false swearing shall be liable to be prosecuted for Perjury.

Expences may be recovered from Parish of Settlement.

LXXI. And be it enacted, That where in any Case Relief shall be afforded to a poor Person found destitute in a Parish or Combination, it shall be lawful for the Parochial Board of such Parish or Combination to recover the Monies expended in behalf of such poor Person from any Parish or Combination within *Scotland* to which he may ultimately be found to belong, or from his Parents or other Persons who may be legally bound to maintain him: Provided always, that in all Cases in which Relief shall be afforded by One Parish or Combination to a poor Person having a Settlement in another Parish or Combination, written Notice of such poor Person having become chargeable shall be given to the Inspector of the Poor of the Parish or Combination to which such poor Person belongs; and the Parish or Combination affording Relief shall not be entitled to recover for any Charges or Expences incurred in respect of such poor Person, except from and after the Date of such Notice.

Where Parishes do not provide for Removal of their Poor from other Parishes after Notice.

LXXII. And be it enacted, That if within a reasonable Time after Notice the Parish or Combination to which such poor Person shall as aforesaid have been ascertained to belong shall not remove such poor Person, or shall not make Provision to the Satisfaction of the Parish or Combination which has given the Notice for the constant weekly Subsistence of such poor Person, it shall be lawful for the Parish or Combination which has given the Notice to cause such poor Person to be removed to the Parish or Combination to which he belongs, at the Expence of such last-mentioned Parish or Combination, unless such poor Person shall, owing to Sickness or Infirmity, be incapable of being removed, in which Case the Parish or Combination in which he is shall be bound to relieve him, and shall be entitled to recover from the Parish or Combination to which he belongs the Amount so expended, provided that such Amount does not exceed the Rate expended for Relief of other poor Persons in the Parish so relieving such poor Person.

Party refused may apply to Sheriff.

LXXIII. And be it enacted, That if Relief shall be refused to any poor Person who shall have made Application for Relief, it shall and may be lawful for such poor Person to apply to the Sheriff of the County in which the Parish or Combination from which such poor Person has claimed Relief, or any Portion of such Parish or Combination, is situate, and the said Sheriff shall forthwith, if he be of opinion that such poor Person is, upon the Facts stated, legally entitled to Relief, make an Order upon the Inspector of the Poor, or other Officer of such Parish or Combination, directing him to afford Relief to such poor Person in the meantime until such Inspector or other Officer shall, on or before a Day to be appointed by the said Sheriff, and to be intimated in the same Order, give in a Statement in Writing showing the Reasons why the Application of such poor Person for Relief was refused, which Statement the said Sheriff shall afterwards appoint to be answered, and shall, if required, nominate an Agent to appear and answer on behalf of such poor Person, and shall further, if necessary, direct a Record to be made up, and a Proof to be led by both Parties; and it shall be lawful for the Sheriff, if he shall see fit, to direct the interim Support to such poor Person to be continued until a final Judgment shall have been pronounced on the Merits of the Case: Provided always, that nothing herein contained shall be construed to enable the said Sheriff to determine on the Adequacy of the Relief which may be afforded, or to interfere in respect of the Amount of Relief to be given in any individual Case.

Proceedings when Amount of Relief considered inadequate.

LXXIV. And be it enacted, That in every Case in which any poor Person shall consider the Relief granted him to be inadequate, such poor Person shall lodge or cause to be lodged a Complaint with the Board of Supervision, which Board shall and is hereby required, without Delay, to investigate the Nature and Grounds of the Complaint; and if, upon Inquiry, it shall appear that the Grounds of such Complaint are well founded, and if the same shall not be removed, then the said Board shall by a Minute declare that in the Opinion of the Board such poor Person has a just Cause of Action against the Parish or Combination from which he claims Relief, and a Copy of such Minute, certified and signified by the Secretary, shall, if required, be delivered to such poor Person, and upon the Production or Exhibition of such Minute or certified Copy thereof such poor Person shall forthwith, and without any further Proceedings, be entitled to the Benefit of the Poor's Roll in the Court of Session; and it shall be lawful for the Board of Supervision, after any Action has actually been commenced by or on behalf of such poor Person, to award to him such interim Aliment as to the said Board shall seem just during the Dependency of such Action, which Award the Parochial Board of every such Parish or Combination shall be bound to obey.

No Action to lie relative to Relief, unless by Consent of Board of Supervision.

LXXV. Provided always, and be it enacted, That it shall not be competent for any Court of Law to entertain or decide any Action relative to the Amount of Relief granted by Parochial Boards, unless the Board of Supervision shall previously have declared that there is a just Cause of Action as hereinbefore provided.

LXXVI. And

Settlement by Residence for Five Years.

LXXVI. And be it enacted, That from and after the passing of this Act no Person shall be held to have acquired a Settlement in any Parish or Combination by Residence therein unless such Person shall have resided for Five Years continuously in such Parish or Combination, and shall have maintained himself without having Recourse to common begging, either by himself or his Family, and without having received or applied for Parochial Relief; and no Person who shall have acquired a Settlement by Residence in any Parish or Combination shall be held to have retained such Settlement if during any subsequent Period of Five Years he shall not have resided in such Parish or Combination continuously for at least One Year: Provided always, that nothing herein contained shall be held to affect those Persons who, previous to the passing of this Act, shall have acquired a Settlement by virtue of a Residence of Three Years, and shall have become proper Objects of Parochial Relief.

Removal of English and Irish Paupers.

LXXVII. And be it enacted, That if any poor Person born in *England*, *Ireland*, or the *Isle of Man*, and not having acquired a Settlement in any Parish or Combination in *Scotland*, shall be in the course of receiving Parochial Relief in any Parish or Combination in *Scotland*, then and in such Case it shall be lawful for the Sheriff or any Two Justices of the Peace of the County in which such Parish or any Portion thereof is situate, and they are hereby authorized and required, upon Complaint made by the Inspector of the Poor, or other Officer appointed by the Parochial Board of such Parish or Combination, that such poor Person has become chargeable to such Parish or Combination by himself or his Family, to cause such Person to be brought before them, and to examine such Person or any Witness, on Oath, touching the Place of the Birth or last legal Settlement of such Person, and to take such other Evidence or other Measures as may by them be deemed necessary for ascertaining whether he has gained any Settlement in *Scotland*; and if it shall be found by such Sheriff or Justices that the Person so brought before them was born either in *England* or *Ireland* or the *Isle of Man*, and has not gained any Settlement in *Scotland*, and has actually become chargeable to the complaining Parish or Combination by himself or his Family, then such Sheriff or Justices shall and they are hereby empowered, by an Order of Removal under their Hands, which Order may be drawn up in the Form of the Schedule (A.) hereunto annexed, to cause such poor Person, his Wife, and such of his Children as may not have gained a Settlement in *Scotland*, to be removed by Sea or Land, by and at the Expence of the complaining Parish, to *England* or *Ireland* or the *Isle of Man* respectively, according as such poor Person shall belong to *England*, *Ireland*, or the *Isle of Man*: Provided always, that no Person shall be so removed until there has been obtained a Certificate, on Soul and Conscience, by a regular medical Practitioner, setting forth that the Health of such Person, his Wife and Children as aforesaid, is such as to admit of such Removal: Provided also, that nothing herein contained shall prevent any Parochial Board or their Inspector from making Arrangements for the due and proper Removal of such poor Persons either by Land or Water, provided the Arrangement be made with the Consent of such poor Persons themselves.

Removing Officer to have Powers of a Constable.

LXXVIII. And be it enacted, That every Officer, Constable, or other Person to whom any such Order of Removal shall be delivered for the Purpose of being carried into execution shall and may by virtue thereof detain and hold in safe Custody every poor Person mentioned in any such Order until such poor Person shall have arrived at the Place to which he is ordered to be removed, and shall and may for that Purpose, in every County and Place through which he shall pass in the due Execution of such Order, have and exercise the Powers with which a Constable is by Law invested, notwithstanding such Person may not otherwise be empowered to act as a Constable for the County or Place respectively through which he may have Occasion to pass in carrying such Order into execution, and although such Order may not have been granted or backed by any Judge or Magistrate of such County or Place.

Persons again becoming chargeable to be punished.

LXXIX. And be it enacted, That if any Person who has been removed to *England* or *Ireland* or the *Isle of Man* from any Parish or Combination in *Scotland*, under any Order of Removal, shall afterwards return to *Scotland* and apply for Relief, or again become chargeable by himself or his Family to the same Parish or Combination without having obtained a Settlement therein, such Person shall be deemed to be a Vagabond under the Provisions of an Act of the *Scottish* Parliament passed in the Year One thousand five hundred and seventy-nine, intituled *An Act for Punishment of strang and idle Beggars, and Reliefe of the pure and impotent*, and may be apprehended and prosecuted criminally before the Sheriff of the County in which such Parish or any Portion thereof is situate, at the Instance of the Inspector of the Poor of the Parish to which he shall have so applied for Relief or become chargeable, and shall upon Conviction be punishable by Imprisonment, with or without hard Labour, for such a Period as the said Sheriff shall think proper, not exceeding Two Months.

1579, c. 74.

Punishment for Desertion of Wives, and Refusal to maintain illegitimate Children.

LXXX. And be it enacted, That every Husband or Father who shall desert or neglect to maintain his Wife or Children, being able so to do, and every Mother and every putative Father of an illegitimate Child, after the Paternity has been admitted or otherwise established, who shall refuse or neglect to maintain such Child, being able so to do, whereby such Wife or Children or Child shall become chargeable to any Parish or Combination, shall be deemed to be a Vagabond under the Provisions of the aforesaid Act of the *Scottish* Parliament passed in the Year One thousand five hundred and seventy-nine, and may be prosecuted criminally before the Sheriff of the County in which such Parish or Combination or any Portion thereof is situate, at the Instance of the Inspector of the Poor of such Parish or Combination, and shall upon Conviction be punishable by Fine or Imprisonment, with or without hard Labour, at the Discretion of the said Sheriff.

1579, c. 74.

Penalties how to be recovered.

LXXXI. And be it enacted, That every Penalty or Forfeiture imposed by this Act, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding upon Complaint in Writing

Writing made in the Name of the Secretary to the Board of Supervision, or of any Agent to be appointed by a Minute of the said Board, to the Sheriff of the County in which the Offence shall have been committed, or to the Sheriff of any County in which the Offender may be found; and on such Complaint being made such Sheriff shall issue a Warrant for bringing the Party complained against before him, or shall issue an Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereupon the same has proceeded; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for the Sheriff to proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern and adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Expences as the Sheriff shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty or Forfeiture and Expences shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty or Forfeiture and Expences, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Forfeiture or Expences shall not have been paid, and shall in no Case exceed Three Calendar Months.

Application of Penalties.

LXXXII. And be it enacted, That the Sheriff by whom any Penalty or Forfeiture shall be imposed by virtue of this Act, the Application whereof is not herein otherwise provided for, shall award such Penalty or Forfeiture to the Poor of the Parish or Combination in which the Offence shall have been committed, and shall order the same to be paid over to the Inspector of the Poor or other Officer for that Purpose; provided that no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act unless such Penalty or Forfeiture shall have been prosecuted for within Six Months after the Commission of the Offence for which it has been incurred.

To be prosecuted for within Six Months.

Rate-payers competent Witnesses.

LXXXIII. And be it enacted, That no Inhabitant or other Person liable to be assessed for the Relief of the Poor in any Parish shall be deemed an incompetent Witness in any Proceeding for the Recovery of any Penalty or Forfeiture inflicted or imposed for any Offence against this Act, notwithstanding such Penalty, when recovered, shall be applicable as aforesaid.

Penalty on Witnesses making default.

LXXXIV. And be it enacted, That if any Person who shall be summoned as a Witness to give Evidence before any Sheriff in any Matter in which such Sheriff shall have Jurisdiction under the Provisions of this Act shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, or appearing shall refuse to be examined upon Oath or to give Evidence before such Sheriff, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence, over and above any other Punishment to which such Person may by Law be liable for every such Refusal.

Informalities.

LXXXV. And be it enacted, That no Proceeding for the Recovery of Penalties or Forfeitures in pursuance of this Act shall be set aside for Want of Form, or on the Ground of no Record having been made, nor shall the same be removed by Suspension, Advocation, Appeal, or otherwise into or be in any Manner subject to Review or Reduction by any Superior Court.

Limitation of Actions.

LXXXVI. And be it enacted, That all Actions on account of any thing done in the Execution of this Act shall be brought before the Sheriff Court, and every such Action shall be commenced within Three Calendar Months after the Fact committed, and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defender One Calendar Month at least before the Commencement of the Action; and no Pursuer shall recover in any Action for Irregularity or wrongful Proceedings if Tender of sufficient Amends shall be made by or on behalf of the Party who shall have committed or caused to be committed any such Irregularity or wrongful Proceedings before such Action shall have been brought, or if during the Dependence of such Action a Tender shall be made of sufficient Amends, and of all Charges and Expences which the Pursuer may already at the Time of such Tender being made have incurred in prosecuting such Action.

Tenders of Amends.

Provision for Refusal or Neglect of Parochial Boards.

LXXXVII. And be it enacted, That in case any Parochial Board shall refuse or neglect to do what is herein or otherwise by Law required of them, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the said Board of Supervision to apply by summary Petition to the Court of Session, or during the Vacation of the said Court, to the Lord Ordinary on the Bills, which Court and Lord Ordinary are hereby authorized and directed in such Case to do therein as to such Court or Lord Ordinary shall seem just and necessary.

Assessments for the Poor may be recovered summarily as Land and Assessed Taxes.

LXXXVIII. And be it enacted, That the whole Powers and Right of issuing summary Warrants and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or either of them, and other public Taxes, shall be held to be applicable to Assessments imposed for the Relief of the Poor, and the Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for the Recovery of all such Assessments in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes: Provided always, that it shall nevertheless be competent to prosecute for and recover such Assessments by Action in the Sheriff's Small Debt Court; and all Assessments for the Relief of the Poor shall, in case of Bankruptcy or Insolvency, be paid out of the first Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Parties assessed.

Parochial Board may borrow Money on

LXXXIX. And be it enacted, That if the Parochial Board of any Parish or Combination shall find it necessary in any Year or Half Year to make Disbursements for the Relief of the Poor beyond the Amount

Amount received of the Assessment applicable to the Expenditure of such Year or Half Year, it shall be competent for such Board to borrow Money on the Security of such Part of the Assessment as is still due and unreceived, but not to an Amount greater than One Half of such Part of such Assessment; and when any Money has been so borrowed as aforesaid on the Security of Assessments, it shall not be competent to borrow on the Security of any future Assessment until the Money borrowed as aforesaid shall have been paid off. Security of Assessment remaining due.

XC. And be it enacted, That in all Cases in which by the Provision of this Act Notice or Intimation is required to be given without prescribing the particular Form of the Notice, or the Manner in which the same is to be given, it shall be lawful for the Board of Supervision from Time to Time to fix the Form of such Notice or Intimation, and the Manner in which the same is to be given. Notices how to be given.

XCI. And be it enacted, That all Laws, Statutes, and Usages shall be and the same are hereby repealed, in so far as they are at variance or inconsistent with the Provisions of this Act; provided always, that the same shall continue in force in all other respects: Provided also, that nothing herein contained shall be held to affect or repeal an Act passed in the Seventh Year of Her present Majesty, intituled *An Act for the Liquidation of the Debt owing by the Charity Workhouse of the City of* Edinburgh, in so far as such Act relates to that Debt, and the Powers thereby conferred for paying off the same. Former Acts repealed which are at variance with this Act. 7 & 8 Vict. c. vi.

XCII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Alteration of Act.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

Order for Removal to England, &c.

I *A.B.*, the Sheriff [*or* We, *C.D.* and *E.F.*, Two of the Justices of the Peace,] of the County of do hereby order and adjudge *G.H.*, who has become and is now actually chargeable to the Parish of to be removed, with *J.H.* his Wife and *K.L.M.* his Children, and conveyed to England, *&c.*, in pursuance of the Provisions of an Act made and passed in the Eighth and Ninth Years of the Reign of Queen Victoria, intituled [*Title of this Act*].

(Signed)

C A P. LXXXIV.

An Act to repeal the several Laws relating to the Customs. [4th *August* 1845.]

'WHEREAS several Acts were passed in a Session of Parliament holden in the Third and Fourth 'Years of the Reign of King *William* the Fourth for consolidating the Laws relating to the Customs 'and to Navigation: And whereas since the passing of those Acts divers Acts for the Amendment of 'them have been found necessary: And whereas it is expedient again to consolidate the said Laws, and 'therefore that all the said Acts should be repealed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Effect for all the Purposes therein mentioned. Commencement of Act.

II. And be it enacted, That the several Acts herein-after mentioned shall be repealed; (that is to say,) an Act passed in the First Year of King *William* the Fourth, intituled *An Act to subject to Duties of Customs Goods the Property of the Crown in case of Sale after Importation;* also an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the Management of the Customs;* also an Act passed in the same Session of Parliament, intituled *An Act for the general Regulation of the Customs;* also an Act passed in the same Session of Parliament, intituled *An Act for the Prevention of Smuggling;* also an Act passed in the same Session of Parliament, intituled *An Act for the Encouragement of* British *Shipping and Navigation;* also an Act passed in the same Session of Parliament, intituled *An Act for the registering of* British *Vessels;* also an Act passed in the same Session of Parliament, intituled *An Act for granting Duties of Customs;* also an Act passed in the same Session of Parliament, intituled *An Act for the warehousing of Goods;* also an Act passed in the same Session of Parliament, intituled *An Act to grant certain Bounties and Allowances of Customs;* also an Act passed in the same Session of Parliament, intituled *An Act to regulate the Trade of the* British *Possessions abroad;* also an Act passed in the same Session of Parliament, intituled *An Act for regulating the Trade of the* Isle of Man; also an Act passed in the same Session of Parliament, *An Act to admit Sugar without Payment of Duty to be refined for Exportation;* also an Act passed in the Fourth Year of the Reign of King *William* the Fourth, intituled *An Act to repeal so much of an Act of the last Session of Parliament for the Prevention of Smuggling as authorizes Magistrates to sentence Persons convicted of certain Offences to serve His Majesty in His Navul Service; and to alter and amend the said Act;* also an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of King *William* the Fourth, intituled *An Act to amend the Laws relating to the Customs,* except so much thereof as relates to Steam Vessels carrying Passengers between *Great Britain* and *Ireland;* also an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled The following Acts repealed: 11 G. 4. & 1 W. 4. c. 45. 3 & 4 W. 4. c. 51. 3 & 4 W. 4. c. 52. 3 & 4 W. 4. c. 53. 3 & 4 W. 4. c. 54. 3 & 4 W. 4. c. 55. 3 & 4 W. 4. c. 56. 3 & 4 W. 4. c. 57. 3 & 4 W. 4. c. 58. 3 & 4 W. 4. c. 59. 3 & 4 W. 4. c. 60. 3 & 4 W. 4. c. 61. 4 & 5 W. 4. c. 13. 4 & 5 W. 4. c. 89.

5 & 6 W. 4. c. 56. 5 & 6 W. 4. c. 66. 6 & 7 W. 4. c. 60. 1 & 2 Vict. c. 113. 5 & 6 Vict. c. 47. 5 & 6 Vict. c. 49. 5 & 6 Vict. c. 56. 6 & 7 Vict. c. 84. 7 & 8 Vict. c. 16. 7 & 8 Vict. c. 43. 8 & 9 Vict. c. 12. 8 & 9 Vict. c. 45.

intituled *An Act to regulate the Admeasurement of the Tonnage and Burden of the Shipping of the United Kingdom;* also an Act passed in the same Session of Parliament, intituled *An Act to amend the Laws relating to the Customs;* also an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act to amend the Laws relating to the Customs;* also an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to the Customs,* except so much thereof as relates to the Carriage of Passengers in Merchant Vessels; also an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to the Customs,* except so much thereof as relates to the Sale and the Assay of Foreign Gold and Silver Plate; also an Act passed in the same Session of Parliament, intituled *An Act to amend the Laws for the Regulation of the Trade of the* British *Possessions abroad;* also an Act passed in the same Session of Parliament, intituled *An Act for further amending the Laws relating to the Customs,* except so much thereof as relates to Gold and Silver Plate; also an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws of Customs;* also an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to the Customs;* also an Act passed in the same Session of Parliament, intituled *An Act to amend the Laws relating to the Customs in the* Isle of Man; also an Act passed in this present Session of Parliament, intituled *An Act to alter and amend certain Duties of Customs;* also another Act passed in this present Session of Parliament, intituled *An Act to make perpetual and amend an Act of the Fifth and Sixth Years of Her present Majesty, for preventing Ships clearing out from any Port in* British North America *or in the Settlement of* Honduras *from loading any Part of their Cargo of Timber upon Deck;* and the said several Acts before mentioned are hereby accordingly repealed, except so far as the said Acts or any of them repeal any former Act or Acts, or any Part of such Act or Acts, and except so far as relates to any Arrears of Duty, or to any Drawbacks which shall have become due and payable, or to any Penalty or Forfeiture which shall have been incurred under the said Act or Acts hereby repealed, or any of them, or to any Offence which shall have been committed contrary to such Act or Acts, or any of them.

except as to Duties due, Penalties incurred, or Offences committed.

All Orders in Council, Bonds, and Licences, and all Acts done under repealed Acts, to be valid, notwithstanding the Repeal.

III. And be it enacted and declared, That all Orders made by Her Majesty in Council, or under the Authority of any of the Acts hereby repealed, or of any other Act relating to the Customs or to Trade or Navigation, and all Bonds taken or Licences granted under the Authority of any such Act or Acts, and all Acts whatsoever done under the Authority or in pursuance of any such Act or Acts, shall be valid and effectual, notwithstanding the Act or Acts under the Authority of which such Orders shall have been made, or such Bonds shall have been taken and Licences granted, and such Acts shall have been done, may be repealed.

CAP. LXXXV.

An Act for the Management of the Customs. [4th *August* 1845.]

3 & 4 W. 4. c. 51.

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the Management of the Customs,* whereby the Laws in relation to the Management of the Customs were consolidated: And whereas since the passing of the said Act divers Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Act and Parts of Acts should be consolidated into One Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force for all the Purposes mentioned therein, except where any other Commencement is herein particularly directed.

Commencement of Act.

Board of Customs, Appointment of.

II. And be it enacted, That it shall be lawful for Her Majesty from Time to Time to appoint, under the Great Seal of the United Kingdom, any Number of Persons not exceeding Thirteen to be Commissioners of Her Majesty's Customs for the Collection and for the Management of the Customs in and throughout the whole of the United Kingdom, and of any of Her Majesty's Possessions abroad; and that each of such Commissioners, when so appointed, shall have and hold his Office during Her Majesty's Pleasure.

Commissioners subject to the Control of the Treasury.

III. And be it enacted, That the said Commissioners so appointed or to be appointed by Her Majesty shall, in all Matters and Things relating to the Execution of their Duties, be subject to the Authority, Directions, and Control of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland,* and shall obey such Orders and Instructions as shall from Time to Time be issued to them by the said Commissioners of Her Majesty's Treasury under the Hands of Three or more of them.

Orders to be under the Hands of the Commissioners.

IV. And be it enacted, That every Order, Document, Instrument, or Writing, not being for the Payment of Money, required by any Law at any Time in force to be under the Hands or under the Hands and Seals of the Commissioners of Her Majesty's Customs, being attested by the Hands or the Hands and Seals of Two or more of such Commissioners, and every such Order for the Payment of Money being attested by the Signatures of Three or more of such Commissioners, shall be deemed to be

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an Order, Document, Instrument, or Writing under the Hands or under the Hands and Seals, as the Case may be, of the Commissioners of Her Majesty's Customs accordingly.

Previous Appointments to remain in force.

V. And be it enacted, That any Appointment of Commissioners of Her Majesty's Customs in force at the Time of the Commencement of this Act shall continue in force as if the same had been afterwards made under and by virtue of the Authority of this Act.

Appointment of necessary Officers of Customs.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or for the Commissioners of Her Majesty's Customs under the Authority of the said Commissioners of Her Majesty's Treasury, to appoint proper Persons to execute the Duties of the several Offices necessary to the due Management and Collection of the Customs, and all Matters connected therewith, under the Control and Direction of the Commissioners of Her Majesty's Customs, and to grant or allow to such Persons such Salaries or other Allowances, or to permit such Emoluments, for the Labour and Responsibility in executing the Duties of their respective Offices or Employments, and to require of such Persons such Securities for their good Conduct therein, as the said Commissioners of Her Majesty's Treasury shall deem to be reasonable and necessary; and such Persons shall hold their Offices during the Will and Pleasure of the said Commissioners of Her Majesty's Treasury, or of the Commissioners of Her Majesty's Customs, in such Cases and in such Manner as the said Commissioners of Her Majesty's Treasury shall direct.

Salaries and Allowances, and Securities.

Persons employed by Customs deemed Officers for such Service.

VII. And be it enacted, That every Person employed on any Duty or Service relating to the Customs by the Orders or with the Concurrence of the Commissioners of Her Majesty's Customs (whether previously or subsequently expressed) shall be deemed to be the Officer of the Customs for that Duty or Service; and that every Act, Matter, or Thing required by any Law at any Time in force to be done or performed by, to, or with any particular Officer nominated in such Law for such Purpose, being done or performed by, to, or with any Person appointed by the Commissioners of Her Majesty's Customs to act for or in behalf of such particular Officer, the same shall be deemed to be done or performed by, to, or with such particular Officer; and that every Act, Matter, or Thing required by any Law at any Time in force to be done or performed at any particular Place within any Port, being done or performed at any Place within such Port appointed by the Commissioners of Her Majesty's Customs for such Purpose, the same shall be deemed to be done or performed at the particular Place so required by Law.

Duties of Officers performed by Persons and at Places appointed by Commissioners.

Officers taking any Fee or Reward not allowed shall be dismissed.

VIII. And be it enacted, That if any Officer, Clerk, or other Person acting in any Office or Employment in or belonging to the Customs under the Control and Direction of the Commissioners of Her Majesty's Customs in any Part of Her Majesty's Dominions shall take or receive any Fee, Perquisite, Gratuity, or Reward, whether pecuniary or of any other Sort or Description whatever, directly or indirectly, from any Person (not being a Person duly appointed to some Office in the Customs), on account of any thing done or to be done by him in or in any way relating to his said Office or Employment, except such as he shall receive under any Order or Permission of the said Commissioners of Her Majesty's Treasury, every such Officer so offending shall, on Proof thereof to the Commissioners of Her Majesty's Customs, be dismissed from his Office; and if any Person (not being a Person duly appointed to some Office in the Customs) shall give, offer, or promise to give any such Fee, Perquisite, Gratuity, or Reward, such Person shall for every such Offence forfeit the Sum of One hundred Pounds.

Penalty for offering Fee.

Previous Appointments and Securities to remain in force.

IX. And be it enacted, That all Commissions, Deputations, and Appointments granted to any Officers of the Customs in force at the Time of the Commencement of this Act shall continue in force as if the same had been afterwards granted under and by virtue of the Authority of this Act; and that all Bonds which shall have been given by any such Officers and their respective Sureties, for good Conduct or otherwise, shall remain in full Force and Effect.

Declaration on Admission to Office.

X. And be it enacted, That every Person who shall be appointed to any Office or Employment in the Service of the Customs under the Control and Direction of the Commissioners of Her Majesty's Customs in any Part of Her Majesty's Dominions shall, at their respective Admissions thereto, make the following Declaration; (that is to say,)

'I *A. B.* do declare, That I will be true and faithful in the Execution, to the best of my Knowledge and Power, of the Trust committed to my Charge and Inspection in the Service of Her Majesty's Customs; and that I will not require, take, or receive any Fee, Perquisite, Gratuity, or Reward, whether pecuniary or of any Sort or Description whatever, either directly or indirectly, for any Service, Act, Duty, Matter, or Thing done or performed or to be done or performed in the Execution or Discharge of any of the Duties of my Office or Employment, on any Account whatever, other than my Salary, and what is or shall be allowed me by Law, or by any special Order of the Commissioners of Her Majesty's Treasury or the Commissioners of Her Majesty's Customs for the Time being.'

Hours of Attendance and Division of Service in those Hours.

XI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury by their Warrant from Time to Time to appoint the Hours of general Attendance of the Commissioners and respective Officers of the Customs, and other Persons in the Service of the Customs, at their proper Offices and Places of Employment; and that it shall be lawful for the Commissioners of Her Majesty's Customs to appoint the Times during such Hours at which any particular Parts of the Duties of such Officers and other Persons respectively shall be performed by them.

Officers of Customs not liable to serve parochial and other local Offices.

XII. And be it enacted, That no Commissioner of Her Majesty's Customs, nor any Officer of Customs, or Person employed in the Collection or Management of or accounting for the Revenue of Customs, or any Part thereof, nor any Clerk or other Person acting under them, shall, during the Time of his acting as such Commissioner or as such Officer, or of his being so employed as aforesaid, or of his acting as such Clerk or other Person as aforesaid, as the Case may be, be compelled to serve as a Mayor or Sheriff,

Sheriff, or in any corporate or parochial or other public Office or Employment, or to serve on any Jury or Inquest, or in the Militia, any Law, Usage, or Custom to the contrary thereof notwithstanding.

Holidays.

XIII. And be it enacted, That no Day shall be kept as a public Holiday by the Customs except *Christmas Day* and *Good Friday* in every Year, and any Days appointed by Her Majesty's Proclamation for the Purpose of a General Fast or of a General Thanksgiving, and also, so far as regards *Scotland*, any Days appointed for such Purposes by Authority of the General Assembly, and also such Days as shall have been appointed for the Celebration of the Birthdays of Her Majesty and of Her Successors, and that such Days shall be kept as public Holidays by the Officers and Servants of the Dock Companies in the United Kingdom.

Collector in London to pay Duties daily to Receiver General.

XIV. And be it enacted, That the Collector of the Customs in the Port of *London* shall pay into the Hands of the Receiver General of the Customs the whole of the Monies which he shall receive on account of the Duties of Customs on the Day on which he shall receive the same, or as near the whole as may be, save and except such Sum or Sums of Money as shall from Time to Time, by virtue of the special Order of the Commissioners of Her Majesty's Customs, be directed to be deducted, paid, or allowed therefrom.

In London Debentures and Orders to be paid by Receiver General.

Payments at Out-ports by Collector.

XV. And be it enacted, That every Sum of Money which shall be due in the Port of *London* upon any Debenture, Certificate, or other Instrument or Document whatever for the Payment of any Money out of the Duties of Customs shall be paid by the Receiver General of the Customs out of any Money in his Hands arising from the Duties of Customs, and every such Payment shall be allowed by the Commissioners for the better examining and auditing the Public Accounts of this Kingdom in the settling or auditing of the Accounts of the Receiver General of the Customs; and when any such Payment shall become due at any other Port in the United Kingdom, the same may be paid by the Collector at such Port, the Comptroller being duly apprized thereof, out of any of the Money in his Hands arising from the Duties of Customs, and under such Directions and Instructions for the due Execution of their Offices as shall from Time to Time be given to them by the Commissioners of Her Majesty's Customs.

Commissioners of Customs may close Accounts of Collectors.

XVI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs finally to settle and close the Accounts of any Collectors or Receivers of any Part of the Revenue of the Customs or other Duties under their Management, notwithstanding any erroneous Appropriation of any Duties of Customs received by such Collectors or Receivers; and the said Commissioners are hereby empowered to correct such Appropriation, in order to prevent the Accounts of any such Collectors or Receivers from being kept open; and all such Corrections shall be allowed by the Commissioners for auditing the Public Accounts in the passing the general Accounts of Customs, Subsidies, or Impositions.

Salaries not subject to Duties.

XVII. And be it enacted, That all Salaries, Allowances, or Compensations granted or allowed to any Officer, Clerk, or other Person in the Service of the Customs shall be paid without any Abatement or Deduction on account of any Duties imposed by any Act of Parliament, unless expressly charged thereon, save and except all Duties imposed by any Act for granting Duties on Profits arising from Property, Professions, Trades, and Offices.

All Monies received by Receiver General of Customs in England shall be paid into the Bank of England.

XVIII. 'And whereas it is expedient that Regulations should be established by Law in the Office of 'the Receiver General of the Customs in *England* for depositing in the Bank of *England* all the 'Monies, Bills, Drafts, and Notes received by such Receiver General on account of the Revenue under 'the Management of the Commissioners of Her Majesty's Customs, except as herein-after mentioned, 'until the same shall be paid into the Exchequer;' be it therefore enacted, That all Monies, Bills, Notes, and Drafts received by or coming to the Hands of the Receiver General of the Customs in *England* on account of the Revenue of Customs in *Great Britain*, shall be paid by him into the Hands of the Governor and Company of the Bank of *England;* (that is to say,) such Monies and Notes, and such of the Bills and Drafts as shall be already accepted, or shall not require Acceptance, having been first duly endorsed, shall be paid as aforesaid on the Day on which the same shall have been received, and such of the Bills and Drafts as shall require Acceptance, and not be already accepted when received, (the same having been first duly endorsed where necessary,) within Three Days after the same shall have been accepted, for which Monies, Bills, Notes, and Drafts the Entry in the Book herein-after mentioned shall be a sufficient Discharge; and all such Monies, Bills, Notes, and Drafts so to be paid to the Governor and Company of the Bank of *England* shall be placed to an Account to be raised in the Books of the said Governor and Company, and to be intituled "The Account of the Public Monies of the Receiver General of Customs," inserting the Name of such Receiver General for the Time being.

Money for ordinary Payments may be retained.

XIX. Provided nevertheless, and be it enacted, That it shall be lawful for such Receiver General to retain and keep in his own Hands, for the Payment of casual and ordinary and daily Demands out of the Monies so received by him as such Receiver General, a Sum not exceeding One thousand Pounds at the close of each Day, and also any further Sum which he shall be directed to retain by the said Commissioners, not exceeding Four thousand Pounds, and also any further Sum, with the Permission in Writing of any Three or more of the said Commissioners of Her Majesty's Treasury.

Bank to keep an Account, to be returned to the Customs for Inspection.

XX. And be it enacted, That the Governor and Company of the Bank of *England*, or some Person duly authorized in that Behalf, shall daily, upon receiving any Money, Bills, Notes, or Drafts from such Receiver General of the Customs, make an Entry of the Money, Bills, Notes, and Drafts so received, in a Book to be provided by the Governor and Company of the Bank of *England*, which Book shall be forthwith re-delivered to the Persons making the Payments for the Customs, and inspected daily after its Return by the Comptroller General of the Customs or his Clerk, (such Clerk being first duly authorized

rized by him, and for whose Conduct he shall be answerable,) who shall compare the same with the Account of Monies, Bills, Notes, and Drafts received by the said Receiver General, for the Purpose of ascertaining that the Receiver General constantly pays into the Bank all the Money, Bills, Notes, and Drafts which he ought to do under the Provisions of this Act; and any Default which such Comptroller General or his Clerk may discover in that Behalf shall be immediately reported by him to the said Commissioners of Her Majesty's Customs, who shall report the same, unless it shall appear to them to have happened by Mistake or Inadvertence, to the said Commissioners of Her Majesty's Treasury.

Money carried to the Exchequer to be written off at the Bank.

XXI. And be it enacted, That the Monies placed to the Account of the Receiver General as aforesaid in the Bank of *England* shall be paid into the Exchequer from Time to Time as by Law is directed, in manner following; that is to say, the Receiver General, or his Clerk duly authorized by him for that Purpose, and for whose Conduct therein he shall be answerable, shall make an Order weekly upon the Governor and Company of the Bank of *England*, which Order shall be countersigned by the Comptroller General or his Clerk, to write off from his Account the Sum specified; and the said Governor and Company, or some Person duly authorized on their Behalf, shall thereupon write off such Sum, and deliver a Note, drawn and cancelled in such Manner as shall be approved by the said Commissioners of Her Majesty's Treasury, for the Amount, to the Receiver General or his Clerk, who shall pay the same into the Exchequer, and the Bank Clerks attending there shall receive it as so much Cash; and it shall not be lawful for the Governor and Company of the Bank of *England* to pay or transfer any Part of the Money so paid in and placed to the Account of such Receiver General from such Account, otherwise than into the Exchequer in manner aforesaid, and except in the Manner herein-after directed, or to deliver any Note or Notes, Bill or Bills of Exchange, save and except to the Solicitor of the Customs or his Clerk, upon his Application for the same, together with the Receiver General or his Clerk, and the Comptroller General or his Clerk, for the sole Purpose of taking out an Extent for the Security of the Money for which such Bill of Exchange or Draft shall have been given, or to the said Receiver General or his Clerk, any Bills, Notes, or Drafts which may be protested for Nonpayment, except as herein-after is mentioned, in which Case the Commissioners of Her Majesty's Customs shall be immediately acquainted therewith, if sitting, by such Solicitor, Receiver General, or Comptroller General, or, if not sitting, at the Time of their assembling; and such Delivery shall be entered by the Bank in the Book to be kept as herein directed.

Receiver General may draw on the Bank to pay Drawbacks, &c.

XXII. And be it enacted, That in order that the several Payments directed by Order of the Commissioners of Her Majesty's Customs to be made by the said Receiver General to Merchants or any other Persons on account of Drawbacks or Bounties, or on any other Account whatever, may be made without Delay, and for the Payment of which the Money then in the Hands of the said Receiver General shall be insufficient, it shall be lawful for the said Receiver General, or his Clerk deputed and authorized by him for that Purpose, and for whose Conduct therein he shall be answerable, to draw out of the Bank of *England*, as Occasion may require, such Sum or Sums of Money as may be sufficient to answer the Purpose aforesaid; and that every Draft or Order on the Bank for Money for any of the said Purposes shall be countersigned by the Comptroller General, or his Clerk to be deputed and authorized by him for that Purpose, and for whose Conduct therein he shall be answerable; and that the said Receiver General shall from Time to Time account for the Monies so to be drawn by him or his Clerk out of the Bank.

Drafts to be countersigned by Comptroller General.

Officers of the Exchequer to be furnished with Appropriation Papers.

XXIII. And in order that separate Accounts may be kept at the Exchequer of the Monies paid in on various Branches of the Customs pursuant to Law, be it enacted, That the said Receiver General of the Customs shall, on every *Monday* Morning, furnish the proper Officers of the Exchequer with an Appropriation Paper, stating the Heads under which the Receipts of the preceding Week are to be applied.

On the Death or Removal of Receiver General, the Balance to vest in his Successor.

XXIV. And be it enacted, That upon the Death, Resignation, or Removal of the present and of every other Receiver General of the Customs hereafter to be appointed, the Balance of Cash for which he shall at that Time have Credit on his Account as such Receiver General with the Governor and Company of the Bank of *England* shall, as soon as a Successor shall be appointed to the said Office, actually vest in such Successor, and until such Successor shall be appointed in such Person or Persons as shall for the Time being be duly authorized to execute the Duties of the said Office, in trust for the Service of the Public, and be forthwith transferred, carried over, and placed to the Account of such Successor or other Person or Persons as aforesaid, to be applied to the said Service in pursuance of the like Drafts and Orders as aforesaid.

Receiver General to keep Account.

XXV. And be it enacted, That the Receiver General of the Customs for the Time being shall keep the Account with the Bank of all Monies issued by and paid to the Bank on his Account for the Service of the Public; and the said Receiver General, observing the Rules and Regulations hereby prescribed, shall not be answerable for any Money, Bills, Notes, and Drafts which he shall have so paid or caused to be paid into the Bank of *England;* and [the Governor and Company of the Bank of *England* shall be answerable for all the Monies, Bills, Notes, and Drafts which shall be actually received by them from and on account of such Receiver General as aforesaid, except such Bills as may have been returned in manner aforesaid.

Punishment for Forgery on Receiver General, Transportation for Life.

XXVI. And be it enacted, That if any Person or Persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting, the Name or Handwriting of any Receiver General of the Customs, or of any Comptroller General of the Customs, or of any Person acting for them respectively as aforesaid, to any Draft, Instrument, or Writing whatsoever, for or in order to the receiving or obtaining any of the Money in the Hands or Custody of the Governor and Company of the Bank of *England* on account of the

Receiver

Receiver General of the Customs, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any Draft, Instrument, or Writing in Form of a Draft, made by such Receiver General or Person as aforesaid, or shall utter or publish any such, knowing the same to be forged or counterfeited, with an Intention to defraud any Person whomsoever, every such Person or Persons so offending, being thereof lawfully convicted, shall be and is and are hereby declared and adjudged to be guilty of Felony, and shall be transported beyond the Seas for Life.

Commissioners of Customs, Collectors, &c. authorized to administer Oaths.

XXVII. And be it enacted, That in all Cases wherein Proof on Oath shall be required by any Law, or for the Satisfaction or Consideration of the Commissioners of Her Majesty's Customs, in any Matter relating to any Business under their Management, the same may be made before the Collector or Comptroller of the Customs at the Port where such Proof shall be required to be made, or before the Persons acting for them respectively, and who are hereby authorized and empowered to administer the same.

Commissioners of Her Majesty's Customs, Surveyors General, &c. may examine Witnesses on Oath.

XXVIII. And be it enacted, That upon Examinations and Inquiries made by any Commissioners of Her Majesty's Customs, or any One or more of them for the Time being, or by any Surveyor General of the Customs, or any Inspector General of the Customs, for ascertaining the Truth of Facts relative to the Customs, or the Conduct of Officers or Persons employed therein, and upon the like Examinations and Inquiries made by the Collector and Comptroller of any Outport in the United Kingdom, or of any Port in the *Isle of Man*, or made by any Person or Persons in any of the *British* Possessions abroad, appointed by the Commissioners of Her Majesty's Customs to make such Examinations and Inquiries, any Person examined before him or them as a Witness shall deliver his Testimony on Oath, to be administered by such of the said Commissioners, Surveyors General, or such of the Inspectors General, or such Collector or Comptroller, or such Person or Persons as shall examine any such Witness, and who are hereby authorized to administer such Oath; and if any Person shall be convicted of making a false Oath touching any of the Facts so testified on Oath, or of giving false Evidence on his Examination on Oath before any One or more of the said Commissioners, or any of the Surveyors General or Inspectors General of the Customs, or such Collector and Comptroller, or such Person or Persons, in conformity to the Directions of this Act, every such Person so convicted as aforesaid shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties to which Persons are liable for wilful and corrupt Perjury.

False Oath deemed Perjury.

Lands and Buildings already taken for the Service of Her Majesty's Customs to be vested in the Secretary of the Customs for the Time being;

XXIX. And be it enacted, That all Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments which have heretofore been purchased, acquired, or taken for the Use and Service of Her Majesty's Customs, together with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, (other than and except such Messuages, Lands, Tenements, and Hereditaments as may be of Copyhold Tenure,) shall be and become and remain and continue vested in the Secretary for the Time being to the Commissioners of Her Majesty's Customs, and his respective Successors as Secretaries in such Service, according to the respective Nature and Quality of the said Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same respectively, in trust for Her Majesty, Her Heirs and Successors, for the Use and Service of Her Majesty's Customs in the said United Kingdom.

and also all Lands, &c. to be hereafter purchased for the Use of the Customs.

XXX. And be it enacted, That all other Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments (other than and except as aforesaid) which shall at any Time or Times hereafter be purchased for the Use and Service of Her Majesty's Customs, with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, shall in like Manner be and become and remain and continue vested in the Secretary for the Time being to the said Commissioners, and his Successors as Secretaries in such Service, according to the respective Nature and Quality of the said Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same respectively, in trust as aforesaid.

Secretary, under Authority of Commissioners, may sell or let Lands vested in them.

XXXI. And be it enacted, That it shall and may be lawful for the said Secretary for the Time being, by and under the Authority and Direction of the said Commissioners (testified by Writing under their Hands and Seals), to sell, exchange, or in any Manner dispose of, or to let, set, or demise, as well any of the Freehold and Leasehold Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments respectively which shall for the Time being be vested in them respectively under and by virtue of this present Act, with their respective Appurtenances, as also any of the Copyhold Messuages, Buildings, Lands, Tenements, and Hereditaments which shall have been surrendered to and vested in any Person or Persons, and his, her, or their Heirs and Assigns, in trust for Her said Majesty, or any of Her Predecessors, his, her, or their Heirs or Successors, for the Use and Service of Her Majesty's Customs in the said United Kingdom, or any of them, either by public Auction or private Contract; and as to the said Freehold and Leasehold Manors, Messuages, Lands, Tenements, and Hereditaments, that it shall and may be lawful to and for the said Secretary for the Time being, and as to the said Copyhold Messuages, Lands, Tenements, and Hereditaments, that it shall and may be lawful to and for the said Person or Persons in whom the same shall be vested as aforesaid, in due Form of Law, to convey, surrender, assign, make over, or to grant or demise the same respectively, or any of them, as the Case may require, to any Person or Persons who shall be willing to purchase or take the same respectively, and also to carry into execution any Contract or Contracts already entered into for the Sale of any such Freehold, Copyhold, or Leasehold Messuages, Lands, Tenements, or Hereditaments as aforesaid, with such Alterations or Variations as the said Commissioners for the Time being, or any Two or more of them, shall by Writing under their Hands direct, and for that Purpose to make and execute all such Conveyances, Assurances, and Agreements as may be thought proper, and also to do any other Act, Matter, or Thing in relation to any

any such Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments which shall by the said Commissioners be deemed beneficial for the Public Service in relation thereto, or for the better Management thereof, and which might be done by any Person or Persons having a like Interest in any such Manors, Messuages, Lands, Tenements, or Hereditaments.

Monies produced by Sale of such Lands to be paid to the Receiver General.

XXXII. And be it enacted, That the Monies to arise and be produced by Sales or Exchange of any of the said Manors, Messuages, Lands, Tenements, or Hereditaments which shall be sold or exchanged or conveyed under the Provisions of this present Act, including the Monies already paid by way of Deposit for the Purchase of any Hereditaments already contracted to be sold, and the Residue of the Monies to be received in respect or on account of such Contract, shall be paid by the respective Purchaser or Purchasers thereof, or the Person or Persons making such Exchange, under the Receiver General of Her Majesty's Customs for the Time being, or to such Person or Persons as the said Commissioners for the Time being, or any Four or more of them, shall direct or appoint to receive the same, in trust for Her Majesty, Her Heirs and Successors, for the Use and Service of the said Customs; and that the Receipt of the said Receiver General, or such other Person or Persons as aforesaid, for such Monies (such Receipt to be endorsed on every such Conveyance, Surrender, or Assignment as aforesaid), shall effectually discharge the Purchaser or Purchasers or Person or Persons by whom or on whose Account the same shall be so paid.

After Payment, Purchasers to stand possessed of the Lands, &c.

XXXIII. And be it enacted, That immediately from and after the Payment of such Purchase Money, and the Execution of every such Conveyance, Surrender, and Assignment as aforesaid, the Purchaser or Purchasers therein named shall be deemed and adjudged to stand seised and possessed of the Manors, Messuages, Lands, Tenements, and Hereditaments which shall be so purchased by, and conveyed, surrendered, assigned, or made over to him, her, or them respectively, freed and absolutely discharged of and from all and all Manner of prior Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in, to, out of, or upon or in respect of the same Manors, Messuages, Lands, Tenements, and Hereditaments by any Person or Persons whomsoever, by, from, or under, or in trust for Her Majesty, Her Heirs and Successors, on any Account whatsoever, save and except such Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances, Claims, and Demands, if any, as in any such Conveyance, Surrender, or Assignment shall be excepted.

Treasury may authorize Persons to survey and mark out Lands for Watch-houses, &c.

XXXIV. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, from Time to Time, by any Writing under their Hands, to authorize any Person or Persons to survey and mark out any Lands, not exceeding One Half Acre at any one Station, which are or may be wanted for the Purposes of erecting and maintaining Watch-houses, Dwelling Houses, and other Buildings requisite and necessary for the Security and Protection of the Revenues of Customs and Excise, with all necessary Ways unto and from the same or any or either of them, such Lands being situated within Half a Mile of the Sea Shore or of the Tideway of any navigable River, and to authorize any Person or Persons, by Warrant as aforesaid, to treat and agree with the Owner or Owners of or any Person or Persons interested in any such Lands, or any Messuages, Tenements, Hereditaments, or Premises which may be requisite and necessary as aforesaid, for the Possession thereof for such Time or Term of Years as the Public Service shall require.

Bodies Politic, &c. may contract for the Sale.

XXXV. And be it enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, and all Feoffees or Trustees for charitable or other public Purposes, and for all Tenants for Life and Tenants in Tail, and for the Husbands, Guardians, Trustees, Committees, Curators, or Attornies of such of the Owners or Proprietors of or Persons interested in any such Lands, Messuages, Tenements, Hereditaments, or Premises required for such Public Service as shall be Femes Covert, Infants, Lunatics, Idiots, or Persons beyond the Seas or otherwise incapable of acting for themselves, to contract and agree with such Person or Persons authorized as aforesaid for the Grant of any Lease of such Lands, Messuages, Tenements, Hereditaments, or Premises, either for any Term of Years certain therein, or for such Periods as the Public Service shall require, and to demise or grant the same unto the said Commissioners of Her Majesty's Treasury, in trust for Her Majesty, Her Heirs and Successors, accordingly; and all such Leases and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever.

Persons refusing to sell or to accept the Consideration offered, Two Justices may put Her Majesty's Officers into Possession, and a Jury shall be summoned, who shall find the Compensation to be made.

XXXVI. And be it enacted, That in case any such Bodies or other Persons hereby authorized to contract on behalf of themselves or others as aforesaid, or any other Person or Persons interested in any such Lands so marked out, or in any Messuages, Tenements, Hereditaments, or Premises required as aforesaid, shall, for the Space of Fourteen Days next after Notice in Writing, subscribed by such Person or Persons authorized as aforesaid, shall have been given to the principal Officer or Officers of any such Body, or to such other Persons hereby authorized to contract on behalf of others, or interested themselves as aforesaid, or left at his, her, or their usual Place of Abode, refuse or decline to treat or agree, or by reason of Absence shall be prevented from treating or agreeing, with such Person or Persons authorized as aforesaid, or shall refuse to accept such annual Rent or Sum as shall be offered for the Hire thereof, either for a Time certain or for such Period as the Public Service may require; and in case also it shall not be practicable to procure by voluntary Bargain or Sale any other Land situate as aforesaid, or any Messuages, Tenements, Hereditaments, or Premises required as aforesaid, and suited to the Purpose for which such Lands, Messuages, Tenements, Hereditaments, or Premises are required, then and in such Case it shall be lawful for Two or more Justices, or Three or more Deputy Lieutenants (One of whom shall be a Justice of the Peace), or Two or more Deputy Governors, for the County, Riding, Stewartry, City, or Place wherein such Lands, Tenements, Hereditaments, Messuages, or Premises shall be, to put Her Majesty's Officers in possession of such Lands, Messuages, Tenements, Hereditaments, or Premises,

and

and for that Purpose to issue a Warrant under their Hands and Seals requiring Possession to be delivered to such of Her Majesty's Officers as shall be named in the said Warrant; and it shall also be lawful for such Person or Persons so authorized as aforesaid to require the said Justices, Deputy Lieutenants, or Deputy Governors of such County, Riding, Stewarty, City, Liberty, or Place to issue their Warrant to the Sheriff or Sheriffs of the County, Riding, Stewartry, City, or Place wherein such Lands, Messuages, Tenements, Hereditaments, or Premises shall be situate, to summon a Jury; and every such Sheriff or Sheriffs is and are hereby authorized and required to summon and return a Jury, properly qualified, of the Number of Twenty-four, and in the Manner required by the Laws of *England*, *Ireland*, and *Scotland* respectively, who shall meet at some convenient Time and Place to be mentioned in such Summons, out of whom a Jury of Twelve shall be drawn in such Manner as Juries for the Trial of Issues joined in Her Majesty's Courts at *Westminster* and *Dublin* are drawn by Law in *England* or *Ireland* respectively, and in such Manner as Juries are drawn by Law for the Trial of Offences in *Scotland*, and in case a sufficient Number shall not appear the Sheriff or Sheriffs shall choose others of the By-standers, or that can speedily be procured, being qualified as aforesaid; and the said Jurymen may be challenged by the Parties on either Side, but not the Array; and the said Justices, Deputy Lieutenants, or Deputy Governors respectively, on the Application of the said Persons so authorized or of any Parties concerned, may and shall summon Witnesses, and adjourn any such Meeting, if Jurymen or Witnesses do not attend; and the Jury, on hearing any Witnesses and Evidence that may be produced, shall on their Oaths (which Oaths, as also the Oaths of such Witnesses, the said Justices, Deputy Lieutenants, or Deputy Governors respectively are hereby empowered and required to administer,) find the Compensation to be paid for the Possession or Use of such Lands, as the Case may be.

Lands that are suitable may be taken in lieu of such as have been marked out.

XXXVII. Provided always, and be it enacted, That if the Owner or Owners of any Lands, Messuages, Tenements, Hereditaments, or Premises so required, or any Person or Persons interested therein, shall at any Time before the summoning of such Jury as aforesaid give Notice in Writing of any other Lands situate as aforesaid, and of any other Messuages, Tenements, Hereditaments, or Premises so required as aforesaid, and suited to the Purpose for which such Lands are required, and which the Owner or Owners thereof or Persons interested therein are willing to treat and agree for, then and in such Case the Jury so to be summoned shall previously find the Facts, whether the Lands so indicated in such Notice are situate within the Distance aforesaid, and are suited to the Purpose for which such Lands, Tenements, Hereditaments, Messuages, or Premises may be required, and whether the Owner or Owners thereof or Persons interested therein, are willing to treat and agree for the same; and if they shall so find, the Owner or Owners of or Persons interested in the Lands so surveyed or marked out as aforesaid, or of the Messuages, Tenements, Hereditaments, or Premises so required, shall not be compellable by virtue of this Act to sell or dispose of the same: Provided also, that where the Owner or Owners of or Persons interested in any Lands, Messuages, Tenements, Hereditaments, or Premises required by virtue of this Act to be given up for the Purposes aforesaid shall prefer to sell the same outright, and shall be able to make a good Title to the Fee Simple thereof, it shall be lawful for them to insist on so doing; and in such Case the Jury so summoned as aforesaid shall find the Value of the Fee Simple of such Lands, Tenements, Messuages, Hereditaments, or Premises, and the same shall be paid to the Owner or Owners thereof or Persons interested therein in the Manner directed by this Act.

If any Person be dissatisfied with Verdict, Appeal may be made to the Court of Exchequer in England or Ireland, or to the Court of Session, &c. in Scotland.

XXXVIII. Provided also, and be it enacted, That if the said Commissioners of Her Majesty's Treasury, or any Person interested therein, shall be dissatisfied with the Verdict of any such Jury, it shall be lawful for them or their Attornies in *England* and *Ireland* to apply to the Court of Exchequer at *Westminster* or *Dublin* respectively in the next Term, and in *Scotland* to apply within Fourteen Days after the finding any such Verdict to the Court of Session in *Scotland* in Time of Session or Lord Ordinary on the Bills in Time of Vacation, to suggest to the said Courts or Lord Ordinary respectively that they have reason to be dissatisfied with such Verdict, and forthwith to give Notice thereof to the said Commissioners or Party (as the Case may be); and thereupon in *England* and *Ireland* the Proceedings that shall have been had, and the Verdict of such Jury, shall be returned into the said Courts of Exchequer respectively; and if it shall appear to the said Courts to be proper, a Suggestion shall be entered on such Proceedings as aforesaid, and a Writ shall thereupon, by Rule of such Court, or Order of any Judge of such Court, be directed to the Sheriff of such County where the Lands shall lie, or the Messuages, Tenements, Hereditaments, or Premises shall be, or, if the same shall lie or be in Two Counties, to the Sheriff of either of such Counties, to summon either a Common or Special Jury, according to the Application that shall have been made on that Behalf, and as the Court or such Judge shall allow, and who shall respectively be qualified according to Law, to appear before the said Justice of Assize or Nisi Prius of that County at the next Assizes or Sittings of Nisi Prius if the same shall not happen sooner than Twenty-one Days after such Suggestion, otherwise at the next succeeding Assizes or Sittings; and the Compensation to be paid for the Possession or Use of such Lands, Messuages, Tenements, Hereditaments, or Premises shall at such Assizes or Sittings be ascertained by such Jury in like Manner as any Damages may be inquired of upon any Inquisition or Inquiry of Damages by any Jury before any Judge of Assize or Nisi Prius; and the Verdict of such Jury shall be returned to the said Courts of Exchequer, and shall be final and conclusive; and in *Scotland*, if it shall appear proper to the said Court of Session or Lord Ordinary, upon such Application so to do, the said Court or Lord Ordinary shall order and direct the Sheriff of the County where such Lands, Messuages, Tenements, Hereditaments, or Premises shall lie and be, or if the same shall lie or be in Two Counties, the Sheriff of either of such Counties, to summon another Jury in the Manner in which Juries are summoned in *Scotland*,

Scotland, properly qualified according to Law, to appear before the Lords or Lord of Justiciary at the next Circuit if the same shall not happen sooner than Twenty-one Days after such Application, otherwise the next succeeding Circuit; and the Compensation as aforesaid for the Land, Messuages, Tenements, Hereditaments, and Premises shall at such Circuit be ascertained by a Jury drawn from a Jury summoned as aforesaid in such Manner as Juries are drawn in *Scotland* under the Direction of the said Lords or Lord of Justiciary as aforesaid; and the Verdict of such last-mentioned Juries shall be final and conclusive, without being subject to Review or Challenge of any Kind, unless the Court that shall have allowed such Inquiry shall think fit, on any Application made within Four Days after the Commencement of the succeeding Term, or Session if in *Scotland*, to order any new Trial in relation thereto.

Jury, in ascertaining Compensation for Premises, to settle Proportion to be paid to Lessees.

XXXIX. Provided always, and be it enacted, That it shall be lawful for any Jury impannelled before any Justice of the Peace, Magistrate, Deputy Lieutenant or Deputy Governor, or before any Judge of Assize or Nisi Prius, to ascertain the Compensation to be paid for any Lands under this Act, and they are hereby required to ascertain and settle the Proportion to be paid out of such Compensation to any Person or Persons having any Interest as Lessees or Tenants at Will or otherwise, in any such Lands, and the Proportion to be paid out of such Compensation shall be returned on the Verdict: Provided also, that where any such Inquiry before any Judge of Assize or Nisi Prius, or Lords or Lord of Justiciary, shall be had on the Application of any such Lessee or Tenant at Will, or other Person having any inferior Interest in any such Lands, Messuages, Tenements, Hereditaments, or Premises, who may have been dissatisfied with the Proportion of Compensation settled by the Jury to be paid in respect of such Interest, it shall not be lawful for the Jury in any such Case to alter the Amount of the entire Compensation awarded by any former Verdict to be paid for such Lands, Messuages, Tenements, Hereditaments, or Premises, but only the Proportion thereof to be paid to the Person or Persons having separate Interests therein; and it shall not be lawful for any Jury, on any Inquiry had before any Judge of Assize or Nisi Prius, or Lords or Lord of Justiciary, as to any Compensation, on the Application of the said Commissioners of Her Majesty's Treasury, in any Case in which the whole Compensation awarded by the former Jury is confirmed by the Jury on such Inquiry, to alter the Proportion that shall have been settled by any such former Jury as to any separate Interest in any such Lands, Tenements, Messuages, Hereditaments, or Premises.

Security to be given for Costs.

XL. Provided also, and be it enacted, That it shall be lawful for the Court or Judge or Lord Ordinary making any such Rule or Order to require that the Party on whose Application the same shall be made shall give such Security as shall to such Court, Judge, or Lord Ordinary seem proper, for Payment of Costs under such Circumstances as shall be specified in any Rule or Order made for that Purpose.

Upon delivering up Lands to the Owners, all Erections for the public Service to be removed, making Compensation to Owners.

XLI. And be it enacted, That in all Cases where any Lands shall be taken under the Provisions of this Act for any Term of Years, or for such Period only as the Public Service shall require, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any other Person or Persons so authorized as aforesaid, at any Time before the Possession of any Lands which shall have been taken for the Purposes aforesaid shall be delivered up to the Owner or Owners thereof, or other Person or Persons acting on his or their Behalf, to take down and remove all such Buildings or other Erections which shall or may have been built or erected thereon for the Public Service, and to carry away the Materials thereof, making such Compensation to the Owner or Owners of such Lands, or other Person or Persons acting on his, her, or their Behalf, for the Damage or Injury which may have been done thereto, or to the Soil thereof, by the Erection of any such Buildings, or removing and carrying away the same or otherwise, in consequence of the same having been occupied for the Public Service, as the said Commissioners of Her Majesty's Treasury, or such other Person or Persons authorized as aforesaid, shall think reasonable, and as shall be agreed upon in that Behalf; and if such Owner or Owners or other Person or Persons acting on his, her, or their Behalf, shall not be willing to accept the Compensation so offered, it shall be lawful for the said Commissioners of Her Majesty's Treasury, or other Person or Persons so authorized as aforesaid, to apply to and require Two Justices of the Peace of the County, Riding, Stewartry, City, or Place to settle and ascertain the Compensation which ought to be made for such Damage or Injury as aforesaid; and such Justice shall settle and ascertain the same accordingly, and shall grant a Certificate thereof; and the Amount of such Compensation, so settled and ascertained and certified, shall forthwith be paid by Warrant of the Commissioners of Her Majesty's Treasury, or any Three or more of them, to the Person or Persons entitled thereto: Provided always, that nothing in this Act shall extend or be construed to extend to alter, prejudice, or affect any Agreement which hath been or shall or may be entered into by any such Person or Persons authorized as aforesaid with any Owner or Owners of any such Lands, or other Person or Persons acting on his, her, or their Behalf, in relation to any such Buildings or Erections, but every such Agreement shall remain valid and effectual in like Manner as if this Act had not passed.

Purchase Money belonging to incapacitated Persons, &c. to be paid to the proper Officer of the Exchequer for their Use.

XLII. And be it enacted, That in all Cases where any Money shall have been or shall be agreed, or shall have been or shall be found by the Verdict of any Jury, to be paid or given for the Use or Possession of any Lands, Messuages, Tenements, Hereditaments, or Premises taken by virtue of this Act, belonging to any Person or Persons under any Disability or Incapacity, or not having the absolute Interest therein, the same shall be paid by Warrant of the Commissioners of Her Majesty's Treasury, or any Three of them, into the Hands of the proper Officer of Her Majesty's Court of Exchequer at *Westminster*, *Edinburgh*, or *Dublin* respectively for the Time being for receiving the Monies belonging to the Suitors of the said Court respectively, for the Use and Benefit of such Person or Persons; and

such Officer is hereby authorized and required to receive or accept and to give a Discharge for such Money, and upon the Acceptation or Receipt thereof to sign a Certificate to the Barons or Judges of the said Courts of Exchequer respectively, under his Hand, purporting and signifying that such Money or other Consideration was received or accepted by and paid to him in pursuance of this Act for the Use and Benefit of such Person or Persons who shall be named and described in such Certificate; and the said Certificate shall be filed or deposited in the said Court of Exchequer at *Westminster*, *Edinburgh*, or *Dublin* respectively, and a true Copy thereof, signed by such Officer of such Court, shall and may be read and allowed as Evidence for the Purposes herein-after mentioned; and such Officer of such Court is hereby required, upon Receipt of any such Sum or Sums of Money as aforesaid, to pay the same into the Bank of *England*, or Bank of *Scotland* or Royal Bank of *Scotland*, or Bank of *Ireland*, as the Case may require; and immediately upon the filing or depositing of such Certificate the said Lands, Messuages, Tenements, Hereditaments, or Premises shall be vested in or to the Use of Her Majesty, Her Heirs and Successors.

Barons of the Exchequer, &c., on Petition of Parties interested, to order the Application of Money.

XLIII. And be it enacted, That the Barons or Judges of Her Majesty's Court of Exchequer at *Westminster*, and the Barons or Judges of Her Majesty's Court of Exchequer at *Edinburgh* or *Dublin*, for the Time being respectively, or any Two or more of them, shall be and they are hereby authorized and empowered in a summary Way, upon Motion or by Petition for and on behalf of any Person or Persons interested in or entitled to the Benefit of the Money so paid to and received by the proper Officer of the said Courts respectively, or the Interest or Produce thereof, and upon reading the Certificate directed to be signed by the said Officer concerning the same as aforesaid, and receiving such further Satisfaction as they shall think necessary, to make and pronounce such Orders and Directions for paying the said Money, or any Part of the same, or for placing out such Part thereof as shall be Principal in the Public Funds, or upon Government or Real Securities, and for Payment of the Dividends or Interest thereof, or any Part thereof, to the respective Persons entitled to receive the same, or for laying out the Principal, or any Part thereof, in the Purchase of other Lands, to be conveyed and settled to, for, and upon the same Uses, Trusts, Intents, and Purposes as the said Lands so taken stood settled at the Time of the Payment of such Money as aforesaid, as near as the same can be done, or otherwise concerning the disposing of the said Money, or any Part thereof, and the Interest of the same, or any Part thereof, for the Benefit of the Person or Persons respectively, or for appointing any Person or Persons to be Trustee or Trustees for all or any of such Purposes, as the said Courts respectively shall think just and reasonable.

On the Death, Removal, or Resignation of Officer of Exchequer, Stocks and Securities shall vest in Successor.

XLIV. And be it enacted, That upon the Death, Removal, or Resignation of any such Officer of the said Courts of Exchequer all Stocks and Securities vested in him by virtue of this Act shall vest in the succeeding Officer of the Exchequer, for the Purposes herein-before mentioned, without any Assignment or Transfer; and all Monies paid in the said Banks respectively in pursuance of this Act, or remaining in the Hands of any such Officer at his Death, Resignation, or Removal, and not vested in the Funds or placed out on Securities as aforesaid, shall be paid over to the succeeding Officer for the like Purpose for the Time being.

Gardens not to be affected.

XLV. Provided always, and be it enacted, That nothing in this Act contained shall be construed to extend to any Garden or Pleasure Ground, or to any Land immediately contiguous to and used as the Curtilage or Homestead of any Dwelling House.

Documents signed by Three Commissioners deemed the Act of the whole Commissioners.

XLVI. And be it enacted, That every Order, Document, Instrument, or Writing relating to the Customs or to the Law of Navigation, required by any Law at any Time in force to be under the Hands of the Commissioners of Her Majesty's Treasury, being signed by Three or more of such Commissioners, shall be deemed to be an Order, Document, Instrument, or Writing under the Hands of the Commissioners of Her Majesty's Treasury accordingly.

Act to be registered in Royal Court of Jersey.

XLVII. And be it enacted, That this Act shall be registered in the Royal Court of the Island of *Jersey*, and that the said Royal Court shall have full Power and Authority and is hereby required to register the same.

Alteration of Act.

XLVIII. And be it enacted, That this Act may be altered, varied, or repealed by any Act to be passed in the present Session of Parliament.

CAP. LXXXVI.

An Act for the general Regulation of the Customs. [4th *August* 1845.]

3 & 4 W. 4. c. 52.

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the general Regulation of the Customs*, whereby the Laws of Customs in relation to the general Regulation of the Customs were consolidated: And whereas since the passing of the said Act divers Parts of Acts for the Amendment of the Law in this respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Act and Parts of Acts should be consolidated into One Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Operation for the Purposes mentioned therein, except where any other Commencement is herein particularly directed.

Commencement of Act.

II. 'And

INWARDS.

General Provision.

II. 'And whereas it is expedient that the Officers of Customs should have full Cognizance of all Ships 'coming into any Port in the United Kingdom or in the *Isle of Man*, or approaching the Coasts thereof, 'and of all Goods on board or which may have been on board such Ships, and also of all Goods unladen 'from any Ship in any Port or Place in the United Kingdom or in the *Isle of Man*;' be it therefore enacted, That no Goods shall be unladen from any Ship arriving from Parts beyond the Seas at any Port or Place in the United Kingdom or in the *Isle of Man*, nor shall Bulk be broken after the Arrival of such Ship within Four Leagues of the Coasts thereof respectively, before due Report of such Ship and due Entry of such Goods shall have been made, and Warrant granted in manner herein-after directed; and that no Goods shall be so unladen, except at such Times and Places, and in such Manner and by such Persons, and under the Care of such Officers, as is and are herein-after directed; and that all Goods not duly reported, or which shall be unladen contrary hereto, shall be forfeited; and if Bulk be broken contrary hereto, the Master of such Ship shall forfeit the Sum of One hundred Pounds; and if, after the Arrival of any Ship within Four Leagues of the Coast of the United Kingdom or of the *Isle of Man*, any Alteration be made in the Stowage of the Cargo of such Ship, so as to facilitate the unlading of any Part of such Cargo, or if any Part be staved, destroyed, or thrown overboard, or any Package be opened, such Ship shall be deemed to have broken Bulk: Provided always, that the several Articles herein-after enumerated may be landed in the United Kingdom without Report, Entry, or Warrant; (that is to say,) Diamonds and Bullion, fresh Fish of *British* taking and imported in *British* Ships, and Lobsters, fresh, however taken or imported.

No Goods to be landed, &c. before Report and Entry.

Times, &c. of landing.

Goods not reported, forfeited.

If Bulk illegally broken, Master to forfeit 100*l*.

Certain Articles may be landed without Entry.

Manifest.

III. And be it enacted, That no Goods shall be imported into the United Kingdom or into the *Isle of Man* from Parts beyond the Seas in any *British* Ship, unless the Master shall have on board a Manifest of such Goods, made out and dated and signed by him at the Place or respective Places where the same, or the different Parts of the same, was or were taken on board, and authenticated in the Manner herein-after provided; and every such Manifest shall set forth the Name and the Tonnage of the Ship, the Name of the Master and of the Place to which the Ship belongs, and of the Place or Places where the Goods were taken on board respectively, and of the Place or Places for which they are destined respectively, and shall contain a particular Account and Description of all the Packages on board, with the Marks and Numbers thereon, and of the Sorts of Goods and different Kinds of each Sort contained therein, to the best of the Master's Knowledge, and the general Denomination of the Contents of every Package containing the following Articles imported from any Foreign Place in *Europe*, namely, Cambrics or Lawns, Leather Gloves, Manufactures of Silk, Tobacco, Cigars, or Snuff, and the Particulars of such Goods as are stowed loose, and the Names of the respective Shippers and Consignees, as far as the same can be known to the Master; and to such particular Account shall be subjoined a general Account or Recapitulation of the total Number of the Packages of each Sort, describing the same by their usual Names, or by such Descriptions as the same can best be known by, and the different Goods therein, and also the total Quantities of the different Goods stowed loose; and that all such Cambrics or Lawns, Leather Gloves, Manufactures of Silk, Tobacco, Cigars, or Snuff not so manifested shall be forfeited.

All British Ships to have Manifests.

Particulars of Manifest.

IV. And be it enacted, That before any Ship shall be cleared out or depart from any Place in any of the *British* Possessions abroad, with any Goods for the United Kingdom or for the *Isle of Man*, the Master of such Ship shall produce the Manifest to the Collector or Comptroller of the Customs, or other proper Officer, who shall certify upon the same the Date of the Production thereof to him: Provided always, that in all Places within the Territorial Possessions of the *East India* Company the Collector of Sea Customs or other proper Officer shall authenticate the Manifest as aforesaid.

Manifest to be produced to Officers in Colonies.

V. And be it enacted, That if any Goods shall be imported into the United Kingdom or into the *Isle of Man* in any *British* Ship without such Manifest, or if any Goods contained in such Manifest be not on board, the Master of such Ship shall forfeit the Sum of One hundred Pounds.

Manifest if wanting, &c. Master to forfeit 100*l*.

VI. And be it enacted, That the Master of every Ship required to have a Manifest on board shall produce such Manifest to any Officer of the Customs who shall come on board his Ship after her Arrival within Four Leagues of the Coast of the United Kingdom or of the Coast of the *Isle of Man*, and who shall demand the same, for his Inspection; and such Master shall also deliver to any such Officer who shall be the first to demand it, a true Copy of such Manifest, signed by the Master, and shall also deliver another Copy to any other Officer of the Customs who shall be the first to demand the same within the Limits of the Port to which such Ship is bound; and thereupon such Officers respectively shall notify on such Manifest and on such Copies the Date of the Production of such Manifest and of the Receipt of such Copies, and shall transmit such Copies to the Collector and Comptroller of the Port to which such Vessel is first bound, and shall return such Manifest to the Master; and if such Master shall not in any Case produce such Manifest or deliver such Copy he shall forfeit the Sum of One hundred Pounds.

Manifest to be produced within Four Leagues;

and Copies delivered to Officers, who shall transmit Copies to Port of Destination.

Master not producing, to forfeit 100*l*.

Report.

VII. And be it enacted, That the Master of every Ship arriving from Parts beyond the Seas at any Port in the United Kingdom or in the *Isle of Man*, whether laden or in ballast, shall within Twenty-four Hours after such Arrival, and before Bulk be broken, make due Report of such Ship, and shall make and subscribe a Declaration to the Truth of the same before the Collector or Comptroller of such Port; and such Report shall contain an Account of the particular Marks, Numbers, and Contents of all the different Packages or Parcels of the Goods on board such Ship, and the Particulars of such Goods as are stowed loose, to the best of his Knowledge, and the general Denomination of the Contents of every Package containing the following Articles imported from any Foreign Place in *Europe*, namely, Cambrics or Lawns, Leather Gloves, Manufactures of Silk, Tobacco, Cigars, or Snuff, and of the Place or Places where

Master within Twenty-four Hours and before breaking Bulk shall report.

Particulars of Report.

INWARDS. *Report.*

where such Goods were respectively taken on board, and of the Burden of such Ship, and of the Country where such Ship was built, or if *British* of the Port of Registry, and of the Country of the People to whom such Ship belongs, and of the Name and Country of the Person who was Master during the Voyage, and of the Number of the People by whom such Ship was navigated, stating how many are Subjects of the Country to which such Ship belongs, and how many are of some other Country; and in such Report it shall be further declared whether and in what Cases such Ship has broken Bulk in the course of her Voyage, and what Part of the Cargo, if any, is intended for Importation at such Port, and what Part, if any, is intended for Importation at another Port in the United Kingdom or at another Port in the *Isle of Man* respectively, and what Part, if any, is prohibited to be imported except to be warehoused for Exportation only, and what Part, if any, is intended for Exportation in such Ship to Parts beyond the Seas, and what surplus Stores or Stock remain on board such Ship, and if a *British* Ship, what Foreign-made Sails or Cordage, not being standing or running Rigging, are in use on board such Ship; and the Master of any Ship who shall fail to make such Report, or who shall make a false Report, shall forfeit the Sum of One hundred Pounds.

Penalty on Failure, 100*l.*

Bond to maintain Africans.

VIII. Provided always, and be it enacted, That the Master of every Vessel coming from the Coast of *Africa*, and having taken on board at any Place in *Africa* any Person or Persons being or appearing to be Natives of *Africa*, shall, in addition to all other Matters, state in the Report of his Vessel how many such Persons have been taken on board by him in *Africa*; and any such Master failing herein shall forfeit the Sum of One hundred Pounds: Provided also, that the Master or Owner or Owners of such Vessel, or some or One of them, at the Time of making such Report, be required to enter into Bond to Her Majesty in the Sum of One hundred Pounds, conditioned to keep harmless any Parish or any extra-parochial or other Place maintaining its own Poor against any Expence which such Parish or other Place may be put to in supporting any such Person during their Stay in the United Kingdom; and any such Master, Owner or Owners, refusing or neglecting to enter into such Bond, shall forfeit the Sum of Two hundred Pounds.

Packages reported "Contents unknown" may be opened and examined.

IX. And be it enacted, That if the Contents of any Package so intended as aforesaid for Exportation in the same Ship to Parts beyond the Seas shall be reported by the Master as being unknown to him, it shall be lawful for the Officers of the Customs to open and examine such Package on board, or to bring the same to the Queen's Warehouse for that Purpose; and if there be found in such Package any Goods which may not be entered for Home Use, such Goods shall be forfeited, or if the Goods be such as may be entered for Home Use, the same shall be chargeable with the Duties of Importation, unless in either Case the Commissioners of Her Majesty's Customs, in consideration of the Sort or Quality of such Goods, or the small Rate of Duty payable thereon, shall see fit to deliver the same for Exportation.

Master to deliver Manifest; and, if required, Bill of Lading or Copy; and answer Questions as to Voyage;

on Failure, to forfeit 100*l.*

X. And be it enacted, That the Master of every Ship shall at the Time of making such Report deliver to the Collector or Comptroller the Manifest of the Cargo of such Ship, where a Manifest is required, and, if required by the Collector or Comptroller, shall produce to him any Bill or Bills of Lading, or a true Copy thereof, for any and every Part of the Cargo laden on board, and shall answer all such Questions relating to the Ship and Cargo, and Crew and Voyage, as shall be put to him by such Collector or Comptroller; and in case of Failure or Refusal to produce such Manifest, or to answer such Questions, or to answer them truly, or to produce such Bill of Lading or Copy, or if such Manifest or Bill of Lading or Copy shall be false, or if any Bill of Lading be uttered or produced by any Master, and the Goods expressed therein shall not have been *bonâ fide* shipped on board such Ship, or if any Bill of Lading uttered or produced by any Master shall not have been signed by him, or any such Copy shall not have been received or made by him previously to his leaving the Place where the Goods expressed in such Bill of Lading or Copy were shipped, then and in every such Case such Master shall forfeit the Sum of One hundred Pounds.

Part of Cargo reported for another Port.

XI. And be it enacted, That if any Part of the Cargo of any Ship for which a Manifest is required be reported for Importation at some other Port in the United Kingdom or at some other Port in the *Isle of Man* respectively, the Collector and Comptroller of the Port at which some Part of the Cargo has been delivered shall notify such Delivery on the Manifest, and return the same to the Master of such Ship.

Ship to come quickly to Place of unlading, and bring to at Stations for boarding Officers.

Mooring Places for Tobacco Ships.

XII. And be it enacted, That every Ship shall come as quickly up to the proper Place of mooring or unlading as the Nature of the Port will admit, and without touching at any other Place, and in proceeding to such Place shall bring to at Stations appointed by the Commissioners of Her Majesty's Customs for the boarding of Ships by the Officers of the Customs; and after Arrival at such Place of mooring or unlading such Ship shall not remove from such Place, except directly to some other proper Place, and with the Knowledge of the proper Officer of the Customs, on Penalty of One hundred Pounds, to be paid by the Master of such Ship: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Customs to appoint Places to be the proper Places for the mooring or unlading of Ships importing Tobacco, and where such Ships only shall be moored or unladen; and in case the Place so appointed for the unlading of such Ships shall not be within some Dock surrounded with Walls, if any such Ship, after having been discharged, shall remain at such Place, or if any Ship not importing Tobacco shall be moored at such Place, the Master shall in either Case forfeit and pay the Sum of Twenty Pounds.

Goods unshipped from the importing Vessel, or landed contrary to the Regulations of

XIII. And be it enacted, That no Goods imported into the United Kingdom from Parts beyond the Seas shall be unshipped or carried from the importing Vessel to any Quay, Wharf, or other Place, previously to the Examination thereof, except under such Rules, Regulations, and Restrictions as the Commissioners of Her Majesty's Customs may from Time to Time, with the Approbation of the Commissioners of Her Majesty's Treasury, direct and appoint; and all Goods unshipped or carried contrary to such

such Rules, Regulations, or Restrictions, or any of them, shall be forfeited, together with the Craft or other Means used for the Conveyance of any such Goods; and every Person knowingly concerned in the unshipping or carrying of such Goods, or to whose Hands and Possession such Goods shall knowingly come, contrary to such Rules, Regulations, and Restrictions, shall forfeit and pay a Sum of One hundred Pounds, or Treble the Value of such Goods, at the Election of the said Commissioners of Her Majesty's Customs. the Commissioners of Customs, forfeited. Penalty on Persons concerned.

XIV. And be it enacted, That it shall be lawful for the proper Officers of the Customs to board any Ship arriving at any Port in the United Kingdom or in the *Isle of Man*, and freely to stay on board until all the Goods laden therein shall have been duly delivered from the same; and such Officers shall have free Access to every Part of the Ship, with Power to fasten down Hatchways, and to mark any Goods before landing, and to lock up, seal, mark, or otherwise secure any Goods on board such Ship; and if any Place or any Box or Chest be locked, and the Keys be withheld, such Officers, if they be of a Degree superior to Tidesmen or Watermen, may open any such Place, Box, or Chest in the best Manner in their Power; and if they be Tidesmen or Watermen, or only of that Degree, they shall send for their superior Officer, who may open or cause to be opened any such Place, Box, or Chest in the best Manner in his Power; and if any Goods be found concealed on board any such Ship they shall be forfeited; and if the Officers shall place any Lock, Mark, or Seal upon any Goods on board, and such Lock, Mark, or Seal be wilfully opened, altered, or broken before due Delivery of such Goods, or if any of such Goods be secretly conveyed away, or if the Hatchways, after having been fastened down by the Officer, be opened, the Master of such Ship shall forfeit the Sum of One hundred Pounds. Officers to board Ships; to have free Access to all Parts; may seal or secure Goods, and open Locks. Goods concealed, forfeited. If Seal, &c. broken, Master to forfeit 100*l.*

XV. Provided always, and be it enacted, That if any Ship (having Commission from Her Majesty or from any Foreign Prince or State) arriving as aforesaid at any Port in the United Kingdom or in the *Isle of Man* shall have on board any Goods laden in Parts beyond the Seas, the Captain, Master, Purser, or other Person having the Charge of such Ship or of such Goods for that Voyage shall, before any Part of such Goods be taken out of such Ship, or when called upon so to do by any Officer of the Customs, deliver an Account in Writing under his Hand to the best of his Knowledge of the Quality and Quantity of every Package or Parcel of such Goods, and of the Marks and Numbers thereon, and of the Names of the respective Shippers and Consignees of the same, and shall make and subscribe a Declaration at the Foot of such Account declaring to the Truth thereof, and shall also truly answer to the Collector or Comptroller such Questions concerning such Goods as shall be required of him, and on Failure thereof such Captain, Master, Purser, or other Person shall forfeit the Sum of One hundred Pounds; and all such Ships shall be liable to such Searches as Merchant Ships are liable to, and the Officers of the Customs may freely enter and go on board all such Ships, and bring from thence on shore into the Queen's Warehouse any Goods found on board any such Ship as aforesaid, subject nevertheless to such Regulations in respect of Ships of War belonging to Her Majesty as shall from Time to Time be directed in that respect by the Commissioners of Her Majesty's Treasury. Commissioned Ships, British or Foreign, having Goods on board, Person in charge to deliver an Account, or forfeit 100*l.* Such Ships liable to Search.

XVI. And be it enacted, That every Importer of any Goods shall, within Fourteen Days after the Arrival of the Ship importing the same, make perfect Entry Inwards of such Goods, or Entry by Bill of Sight in manner herein-after provided, and shall within such Time land the same; and in default of such Entry and landing it shall be lawful for the Officers of the Customs to convey such Goods to the Queen's Warehouse; and whenever the Cargo of any Ship shall have been discharged, with the Exception only of a small Quantity of Goods, it shall be lawful for the Officers of the Customs to convey such remaining Goods and at any Time to convey any small Packages or Parcels of Goods to the Queen's Warehouse, although such Fourteen Days shall not have expired, there to be kept waiting the due Entry thereof during the Remainder of such Fourteen Days; and if the Duties due upon any Goods so conveyed to the Queen's Warehouse shall not be paid within Three Months after such Fourteen Days shall have expired, together with all Charges of Removal and Warehouse Rent, the same shall be sold, and the Produce thereof shall be applied, first to the Payment of Freight and Charges, next of Duties, and the Overplus (if any) shall be paid to the Proprietor of the Goods. *Entry.* — After Fourteen Days Officer may land Goods not entered, and certain Goods before Fourteen Days. Duties and Charges not paid in Three Months, Goods may be sold.

XVII. And be it enacted, That whenever any Officer of the Customs shall have been kept in charge of any Goods beyond the Time allowed by Law for the same being entered and landed, it shall be lawful for such Officer to detain the Vessel in which such Goods shall have been imported, provided the same are remaining on board the Vessel, until the Expences so incurred shall have been paid to such Person as the Commissioners of Her Majesty's Customs shall think fit to appoint to receive the same; and in all Cases where the Goods shall have been put out of the Vessel the Person or Persons in whose Names the same shall have been entered shall pay to the Person so appointed as aforesaid all such Expences as may have been so incurred by such Officer, and such Goods shall and may be detained until such Expences shall have been paid, and if not paid within One Month after Demand made in Writing of such Person or Persons by any Officer of the Customs, the same shall and may be sold, and the Proceeds shall be applied, first, to the Payment of the Freight and Charges, next of the Duties, next of the Expences of such Officer, and of the Charges attending the Seizure and Sale of such Goods, and the Overplus, if any, shall be paid to the Proprietor of the Goods. Where Goods remain on board a Vessel beyond the Time allowed by Law, the Vessel and Goods may be detained until the Expence of guarding the Goods is paid.

XVIII. And be it enacted, That the Person entering any Goods Inwards (whether for Payment of Duty, or to be warehoused upon the first perfect Entry thereof, or for Payment of Duty upon the taking out of the Warehouse, or whether such Goods be free of Duty,) shall deliver to the Collector or Comptroller a Bill of the Entry of such Goods, fairly written, or fairly written in part and fairly printed in part, in Words at Length, expressing the Name of the Ship and of the Master of the Ship in which the Goods Bill of Entry to be delivered.

INWARDS.

Entry.

Goods were imported, and of the Place from whence they were brought, and the Description and Situation of the Warehouse, if they are to be warehoused, and the Name of the Person in whose Name the Goods are to be entered, and the Quantity and Description of the Goods, and the Number and Denomination or Description of the respective Packages containing the Goods, and in the Margin of such Bill shall delineate the respective Marks and Numbers of such Packages, and shall pay down any Duties which may be payable upon the Goods mentioned in such Entry; and such Person shall also deliver at the same Time Two or more Duplicates, as the Case may require, of such Bill, in which all Sums and Numbers may be expressed in Figures; and the Particulars to be contained in such Bill shall be written, or partly written and partly printed, and arranged in such Form and Manner and the Number of such Duplicates shall be such as the Collector and Comptroller shall require; and such Bill, being duly signed by the Collector and Comptroller, and transmitted to the Landing Waiter, shall be the Warrant to him for the landing and delivering of such Goods.

Duplicates.

Bill of Entry signed shall be the Warrant.

Unauthorized Persons not to be permitted to make Entries.

Proviso.

XIX. And be it enacted, That every Person who shall make or cause to be made any such Entry Inwards of any Goods, not being duly authorized thereto by the Proprietor or Consignee of such Goods, shall for every such Offence forfeit the Sum of One hundred Pounds: Provided always, that no such Penalty shall extend or be deemed to extend to any Person acting under the Directions of the several Dock Companies or other Corporate Bodies authorized by Law to pass Entries.

Not valid unless agreeing with Manifest, Report, and other Documents; and Description of Goods.

XX. And be it enacted, That no Entry, nor any Warrant for the landing of any Goods, or for the taking of any Goods out of any Warehouse, shall be deemed valid, unless the Particulars of the Goods and Packages in such Entry shall correspond with the Particulars of the Goods and Packages purporting to be the same in the Report of the Ship, and in the Manifest where a Manifest is required, and in the Certificate or other Document where any is required by which the Importation or Entry of such Goods is authorized, nor unless the Goods shall have been properly described in such Entry by the Denominations and with the Characters and Circumstances according to which such Goods are charged with Duty or may be imported, either to be used in the United Kingdom or to be warehoused for Exportation only; and any Goods taken or delivered out of any Ship or out of any Warehouse, or for the Delivery of which, or for any Order for the Delivery of which, from any Warehouse, Demand shall have been made, not having been duly entered, shall be forfeited.

Goods not properly entered forfeited.

Goods by Number, Measure, or Weight.

Goods ad valorem.

Declaration of Value.

Penalty on Persons not authorized.

XXI. And be it enacted, That if the Goods in such Entry be charged to pay Duty according to the Number, Measure, or Weight thereof, such Number, Measure, or Weight shall be stated in the Entry; and if the Goods in such Entry be charged to pay Duty according to the Value thereof, such Value shall be stated in the Entry, and shall be affirmed by the Declaration of the Importer or his known Agent written upon the Entry, and attested by his Signature; and if the Goods in such Entry be chargeable, at the Option of the Officers of Customs, either according to the Number, Measure, or Weight thereof, or according to the Value thereof, then as well such Number, Measure, or Weight, as also such Value, shall be in like Manner stated in the Entry and attested; and if any Person make such Declaration, not being the Importer or Proprietor of such Goods, nor his Agent duly authorized by him, such Person shall forfeit the Sum of One hundred Pounds; and such Declaration shall be made in manner and form following, and shall be binding upon the Person by or on behalf of whom the same shall be made; (that is to say,)

Form of Declaration.

'I *A.B.* of [*Place of Abode*], do hereby declare, That I am [the Importer, *or* authorized by the 'Importer,] of the Goods contained in this Entry, and that I enter the same [*stating which, if Part 'only,*] at the Sum of

'Witness my Hand, the Day of

'*A.B.*'

If Goods undervalued Officers may detain them.

XXII. And be it enacted, That if upon the Examination of any Goods for Duty it shall appear to the Officers of the Customs that such Goods are not valued according to the true Value thereof, it shall be lawful for such Officers to detain and secure such Goods, and within Seven Days from the Day on which such Goods shall be finally examined for Duty by the proper Officer, if in any Port in *England*, or within Ten Days from such last-mentioned Day if in any Port in *Scotland*, *Ireland*, or the *Isle of Man*, to take such Goods for the Use of the Crown; and if a different Rate of Duty shall be charged upon any Goods according as the Value of the same shall be described in the Entry to be above or to be below any particular Price or Sum, and such Goods shall be valued in the Entry so as to be liable to the lower Rate of Duty, and it shall appear to the Officers of the Customs that such Goods, by reason of their real Value, are properly liable to the higher Rate of Duty, it shall be lawful for such Officers, in like Manner, to take such Goods for the Use of the Crown; and the Commissioners of Her Majesty's Customs shall thereupon in any of such Cases cause the Amount of such Valuation, together with an Addition of Ten Pounds *per Centum* thereon, and also the Duties paid upon such Entry, to be paid to the Importer or Proprietor of such Goods, in full Satisfaction for the same, and shall dispose of such Goods for the Benefit of the Crown; and if the Produce of such Sale shall exceed the Sums so paid, and all Charges incurred by the Crown, one Moiety of the Overplus shall be given to the Officer or Officers who had detained and taken the Goods, and the Money retained for the Benefit of the Crown shall be paid into the Hands of the Collector of the Customs, with the Knowledge of the Comptroller, and be carried to account as Duties of Customs.

Valuation and Ten per Cent. to be paid to Importer.

Goods to be sold for the Benefit of the Crown.

Value of Goods entered Inwards to be stated in the Entry, and

XXIII. 'And whereas it is expedient that correct Accounts may continue to be taken of the Value 'of the Imports of certain Goods upon which Duty has hitherto been charged according to the Value 'thereof, but upon which Goods the Duties have been repealed;' be it enacted, That upon the Entry Inwards

Inwards of any such Goods the Value thereof shall be stated in the Entry, and shall be affirmed by the Declaration of the Importer or his known Agent written upon the Entry, and attested by his Signature; and if such Declaration be false the Person signing the same shall forfeit a Sum not exceeding Twenty Pounds; and it shall be lawful for the Landing Waiter or other Officer appointed to examine such Goods to call for the Invoice, Bills of Parcels, and such other Documents relating thereto as he may think necessary, for ascertaining the true Value of the same.

attested by the Importer.

XXIV. And be it enacted, That if the Importer of any Goods, or his Agent, after full Conference with him, shall declare before the Collector or Comptroller that he cannot for Want of full Information make a full or perfect Entry of such Goods, and shall make and subscribe a Declaration to the Truth thereof, it shall be lawful for the Collector and Comptroller to receive an Entry by Bill of Sight for the Packages or Parcels of such Goods, by the best Description which can be given, and to grant a Warrant thereupon, in order that the same may be provisionally landed, and may be seen and examined by such Importer in Presence of the proper Officers; and within Three Days after any Goods shall have been so landed the Importer shall make a full or perfect Entry thereof, and shall either pay down all Duties which shall be due and payable upon such Goods, or shall duly warehouse the same, according to the Purport of the full or perfect Entry or Entries so made for such Goods, or for the several Parts or Sorts thereof: Provided always, that if, when full or perfect Entry be at any Time made for any Goods provisionally landed as aforesaid by Bill of Sight, such Entry shall not be made in manner herein required for the due landing of Goods, such Goods shall be deemed to be Goods landed without due Entry thereof, and shall be subject to the like Forfeiture accordingly.

Bill of Sight, if Goods be not known.

Importer to examine, and make perfect Entry in Three Days;

XXV. And be it enacted, That in default of perfect Entry within such Three Days such Goods shall be taken to the Queen's Warehouse by the Officers of the Customs; and if the Importer shall not within One Month after such landing make perfect Entry or Entries of such Goods, and pay the Duties thereon, or on such Parts as can be entered for Home Use, together with the Charges of Removal and of Warehouse Rent, such Goods shall be sold for the Payment of such Duties (or for Exportation, if they be such as cannot be entered for Home Use, or shall not be worth the Duties and Charges,) and for the Payment of such Charges, and the Overplus, if any, shall be paid to the Importer or Proprietor thereof.

or Goods to be taken to Queen's Warehouse; and in One Month may be sold.

XXVI. And be it enacted, That in all Cases where an Entry for landing or examining Goods for Duty shall be made by Bill of Sight the Importer or his Agent shall, before the same be granted, deposit with the proper Officer of the Customs a Sum of Money sufficient in Amount to cover the Duties payable on the Goods intended to be landed by such Bill of Sight, and shall make and subscribe a Declaration that he has not any Reason to believe that the Duties on the Goods will amount to more than the Sum deposited.

Where Goods are entered by Bill of Sight a Deposit equal in Amount to the Duties is to be made.

XXVII. And be it enacted, That if the Sum deposited on a Bill of Sight shall not be equal in Amount to the Duties payable upon all the Goods contained in any single Package landed or examined thereby, no Part shall be delivered until a perfect Entry or Entries is or are made for the whole of the Goods contained in such Package.

No Part of Goods to be delivered without perfect Entry in certain Cases.

XXVIII. And be it enacted, That before any Goods in respect of which a Bill of Sight has been granted shall be delivered out of the Custody of the proper Officer of the Customs, the Importer or his Agent shall endorse upon the Bill of Sight granted for landing or examining the same, a particular Account thereof, to which he shall affix his Signature and Place of Abode, with the Date of making such Endorsement; and such Endorsement upon the Bill of Sight shall, upon being duly signed by the Collector and Comptroller, become the perfect Entry for such Goods: Provided always, that nothing herein contained shall alter or affect any other of the Regulations required by Law in respect of Bills of Entry.

Importer or Agent to endorse the Bill of Sight with Particulars of the Goods, and sign the same.

XXIX. And be it enacted, That where any Package or Parcel shall have been landed by Bill of Sight, and any Goods or other Things shall be found in such Package or Parcel concealed in any way, or packed with Intent to deceive the Officers of Her Majesty's Customs, as well all such Goods and other Things as the Package or Parcel in which they are found, and all other Things contained in such Package or Parcel, shall be forfeited.

Goods landed by Bill of Sight fraudulently concealed to be forfeited.

XXX. And be it enacted, That if any Goods which are rated to pay Duty according to the Number, Measure, or Weight thereof, (except certain Goods herein-after mentioned,) shall receive Damage during the Voyage, an Abatement of such Duties shall be allowed in proportion to the Damage so received, provided Proof be made to the Satisfaction of the Commissioners of Her Majesty's Customs, or of any Officers of Customs acting therein under their Directions, that such Damage was received after the Goods were shipped abroad in the Ship importing the same, and before they were landed in the United Kingdom, and provided Claim to such Abatement of Duties be made at the Time of the first Examination of such Goods.

If Goods damaged on Voyage, an Abatement of Duties to be allowed.

When Claim to be made.

XXXI. And be it enacted, That the Officers of the Customs shall thereupon examine such Goods with reference to such Damage, and may state the Proportion of Damage which in their Opinion such Goods have so received, and may make a proportionate Abatement of Duties; but if the Officers of Customs be incompetent to estimate such Damage, or if the Importer be not satisfied with the Abatement made by them, the Collector and Comptroller shall choose Two indifferent Merchants experienced in the Nature and Value of such Goods, who shall examine the same, and shall make and subscribe a Declaration, stating in what Proportion, according to their Judgment, such Goods are lessened in their Value by reason of such Damage, and thereupon the Officers of Customs may make an Abatement of the Duties according to the Proportion of Damage so declared by such Merchants.

Officers to examine Damage, and state Proportion, or choose Two Merchants to assess Damage.

XXXII. Pro-

No Abatement for certain Goods.

XXXII. Provided always, and be it enacted, That no Abatement of Duties shall be made on account of any Damage received by any of the Sorts of Goods herein-after enumerated; (that is to say,)

Cantharides,	Opium,
Cocoa,	Oranges,
Coculus Indicus,	Pepper,
Coffee,	Raisins,
Currants,	Rhubarb,
Figs,	Sarsaparilla,
Guinea Grains,	Senna,
Ipecacuanha,	Sugar,
Jalap,	Tea,
Lemons,	Tobacco,
Nux Vomica,	Wine.

Returned Goods; entered by Bill of Store, if Property be not changed; if Foreign Goods, Duties to be paid again; or Goods may be warehoused. Certain Goods may not be returned for Home Use.

XXXIII. And be it enacted, That it shall be lawful to re-import into the United Kingdom from any Place, in a Ship of any Country, any Goods (except as herein-after excepted) which shall have been legally exported from the United Kingdom, and to enter the same by Bill of Store, referring to the Entry Outwards, and Exportation thereof, provided the Property in such Goods continue in the Person by whom or on whose Account the same have been exported, and that such Re-importation take place within Six Years from the Date of the Exportation; and if the Goods so returned be Foreign Goods, which had before been legally imported into the United Kingdom, the same Duties shall be payable thereon as would at the Time of such Re-importation be payable on the like Goods under the same Circumstances of Importation as those under which such Goods had been originally imported, or such Goods may be warehoused as the like Goods might be warehoused upon a first Importation thereof: Provided always, that the several Sorts of Goods enumerated or described in the Table following shall not be re-imported into the United Kingdom for Home Use upon the ground that the same had been legally exported from thence, but that the same shall be deemed to be Foreign Goods, whether originally such or not, and shall also be deemed to be imported for the first Time into the United Kingdom; (that is to say,)

TABLE of GOODS above referred to.

Corn, Grain, Meal, Flour, and Malt:

Hops, Tea:

Goods for which any Bounty or any Drawback of Excise had been received on Exportation, unless by special Permission of the Commissioners of Her Majesty's Customs, and on Repayment of such Bounty or such Drawback:

All Goods for which Bill of Store cannot be issued in manner herein-after directed, except small Remnants of *British* Goods by special Permission of the Commissioners of Her Majesty's Customs, upon Proof to their Satisfaction that the same are *British*, and had not been sold:

Returned Tobacco.

Provided also, that Tobacco re-imported by Bill of Store shall be subject to all the Restrictions imposed by Law upon Tobacco imported into the United Kingdom, and shall be liable to Forfeiture if imported contrary to such Restrictions.

Bill of Store may be issued by Searcher.

XXXIV. And be it enacted, That the Person in whose Name any Goods so re-imported were entered for Exportation shall deliver to the Searcher at the Port of Exportation an exact Account, signed by him, of the Particulars of such Goods, referring to the Entry and Clearance Outwards and to the Return Inwards of the same, with the Marks and Number of the Packages, both Inwards and Outwards; and thereupon the Searcher, finding that such Goods had been legally exported, shall grant a Bill of Store for the same; and if the Person in whose Name such Goods were entered for Exportation was not the Proprietor thereof, but his Agent, he shall declare on such Bill of Store the Name of the Person by whom he was employed as such Agent; and if the Person to whom such returned Goods are consigned shall not be such Proprietor and Exporter, he shall make and subscribe a Declaration on such Bill of Store of the Name of the Person for whose Use such Goods have been consigned to him; and the real Proprietor, ascertained to be such, shall make and subscribe a Declaration upon such Bill of Store, to the Identity of the Goods so exported and so returned, and that he was at the Time of Exportation and of Re-importation the Proprietor of such Goods, and that the same had not during such Time been sold or disposed of to any other Person; and such Declaration shall be made before the Collectors or Comptrollers at the Ports of Exportation and of Importation respectively; and thereupon the Collector or Comptroller shall admit such Goods to Entry by Bill of Store, and grant their Warrant accordingly: Provided always, that where the real Proprietor of any such Goods shall be absent from the United Kingdom at the Time of such Re-importation, such Goods, if legally entitled to be entered by Bill of Store shall be permitted to be so entered upon Production of a Declaration subscribed by such real Proprietor, setting forth the Identity of the Goods so exported and so returned, and that he was at the Time of Exportation from the United Kingdom, and will be at the Time of Re-importation thereinto, the Proprietor of such Goods, and that the same have not during such Time been sold or disposed of to any other Person, such Declaration to be made before a *British* Consul, Vice Consul, or other *British* Authority residing in or near the Place of Residence of such real Proprietor, and upon such further Proof of the Identity of the Goods as the Commissioners of Customs shall require, and upon Compliance with all the other Regulations required by Law on the Entry of Goods by Bill of Store.

Agent to declare Name of his Employer. Consignee to declare who is Proprietor. Proprietor to declare to Identity, &c.; then Entry, &c. to be granted. Goods, the Property of Persons resident abroad, may be entered by Bill of Store, if Property not changed.

XXXV. And

Surplus Stores subject as Goods;

XXXV. And be it enacted, That the surplus Stores of every Ship arriving from Parts beyond the Seas in the United Kingdom or in the *Isle of Man* shall be subject to the same Duties, and the same Prohibitions, Restrictions, and Regulations as the like Sorts of Goods shall be subject to when imported by way of Merchandize; but if it shall appear to the Collector and Comptroller that the Quantity or Description of such Stores is not excessive or unsuitable, under all the Circumstances of the Voyage, it shall be lawful for them to permit such surplus Stores to be entered for the private Use of the Master, Purser, or Owner of such Ship, or of any Passenger of such Ship to whom any such surplus Stores may belong, on Payment of the proper Duties, or to be warehoused for the future Use of such Ship, although the same could not be legally imported by way of Merchandize.

if not excessive, may be entered for private Use, or be warehoused for the Use of the Ship.

Goods from Possessions abroad.

XXXVI. And be it enacted, That no Goods shall be entered as being of or from any *British* Possessions abroad (if any Benefit attach to such Distinction), except the Territories subject to the Government of the Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, and *Bombay* respectively, unless the Master of the Ship importing the same shall have delivered to the Collector or Comptroller a Certificate, under the Hand of the proper Officer of the Place where such Goods were taken on board, of the due Clearance of such Ship from thence, containing an Account of such Goods.

Master to deliver Certificate.

Power to the Lords of the Treasury to require Certificates of Production.

XXXVII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury or any Three or more of them, by any Order under their Hands, to declare that a Certificate of Production shall be required upon the Exportation of any Goods from any *British* Possession abroad or other Place, or upon the Importation of such Goods into the United Kingdom, and to frame such Regulations respecting such Certificates as they may think fit; and if any Goods in respect of which such a Certificate shall have been so required, or in respect of which a Certificate of Production, or any such Certificate of Clearance as aforesaid, shall be required by any Law for the Time being in force, shall be imported into the United Kingdom without such Certificates respectively, the same shall be deemed and taken to be of Foreign Growth, Produce, or Manufacture; and all Goods so deemed and taken to be of Foreign Growth, Produce, or Manufacture, and all other Goods whatsoever of the Growth, Produce, or Manufacture of Foreign Countries, which shall henceforth be imported into the United Kingdom from any *British* Possession abroad, shall be deemed and taken, so far as respects Liability to Duties, to have been imported from a Foreign Country: Provided always, that all Orders of the Commissioners of Her Majesty's Treasury made in pursuance hereof shall be duly published in the *London* and *Dublin* Gazettes Three Times at least within Three Months from the Date of such Orders respectively.

Goods imported without required Certificates deemed Foreign; and Foreign Goods imported from a British Possession deemed to be imported from a Foreign Country.

Certificate of Growth of Sugar, Coffee, Cocoa, and Spirits.

XXXVIII. And be it enacted, That before any Sugar, Coffee, Cocoa, or Spirits shall be entered as being of the Produce of some *British* Possession in *America*, or the Island of *Mauritius*, the Master of the Ship importing the same shall deliver to the Collector or Comptroller a Certificate, under the Hand of the proper Officer of the Place where such Goods were taken on board, testifying that Proof had been made in manner required by Law that such Goods are of the Produce of some *British* Possession in *America* or of the Island of *Mauritius*, stating the Name of the Place where such Goods were produced, and the Quantity and Quality of the Goods, and the Number and Denomination of the Packages containing the same, and the Name of the Ship in which they are laden, and of the Master thereof; and such Master shall also make and subscribe a Declaration before the Collector or Comptroller, that such Certificate was received by him at the Place where such Goods were taken on board and that the Goods so imported are the same as are mentioned therein.

Master to declare to Certificate.

Certificate of Sugar from Limits of East India Company's Charter.

XXXIX. And be it enacted, That before any Sugar shall be entered as being the Produce of any *British* Possession within the Limits of the *East India* Company's Charter the Master of the Ship importing the same shall deliver to the Collector or Comptroller a Certificate under the Hand and Seal of the proper Officer at the Place where such Sugar was taken on board, testifying that a Declaration in Writing, the Contents of which he believed to be true, had been made and signed before him by the Shipper of such Sugar, that the same was really and *bonâ fide* the Produce of such *British* Possession; and such Master shall also make and subscribe a Declaration before the Collector or Comptroller, that such Certificate was received by him at the Place where such Sugar was taken on board, and that the Sugar so imported is the same as is mentioned therein.

Master to declare to Certificate.

East India Sugar warehoused at the Cape of Good Hope, and imported from thence.

XL. And be it enacted, That if any Sugar the Produce of any *British* Possession within the Limits of the *East India* Company's Charter shall have been imported into the *Cape of Good Hope* from the Place of its Production, accompanied by such a Certificate of Origin as would be sufficient for its Admission in the United Kingdom at the Rate of Duty payable upon such Sugar if imported direct from the Place of its Production, and shall have been warehoused at the *Cape of Good Hope* under the Regulations there in force for the warehousing of Goods, and shall have been exported from such Warehouse accompanied by a Certificate from the proper Officer of the Customs at the *Cape of Good Hope*, setting forth the Particulars of the Importation, and of the warehousing, and of the Exportation of the same, and also setting forth the Substance of the Certificate of Origin before mentioned, and if on the Arrival in the United Kingdom of the Ship importing such Sugar the Master of such Ship shall deliver to the Collector or Comptroller at the Port of Importation such Certificate from the Officer of the Customs at the *Cape of Good Hope*, and shall make and subscribe a Declaration before such Collector or Comptroller that such Certificate was received by him at the *Cape of Good Hope*, and that the Sugar so imported is the same as is mentioned therein, then such Sugar shall be admitted at such Port of Importation in the United Kingdom at the same Rate of Duty as would be payable if the same had been imported direct from the Place of its Production.

Certificate of Wine, Produce of Cape of Good Hope;

XLI. And be it enacted, That before any Wine shall be entered as being the Produce of the *Cape of Good Hope* the Master of the Ship importing the same shall deliver to the Collector or Comptroller a Certificate under the Hand of the proper Officer at the *Cape of Good Hope*, testifying that Proof had been made in manner required by Law that such Wine is of the Produce of the *Cape of Good Hope* or the Dependencies thereof, stating the Quantity and Sort of such Wine, and the Number and Denomination of the Packages containing the same; and such Master shall also make and subscribe a Declaration before the Collector or Comptroller, that such Certificate was received by him at the *Cape of Good Hope*, and that the Wine so imported is the same as is mentioned therein.

Master to declare to Certificate.

Goods of Guernsey, Jersey, &c.

Duty-free;

with Exceptions.

XLII. And be it enacted, That any Goods of the Growth of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, and any Goods manufactured in the said Islands from Materials of the Growth of the said Islands, or from Materials not subject to Duty in the United Kingdom, or from Materials upon which the Duty has been paid in the United Kingdom, and upon which no Drawback has subsequently been granted, and any Manufactures of Linen or Cotton made in and imported from the *Isle of Man*, may be imported into the United Kingdom from the said Islands respectively, without Payment of any Duty; and that such Goods shall not be deemed to be included in any Charge of Duties imposed by any Act hereafter to be made on the Importation of Goods generally from Parts beyond the Seas: Provided always, that such Goods may nevertheless be charged with any Proportion of such Duties as shall fairly countervail any Duties of Excise, or any Coast Duty, payable on the like Goods the Produce of the Part of the United Kingdom into which they shall be imported, or payable upon any of the Materials from which such Goods are manufactured; provided also, that all Goods manufactured in any of the said Islands from any other Materials than the Materials aforesaid, except Manufactures of Linen and Cotton made in and imported from the *Isle of Man* as aforesaid, shall be deemed and taken to be Foreign Goods.

Master to deliver Certificate of Produce, and declare to Certificate.

XLIII. And be it enacted, That before any Goods shall be entered as being the Produce of the said Islands (if any Benefit attach to such Distinction) the Master of the Ship or Vessel importing the same shall deliver to the Collector or Comptroller a Certificate from the Governor, Lieutenant Governor, or Commander in Chief of the Island from whence such Goods were imported, that Proof had been made, in manner required by Law, that such Goods were of the Produce of such Island, stating the Quantity and Quality of the Goods, and the Number and Denomination of the Packages containing the same; and such Master shall also make and subscribe a Declaration before the Collector or Comptroller, that such Certificate was received by him at the Place where such Goods were taken on board, and that the Goods so imported are the same as are mentioned therein.

Treasury may permit Produce of Colonial Fisheries to be imported from Guernsey.

XLIV. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, when and so long as they shall see fit, to permit any Goods the Produce of the *British* Possessions or Fisheries in *North America*, which shall have been legally imported into the Islands of *Guernsey* or *Jersey* direct from such Possessions, to be imported into the United Kingdom for Home Use direct from those Islands, under such Regulations as the said Commissioners shall direct, any thing in the Law of Navigation to the contrary notwithstanding.

Vessels with Stone from Guernsey, &c. not to be piloted.

XLV. And be it enacted, That no Vessel arriving on the Coast of *England* from *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, wholly laden with Stone, the Production thereof, shall be liable to be conducted or piloted by Pilots appointed and licensed by the Corporation of the Trinity House of *Deptford Strond*, any Law, Custom, or Usage to the contrary notwithstanding.

Fish, British taking and curing, and Lobsters, free of Duty on Importation.

Declaration of Master.

XLVI. And be it enacted, That fresh Fish of every Kind, of *British* taking and imported in *British* Ships, and fresh Lobsters, however taken or in whatever Ship imported, and cured Fish of every Kind, of *British* taking and curing, imported in *British* Ships, shall be imported free of all Duties, and shall not be deemed to be included in any Charge of Duty imposed by any Act hereafter to be made on the Importation of Goods generally: Provided always, that before any cured Fish shall be entered free of Duty, as being of such taking and curing, the Master of the Ship importing the same shall make and subscribe a Declaration before the Collector or Comptroller that such Fish was actually caught and taken in *British* Ships, and cured by the Crews of such Ships, or by Her Majesty's Subjects.

Certificate of Blubber, Train Oil, &c. British Colonial taking.

Declaration of Master and Importer.

XLVII. And be it enacted, That before any Blubber, Train Oil, Spermaceti Oil, Head Matter, or Whale Fins shall be entered as being the Produce of Fish or Creatures living in the Sea, taken and caught wholly by Her Majesty's Subjects usually residing in some Part of Her Majesty's Dominions, and imported from some *British* Possession, the Master of the Ship importing the same shall deliver to the Collector or Comptroller a Certificate under the Hand of the proper Officer of such *British* Possession where such Goods were taken on board, (or if no such Officer be residing there, then a Certificate under the Hands of Two principal Inhabitants at the Place of Shipment,) notifying that a Declaration had been made before him or them by the Shipper of such Goods, that the same were the Produce of Fish or Creatures living in the Sea taken wholly by *British* Vessels owned and navigated according to Law; and such Master shall also make and subscribe a Declaration before the Collector or Comptroller that such Certificate was received by him at the Place where such Goods were taken on board, and that the Goods so imported are the same as mentioned therein; and the Importer of such Goods shall also make and subscribe a Declaration before the Collector or Comptroller, at the Time of Entry, that to the best of his Knowledge and Belief the same were the Produce of Fish or Creatures living in the Sea taken wholly by *British* Vessels in manner aforesaid.

Before Entry of Blubber, &c. of British fishing Master and

XLVIII. And be it enacted, That before any Blubber, Train Oil, Spermaceti Oil, Head Matter, or Whale Fins, imported direct from the Fishery shall be entered as being the Produce of Fish or Creatures living in the Sea taken and caught wholly by the Crews of *British* Ships cleared out from the United Kingdom,

Kingdom, or from any *British* Possession, the Master of such Ship importing such Goods shall make and subscribe a Declaration, and the Importer of such Goods (to the best of his Knowledge and Belief) shall make and subscribe a Declaration, that the same are the Produce of Fish or Creatures living in the Sea taken and caught wholly by the Crew of such Ship, or by the Crew of some other *British* Ship (naming the Ship) cleared out from the United Kingdom or from any *British* Possession (stating which of such Possessions).

Importer to make Declaration of the same.

XLIX. And be it enacted, That no Goods shall be deemed to be imported from any particular Place unless they be imported direct from such Place, and shall have been there laden on board the importing Ship, either as the first Shipment of such Goods, or after the same shall have been actually landed at such Place.

Importation direct.

L. And be it enacted, That all Goods, Wares, and Merchandize the Property of the Crown shall, in case of the Sale thereof after Importation into the United Kingdom, be liable to and be charged with such and the same Duties of Customs as may be by Law payable or charged on the like Goods, Wares, and Merchandize not being the Property of the Crown.

Certain Crown Goods liable to Duty.

LI. And be it enacted, That all Foreign Goods, derelict, jetsam, flotsam, and wreck, brought or coming into the United Kingdom or into the *Isle of Man*, and all Droits of Admiralty sold in the United Kingdom, shall at all Times be subject to the same Duties as Goods of the like Kind imported into the United Kingdom or the *Isle of Man* respectively are subject to: Provided always, that if, for ascertaining the proper Amount of Duty so payable, any Question shall arise as to the Origin of any such Goods, the same shall be deemed to be of the Growth, Produce, or Manufacture of such Country or Place as the Commissioners of Her Majesty's Customs shall, upon Investigation by them, determine.

Foreign Goods derelict, &c. and Droits of Admiralty, to be subject to same Duties as on Importation.

LII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs, or for the Officers of Customs acting under their Directions, to inquire into and receive Proof of the Extent to which any such Goods may have been damaged, and to make such Abatement of the Duties payable thereon as to them shall appear to bear a just Proportion to the Damage so ascertained: Provided always, that no such Abatement shall be made in respect of any of the Goods following; (that is to say,)

An Abatement of Duty to be made in respect of certain wrecked Goods damaged; but no such Abatement to be made in respect of the Goods herein stated.

Cantharides,	Oranges,
Cocoa,	Pepper,
Coculus Indicus,	Raisins,
Coffee,	Rhubarb,
Currants,	Sarsaparilla,
Figs,	Senna,
Guinea Grains,	Spirits,
Ipecacuanha,	Sugar,
Jalap,	Tea,
Lemons,	Tobacco, and
Nux Vomica,	Wine.
Opium,	

LIII. And be it enacted, That if any Person shall have Possession of any Foreign Goods, derelict, jetsam, flotsam, or wreck, either on Land or within any Port in the United Kingdom, and shall not give Notice thereof to the proper Officer of the Customs within Twenty-four Hours after such Possession, or shall not on demand pay the Duties due thereon, or deliver the same into the Custody of the proper Officer of the Customs, such Person shall forfeit the Sum of One hundred Pounds; and if any Person shall remove or alter in Quantity or Quality any such Goods, or shall open or alter any Package containing any such Goods, or shall cause any such Act to be done, or assist therein, before such Goods shall be deposited in a Warehouse in the Custody of an Officer of the Customs, every such Person shall forfeit the Sum of One hundred Pounds; and in default of the Payment of the Duties on such Goods within Eighteen Months from the Time when the same were so deposited, the same may be sold in like Manner and for the like Purposes as Goods imported may in such Default be sold: Provided always, that any Lord of the Manor having by Law just Claim to such Goods, or if there be no such Lord of the Manor, then the Person having Possession of the same, shall be at liberty to retain the same in his own Custody, giving Bond, with Two sufficient Sureties, to be approved by the proper Officer of the Customs, in Treble the Value of such Goods, for the Payment of the Duties thereon at the End of One Year and One Day, or to deliver such Goods to the proper Officer of the Customs in the same State and Condition as the same were in at the Time of taking possession thereof.

Persons having such Goods in possession, without Notice, &c. liable to a Penalty of 100*l.*

Lord of Manor or Salvor may retain such Goods on giving Bond for Payment of Duties.

LIV. 'And whereas such Goods, if not claimed by the Owner within the Period limited by Law, 'belong of right to Her Majesty in Her Office of Admiralty, but by reason of the Smallness of their 'Value would, if prosecuted to Condemnation in the High Court of Admiralty in *England* and *Ireland* 'respectively, be wholly unproductive;' be it therefore enacted, That whenever any such Goods, whether picked up at Sea or on the Shore within the Flow of the Sea, shall be reported to the Officers of the Customs, Notice thereof shall be forthwith given by them, if in *Great Britain* or the *Isle of Man*, to the Receiver General of Droits of Admiralty, and if in *Ireland* to the Queen's Proctor of Admiralty; and all such Goods shall be placed at their Disposal respectively, as the Case may be, subject, however to the Payment of the Duties with which they shall be respectively chargeable; and in case the rightful Owner thereof shall prove his Claim thereto to the Satisfaction of the said Receiver General or Queen's Proctor, as the Case may be, within the Period of Twelve Calendar Months from the Day on which they shall be so reported, such Goods shall be restored to the Owner, on Payment of the Duties and necessary Charges

Goods reported to Customs as jetsam, &c., and not claimed within Twelve Months, to be deemed condemned as Droits of Admiralty.

In case of satisfactory Claim.

INWARDS.
Entry.

attending the Care of the same, and a reasonable Compensation to the Amount of One Third of the net Value (after abating the Duties and Charges aforesaid) to the Salvors thereof; but if no such Claim shall be established within the Period aforesaid, then such Goods shall be deemed and taken to be condemned to Her Majesty as Droits of Admiralty, and may be sold by the said Receiver General or Queen's Proctor, without any Process from the High Courts of Admiralty respectively, and the net Proceeds thereof, after Payment of Duties, Salvage, and other Charges as aforesaid, shall be disposed of by them respectively, and carried to the Credit of the Consolidated Fund, in like Manner as Droits of Admiralty are by an Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth, for the Support of His Majesty's Household, and the Honour and Dignity of the Crown, directed to be applied, any thing in any Act or Acts contained, or any Law, Statute, or Usage, to the contrary thereof notwithstanding.

Goods under Excise Permit Regulations.

LV. 'And whereas it may be expedient to subject some Sorts of Goods imported into the United 'Kingdom to certain internal Regulations and Restraints after the full Duties of Customs have been paid 'thereon, and to place such Regulations and Restraints under the Management of the Commissioners of 'Excise;' be it therefore enacted, That no Goods which are subject to any Regulations of Excise shall be taken or delivered out of the Charge of the Officers of Customs (although the same may have been duly entered with them, and the full Duties due thereon may have been paid,) until such Goods shall also have been duly entered with the Officers of Excise, and Permit, where such Permit is by Law required, granted by them for Delivery of the same, nor unless such Permit shall correspond in all Particulars with the Warrant of the Officers of the Customs: Provided always, that such Entry shall not be received by the Officers of the Excise, nor such Permit granted by them, until a Certificate shall have been produced to them of the Particulars of the Goods, and of the Warrant for the same, under the Hand of the Officers of the Customs who shall have the Charge of the Goods: Provided also, that if upon any Occasion it shall appear necessary it shall be lawful for the proper Officers of Excise to attend the Delivery of such Goods by the Officers of the Customs, and to require that such Goods shall be delivered only in their Presence; and it shall be lawful for such Officers of Excise to count, measure, gauge, or weigh any such Goods, and fully to examine the same, and to proceed in all respects relating to such Goods in such Manner as they shall be authorized or required by any Act for the Time being in force relating to the Excise.

Officers of Excise may attend Delivery.

Commissioners of Customs may direct certain Goods to be stamped.

LVI. 'And whereas by the Laws now in force certain Articles subject to an Inland Duty of Excise 'are required to be stamped, to denote the Payment of such Duty; and to prevent Fraud in the Evasion 'of such Duty it is expedient that Foreign Articles of a similar Description, when imported into the 'United Kingdom, should be stamped with such Mark or Stamp as the Commissioners of Her Majesty's 'Customs may deem necessary, in order to distinguish the Foreign from the *British* Article;' be it therefore enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized, after any Goods have been entered at the Custom House, and before the same shall be discharged by the Officers, and delivered into the Custody of the Importer or his Agent, to mark or stamp such Goods in such Manner and Form as they may deem fit and proper for the Security of the Revenue, and by such Officer as they shall direct and appoint for that Purpose.

Orders for stamping Goods to be published.

LVII. And be it enacted, That every Order made by the said Commissioners of Her Majesty's Customs in respect of marking or stamping any Goods shall be published in the *London Gazette* and *Dublin Gazette*.

Penalty on forging such Stamps, 200*l*.

LVIII. And be it enacted, That if any Person or Persons shall at any Time forge or counterfeit any Mark or Stamp to resemble any Mark or Stamp which shall be provided and used for the Purposes of this Act, or shall forge or counterfeit the Impression of any such Mark or Stamp, or shall sell or expose to Sale, or have in his, her, or their Custody or Possession, any Goods with a counterfeit Mark or Stamp, knowing the same to be counterfeit, or shall use or affix any such Mark or Stamp to any other Goods required to be stamped as aforesaid other than that to which the same was originally affixed, all and every such Offender or Offenders, and his, her, or their Aiders, Abettors, and Assistants, shall for every such Offence forfeit and pay the Sum of Two hundred Pounds.

Times and Places for landing Goods.

LIX. And be it enacted, That no Goods whatever (except Diamonds, Bullion, fresh Fish of *British* taking and imported in *British* Ships, and Lobsters,) shall be unshipped from any Ship arriving from Parts beyond the Seas, or landed or put on shore, but only on Days not being *Sundays* or Holidays, and in the Daytime, (that is to say,) from the First Day of *September* until the last Day of *March* between Sun-rising and Sun-setting, and from the last Day of *March* to the First Day of *September* between the Hours of Seven of the Clock in the Morning and Four of the Clock in the Afternoon; nor shall any Goods, except as aforesaid, be so unshipped or landed unless in the Presence or with the Authority of the proper Officer of the Customs; and such Goods, except as aforesaid, shall be landed at one of the legal Quays appointed for the landing of Goods, or at some Wharf, Quay, or Place, appointed by the Commissioners of Her Majesty's Customs for the landing of Goods by Sufferance; and that no Goods, except as aforesaid, after having been unshipped, shall be transhipped, or after having been put into any Boat or Craft to be landed shall be removed into any other Boat or Craft previously to their being duly landed, without the Permission or Authority of the proper Officer of the Customs.

Goods to be unshipped, &c. at the Expence of Importer.

LX. And be it enacted, That the unshipping, carrying, and landing of all Goods, and the bringing of the same to the proper Place after landing, for Examination or for weighing, and the putting the same into the Scales, and the taking of the same out of and from the Scales after weighing, shall be performed by or at the Expence of the Importer.

LXI. And

Foreign Fish to be landed and entered under Directions of Commissioners of Customs.

LXI. And be it enacted, That the Times, Places, and Manner of landing Foreign Fish imported into the United Kingdom, and of reporting and entering the same, and of paying the Duties due thereon, shall be subject to such Regulations and Directions as the Commissioners of Her Majesty's Customs shall from Time to Time make respecting the same; and that all Foreign Fish unladen from any Vessel contrary to any such Regulations and Directions shall be forfeited.

Timber to be piled at the Expence of the Importer, so as to enable the Officer of Customs to measure it.

LXII. And be it enacted, That the Importer or Person entering Timber or Wood to be charged with Duty by Measurement shall, at his Expence, sort, pile, frame, or otherwise place the same in such Manner as the Commissioners of Her Majesty's Customs may deem necessary to enable the Officers to measure and take a true and correct Account thereof; and that in all such Cases, when the same is measured in Bulk, the Measurement shall be taken to the full Extent of the Pile, and that no Allowance shall be made by the Officers on account of the Interstices arising out of such Process of sorting, piling, framing, or placing: Provided always, that all Battens, Boards, Deals, and Planks exceeding Twenty-one Feet in Length may be measured by the Piece, and the Account thereof taken separately.

Prohibitions and Restrictions.

Prohibitions and Restrictions, absolute or modified.

LXIII. And be it enacted, That the several Sorts of Goods enumerated or described in the Table following, denominated "A Table of Prohibitions and Restrictions Inwards," shall either be absolutely prohibited to be imported into the United Kingdom, or shall be imported only under the Restrictions mentioned in such Table, according as the several Sorts of such Goods are respectively set forth therein; (that is to say,)

A TABLE OF PROHIBITIONS AND RESTRICTIONS INWARDS.

A List of Goods absolutely prohibited to be imported.

Arms, Ammunition, and Utensils of War, by way of Merchandize, except by Licence from Her Majesty, for furnishing Her Majesty's public Stores only.

Articles of Foreign Manufacture, and any Packages of such Articles, bearing any Names, Brands, or Marks purporting to be the Names, Brands, or Marks of Manufacturers resident in the United Kingdom.

Books, wherein the Copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other Country, as to which the Proprietor of such Copyright or his Agent shall have given to the Commissioners of Customs a Notice in Writing that such Copyright subsists, such Notice also stating when such Copyright will expire.

Paper printed on in the *English* Language.

Clocks and Watches of any Metal, impressed with any Mark or Stamp appearing to be or to represent any legal *British* Assay Mark or Stamp, or purporting by any Mark or Appearance to be of the Manufacture of the United Kingdom, not having the Name and Place of Abode of some Foreign Maker abroad visible and permanently engraved on the Frame and also on the Face, or not being in a complete State, with all the Parts properly fixed in the Case.

Coin; *viz.*

—— False Money or counterfeit Sterling.

—— Silver, of the Realm, or any Money purporting to be such, not being of the established Standard in Weight or Fineness.

Goods from the *Isle of Man*, except such as be of the Growth, Produce, or Manufacture thereof, or of the United Kingdom, and except Corn, Grain, Meal, or Flour.

Gunpowder, except by Licence from Her Majesty, such Licence to be granted for furnishing Her Majesty's Stores only.

Malt.

Snuff-work.

Spirits from the *Isle of Man.*

Tobacco Stalks stripped from the Leaf, whether manufactured or not.

Tobacco Stalk Flour.

List of Goods subject to certain Restrictions on Importation.

Fish of Foreign taking, and all Train Oil, Blubber, Spermaceti Oil, Head Matter, Skins, Bones, and Fins, the Produce of Fish or Creatures living in the Sea, except Anchovies, Eels, Turbots, and Lobsters, unless in Vessels which shall have been cleared out regularly with such Fish on board from some Foreign Port.

Goods of Places within the Limits of the *East India* Company's Charter, unless into Ports approved of by the Lords of the Treasury, and declared by Order in Council to be fit and proper for such Importation.

Gloves of Leather, unless in Ships of Sixty Tons Burden or upwards, and in Packages each containing One hundred Dozen Pairs of such Gloves at least.

Hides, Skins, Horns, or Hoofs, or any other Part of Cattle or Beast, Her Majesty may by Order in Council prohibit, in order to prevent any contagious Distemper.

Parts of Articles; *viz.*

—— Any distinct or separate Part of any Article not accompanied by the other Part or all the other Parts of such Article, so as to be complete and perfect, if such Article be subject to Duty according to the Value thereof.

Silk;

INWARDS.

Prohibitions and Restrictions.

Silk; *viz.*

—— Manufactures of Silk, being the Manufactures of *Europe*, unless into the Ports of *London*, *Liverpool*, *Hull*, or *Southampton*, or Ports appointed by the Commissioners of Her Majesty's Treasury, or into the Port of *Dublin* direct from *Bourdeaux*, or into the Port of *Dover* direct from *Calais* or *Boulogne*, and unless in Ships of Sixty Tons Burden or upwards.

Spirits, not being perfumed or medicinal Spirits, unless in Ships of Sixty Tons Burden at least.

—— also unless in Casks or other Vessels capable of containing Liquids, each of such Casks or other Vessels being of the Size or Content of Twenty Gallons at the least, or in Glass Bottles or Stone Bottles not exceeding the Size of Quart Bottles, and being really Part of the Cargo of the Ship in which the same are imported, and included in the Manifest or other Papers enumerating or descriptive of the Cargo thereof.

Tea, unless from the *Cape of Good Hope*, or from Places Eastward of the same to the *Straits of Magellan*.

Tobacco and Snuff; *viz.*

—— unless in Ships of One hundred and twenty Tons Burden or upwards.

—— also unless in Hogsheads, Casks, Chests, or Cases containing Three hundred Pounds Weight of Tobacco or Snuff each at least, not being separated or divided in any Manner within the Cask or Package; except that Tobacco of the Dominions of the *Turkish* Empire may be packed in inward Bags or Packages, or separated or divided in any Manner, provided the outward Package be a Hogshead, Cask, Chest, or Case containing at least Three hundred Pounds net Weight of Tobacco.

—— Tobacco and Snuff from the *East Indies*, unless in Hogsheads, Casks, Chests, or Cases each of which shall contain at least One hundred Pounds net Weight of Tobacco or Snuff.

—— Cigars, unless in Packages containing One hundred Pounds Weight of Cigars at least.

—— Tobacco the Produce of *Mexico*, or the Produce of *South America* or the Islands of *Saint Domingo* or *Cuba*, imported direct from those Places respectively, or from the Warehouse in *Jamaica*, or some other *British* Possession in *America*, unless in Packages each containing at least Eighty Pounds net Weight of such Tobacco.

—— Negrohead Tobacco the Produce of and imported from the United States of *America* in Packages each containing at least One hundred and fifty Pounds net Weight of such Tobacco.

—— and unless into the Ports of *London*, *Liverpool*, *Bristol*, *Lancaster*, *Cowes*, *Falmouth*, *Whitehaven*, *Hull*, *Port Glasgow*, *Greenock*, *Glasgow*, *Aberdeen*, *Leith*, *Newcastle-upon-Tyne*, *Plymouth*, *Belfast*, *Cork*, *Drogheda*, *Dublin*, *Galway*, *Limerick*, *Londonderry*, *Newry*, *Sligo*, *Waterford*, and *Wexford*;

—— or into some other Port or Ports which may hereafter be appointed for such Purpose by the Commissioners of Her Majesty's Treasury; such Appointments in *Great Britain* being published in the *London Gazette*, and such Appointment in *Ireland* being published in the *Dublin Gazette*;

—— but any Ship wholly laden with Tobacco may come into the Ports of *Cowes* or *Falmouth* to wait for Orders, and there remain Fourteen Days, provided due Report of such Ship be made by the Master with the Collector or Comptroller of such Port.

Forfeiture.

And if any Goods shall be imported or brought into the United Kingdom contrary to any of the Prohibitions or Restrictions mentioned in such Table in respect of such Goods, the same shall be forfeited.

But Goods may be warehoused for Exportation only, although prohibited.

LXIV. Provided always, and be it enacted, That any Goods, of whatsoever Sort, may be imported into the United Kingdom to be warehoused under the Regulations of any Act in force for the Time being for the warehousing of Goods, without Payment of Duty at the Time of the first Entry thereof, or notwithstanding that such Goods may be prohibited to be imported into the United Kingdom to be used therein, except the several Sorts of Goods enumerated or described in manner following; (that is to say,)

Exceptions.

Goods prohibited on account of the Package in which they are contained, or the Tonnage of the Ship in which they are laden; Arms, Ammunition, or Utensils of War; Gunpowder; infected Hides, Horns, Hoofs, Skins, or any other Part of any Cattle or Beast; counterfeit Coin or Tokens; Books, wherein the Copyright will be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other Country, as to which the Proprietor of such Copyright or his Agent shall have given to the Commissioners of Her Majesty's Customs a Notice in Writing that such Copyright subsists, such Notice also stating when such Copyright will expire; Copies of Prints first engraved, etched, drawn, or designed in the United Kingdom; Copies of Casts of Sculptures or Models first made in the United Kingdom; Clocks or Watches, being such as are prohibited to be imported for Home Use.

Certain Goods to be entered to be warehoused for Exportation only.

LXV. And be it enacted, That if by reason of the Sort of any Goods, or of the Place from whence or the Country or Navigation of the Ship in which any Goods have been imported, they be such or be so imported as that they may not be used in the United Kingdom, they shall not be entered except to be warehoused, and it shall be declared upon the Entry of such Goods that they are entered to be warehoused for Exportation only.

OUTWARDS.

General Provision.

LVI. 'And whereas it is expedient that the Officers of Customs should have full Cognizance of all 'Ships departing from any Port or Place in the United Kingdom or in the *Isle of Man* for Parts beyond 'the Seas, and of all Goods taken out of the United Kingdom or out of the *Isle of Man*; and it is there-'fore necessary to make Regulations for the entering and clearing Outwards of all such Ships, and for 'the entering, clearing, and shipping of all such Goods;' be it therefore enacted, That no Goods shall be

Goods not to be shipped till Entry of Ship, &c.

shipped, or waterborne to be shipped, on board any Ship in any Port or Place in the United Kingdom

or

or in the *Isle of Man* to be carried to Parts beyond the Seas, before due Entry Outwards of such Ship and due Entry of such Goods shall have been made, and Cocket granted, nor before such Goods shall have been duly cleared for Shipment in manner herein-after directed; and that no Stores shall be shipped for the Use of any such Ship bound to Parts beyond the Seas, nor shall any Goods be deemed or admitted to be such Stores, except such as shall be borne upon the Victualling Bill duly granted for such Ship; and that no Goods shall be so shipped, or waterborne to be so shipped, except at such Times and Places, and in such Manner, and by such Persons, and under the Care of such Officers, as is and are herein-after directed; and all Goods and Stores which shall be shipped, or be waterborne to be shipped, contrary hereto, shall be forfeited.

nor till cleared; nor Stores without Victualling Bill. Times, Places, and Officers. Forfeiture.

LXVII. And be it enacted, That no Ship on board of which any Goods or Stores shall have been shipped in any Port in the United Kingdom or in the *Isle of Man* for Parts beyond the Seas shall depart from such Port until such Ship shall have been duly cleared Outwards for her intended Voyage in manner herein-after directed, under Forfeiture of the Sum of One hundred Pounds by the Master of such Ship.

Ships to be cleared, or Master to forfeit 100*l.*

LXVIII. And be it enacted, That the Master of every Ship which is to depart from any Port in the United Kingdom or in the *Isle of Man* for Parts beyond the Seas shall, upon due Application made by him, receive from the Searcher a Victualling Bill for the Shipment of such Stores as he shall require, and as shall be allowed by the Collector and Comptroller for the Use of such Ship, according to the Voyage upon which she is about to depart; and that no Articles taken on board any Ship shall be deemed to be Stores except such as shall be borne upon the Victualling Bill for the same.

Victualling Bill for Stores.

Ship's Entry.

LXIX. And be it enacted, That the Master of every Ship in which any Goods are to be exported from the United Kingdom or from the *Isle of Man* to Parts beyond the Seas shall, before any Goods be taken on board, deliver to the Collector or Comptroller a Certificate from the proper Officer of the Clearance Inwards or Coastwise of such Ship of her last Voyage, specifying what Goods, if any, have been reported Inwards for Exportation, and shall also deliver to the Collector or Comptroller an Account, signed by the Master or his Agent, of the Entry Outwards of such Ship for her intended Voyage, setting forth the Name and Tonnage of the Ship, the Name of the Place to which she belongs if a *British* Ship, or of the Country if a Foreign Ship, the Name of the Master, and the Name or Names of the Place or Places for which she is bound, if any Goods are to be shipped for the same, and the Name of the Place in such Port at which she is to take in her Lading for such Voyage; and if such Ship shall have commenced her Lading at some other Port, the Master shall state the Name of any Port at which any Goods have been laden, and shall produce a Certificate from the Searcher that the Cockets for such Goods have been delivered to him; and the Particulars of such Account shall be written and arranged in such Form and Manner as the Collector and Comptroller shall require; and such Account shall be the Entry Outwards of such Ship, and shall be entered in a Book to be kept by the Collector for the Information of all Parties interested; and if any Goods be taken on board any Ship before she shall have been entered Outwards, the Master shall forfeit the Sum of One hundred Pounds: Provided always, that where it shall become necessary to lade any heavy Goods on board any Ship before the whole of the Inward Cargo is discharged, it shall be lawful for the Collector and Comptroller to issue a Stiffning Order for that Purpose, previous to the Entry Outwards of the Ship.

Master to deliver Certificate of Clearance of last Voyage, and to make Entry Outwards. Particulars of Entry. Penalty. Stiffning Order.

Entry of Goods.

LXX. And be it enacted, That the Person entering Outwards any Goods to be exported to Parts beyond the Seas from any Port in the United Kingdom or in the *Isle of Man* shall deliver to the Collector or Comptroller a Bill of the Entry thereof, fairly written, or fairly written in part and fairly printed in part, in Words at Length, expressing the Name of the Ship and of the Master, and of the Place to which the Goods are to be exported, and of the Person in whose Name the Goods are to be entered, and the Quantities and proper Denominations or Descriptions of the several Sorts of Goods, and shall pay down any Duties which may be due upon the Exportation of any such Goods; and such Person shall also deliver at the same Time One or more Duplicates of such Bill, in which all Sums and Numbers may be expressed in Figures; and the Particulars to be contained in such Bill shall be arranged in such Form and Manner, and the Number of such Duplicates shall be such as the Collector and Comptroller shall require; and thereupon the Collector and Comptroller shall cause a Cocket to be written for such Goods, making it known that such Goods have been so entered; and every Cocket shall be signed by such Collector and Comptroller, and be delivered to the Person who shall have made such Entry, and such Person shall keep and be responsible for the proper Use of the same.

Bill of the Entry to be delivered. Particulars. Payment of Duties. Cocket to be granted. Who responsible for Cocket.

LXXI. And be it enacted, That if any Drawback or Bounty be allowable upon the Exportation of any such Goods, or any Duty be payable thereon, or any Exemption from Duty claimed, or if any such Goods be exportable only according to some particular Rule or Regulation, or under some Restriction or Condition, or for some particular Purpose or Destination, such Goods shall be entered and cleared for Shipment by such Denominations or Descriptions as are used, mentioned, or referred to in the granting of such Drawback or Bounty, or in the levying of such Duty, or granting such Exemption, or in the directing of such Rules, Regulations, Restrictions, Conditions, Purpose, or Destination.

Goods for Drawback or Bounty. Duty Goods. Goods under Restriction.

LXXII. And be it enacted, That the Person intending to enter Outwards any Foreign Goods for Drawback, at any other Port than that at which the Duties Inwards on such Goods had been paid, shall first deliver to the Collector or Comptroller of the Port where the Duties on such Goods were paid Two or more Bills, as the Case may require, of the Particulars of the Importation of such Goods, and of the Entry Outwards intended to be made; and thereupon the Collector and Comptroller finding such Bills to agree with the Entry Inwards, shall write off such Goods from the same, and shall issue a Certificate

Manner of Entry, for Drawback, or from Warehouse.

of

OUTWARDS.

Entry of Goods.

of such Entry, with such Particulars thereof as shall be necessary for the Computation of the Drawback allowable on such Goods, and setting forth in such Certificate the Destination of the Goods and the Person in whose Name they are to be entered for Exportation, and also the Name of such other Port; and such Certificate, together with Two or more Bills of the same, as the Case may require, in which all Sums and Numbers may be expressed in Figures, being delivered to the Collector or Comptroller of the Port from which the Goods are to be exported, shall be the Entry Outwards of such Goods; and such Collector and Comptroller shall thereupon cause a Cocket to be written and delivered for such Goods, in manner herein-before directed.

No Drawback on Tobacco not properly manufactured; and Penalty on Persons fraudulently attempting to obtain Drawback.

LXXIII. And be it enacted, That no Drawback shall be allowed on any Tobacco which shall not have been wholly manufactured from Tobacco on which the full Duty on Importation shall have been paid, nor on any Tobacco which shall be mixed with Dirt or Rubbish or any other Ingredients; and every Person who shall enter or ship, or cause to be entered or shipped, or produce or cause to be produced to any Officer of Customs to be shipped, for Exportation or for Stores, any Tobacco not entitled to Drawback, with Intent unduly to obtain any Drawback thereon, or any greater Drawback than he would otherwise be entitled to, shall, over and above all other Penalties which he may thereby incur, forfeit Treble the Amount of the Drawback sought to be obtained, or Two hundred Pounds, at the Election of the Commissioners of Customs; and all such Tobacco shall be forfeited, and may be seized by any Officer of Customs or Excise.

Certain Goods not entitled to Drawback.

Penalty for Entry.

LXXIV. And be it enacted, That no Drawback shall be allowed upon the Exportation of any Goods entered for Drawback or as Stores which shall be of less Value than the Amount of the Drawback claimed, and that all such Goods so entered shall be forfeited, and that the Person who caused such Goods to be entered shall forfeit the Sum of Two hundred Pounds, or Treble the Amount of the Drawback claimed in such Case, at the Election of the Commissioners of Her Majesty's Customs.

On Entry Outwards of Goods entitled to Drawback, Bond for due exporting shall be given.

LXXV. And be it enacted, That upon the Entry Outwards of any Goods, except Wine, upon which a Drawback of the Duties paid upon the Importation thereof is allowed, and before Cocket is granted, the Person in whose Name the same are entered shall give Security by Bond in Double the Amount of such Duties, with One sufficient Surety, that such Goods shall be duly shipped and exported to and shall be landed at the Place for which they shall be entered Outwards, or otherwise accounted for to the Satisfaction of the Commissioners of Her Majesty's Customs, within a reasonable Time, to be fixed by the said Commissioners with reference to the Place of Exportation.

Stamp on Plate Bond reduced.

LXXVI. And be it enacted, That all Bonds given to prevent the relanding of Plate in respect of which any Drawback shall be allowed upon the Exportation thereof shall be liable only to the same Duties of Stamps as any Bonds given for or in respect of the Duties of Customs, or for preventing Frauds or Evasions thereof, are or shall be liable to under any Act for the Time being in force for granting Duties of Stamps.

Coals, Export Bond to British Possessions.

LXXVII. And be it enacted, That no Cocket shall be granted for the Exportation of any Coals to any *British* Possession in a Foreign Ship until the Exporter thereof shall have given Security by Bond in a penal Sum of Double the Amount of the Duty payable on the Exportation of such Coals, with Condition that the same shall be landed at the Place for which they shall be exported, or otherwise accounted for to the Satisfaction of the Commissioners of the Customs, and also with Condition to produce, within such Time as the said Commissioners shall require, to be expressed in such Bond, a Certificate of the landing of such Coals at such Place, under the Hand of the Collector or Comptroller or other proper Officer at such Place: Provided always, that the Bond so to be given in respect of Coals shall not be liable to any Duty of Stamps.

Clearance of Goods.

Packages to be endorsed on Cocket.

Marks, and Numbers, and total Quantities.

Bounty, Drawback, or Duty Goods, or Goods under particular Conditions.

Forfeiture.

Production of Cocket.

Shipping Bill.

Order of Searcher for Shipment.

LXXVIII. And be it enacted, That before any Part of the Goods for which any Cocket shall have been granted shall be shipped, or waterborne to be shipped, the same shall be duly cleared for Shipment with the Searcher; the Particulars of the Goods for each Clearance shall be endorsed on such Cocket, together with the Number and Denomination or Description of the respective Packages containing the same; and in the Margin of each such Endorsement shall be delineated the respective Marks and Numbers of such Packages; and to each such Endorsement shall be subjoined in Words at Length an Account of the total Quantities of each Sort of Goods intended in such Endorsement, and the total Number of each Sort of Package in which such Goods are contained, distinguishing such Goods, if any, as are to be cleared for any Bounty or Drawback of Excise or Customs, and also such Goods, if any, as are subject to any Duty on Exportation, or entitled to any Exemption from such Duty, and also such Goods, if any, as can only be exported by virtue of some particular Order or Authority, or under some particular Restriction or Condition, or for some particular Purpose or Destination; and all Goods shipped, or waterborne to be shipped, not being duly cleared as aforesaid, shall be forfeited.

LXXIX. And be it enacted, That the Person clearing such Goods for Shipment shall upon each Occasion produce the Cocket so endorsed to the Searcher, and shall also deliver a Shipping Bill, or Copy of such Endorsement, referring by Names and Date to the Cocket upon which such Endorsement is made, and shall obtain the Order of the Searcher for the Shipment of such Goods; and the Particulars to be contained in such Endorsement and in such Shipping Bill shall be written and arranged in such Form and Manner as the Collector and Comptroller shall require.

Coals brought Coastwise may be exported without landing.

LXXX. And be it enacted, That if any Coals shall have been brought Coastwise from one Port of the United Kingdom to another, and the Master shall be minded to proceed with such Coals or any Part of them to Parts beyond the Seas, it shall be lawful for such Master to enter such Ship and such Coals Outwards for the intended Voyage without first landing the Coals intended for Exportation, provided the

the Officers of the Customs shall be satisfied that the Quantity of Coals left on board does not exceed the Quantity so entered Outwards.

Account of Value of Exports to be delivered to the Searcher.

LXXXI. And be it enacted, That upon the Clearance for Shipment of any Goods the Produce or Manufacture of the United Kingdom an Account containing an accurate Specification of the Quantity, Quality, and Value of such Goods, together with a Declaration to the Truth of the same, signed by the Exporter or his known Agent, shall be delivered to the Searcher by the Person clearing such Goods; and if such Declaration be false the Person signing the same shall forfeit the Sum of Twenty Pounds; and that it shall be lawful for the Searcher to call for the Invoice, Bills of Parcels, and such other Documents relating to the Goods as he may think necessary for ascertaining the true Value of the same: Provided always, that if such Exporter or Agent shall make and subscribe a Declaration before the Collector or Comptroller, that the Value of the Goods cannot be ascertained in Time for the Shipment of the same, and such Declaration shall be delivered to the Searcher at the Time of Clearance, a further Time of Three Months shall be allowed for the Delivery of such separate Shipping Bill, on failure whereof such Exporter or Agent shall forfeit the Sum of Twenty Pounds.

Goods for Excise Drawback.
Notice to Officer of Excise.
Excise Order to Searcher.
Shipment certified.

LXXXII. And be it enacted, That no Drawback of Excise shall be allowed upon any Goods so cleared unless the Person intending to claim such Drawback shall have given due Notice to the Officer of Excise, in form and manner required by any Law in force relating to the Excise, and shall have obtained and have produced to the Searcher at the Time of clearing such Goods a proper Document under the Hand of the Officer of Excise, containing the necessary Description of the Goods for which such Drawback is to be claimed; and if the Goods to be cleared and shipped under the Care of the Searchers shall, upon Examination, be found to correspond in all respects with the Particulars of the Goods contained in such Document, and such Goods shall be duly shipped and exported, the Searcher shall, if required, certify such Shipment upon such Document, and shall transmit the same to the Officer of Excise.

Officer of Excise may attend Examination.

LXXXIII. And be it enacted, That it shall be lawful for the Officer of Excise, if he see fit, to attend and assist at such Examination, and to mark or seal the Packages, and to keep joint Charge of the same, together with the Searcher, until the same shall have been finally delivered by him into the sole Charge of the Searcher, to be shipped and exported under his Care.

Goods for Duty, Bounty, or Drawback, &c. brought for Shipment.

LXXXIV. And be it enacted, That if any Goods which are subject to any Duty or Restriction in respect of Exportation, or if any Goods which are to be shipped for any Drawback or Bounty shall be brought to any Quay, Wharf, or other Place, to be shipped for Exportation, and such Goods shall not agree with the Endorsement on the Cocket, or with the Shipping Bill, the same shall be forfeited; and if any Goods prohibited to be exported be found in any Package brought as aforesaid, such Package and every thing contained therein shall be forfeited.

Searcher may open any Package; but if correct, must repack.

LXXXV. And be it enacted, That it shall be lawful for the Searcher to open all Packages, and fully to examine all Goods shipped or brought for Shipment at any Place in the United Kingdom or in the *Isle of Man*; and if the Goods so examined shall be found to correspond in all respects with the Cocket and Clearance purporting to be for the same, such Goods shall be repacked at the Charge of such Searcher, who may be allowed such Charge by the Commissioners of the Customs, if they shall see fit so to do.

Clearance of Ship.

Content to be delivered to Searcher.
Particulars.

LXXXVI. And be it enacted, That before any Ship shall be cleared Outwards at any Port in the United Kingdom or in the *Isle of Man* for Parts beyond the Seas, with any Goods shipped on board the same in such Port, the Master shall deliver a Content of such Ship to the Searcher, setting forth the Name and Tonnage of such Ship, and the Place or Places of her Destination, and the Name of the Master, and also an Account of the Goods shipped on board, and of the Packages containing such Goods, and of the Marks and Numbers upon such Packages, and a like Account of the Goods on board, if any, which had been reported Inwards for Exportation in such Ship, so far as any of such Particulars can be known by him; and also, before the Clearance of such Ship, the Cockets, with the Endorsements and Clearances thereon for the Goods shipped, shall be finally delivered by the respective Shippers of such Goods to the Searcher, who shall file the same together, and shall attach with a Seal a Label to the File, showing the Number of Cockets contained in the File, and shall compare the Particulars of the Goods in the Cockets with the Particulars of the Goods in such Content, and shall attest the Correctness thereof by his Signature on the Label and on the Content; and the Master of the Ship shall make and sign a Declaration before the Collector or Comptroller to the Truth of such Content, and shall also answer to the Collector or Comptroller such Questions concerning the Ship, the Cargo, and the intended Voyage, as shall be demanded of him; and thereupon the Collector or Comptroller shall clear such Ship for her intended Voyage, and shall notify such Clearance and the Date thereof upon the Content, and upon the Label to the File of Cockets, and upon the Victualling Bill, and also in the Book of Ships Entries Outwards, for the Information of all Parties interested, and shall transmit the Content, and the Cockets, and the Victualling Bill to the Searcher; and the Particulars to be contained in such Content shall be written and arranged in such Form and Manner as the Collector and Comptroller shall require.

Cockets to be delivered by Shippers to Searcher to be filed.

Master to declare to Content.

Clearance notified on Content, on File, and on Victualling Bill, and in Book.

File of Cockets and Victualling Bill delivered to Master as the Clearance.

LXXXVII. And be it enacted, That the File of Cockets and the Victualling Bill shall thereupon be delivered by the Searcher to the Master of such Ship, at such Station within the Port and in such Manner as shall be appointed by the Commissioners of Her Majesty's Customs for that Purpose; and such File of Cockets and Victualling Bill, so delivered, shall be kept by the Master of such Ship as the Authority for departing from the Port with the several Parcels and Packages of Goods and of Stores on board,

board, so far as they shall agree with the Particulars in the Endorsements on such Cockets or with such Victualling Bill.

In Ballast.

LXXXVIII. And be it enacted, That if any Ship is to depart in Ballast from the United Kingdom or from the *Isle of Man* for Parts beyond the Seas, having no Goods on board except the Stores of such Ship borne upon the Victualling Bill, or any Goods reported Inwards for Exportation in such Ship, the Master of such Ship shall, before her Departure, answer to the Collector or Comptroller such Questions touching her Departure and Destination as shall be demanded of him; and thereupon the Collector or Comptroller shall clear such Ship in Ballast, and shall notify such Clearance and the Date thereof on the Victualling Bill, and also in the Book of Ships Entries Outwards, for the Information of all Parties interested; and such Victualling Bill shall be kept by the Master of such Ship as the Clearance of the same.

Master to answer Questions.

Clearance notified on Victualling Bill and in Book.

Slate and Slates and Chalk to be deemed Ballast.

LXXXIX. And be it enacted, That Slate and Slates and Chalk laden on board any Ship bound to Foreign Parts shall be deemed to be Ballast; and that every such Ship having on board Slate and Slates and Chalk only, or either of them, shall be deemed to be a Ship departing in Ballast; and if on the Return of any such Ship any Slate or Slates or Chalk shall be remaining on board, the same shall be deemed to be the Ballast of such Ship.

Part of former Cargo reported for Exportation.

Copy of Report to be the Clearance.

XC. And be it enacted, That if there be on board any Ship any Goods of the Inward Cargo which were reported for Exportation in the same, the Master shall, before Clearance Outwards of such Ship from any Port in the United Kingdom or in the *Isle of Man*, deliver to the Searcher a Copy of the Report Inwards of such Goods, certified by the Collector and Comptroller; and such Copy, being found to correspond with the Goods so remaining on board, shall be the Authority to the Searcher to pass such Ship with such Goods on board, and being signed by the Searcher, and filed with the Cockets, shall be the Clearance of the Ship for those Goods.

If any Passengers, Master may enter Baggage in his Name.

Ship with Baggage only deemed to be in Ballast.

XCI. And be it enacted, That if any Passengers are to depart in any Ship from the United Kingdom or from the *Isle of Man* for Parts beyond the Seas, it shall be lawful for the Master of such Ship to pass an Entry and to receive a Cocket in his Name for the necessary personal Baggage of all such Passengers, and duly to clear such Baggage for Shipment in their Behalf, stating in such Clearances the Particulars of the Packages and the Names of the respective Passengers; and if such Ship is to take no other Goods than the necessary personal Baggage of Passengers actually going the Voyage, it shall be lawful for such Master to enter such Ship Outwards in Ballast for Passengers only; and if no other Goods than such Baggage duly entered and cleared be taken on board such Ship, the same shall be deemed to be a Ship in Ballast, notwithstanding such Baggage, and shall be described in the Clearance, on the Content and on the Label to the Cocket or Cockets, and on the Victualling Bill and in the Book of Ships Entries, as a Ship cleared in Ballast, except as to the necessary personal Baggage of Passengers going the Voyage.

In Ballast, Master may enter Goods for private Use of Self and Crew.

Privilege; 20*l.* Master, 10*l.* Mate, 5*l.* Crew.

Master to clear the Goods.

Ship to be deemed in Ballast.

XCII. And be it enacted, That if the Master and Crew of any Foreign Ship which is to depart in Ballast from the United Kingdom for Parts beyond the Seas shall be desirous to take on board Chalk Rubbish by way of Ballast, or to take with them for their private Use any small Quantities of Goods of *British* Manufacture, it shall be lawful for such Master, without entering such Ship Outwards, to pass an Entry in his Name, and receive a Cocket free of any Export Duty for all such Goods, under the general Denomination of *British* Manufactures not prohibited to be exported, being for the Use and Privilege of the Master and Crew, and not being of greater Value than in the Proportion of Twenty Pounds for the Master, and Ten Pounds for the Mate, and Five Pounds for each of the Crew, and stating that the Ship is in Ballast; and the Master shall duly clear such Goods for Shipment on behalf of himself and Crew, stating in such Clearances the Particulars of the Goods and Packages, and the Names of the Crew who shall jointly or severally take any of such Goods under this Privilege; and such Ship shall be deemed to be a Ship in Ballast, and be cleared as such, and without a Content, notwithstanding such Goods or such Cocket or Cockets; and such Clearance shall be notified by the Collector or Comptroller on the Label to the Cocket or Cockets, and on the Victualling Bill, and in the Book of Ships Entries, as a Clearance in Ballast, except as to the Privilege of the Master and Crew.

Officers may board any Ship after Clearance.

Goods on board, and not in Cocket, 20*l.* Penalty.

Cocket falsified, 100*l.* Penalty.

XCIII. And be it enacted, That it shall be lawful for the Officers of the Customs to go on board any Ship after Clearance Outwards, within the Limits of any Port in the United Kingdom or in the *Isle of Man*, or within Four Leagues of the Coast thereof, and to demand the File of Cockets and the Victualling Bill, and if there be any Goods or Stores on board not contained in the Endorsements on the Cockets nor in the Victualling Bill, such Goods or Stores shall be forfeited; and if any Goods contained in such Endorsements be not on board, the Master shall forfeit the Sum of Twenty Pounds for every Package or Parcel of Goods contained in such Endorsements and not on board; and if any Cocket be at any Time falsified, the Person who shall have falsified the same, or who shall have wilfully used the same, shall forfeit the Sum of One hundred Pounds.

Ships to bring to at Stations.

XCIV. And be it enacted, That every Ship departing from any Port in the United Kingdom or in the *Isle of Man*, shall bring to at such Stations within the Port as shall be appointed by the Commissioners of Her Majesty's Customs for the landing of Officers from such Ships, or for further Examination previous to such Departure.

Debenture Goods.

Entry in Name of real Owner,

XCV. And be it enacted, That no Drawback or Bounty shall be allowed upon the Exportation from the United Kingdom of any Goods unless such Goods shall have been entered in the Name of the Person who was the real Owner thereof at the Time of Entry and shipping, or of the Person who had actually purchased and shipped the same, in his own Name and at his own Liability and Risk, on Commission,

mission, according to the Practice of Merchants, and who was and shall have continued to be entitled in his own Right to such Drawback or Bounty, except in the Cases herein-after provided for. or of Commission Merchant.

XCVI. And be it enacted, That such Owner or Commission Merchant shall make and subscribe a Declaration upon the Debenture that the Goods mentioned therein have been actually exported, and have not been re-landed, and are not intended to be re-landed in any Part of the United Kingdom, nor in the *Isle of Man*, (unless entered for the *Isle of Man*,) nor in the Islands of *Faro* or *Ferro*, and that he was the real Owner thereof at the Time of Entry and shipping, or that he had purchased and shipped the said Goods in his own Name and at his own Liability and Risk, on Commission, as the Case may be, and that he was and continued to be entitled to the Drawback or Bounty thereon in his own Right: Provided always, that if such Owner or Merchant shall not have purchased the Right to such Drawback or Bounty he shall declare under his Hand upon the Entry and upon the Debenture the Person who is entitled thereto, and the Name of such Person shall be stated in the Cocket and in the Debenture; and the Receipt of such Person on the Debenture shall be the Discharge for such Drawback or Bounty. Declaration as to Exportation, and to Property, and Right to Drawback, or Bounty. If Drawback, &c. be not purchased, Name of Person entitled to be declared.

XCVII. And be it enacted, That if such Owner or Merchant shall be resident in some Part of the United Kingdom being more than Twenty Miles from the Custom House of the Port of Shipment, he may appoint any Person to be his Agent to make and pass his Entry, and to clear and ship his Goods, and to receive for him the Drawback or Bounty payable on his Debenture, if payable to him, provided the Name of such Agent and the Residence of such Owner or Merchant be subjoined to the Name of such Owner or Merchant in the Entry and in the Cocket for such Goods; and such Agent, being duly informed, shall make Declaration upon the Entry, if any be necessary, and also upon the Debenture, in behalf of such Owner or Merchant, to the Effect before required of such Owner or Merchant, and shall answer such Questions touching his Knowledge of the Exportation of such Goods and the Property therein, and of the Right to the Drawback or Bounty, as shall be demanded of him by the Collector or Comptroller; and if any such Goods be exported by any Corporation or Company trading by a Joint Stock it shall be lawful for them to appoint any Person to be their Agent for the like Purposes and with the like Powers to act in their Behalf. Agent may pass Entry and receive Drawback, and make the Declaration, and answer Questions for Owner not resident. Joint Stock Company.

XCVIII. And be it enacted, That if any Goods which are to be exported for Drawback be the Property of any Person residing abroad, having been consigned by the Owner thereof to some Person as his Agent residing in the United Kingdom, to be exported through the same to Parts beyond the Seas, by such Agent, upon account of such Owner, it shall be lawful for such Person (being the Consignee by whom and in whose Name the Duties Inwards on such Goods had been paid, or his legal Representative), in like Manner, as Agent for such Owner, to enter, clear, and ship such Goods for him, and upon like Conditions to receive for him the Drawback payable thereon. Property of Persons abroad consigned here to an Agent, and exported by him on account of Owner.

XCIX. And be it enacted, That no Drawback shall be allowed upon the Exportation of any Goods unless such Goods be shipped within Three Years after the Payment of the Duties Inwards thereon, and that no Debenture for any Drawback or Bounty allowed upon the Exportation of any Goods shall be paid after the Expiration of Two Years from the Date of the Shipment of such Goods. Shipment within Three Years, and Payment within Two Years.

C. And be it enacted, That for the Purpose of computing and paying any Drawback or Bounty payable upon any Goods duly entered, shipped, and exported, a Debenture shall, in due Time after such Entry, be prepared by the Collector and Comptroller, certifying in the first instance the Entry Outwards of such Goods; and so soon as the same shall have been duly exported, and a Notice containing the Particulars of the Goods shall have been delivered by the Exporter to the Searcher, the Shipment and Exportation thereof shall be certified to the Collector and Comptroller, upon such Debenture, by the Searcher, and the Debenture shall thereupon be computed and passed with all convenient Despatch, and be delivered to the Person entitled to receive the same. Issuing and passing Debenture.

CI. And be it enacted, That no Drawback or Bounty shall be allowed for any Goods carried by Sea from the United Kingdom to the *Isle of Man* until a Certificate shall be produced from the Collector and Comptroller of the Customs of the *Isle of Man* of the due landing of such Goods. Certificate of landing in Isle of Man.

CII. And be it enacted, That no Goods cleared for Drawback or Bounty, or from the Warehouse, shall be carried or waterborne to be put on board any Ship for Exportation from the United Kingdom, by any Person, unless such Person shall be authorized for that Purpose by Licence under the Hands of the Commissioners of Her Majesty's Customs; and that, before granting such Licence, it shall be lawful for the said Commissioners to require such Security by Bond for the faithful and incorrupt Conduct of such Person as they shall deem necessary; and that after granting such Licence it shall be lawful for the said Commissioners to revoke the same, if the Person to whom the same shall have been granted shall be convicted of any Offence against the Laws relating to the Customs or Excise: Provided always, that all such Licences which shall be in force at the Time of the Commencement of this Act shall continue in force as if the same had been afterwards granted under the Authority of this Act. Licensed Lighterman only to ship certain Goods. Commissioners may grant Licence, and require Bond. Licences in force.

CIII. And be it enacted, That if any Goods which have been taken from the Warehouse to be exported from the same, or any Goods which have been cleared to be exported for any Drawback or Bounty, shall not be duly exported to Parts beyond the Seas, or shall be re-landed in any Part of the United Kingdom, (such Goods not having been duly re-landed or discharged as short-shipped under the Care of the proper Officers,) or shall be landed in the Islands of *Faro* or *Ferro*, or shall be carried to any of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, (not having been duly entered, cleared, and shipped, to be exported or carried directly to such Islands,) the same shall be forfeited, together with the Ship from or by which the same had been so re-landed, landed, or carried, and any other Ship, Vessel, Boat, or Craft which may have been used in so re-landing, landing, or carrying such Goods; and any Person by whom or Warehouse or Debenture Goods not exported, or if re-landed, or carried to Guernsey, &c. without Entry, forfeited.

by whose Orders or Means such Goods shall have been so taken or cleared, or so re-landed, landed, or carried, shall forfeit a Sum equal to Treble the Value of such Goods.

Drawback of Duties on Wine allowed for Officers in the Navy.

CIV. And be it enacted, That a Drawback of the whole of the Duties of Customs shall be allowed for Wine intended for the Consumption of Officers of Her Majesty's Navy, on board such of Her Majesty's Ships in actual Service as they shall serve in, not exceeding the Quantities of Wine, in any One Year, for the Use of such Officers, herein-after respectively mentioned; (that is to say,)

	Gallons.
For every Admiral - - - - -	1,260
—— Vice Admiral - - - - -	1,050
—— Rear-Admiral - - - -	840
—— Captain of the First and Second Rate - -	630
—— Captain of the Third, Fourth, and Fifth Rate -	420
—— Captain of an inferior Rate - - -	210
—— Lieutenant, and other Commanding Officer, and for every Marine Officer - - - -	105

Provided always, that such Wine be shipped only at one of the Ports herein-after mentioned; (that is to say,) *London*, *Liverpool*, *Rochester*, *Deal*, *Dovor*, *Portsmouth*, *Plymouth*, *Yarmouth*, *Falmouth*, *Belfast*, *Dublin*, *Cork*, *Leith*, or *Glasgow*.

Person entering such Wine for Drawback to declare the Name and Rank of Officer claiming the same.

CV. And be it enacted, That the Person entering such Wine, and claiming the Drawback for the same, shall state in the Entry and declare on the Debenture the Name of the Officer for whose Use such Wine is intended, and of the Ship in which he serves; and such Wine shall be delivered into the Charge of the Officers of the Customs at the Port of Shipment, to be secured in the Queen's Warehouse until the same shall be shipped under their Care; and such Officers having certified upon the Debenture the Receipt of the Wine into their Charge, the Debenture shall be computed and passed, and be delivered to the Person entitled to receive the same.

Officers leaving the Service, &c., such Wine permitted to be transferred to others.

CVI. And be it enacted, That if any such Officer shall leave the Service, or be removed to another Ship, it shall be lawful for the Officers of the Customs, at any of the Ports before mentioned, to permit the Transfer of any such Wine from one Officer to another, as Part of his Proportion, whether on board the same Ship or another, or the Transhipment from one Ship to another for the same Officer, or the re-landing and warehousing for future Re-shipment; and it shall also be lawful for the Officers of Customs at any Port to receive back the Duties for any of such Wine, and deliver the same for Home Use: Provided always, that if any of such Wine be not laden on board the Ship for which the same was intended, or be unladen from such Ship without Permission of the proper Officer of the Customs, the same shall be forfeited.

Pursers of Her Majesty's Ships of War may ship Tobacco for Use of Crew, free of Duty, on giving Bond.

CVII. And be it enacted, That it shall be lawful for the Purser of any of Her Majesty's Ships of War in actual Service to enter and ship at the Ports of *Rochester*, *Portsmouth*, or *Plymouth*, in the Proportions herein-after mentioned, any Tobacco there warehoused in his Name, or transferred into his Name, for the Use of the Ship in which he shall serve, provided such Purser shall deliver to the Collector or Comptroller of such Port a Certificate from the Captain of such Ship, stating the Name of the Purser and the Number of Men belonging to the Ship, and shall also give Bond, with One sufficient Surety, in Treble the Duties payable on the Tobacco, that no Part thereof shall be re-landed in the United Kingdom without Leave of the Officers of the Customs, or be landed in either of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*.

Purser removed from one Ship to another may tranship Tobacco, with Permission of Collector.

CVIII. And be it enacted, That if any Purser shall be removed from one Ship to another it shall be lawful for the Collector and Comptroller of the Port where such Ships shall be to permit the Transhipment of the Remains of any such Tobacco for the Use of such other Ship, upon due Entry of such Tobacco by such Purser, setting forth the Time when and the Port at which such Tobacco was first shipped; and if any such Ship shall be paid off it shall be lawful for the Collector and Comptroller of any Port where such Ship shall be paid off to permit the Remains of any such Tobacco to be landed, and to be entered by the Purser of such Ship, either for Payment of Duties or to be warehoused for the Term of Six Months, for the Supply of some other such Ship, in like Manner as any Tobacco may be warehoused and supplied at either of the Ports before mentioned, or for Payment of all Duties within such Six Months: Provided always, that all Tobacco warehoused for the Purpose of so supplying Her Majesty's Ships of War shall be subject to the Provisions of any Act in force relating to the warehousing of Tobacco generally, as far as the same are applicable, and are not expressly altered by any of the Provisions herein particularly made.

Limiting the Quantity of Tobacco.

CIX. And be it enacted, That no greater Quantity of such Tobacco shall be allowed to any Ship of War than Two Pounds by the Lunar Month for each of the Crew of such Ship, nor shall any greater Quantity be shipped at any One Time than sufficient to serve the Crew of such Ship for Six Months after such Rate of Allowance; and the Collector and Comptroller of the Port at or from which any such Tobacco shall be supplied to any such Ship, or landed from any such Ship, or transferred from one such Ship to another, shall transmit a particular Account thereof to the Commissioners of Her Majesty's Customs, in order that a general Account may be kept of all the Quantities supplied to and consumed on board each of such Ships under the Allowances before granted.

Times and Places for shipping Goods.

CX. And be it enacted, That no Goods shall be put off from any Wharf, Quay, or other Place, or shall be waterborne in order to be exported, but only on Days not being *Sundays* or Holidays, and in the Daytime; (that is to say,) from the First Day of *September* until the last Day of *March* betwixt Sun-rising

Sun-rising and Sun-setting, and from the last Day of *March* until the First Day of *September* between the Hours of Seven of the Clock in the Morning and Four of the Clock in the Afternoon; nor shall any such Goods be then put off or waterborne for Exportation unless in the Presence or with the Authority of the proper Officer of the Customs, nor except from a legal Quay appointed by Her Majesty, or at some Wharf, Quay, or Place appointed by the Commissioners of Her Majesty's Customs for shipping of such Goods by Sufferance.

OUTWARDS.
Debenture Goods.

CXI. And be it enacted, That if any Goods liable to Forfeiture for being shipped for Exportation shall be shipped and exported without Discovery by the Officers of the Customs, the Person or Persons who shall have caused such Goods to be exported shall forfeit Double the Value of such Goods.

Penalty for exporting prohibited Goods.

Prohibitions.

CXII. And be it enacted, That the several Sorts of Goods enumerated or described in the Table following (denominated "A Table of Prohibitions and Restrictions Outwards") shall be either absolutely prohibited to be exported from the United Kingdom, or shall be exported only under the Restrictions mentioned in such Table, according as the several Sorts of such Goods are respectively set forth therein; (that is to say,)

Prohibitions and Restrictions, absolute or modified.

A TABLE OF PROHIBITIONS AND RESTRICTIONS OUTWARDS.

Clocks and Watches; *viz.*

—— any outward or inward Box, Case, or Dial Plate, if any Metal, without the Movement in or with every such Box, Case, or Dial Plate, made up fit for Use, with the Clock or Watch Maker's Name engraven thereon.

Lace; *viz.*

—— any Metal inferior to Silver which shall be spun, mixed, wrought, or set upon Silk, or which shall be gilt, or drawn into Wire, or flattened into Plate, and spun or woven, or wrought into or upon, or mixed with Lace, Fringe, Cord, Embroidery, Tambour Work, or Buttons, made in the Gold or Silver Lace Manufactory, or set upon Silk, or made into Bullion, Spangles, or Pearl, or any other Materials made in the Gold or Silver Lace Manufactory, or which shall imitate or be meant to imitate such Lace, Fringe, Cord, Embroidery, Tambour Work, or Buttons; nor shall any Person export any Copper, Brass, or other Metal which shall be silvered or drawn into Wire, or flattened into Plate, or made into Bullion, Spangles, or Pearl, or any other Materials used in the Gold or Silver Lace Manufactory, or in imitation of such Lace, Fringe, Cord, Embroidery, Tambour Work, or Buttons, or of any of the Materials used in making the same, and which shall hold more or bear a greater Proportion than Three Pennyweights of fine Silver to the Pound Avoirdupoise of such Copper, Brass, or other Metals.

—— any Metal inferior to Silver, whether gilt, silvered, stained, or coloured, or otherwise, which shall be worked up or mixed with Gold or Silver in any Manufacture of Lace, Fringe, Cord, Embroidery, Tambour Work, or Buttons.

A LIST of GOODS which may be PROHIBITED to be EXPORTED by Proclamation or Order in Council.

Arms, Ammunition, and Gunpowder.

Ashes, Pot and Pearl.

Military Stores and Naval Stores, and any Articles (except Copper) which Her Majesty shall judge capable of being converted into or made useful in increasing the Quantity of Military or Naval Stores.

Provisions or any Sort of Victual which may be used as Food by Man.

And if any Goods shall be exported, or be waterborne to be exported, from the United Kingdom, contrary to any of the Prohibitions or Restrictions mentioned in such Table in respect of such Goods, the same shall be forfeited.

Forfeiture.

COASTWISE.
General Provisions.

CXIII. 'And whereas it is necessary to make Regulations for the Coasting Trade of the United 'Kingdom and of the *Isle of Man*, and that the Officers of the Customs should have cognizance of all 'Ships carrying any Goods Coastwise from one Part of the United Kingdom to another Part of it, or to 'the *Isle of Man*, or from one Part of the *Isle of Man* to another Part of it, and of all Goods so carried, 'in order that such Trade may be confined to *British* Ships, and that all Duties levied Coastwise may 'be duly collected, and that the Laws for regulating the Importation and Exportation of Goods from 'and to Parts beyond the Seas may not be evaded;' be it therefore enacted, That all Trade by Sea from any one Part of the United Kingdom to any other Part thereof, or to the *Isle of Man*, or from the *Isle of Man* to any Part of the United Kingdom, or from one Part of the *Isle of Man* to another Part thereof, shall be deemed to be a Coasting Trade, and all Ships while employed therein shall be deemed to be Coasting Ships; and that no Part of the United Kingdom or of the *Isle of Man*, however situated with regard to any other Part, shall be deemed in Law, with reference to each other, to be Parts beyond the Seas in any Matter relating to the Trade or Navigation or Revenue of this Realm: Provided always, that all Goods liable to Duty of Customs upon the Importation or bringing of them into the *Isle of Man*, when brought from the United Kingdom into the said Isle, and all Vessels bringing the same, shall be liable to the same Rules and Regulations as are required by Law in respect of Goods imported into the said Isle from Foreign Parts, and in respect of the Vessels bringing the same; and all Penalties and Forfeitures inflicted by Law for any Breach of the said Rules and Regulations shall attach upon all Goods so brought into the said Isle contrary to the said Rules and Regulations or any of them, and upon all Persons committing any Breach of any such Rule or Regulation; and such Penalties and Forfeitures may

All Trade by Sea from one Part of the United Kingdom to another or to the Isle of Man, to be deemed Coastwise.

Proviso for Dutiable Goods carried into the Isle of Man.

COASTWISE.

may be recovered in the same Manner as any Penalty or Forfeiture may be recovered by any Act relating to the Customs.

Lords of Treasury to regulate what shall be deemed trading by Sea under this Act.

CXIV. 'And whereas some Parts of the Coast of the United Kingdom may be so situated with regard 'to other neighbouring Parts thereof that Doubts may arise in some Cases whether the Passage between 'them by Water shall be deemed to be a Passage by Sea within the Meaning of this Act; and that in 'other Cases, although such Passage be by Sea, it may be unnecessary for the Purposes of this Act, or 'of any Act relating to the Customs to subject Ships passing between such Places to the Restraints 'of Coast Regulations;' be it therefore enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to determine and direct in what Cases the Trade by Water from any Place on the Coast of the United Kingdom to another of the same shall or shall not be deemed a Trade by Sea within the Meaning of this Act or of any Act relating to the Customs.

Coasting Ship confined to coasting Voyage.

CXV. And be it enacted, That no Goods shall be carried in any Coasting Ship except such as shall be laden to be so carried at some Port or Place in the United Kingdom, or at some Port or Place in the *Isle of Man* respectively; and that no Goods shall be laden on board any Ship to be carried Coastwise until all Goods brought in such Ship from Parts beyond the Seas shall have been unladen; and that if any Goods shall be taken into or put out of any Coasting Ship at Sea or over the Sea, or if any Coasting Ship shall touch at any Place over the Sea, or deviate from her Voyage, unless forced by unavoidable Circumstances, or if the Master of any Coasting Ship which shall have touched at any Place over the Sea shall not declare the same in Writing under his Hand to the Collector or Comptroller at the Port in the United Kingdom or in the *Isle of Man* where such Ship shall afterwards first arrive, the Master of such Ship shall forfeit the Sum of Two hundred Pounds.

Before Goods be laden or unladen, Notice of Intention or of Arrival to be given, and proper Documents to issue.

CXVI. And be it enacted, That no Goods shall be laden on board any Ship in any Port or Place in the United Kingdom or in the *Isle of Man* to be carried Coastwise, nor having been brought Coastwise shall be unladen in any such Port or Place from any Ship, until due Notice in Writing, signed by the Master, shall have been given to the Collector or Comptroller, by the Master, Owner, Wharfinger, or Agent of such Ship, of the Intention to lade Goods on board the same to be so carried, or of the Arrival of such Ship with Goods so brought, (as the Case may be,) nor until proper Documents shall have been granted as herein-after directed for the lading or for the unlading of such Goods; and such Goods shall not be laden or unladen except at such Times and Places, and in such Manner, and by such Persons, and under the Care of such Officers, as is and are herein-after directed; and all Goods laden to be so carried, or brought to be so unladen, contrary hereto, shall be forfeited.

Particulars in Notice;

CXVII. And be it enacted, That in such Notice shall be stated the Name and Tonnage of the Ship, and the Name of the Port to which she belongs, and the Name of the Master, and the Name of the Port to which she is bound or from which she has arrived, and the Name or Description of the Wharf or Place at which her Lading is to be taken in or discharged (as the Case may be); and such Notice shall be signed by the Master, Owner, Wharfinger, or Agent of such Ship, and shall be entered in a Book to be kept by the Collector for the Information of all Parties interested; and every such Notice for the unlading of any Ship or Vessel shall be delivered within Twenty-four Hours after the Arrival of such Ship or Vessel, under a Penalty of Twenty Pounds, to be paid by the Master of such Ship or Vessel; and in every such Notice for the lading of any Ship or Vessel shall be stated the last Voyage on which such Ship or Vessel shall have arrived at such Port; and if such Voyage shall have been from Parts beyond the Seas there shall be produced with such Notice a Certificate from the proper Officer of the Discharge of all Goods (if any) brought in such Ship, and of the due Clearance of such Ship or Vessel Inwards of such Voyage.

within Twenty-four Hours of Arrival for unlading;

for lading, to state last Voyage and Clearance.

From and to Ireland with certain Goods, the Master must attend to deliver Notice, &c.

CXVIII. And be it enacted, That upon the Arrival of any Coasting Ship at any Port in *Great Britain* from *Ireland*, or at any Port in *Ireland* from *Great Britain*, the Master of such Ship shall within Twenty-four Hours after such Arrival attend and deliver such Notice, signed by him, to the Collector or Comptroller; and if such Ship shall have on board any Goods subject on Arrival to any Duty of Excise, or any Goods which had been imported from Parts beyond the Seas, the Particulars of such Goods, with the Marks and Numbers of the Packages containing the same, shall be set forth in such Notice; and if there shall be no such Goods on board, then it shall be declared in such Notice that no such Goods are on board; and the Master shall also answer any Questions relating to the Voyage as shall be demanded of him by the Collector or Comptroller; and every Master who shall fail in due Time to deliver such Notice, and truly to answer such Questions, shall forfeit the Sum of One hundred Pounds.

Penalty.

After Notice given of lading Goods on board Coasting Ships, Collector may grant a general Sufferance.

Bond for certain Goods.

CXIX. And be it enacted, That when due Notice shall have been given to the Collector or Comptroller at the Port of lading of the Intention to lade Goods on board any Coasting Ship, such Collector or Comptroller shall grant a general Sufferance for the lading of Goods (without specifying the same) on board such Ship, at the Wharf or Place which shall be expressed in such Sufferance; and such Sufferance shall be a sufficient Authority for the lading of any Sort of Goods, except such (if any) as shall be expressly excepted therein: Provided always, that before any Sufferance be granted for any Goods prohibited to be exported the Master or Owner of any such Ship, or the Shipper of such Goods, shall give Bond, with One sufficient Surety, in Treble the Value of the Goods, that the same shall be landed at the Port for which such Sufferance is required, or shall be otherwise accounted for to the Satisfaction of the Commissioners of Her Majesty's Customs.

Master of Coasting Vessel to keep a Cargo Book.

CXX. And be it enacted, That the Master of every Coasting Ship shall keep or cause to be kept a Cargo Book of the same, stating the Name of the Ship and of the Master, and of the Port to which she belongs, and of the Port to which bound on each Voyage; and in which Book shall be entered, at the Port

Port of lading, an Account of all Goods taken on board such Ship, stating the Descriptions of the Packages, and the Quantities and Descriptions of the Goods therein, and the Quantities and Descriptions of any Goods stowed loose, and the Names of the respective Shippers and Consignees, as far as any of such Particulars shall be known to him; and in which Book, at the Port of Discharge, shall be noted the respective Days upon which any of such Goods be delivered out of such Ship, and also the respective Times of Departure from the Port of lading, and of Arrival at any Port of unlading; and such Master shall produce such Book for the Inspection of the Coast-waiter or other proper Officer, so often as the same shall be demanded, and who shall be at liberty to make any Note or Remark therein; and if such Master shall fail correctly to keep such Book, or to produce the same, or if at any Time there be found on board such Ship any Goods not entered in the Cargo Book as laden, or any Goods noted as delivered, or if at any Time it be found that any Goods entered as laden, or any Goods not noted as delivered, be not on board, the Master of such Ship shall forfeit the Sum of Fifty Pounds; and if, upon Examination at the Port of lading, any Package entered in the Cargo Book as containing any Foreign Goods shall be found not to contain such Goods, such Package, with its Contents, shall be forfeited; and if at the Port of Discharge any shall be found to contain any Foreign Goods which are not entered in such Book, such Goods shall be forfeited.

Penalty for false Entries in such Book.

CXXI. And be it enacted, That before any Coasting Ship shall depart from the Port of lading, an Account, together with a Duplicate of the same, all fairly written, and signed by the Master, shall be delivered to the Collector or Comptroller; and in such Account shall be set forth such Particulars as are required to be entered in the Cargo Book of all Foreign Goods, and of all Corn, Grain, Meal, Flour, or Malt laden on board, and generally, whether any other *British* Goods or no other *British* Goods be laden on board, as the Case may be, or whether such Ship be wholly laden with *British* Goods not being of any of the Descriptions before mentioned, as the Case may be; and the Collector or Comptroller shall select and retain one of such Accounts, and shall return the other, dated and signed by him, and noting the Clearance of the Ship thereon; and such Account shall be the Clearance of the Ship for the Voyage, and the Transire for the Goods expressed therein; and if any such Account be false, or shall not correspond with the Cargo Book, the Master shall forfeit the Sum of Fifty Pounds.

Accounts of Foreign Goods, and of Goods subject to Coast Duty, to be delivered to Collector.

CXXII. And be it enacted, That before any Goods be unladen from any Coasting Ship at the Port of Discharge, the Master, Owner, Wharfinger, or Agent of such Ship shall deliver the Transire to the Collector or Comptroller of such Port, who shall thereupon grant an Order for the unlading of such Ship at the Wharf or Place specified in such Order: Provided always, that if any of the Goods on board such Ship be subject to any Duty of Customs or Excise payable on Arrival Coastwise at such Port, the Master, Owner, Wharfinger, or Agent of such Ship, or the Consignee of such Goods, shall also deliver to the Collector or Comptroller a Bill of the Entry of the Particulars of such Goods, expressed in Words at Length, together with a Copy thereof, in which all Sums and Numbers may be expressed in Figures, and shall pay down all Duties of Customs, or produce a Permit in respect of all Duties of Excise, which shall be due and payable on any of such Goods, as the Case may be; and thereupon the Collector and Comptroller shall grant an Order for the landing of such Goods, in the Presence or by the Authority of the Coast Waiter.

Transire to be delivered to Collector before Goods unladen.

Excise Duties.

CXXIII. And be it enacted, That it shall be lawful for the Collector and Comptroller, in the Cases herein-after mentioned, to grant for any Coasting Ship a general Transire, to continue in force for any Time not exceeding One Year from the Date thereof, for the lading of any Goods (except such Goods, if any, as shall be expressly excepted therein), and for the Clearance of the Ship in which the Goods shall be laden, and for the unlading of the Goods at the Place of Discharge; (that is to say,)

For any Ship regularly trading between Places in the River *Severn* Eastward of the *Holmes:*

For any Ship regularly trading between Places in the River *Humber:*

For any Ship regularly trading between Places in the *Firth of Forth:*

For any Ship regularly trading between Places to be named in the Transire, and carrying only Manure, Lime, Chalk, Stone, Gravel, Sand, or any Earth, not being Fullers Earth:

Collector, in certain Cases, may grant general Transire for Coasting Vessels.

And that it shall and may be lawful for the Commissioners of Her Majesty's Customs, whenever it shall appear to them to be necessary, to grant general Transires, under such Regulations and for such Time as they may see fit, for the lading of any Goods, and for the clearing the Ship in which the Goods shall be laden, and for the unlading the Goods at the Place of Discharge: Provided always, that such Transires shall be written in the Cargo Book herein-before required to be kept by the Masters of Coasting Ships: Provided also, that if the said Commissioners or the Collector and Comptroller shall at any Time revoke such Transires, and Notice thereof shall be given to the Master or Owner of the Ship, or shall be given to any of the Crew when on board the Ship, or shall be entered in the Cargo Book by any Officer of the Customs, such Transires shall become void, and shall be delivered up by the Master or Owner to the Collector or Comptroller, or to any Officer of Customs demanding the same.

Commissioners of Customs may grant general Transires.

CXXIV. And be it enacted, That it shall be lawful in any Case, and at all legal Times, for the Coast-waiter, and also for the Landing-waiter, and for the Searcher, and for any other proper Officer of the Customs, to go on board any Coasting Ship in any Port or Place in the United Kingdom or in the *Isle of Man*, or at any Period of her Voyage, and strictly to search such Ship, and to examine all Goods on board, and all Goods being laden or unladen, and to demand all Documents which ought to be on board such Ship.

Coast-waiter, Landing-waiter, or Searcher may examine any Coasting Ship.

CXXV. And be it enacted, That no Goods shall be unshipped from any Ship arriving Coastwise in the United Kingdom or in the *Isle of Man*, and also that no Goods shall be shipped, or waterborne to be shipped,

Times and Places for landing and shipping

COASTWISE.

General Provisions.

shipped, in the United Kingdom or in the *Isle of Man*, to be carried Coastwise, but only on Days not being *Sundays* or Holidays, and in the Daytime, (that is to say,) from the First Day of *September* until the last Day of *March*, betwixt Sun-rising and Sun-setting, and from the last Day of *March* until the First Day of *September* between the Hours of Seven of the Clock in the Morning and Four of the Clock in the Afternoon; nor shall any such Goods be so unshipped, shipped, or waterborne unless in the Presence or with the Authority of the proper Officer of the Customs, nor unless at Places which shall be appointed or approved by the proper Officer of the Customs.

Goods prohibited or restrained.

CXXVI. And be it enacted, That whenever any Goods which may be prohibited to be exported by Proclamation or by Order in Council, under the Authority of this Act, shall be so prohibited, it shall be lawful in such Proclamation or Order in Council to prohibit or restrict the carrying of such Goods Coastwise; and if any such Goods shall be carried Coastwise, or shall be shipped or waterborne to be carried Coastwise, contrary to any such Prohibition or Restriction, the same shall be forfeited.

CONSTRUCTION IN GENERAL.

Terms used in Acts.

"Ship."

"Master."

"Owner or Owners."

"Mate."

"Seaman."

"British Possession."

"Her Majesty."

"Limits of East India Company's Charter."

"Collector and Comptroller."

"Officer."

"Warehouse."

"Queen's Warehouse."

CXXVII. And in order to avoid the frequent Use of numerous Terms and Expressions in this Act, and in other Acts relating to the Customs, and to prevent any Misconstruction of the Terms and Expressions used therein, be it enacted, That whenever the several Terms or Expressions following shall occur in this Act, or in any other Act relating to the Customs or to Trade and Navigation, the same shall be construed respectively in the Manner herein-after directed; (that is to say,) the Term "Ship" shall be construed to mean Ship or Vessel generally, unless such Term shall be used to distinguish a Ship from Sloops, Brigantines, and other Classes of Vessels; that the Term "Master" of any Ship shall be construed to mean the Person having or taking the Charge or Command of such Ship; that the Term "Owners" and the Term "Owner" of any Ship shall be construed alike to mean One Owner, if there be only One, and any or all the Owners, if there be more than One; that the Term "Mate" of any Ship shall be construed to mean the Person next in Command of such Ship to the Master thereof; that the Term "Seaman" shall be construed to mean alike Seaman, Mariner, Sailor, or Landsman, being one of the Crew of any Ship; that the Term "*British* Possession" shall be construed to mean Colony, Plantation, Island, Territory, or Settlement belonging to Her Majesty; that the Term "Her Majesty" shall be construed to mean Her Majesty, Her Heirs and Successors; that the Term "Limits of the *East India* Company's Charter" shall be construed to mean the *Cape of Good Hope*, and all Places and Seas Eastward thereof to the *Straits of Magellan*; that the Terms "Collector and Comptroller" shall be construed to mean the Collector and Comptroller of the Customs of the Port intended in the Sentence; that whenever mention is made of any public Officer the Officer mentioned shall be deemed to be such Officer for the Time being; that the Term "Warehouse" shall be construed to mean any Place, whether House, Shed, Yard, Timber Pond, or other Place in which Goods entered to be warehoused upon Importation may be lodged, kept, and secured without Payment of Duty, or although prohibited to be used in the United Kingdom; that the Term "Queen's Warehouse" shall be construed to mean any Place provided by the Crown for lodging Goods therein for Security of the Customs.

Malta deemed to be in Europe.

CXXVIII. And be it enacted, That the Island of *Malta* and its Dependencies shall be deemed to be in *Europe*.

GENERAL REGULATIONS.

Weights, Measures, Currency, Management.

CXXIX. And be it enacted, That all Duties, Bounties, and Drawbacks of Customs shall be paid and received in every Part of the United Kingdom and of the *Isle of Man* in *British* Currency, and according to Imperial Weights and Measures; and that in all Cases where such Duties, Bounties, and Drawbacks are imposed and allowed according to any specific Quantity or any specific Value, the same shall be deemed to apply in the same Proportion to any greater or less Quantity or Value; and all such Duties, Bounties, and Drawbacks shall be under the Management of the Commissioners of the Customs.

Collector to take Bonds in respect of Goods relating to the Customs.

CXXX. And be it enacted, That all Bonds relating to the Customs required to be given in respect of Goods or Ships, except Bonds given for securing the due Exportation of or Payment of Duty upon Goods warehoused according to Law, shall be taken by the Collector and Comptroller for the Use of Her Majesty; and after the Expiration of Three Years from the Date thereof, or from the Time, if any, limited therein for the Performance of the Condition thereof, every such Bond upon which no Prosecution or Suit shall have been commenced shall be void, and may be cancelled and destroyed.

Bonds entered into with the Concurrence of the Lords of the Treasury, &c. for the due Performance of any thing relating to the Customs to be valid in Law.

CXXXI. 'And whereas it frequently occurs that certain Indulgences are granted to Merchants and 'others, by Directions of the Commissioners of Her Majesty's Treasury and the Commissioners of Her 'Majesty's Customs, on Bond being given for the Security of the Revenue; and, as Doubts may arise 'whether such Bonds would in Law be valid,' be it therefore enacted and declared, That in all Cases where Bonds shall be entered into, with the Concurrence or by the Direction of the Commissioners of Her Majesty's Treasury or the Commissioners of Her Majesty's Customs, for the due Performance of any Order, Matter, or Thing relative to the Customs, such Bonds shall be valid in Law, and upon Breach of any of the Conditions thereof may be sued and proceeded upon in like Manner as any other Bond entered into by virtue of any Act relating to the Customs.

Mode of ascertaining Strength of Foreign Spirits.

CXXXII. And be it enacted, That the same Instruments, and the same Tables and Scales of Graduation, and the same Rules and Methods, as the Officers of the Excise shall by any Law in force for the Time being be directed to use, adopt, and employ in trying and ascertaining the Strengths and Quantities of Spirits made within the United Kingdom, for the Purpose of computing and collecting the Duties of Excise payable thereon, shall be used, adopted, and employed by the Officers of the Customs in trying and ascertaining the Strengths and Quantities of Spirits imported into the United Kingdom, for the Purpose of computing and collecting the Duties of Customs payable thereon.

CXXXIII. And

CXXXIII. And be it enacted, That to prevent Vinegar or Acetous Acid of excessive Strength being brought into Consumption upon Payment of Duty as common Vinegar or Acetous Acid, to the great Injury of Her Majesty's Revenue, all such Liquors as aforesaid subject and liable to any Duty of Customs shall and may be tried and examined by any Officer or Officers of Customs with such Acetometer as shall and may be from Time to Time directed by the Commissioners of Her Majesty's Customs, in order to ascertain the Strength thereof; and that whenever any such Liquors shall upon any such Trial be found by any Officer or Officers of Customs to be above Proof as denoted by such Acetometer (Proof of being such Strength of Acetous Acid that One hundred Parts of the Liquor by Weight will saturate or neutralize Fourteen and a Half Parts by Weight of Crystallized Sub-carbonate of Soda), the Number of Gallons of such Liquors of which such Trial is made shall be deemed and computed by such Officer or Officers to be such Number as could be made from or with such Liquors if diluted by Water to the Strength of Proof denoted as aforesaid, and shall be chargeable and taken account of and charged by such Officer with Duty accordingly.

Vinegar or Acetous Acid to be charged with Duty according to Strength.

CXXXIV. And be it enacted, That Spirits or Strong Waters imported into the United Kingdom mixed with any Ingredient, and although thereby coming under some other Denomination, shall nevertheless be deemed to be Spirits or Strong Waters, and be subject to Duty as such.

Spirits, although mixed, to pay Duties as such.

CXXXV. And be it enacted, That it shall be lawful for the Officers of the Customs to take such Samples of any Goods as shall be necessary for ascertaining the Amount of any Duties payable on the same; and all such Samples shall be disposed of and accounted for in such Manner as the Commissioners of Her Majesty's Customs shall direct.

Officers of Customs to take Samples of Goods.

CXXXVI. And be it enacted, That if upon the first levying or repealing of any Duty, or upon the first granting or repealing of any Drawback or Bounty, or upon the first permitting or prohibiting of any Importation or Exportation, whether Inwards, Outwards, or Coastwise, in the United Kingdom or in the *Isle of Man*, it shall become necessary to determine the precise Time at which an Importation or Exportation of any Goods made and completed shall be deemed to have had Effect, such Time, in respect of Importation or Exportation of any Goods made and completed, shall be deemed to be the Time at which the Ship importing such Goods had actually come within the Limits of the Port at which such Ship shall in due Course be reported, and such Goods be discharged; and that such Time, in respect of Exportation, shall be deemed to be the Time at which the Goods had been shipped on board the Ship in which they had been exported; and that if such Question shall arise upon the Arrival or Departure of any Ship, in respect of any Charge or Allowance upon such Ship, exclusive of any Cargo, the Time of such Arrival shall be deemed to be the Time at which the Report of such Ship shall have been or ought to have been made; and the Time of such Departure shall be deemed to be the Time of the last Clearance of such Ship with the Collector and Comptroller for the Voyage upon which she departed.

Time of an Importation and of an Exportation defined.

Arrival and Departure of a Ship defined.

CXXXVII. And be it enacted, That although any Duty of Customs shall have been overpaid, or although after any Duty of Customs shall have been charged and paid it shall appear or be judicially established that the same had been charged under an erroneous Construction of the Law, it shall not be lawful to return any such Overcharge after the Expiration of Three Years from the Date of such Payment.

Return of Duty overpaid.

CXXXVIII. And be it enacted, That the Tonnage or Burden of every *British* Ship within the Meaning of this Act shall be the Tonnage set forth in the Certificate of Registry of such Ship, and that the Tonnage or Burden of every other Ship shall, for the Purposes of this Act, be ascertained in the same Manner as the Tonnage of *British* Ships is ascertained.

Tonnage or Burden of Ships how ascertained.

CXXXIX. 'And whereas by an Act passed in the Fourth and Fifth Years of the Reign of His late 'Majesty King *William* the Fourth, intituled *An Act for reducing the Tonnage Rates payable in the 'Port of* London, certain Rates are imposed upon Ships or other Vessels entering Inwards and clearing 'Outwards in the Port of *London*, and it is expedient to amend the same in respect of Ships or other 'Vessels reporting their Cargoes for Exportation, and ultimately leaving the Port without breaking 'Bulk;' be it therefore enacted, That no Tonnage Rate shall be payable under the said Act on Ships or other Vessels entering Inwards or clearing Outwards in the said Port in Cases where the Cargoes are reported for Exportation, and ultimately the Ships or other Vessels leave the Port without breaking Bulk, or taking in Merchandize for the Purpose of Exportation.

Ships, when not liable to Tonnage Rate under 4 & 5 W. 4. c. 32.

CXL. And be it enacted, That it shall be lawful for the Officers of the Customs at any Port under *British* Dominion where there shall be a Collector and Comptroller of the Customs to refuse to admit any Person to do any Act at such Port as Master of any *British* Ship, unless his Name shall be inserted in or have been endorsed upon the Certificate of Registry of such Ship as being the Master thereof, or until his Name shall have been so endorsed by such Collector and Comptroller.

Officers may refuse Master of British Ship unless endorsed on Register.

CXLI. And be it enacted, That if any Person shall counterfeit or falsify, or wilfully use when counterfeited or falsified, any Entry, Warrant, Cocket, or Transire, or other Document for the unlading, lading, entering, reporting, or clearing of any Ship or Vessel, or for the landing or shipping of any Goods, Stores, Baggage, or Article whatever, or shall by any false Statement procure any Writing or Document to be made for any of such Purposes, every Person so offending shall for every such Offence forfeit the Sum of Two hundred Pounds: Provided always, that this Penalty shall not attach to any particular Offence for which any other Penalty shall be expressly imposed by any Law in force for the Time being.

Falsifying Documents.

CXLII. And be it enacted, That whenever any Person shall make any Application to any Officer of the Customs to transact any Business on behalf of any other Person, it shall be lawful for such Officer to require of the Person so applying to produce a written Authority from the Person on whose Behalf such

Authority of an Agent may be required.

such Application shall be made, and in default of the Production of such Authority to refuse to transact such Business.

False Declaration.

CXLIII. And be it enacted, That if any Declaration required to be made by this Act, or by any other Act relating to the Customs or to Trade or Navigation, (except Declarations to the Value of Goods,) or if any Declaration made for the Consideration of the Commissioners of Her Majesty's Customs on any Application presented to them, be untrue in any Particular, or if any Person required by this Act, or by any other Act relating to the Customs or to Trade or Navigation, to answer Questions put to him by the Officers touching certain Matters, shall not truly answer such Questions, the Person making such Declaration or answering such Questions shall, over and above any other Penalty to which he may become subject, forfeit the Sum of One hundred Pounds.

Penalty.

Printed Lists of prohibited Books to be exposed at Custom Houses.

CXLIV. And be it enacted, That the Commissioners of Her Majesty's Customs shall cause to be made, and to be publicly exposed from Time to Time at the several Ports in the United Kingdom and in Her Majesty's Possessions abroad, printed Lists of all Books wherein the Copyright shall be subsisting, and as to which the Proprietor of such Copyright or his Agent shall have given Notice in Writing to the said Commissioners that such Copyright subsists, such Notice also stating when such Copyright expires.

So much of 9 G. 4. c. 93. as provides for taking the Prices of Sugar the Produce of British Possessions in America, &c., to apply to Sugar the Produce of British Possessions within the Limits of the East India Company's Charter.

CXLV. 'And whereas by an Act passed in the Ninth Year of His Majesty King *George* the Fourth, 'intituled *An Act to allow Sugar to be delivered out of the Warehouse to be refined*, Provisions are made 'for ascertaining and taking, in manner therein mentioned, the Prices of Brown or Muscovado Sugar 'the Produce of the *British* Possessions in *America*: And whereas it is expedient that the said Provisions 'should extend and be applicable to Brown or Muscovado Sugar the Produce of the *British* Possessions 'within the Limits of the *East India* Company's Charter;' be it therefore enacted, That from and after the First Day of *August* One thousand eight hundred and forty-two so much of the said last-mentioned Act as provides for the ascertaining and taking the Prices of Brown or Muscovado Sugar the Produce of the *British* Possessions in *America*, and so much of the same Act as requires the Delivery of Accounts of the Sales and Purchases of such Sugar, and Statements of the Quantities and Prices thereof, and other Particulars therein mentioned in relation thereto, and the Computation and Publication of the Average Prices thereof, and the Registry of such Accounts and Prices, shall be held to extend, include, and apply to Brown or Muscovado Sugar the Produce of the several *British* Possessions within the Limits of the *East India* Company's Charter; and that the Average Price of Sugar to be thenceforth published under the said last-mentioned Act as hereby extended shall be the Average Price of Brown or Muscovado Sugar the Produce not only of the *British* Possessions in *America* but also of the *British* Possessions within the Limits of the *East India* Company's Charter; and the several Penalties of Fifty Pounds and of Five Pounds imposed by the said recited Act for the Offences therein mentioned in respect of Sugar the Produce of the *British* Possessions in *America* shall extend and be applicable to the like Offences in respect of Sugar the Produce of the *British* Possessions within the Limits of the *East India* Company's Charter.

Seizures.

Ship to include Tackle, &c.

CXLVI. And be it enacted, That all Goods, and all Ships, Vessels, and Boats which by this Act or any Act at any Time in force relating to the Customs shall be declared to be forfeited, shall and may be seized by any Officer of the Customs; and such Forfeiture of any Ship, Vessel, or Boat shall be deemed to include the Guns, Tackle, Apparel, and Furniture of the same; and such Forfeiture of any Goods shall be deemed to include the proper Package in which the same are contained.

Restoration of seized Goods, Ships, &c.

CXLVII. And be it enacted, That in case any Goods, Ships, Vessels, or Boats shall be seized as forfeited, or detained as under-valued, by virtue of any Act of Parliament relating to the Customs, it shall be lawful for the Commissioners of Her Majesty's Customs to order the same to be restored in such Manner and on such Terms and Conditions as they shall think fit to direct; and if the Proprietor of the same shall accept the Terms and Conditions prescribed by the said Commissioners, he shall not have or maintain any Action for Recompence or Damage on account of such Seizure or Detention; and the Person making such Seizure shall not proceed in any Manner for Condemnation.

Remission of Forfeitures and Penalties by Commissioners, on Proof of Innocence of Owners and Master.

CXLVIII. And be it enacted, That if any Ship shall have become liable to Forfeiture on account of any Goods laden therein or unladen therefrom, or if the Master of any Ship shall have become liable to any Penalties on account of any Goods laden in such Ship or unladen therefrom, and such Goods shall be small in Quantity or of trifling Value, and it shall be made appear to the Satisfaction of the Commissioners of Her Majesty's Customs that such Goods had been laden or unladen contrary to the Intention of the Owners of such Ship, or without the Privity of the Master thereof, as the Case may be, it shall be lawful for the said Commissioners to remit such Forfeiture, and also to remit or mitigate such Penalty, as they shall see reason to acquit such Master of all Blame in respect of such Offence, or more or less to attribute the Commission of such Offence to Neglect of Duty on his Part as Master of such Ship; and every Forfeiture and every Penalty, or Part thereof so remitted, shall be null and void, and no Suit or Action shall be brought or maintained by any Person whatever on account thereof.

Ships not bringing to at Stations, Masters to forfeit 100*l*.

CXLIX. And be it enacted, That if any Ship coming up or departing out of any Port in the United Kingdom or in the *Isle of Man*, shall not bring to at the proper Stations in such Port appointed by the Commissioners of Her Majesty's Customs for the boarding or landing of Officers of the Customs, the Master of such Ship shall for every such Offence forfeit the Sum of One hundred Pounds.

Officers may be stationed in in any Port. Accommodation of Officers.

CL. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs, and for the Collector and Comptroller of any Port under their Directions, to station Officers on board any Ship while within the Limits of any Port in the United Kingdom or in the *Isle of Man*; and the Master of every Ship on board of which any Officer is so stationed shall provide every such Officer sufficient Room

under

under the Deck, in some Part of the Forecastle or Steerage, for his Bed or Hammock, and in case of Neglect or Refusal so to do shall forfeit the Sum of One hundred Pounds.

Power to charge Rent in Queen's Warehouse.

CLI. And be it enacted, That whenever any Goods shall be taken to and secured in any of the Queen's Warehouses in the United Kingdom or in the *Isle of Man*, for Security of the Duties thereon, or to prevent the same from coming into Home Use, it shall and may be lawful for the Commissioners of Her Majesty's Customs to charge and demand and receive Warehouse Rent for such Goods for all such Time as the same shall remain in such Warehouse, at the same Rate as may be payable for the like Goods when warehoused in any Warehouse in which such Goods may be warehoused without Payment of Duty: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, or the Commissioners of Her Majesty's Customs, by Warrant or Order under their Hands respectively, from Time to Time to fix the Amount of Rent which shall be payable for any Goods secured in any of the Queen's Warehouses as aforesaid.

Power to sell Goods not cleared from Queen's Warehouse.

CLII. And be it enacted, That in case such Goods shall not be duly cleared from the Queen's Warehouse within Three Calendar Months (or sooner if they be of a perishable Nature), it shall be lawful for the Commissioners of Her Majesty's Customs to cause such Goods to be publicly sold by Auction, for Home Use or for Exportation (as the Case may be); and the Produce of such Sale shall be applied towards the Payment of the Duties, if sold for Home Use, and of the Warehouse Rent and all other Charges; and the Overplus (if any) shall be paid to the Person authorized to receive the same: Provided always, that it shall be lawful for the said Commissioners to cause any of such Goods to be destroyed as cannot be sold for a Sum sufficient to pay such Duties and Charges if sold for Home Use, or sufficient to pay such Charges if sold for Exportation: Provided also, that if such Goods shall have been landed by the Officers of the Customs, and the Freight of the same shall not have been paid, the Produce of such Sale shall be first applied to the Payment of such Freight.

Power for Her Majesty to appoint Ports and legal Quays.

CLIII. And be it enacted, That it shall be lawful for Her Majesty, by Her Commission out of the Court of Exchequer, from Time to Time to appoint any Port, Haven, or Creek in the United Kingdom or in the *Isle of Man*, and to set out the Limits thereof, and to appoint the proper Places within the same to be legal Quays for the lading and unlading of Goods, and to declare that any Place which had been set out as a legal Quay by such Authority shall be no longer a legal Quay, and to appoint any new Place within any Port to be a legal Quay for the lading and unlading of Goods: Provided always, that all Ports, Havens, and Creeks, and the respective Limits thereof, and all legal Quays appointed and set out and existing as such at the Commencement of this Act under any Law till then in force shall continue to be such Ports, Havens, Creeks, Limits, and legal Quays respectively as if the same had been appointed and set out under the Authority of this Act.

Averment of Offence.

CLIV. And be it enacted, That in any Information or other Proceeding for any Offence against any Act made or to be made relating to the Customs the Averment that such Offence was committed within the Limits of any Port shall be sufficient, without Proof of such Limits, unless the contrary be proved.

Commissioners may appoint Sufferance Wharfs.

CLV. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs from Time to Time, by any Order under their Hands to appoint Places to be Sufferance Wharfs, for the lading and unlading of Goods by Sufferance, to be duly issued by them, or by the proper Officers under their Directions, in such Manner and in such Cases, as they shall see fit.

Ships engaged in carrying Letters not to import or export Goods.

CLVI. And be it enacted, That no Ship or Boat appointed and employed ordinarily for the Carriage of Letters shall import or export any Goods without Permission of the Commissioners of Her Majesty's Customs, under the Penalty of the Forfeiture of One hundred Pounds, to be paid by the Master of such Ship or Boat.

Fitters Certificates.

CLVII. And be it enacted, That no Ship shall be cleared from any Port of the United Kingdom, either for a Coasting or a Foreign Voyage, laden with Coals or Coal, or Culm or Cinders, which had not been previously brought Coastwise into such Port, until the Fitter or Coal Owner, or his Agent, vending or shipping the same, shall have delivered to the Collector or Comptroller Two Certificates under his Hand, expressing the total Quantities of Coals, Culm, and Cinders respectively shipped or intended to be shipped by him in such Ship; and the Collector or Comptroller shall retain One of such Certificates, and shall deliver the other, signed by him, to the Master of the Ship; and every Fitter, Coal Owner, or Agent who shall refuse to give such Certificates, or shall give a false Certificate, shall forfeit and pay the Sum of One hundred Pounds; and the Master of such Ship shall keep such Certificate, and produce the same to any Officer of Customs demanding such Production, and shall before Bulk be broken deliver such Certificate to the Collector or Comptroller of any Port in the United Kingdom to which such Coals, Culm, or Cinders shall be carried in such Ship.

LICENSED AGENTS.

Persons entering or clearing Ships, &c. as Agents, to be licensed, and give Bond.

Exception.

CLVIII. And be it enacted, That it shall not be lawful for any Person to act as an Agent for transacting Business in the Port of *London* which shall relate to the Entry or Clearance of any Ship, or of any Goods, or of any Baggage, unless authorized so to do by Licence of the Commissioners of Her Majesty's Customs, who are hereby empowered to require Bond to be given by every Person to whom such Licence shall be granted, with One sufficient Surety, in the Sum of One thousand Pounds, for the faithful and incorrupt Conduct of such Person and of his Clerks acting for him: Provided always, that such Bond shall not be required of any Person who shall be One of the Sworn Brokers of the City of *London:* Provided also, that all Licences heretofore granted by the Commissioners of Her Majesty's Customs to any Persons to act as Agents shall be valid and effectual, and all Bonds taken for the faithful and incorrupt Conduct of such Persons shall be and are hereby declared to be and remain in full Force and Effect; and if any Person shall act as such Agent, not being so licensed, or if any Person shall be in

Partnership in such Agency with any Person not so licensed, such Person shall, in either Case, for every such Offence forfeit the Sum of One hundred Pounds.

Treasury may revoke Licence.

CLIX. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, by any Order under their Hands, to revoke any such Licence, or any Licence heretofore granted by the Commissioners of Customs to any Person to act as an Agent for transacting such Business at the Custom House in the Port of *London*, and that after a Copy of such Order shall have been delivered to such Person or to his Clerk, or left at his usual Place of Abode or Business, such Licence shall be void.

Not to extend to Clerks or Servants of Individuals.

CLX. Provided always, and be it enacted, That nothing herein contained shall extend to prevent the Clerk or Servant of any Person or of any Persons in Copartnership from transacting any such Business, on account of such Person or Persons, without such Licence, provided such Clerk or Servant shall not transact any such Business as Clerk, Servant, or Agent to any other Person.

Agent may appoint Clerks to act for him only.

CLXI. And be it enacted, That it shall be lawful for any such Agent or Agents in Copartnership to appoint any Person without Licence, to be his or their Clerk in transacting such Agency: Provided always, that no Person shall be admitted to be such Clerk to more than One Agent or Copartnership of Agents, nor until his Name and Residence and the Date of his Appointment shall have been endorsed on the Licence of every such Agent, and signed by him, and witnessed by the Signature of the Collector and Comptroller of the Customs, unless such Person shall have been appointed with Consent of the Commissioners of Her Majesty's Customs before the Commencement of this Act.

Treasury may extend Regulations to other Ports.

CLXII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, by their Warrant, to be published in the *London* or *Dublin Gazette*, to extend the Regulations hereinbefore made relating to Agents in the Port of *London* to Agents at any other Port in *Great Britain*, or at any Port in *Ireland*.

Alteration of Act.

CLXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LXXXVII.

An Act for the Prevention of Smuggling. [4th *August* 1845.]

3 & 4 W. 4. c. 53.

'WHEREAS an Act was passed in a Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Prevention of Smuggling*, whereby the Laws of Customs in relation to the Prevention of Smuggling were consolidated: And whereas since the passing of the said Act divers Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Act and Parts of Acts should be consolidated into One Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Operation for all the Purposes mentioned therein, and that all the Provisions thereof shall extend to any Law in force or hereafter to be made relating to the Customs.

Commencement of Act.

Vessels and Boats.

Certain Vessels belonging to Her Majesty's Subjects, or whereof Half the Persons on board are Subjects of Her Majesty, and Foreign Vessels, found within certain Distances of the Coast of the United Kingdom, or of the Islands of Guernsey, Jersey, Alderney, Sark, or Man, with certain Goods on board, forfeited, together with the Goods.

II. And be it enacted, That if any Vessel not being square-rigged, or any Boat, either belonging in the whole or in part to Her Majesty's Subjects, or having Half the Persons on board Subjects of Her Majesty, shall be found or discovered to have been within One hundred Leagues of the Coast of the United Kingdom; or if any Vessel either belonging in the whole or in part to Her Majesty's Subjects, or having Half the Persons on board Subjects of Her Majesty, or if any Foreign Vessel not being square-rigged, or any Foreign Boat, in which there shall be One or more Subjects of Her Majesty, shall be found or discovered to have been within Four Leagues of that Part of the United Kingdom which is between the *North Foreland* on the Coast of *Kent* and *Beachy Head* on the Coast of *Sussex*, or within Eight Leagues of any other Part of the Coast of the United Kingdom; or if any Foreign Vessel or Boat shall be found or discovered to have been within One League of the Coast of the United Kingdom; or if any Vessel or Boat shall be found or discovered to have been within One League of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* respectively, or within any Bay, Harbour, River, or Creek of or belonging to any one of the said Islands; any such Vessel or Boat so found or discovered, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits not being in a Cask or other Vessel capable of containing Liquids of the Size or Content of Twenty Gallons at the least, or any Tea exceeding Six Pounds Weight in the whole, or any Tobacco or Snuff not being in a Cask or Package containing Three hundred Pounds Weight of Tobacco or Snuff at least, or being separated or divided in any Manner within any Cask or Package, or any Tobacco Stalks, or any Cordage or other Articles adapted and prepared for slinging or sinking small Casks, or any Casks or other Vessels whatsoever of less Size or Content than Twenty Gallons, of the Description used for the smuggling of Spirits, then and in every such Case the said Spirits, Tea, Tobacco, or Snuff, and Tobacco Stalks, together with the Casks or Packages containing the same, and the Cordage or other Articles, Casks, and other Vessels of the Description aforesaid, and also the Vessel or Boat, shall be forfeited.

Any Vessel or Boat arriving within any Port of the United Kingdom, or of

III. And be it enacted, That if any Vessel or Boat whatever shall arrive or shall be found or discovered to have been within any Port, Harbour, River, or Creek of the United Kingdom, or of the *Isle of Man*, not being driven thereto by Stress of Weather or other unavoidable Accident, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having

having conveyed in any Manner within any such Port, Harbour, River, or Creek, any Spirits not being in a Cask or other Vessel capable of containing Liquids of the Size or Content of Twenty Gallons at the least, or any Tobacco or Snuff not being in a Cask or Package containing Three hundred Pounds Weight of such Tobacco or Snuff at least, or being separated or divided in any Manner within any Cask or Package, or any Tobacco Stalks, every such Vessel or Boat, and such Spirits, Tobacco, Snuff, or Tobacco Stalks, shall be forfeited: Provided always, that if it shall be made appear to the Satisfaction of the Commissioners of Her Majesty's Customs that the said Spirits, Tobacco, Snuff, or Tobacco Stalks were on board without the Knowledge or Privity of the Owner or Master of such Vessel or Boat, and without any wilful Neglect or Want of reasonable Care on their or either of their Behalves, then and in such Case the said Commissioners shall and they are hereby authorized and required to deliver up the said Vessel or Boat to the Owner or Master of the same.

the Isle of Man, having prohibited Goods on board or attached thereto, forfeited. Proviso.

IV. And be it enacted, That nothing herein contained shall extend to render any Vessel of the Burden of One hundred and twenty Tons or upwards liable to Forfeiture on account of any *Tobacco or Snuff* coming direct from the *East Indies*, and being in Packages each containing One hundred Pounds Weight of Tobacco or Snuff at least, or on account of any Cigars being in Packages each containing One hundred Pounds Weight of Cigars at least, or on account of any Tobacco the Produce of *Mexico, Columbia*, the Continent of *South America*, or of the Islands of *Saint Domingo* or *Cuba*, coming direct from those Places respectively, or from the Warehouse in any *British* Possession in *America*, in Packages each containing Eighty Pounds Weight of Tobacco at least, or on account of any Negrohead Tobacco the Produce of and coming direct from the United States of *America*, in Packages each containing of such Tobacco One hundred and fifty Pounds Weight at least, or on account of any Tobacco of the Dominions of the *Turkish* Empire which may be separated or divided in any Manner within the outward Package, such outward Package being a Hogshead, Cask, Chest, or Case containing of such Tobacco Three hundred Pounds Weight at least, nor to render any Vessel of Sixty Tons Burden or upwards liable to Forfeiture on account of any Tea, or of any Spirits in Glass Bottles or in Stone Bottles, not exceeding the Size of Quart Bottles, such Tobacco, Snuff, Cigars, Tea, and Spirits being really Part of the Cargo of such Vessel, and included in the Manifest or other Papers of such Vessel enumerating or describing the Cargo thereof, nor to render any Vessel liable to Forfeiture on account of any Spirits, Tea, or Tobacco really intended for the Consumption of the Seamen and Passengers on board during their Voyage, and not being more in Quantity than is necessary for that Purpose, nor to render any Vessel liable to Forfeiture if really bound from one Foreign Port to another Foreign Port, and pursuing such Voyage, Wind and Weather permitting.

Certain Cases *in which Vessels shall not be forfeited for having on board* Tobacco, Snuff, Spirits, Tea, or Cigars.

V. And be it enacted, That when any Vessel or Boat belonging in the whole or in part to Her Majesty's Subjects, or having One Half of the Persons on board Subjects of Her Majesty, shall be found within One hundred Leagues of the Coast of the United Kingdom, and shall not bring to upon Signal made by any Vessel or Boat in Her Majesty's Service, or in the Service of the Revenue, hoisting the proper Pendant and Ensign in order to bring such Vessel or Boat to, and thereupon Chase shall be given, if any Person or Persons on board such Vessel or Boat so chased shall, during the Chase, or before such Vessel or Boat shall bring to, throw overboard any Part of the Lading of such Vessel or Boat, or shall stave or destroy any Part of such Lading to prevent Seizure thereof, that then and in such Case the said Vessel or Boat shall be forfeited; and all Persons escaping from such Vessels or Boats, or from any Foreign Vessel or Boat, during any Chase made thereof by any Vessel or Boat in Her Majesty's Service, or in the Service of the Revenue, shall be deemed and taken to be Subjects of Her Majesty, unless it shall be proved to the contrary.

Vessels belonging to Her Majesty's Subjects, &c. throwing overboard any Goods during Chase, forfeited, and Persons escaping deemed Subjects.

VI. And be it enacted, That from and after the passing of this Act every Vessel not being square-rigged, and every Boat, belonging in the whole or in part to Her Majesty's Subjects, or having on board One or more of Her Majesty's Subjects, which shall be found or discovered to have been within Four Leagues of that Part of the United Kingdom which is between the *North Foreland* on the Coast of *Kent* and *Beachy Head* on the Coast of *Sussex*, or within Eight Leagues of any other Part of the United Kingdom, from which any Part of the Lading of such Vessel or Boat shall have been thrown overboard, or on board which Vessel or Boat any of the Goods on board shall be staved or destroyed, to prevent Seizure, shall be forfeited.

Certain Vessels from which Goods are thrown overboard to prevent Seizure to be forfeited.

VII. And be it enacted, That in case any Vessel or Boat liable to Seizure or Examination under any Act or Law for the Prevention of Smuggling shall not bring to when required so to do, on being chased by any Vessel or Boat in Her Majesty's Navy having the proper Pendant and Ensign of Her Majesty's Ships hoisted, or by any Vessel or Boat duly employed for the Prevention of Smuggling having a proper Pendant and Ensign hoisted, it shall be lawful for the Captain, Master, or other Person having the Charge or Command of such Vessel or Boat in Her Majesty's Navy, or employed as aforesaid, (first causing a Gun to be fired as a Signal,) to fire at or into such Vessel or Boat; and such Captain, Master, or other Person acting in his Aid or Assistance, or by his Direction, shall be and he is hereby indemnified and discharged from any Indictment, Penalty, Action, or other Proceeding for so doing.

Vessels to bring to on being chased by Vessels or Boats of the Navy or in Preventive Service; not bringing to, may be fired into.

VIII. And be it enacted, That if any Vessel or Boat whatever shall be found within the Limits of any Port of the United Kingdom with a Cargo on board, and such Vessel or Boat shall afterwards be found light or in Ballast, and the Master is unable to give a due Account of the Port or Place within the United Kingdom where such Vessel or Boat shall have legally discharged her Cargo, such Vessel or Boat shall be forfeited.

Vessels in Port with a Cargo, and afterwards found in Ballast, &c. forfeited.

IX. And

Regulations as to Vessels sailing from Guernsey, Jersey, &c.

IX. And be it enacted, That no Vessel or Boat belonging wholly or in part to Her Majesty's Subjects shall sail from *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* without a Clearance, whether in Ballast or having a Cargo, and if with Cargo the Master shall give Bond to Her Majesty in Double the Value of the Vessel or Boat and of the Cargo for duly landing the same at the Port for which the Vessel clears; and every such Vessel or Boat not having such Clearance, or which having a Clearance for a Cargo shall be found light or with any Part of her Cargo discharged before Delivery thereof at the Port specified in the Clearance (unless through Necessity or for Preservation of the Vessel or Boat, to be proved to the Satisfaction of the Commissioners of Her Majesty's Customs), shall be forfeited.

None of Her Majesty's Subjects to hoist in their Vessels the Union Jack, or any Pendants, &c. usually worn in Her Majesty's Ships, and prohibited to be worn by Proclamation of 1st January 1801, under a Penalty not exceeding 500*l*.

X. 'And whereas His late Majesty King *George* the Third, by His Royal Proclamation, bearing Date 'the First Day of *January* One thousand eight hundred and one, was pleased, with the Advice of His 'Privy Council, to order and appoint what Ensign or Colours should be borne at Sea by Merchants 'Ships or Vessels belonging to any of His Majesty's Subjects of the United Kingdom of *Great Britain* 'and *Ireland*, and of the Dominions thereunto belonging, thereby charging and commanding all His 'Majesty's Subjects whatsoever that they should not presume to wear in any of their Ships or Vessels 'His Majesty's Jack commonly called the Union Jack, nor any Pendants nor any such Colours as are 'usually worn by His Majesty's Ships, without particular Warrant for their so doing from His Majesty, 'or His High Admiral of *Great Britain*, or the Commissioners for executing the Office of Lord High 'Admiral for the Time being, and also commanding His Majesty's Subjects that without such Warrant 'as aforesaid they should not presume to wear on board their Ships or Vessels any Flags, Jacks, 'Pendants, or Colours made in imitation of or resembling those of His Majesty, or any Kind of Pendant 'whatsoever, or any other Ensign than the Ensign described in the Margin of the said Proclamation;' be it therefore enacted and declared, That from and after the passing of this Act it shall not be lawful for any of Her Majesty's Subjects whomsoever to hoist, carry, or wear in or on board any Ship, Vessel, or Fishing Boat, or any other Vessel or Boat whatever, whether Merchant or otherwise, belonging to any of Her Majesty's Subjects, Her Majesty's Jack commonly called the Union Jack, or any Pendant or any such Colours as are usually worn by Her Majesty's Ships, or any Flag, Jack, Pendant, or Colours whatever made in imitation of or resembling those of Her Majesty, or any Kind of Pendant whatsoever, or any Ensign or Colours whatever, other than those prescribed by the said Proclamation; and that if any Person or Persons shall nevertheless presume to hoist, carry, or wear in or on board any Ship or Vessel, Fishing Boat, or other Vessel or Boat whatever, belonging to any of Her Majesty's Subjects, whether the same be Merchant or otherwise, Her Majesty's Jack commonly called the Union Jack, or any Pendant or Colours such as are commonly worn by Her Majesty's Ships, or any Jack, Flag, Pendant, or Colours whatever made in imitation of or resembling those of Her Majesty, or any Kind of Pendant whatever, without such Warrant as aforesaid, or any other Ensign or Colours than the Ensign or Colours prescribed by the said Proclamation to be worn, then and in every such Case the Master or other Person having Charge of such Ship, Vessel, or Boat, or the Owner or Owners thereof being on board the same, and every other Person so offending, shall for every such Offence forfeit and pay a Sum not exceeding Five hundred Pounds, to be recovered, with Costs of Suit, either in the High Court of Admiralty of *England*, or in any Vice Admiralty Court in Her Majesty's Colonies, or in any of Her Majesty's Courts of Queen's Bench or Exchequer at *Westminster* or *Dublin*, at the Suit of Her Majesty's Attorney General, or in the Courts of Session or Exchequer in *Scotland* respectively; and that it shall be lawful for any Officer of Her Majesty's Navy or Marines belonging to any of Her Majesty's Ships, or any Officer of the Customs or Excise, to enter on board any Ship, Vessel, or Boat so hoisting, wearing, or carrying any Jack, Flag, Ensign, Pendant, or Colours prohibited by the said Proclamation and by this Act to be hoisted, worn, or carried, and to seize and take away the same, and the same shall thereupon become forfeited.

Vessels used in Removal of run Goods to be forfeited.

XI. And be it enacted, That all Vessels and Boats made use of in the Removal, Carriage, or Conveyance of any Goods liable to Forfeiture under this or any other Act relating to the Revenue of Customs shall be forfeited.

Boats of Vessels to have thereon the Name of Vessel, Port, and Master.

XII. And be it enacted, That the Owner of every Vessel belonging in the whole or in part to any of Her Majesty's Subjects shall paint or cause to be painted, upon the Outside of the Stern of every Boat belonging to such Vessel, the Name of such Vessel, and the Port or Place to which she belongs, and the Master's Name withinside the Transon, in White or Yellow Roman Letters, not less than Two Inches in Length, on a Black Ground, on pain of the Forfeiture of such Boat not so marked, wherever the same shall be found.

Boat not belonging to Ships to have Name of Owner and Port thereon.

XIII. And be it enacted, That the Owner of every Boat not belonging to any Vessel shall paint or cause to be painted upon the Stern of such Boat, in White or Yellow Roman Letters of Two Inches in Length on a Black Ground, the Name of the Owner or Owners of the Boat, and the Port or Place to which she belongs, on pain of the Forfeiture of such Boat not so marked wherever the same shall be found.

Vessels and Boats used in piloting or fishing to be painted Black, and not to be painted like Preventive Boats.

XIV. And be it enacted, That the Owner or Owners of every Vessel or Boat employed on the Coasts of the United Kingdom in piloting or fishing shall paint or tar every such Vessel or Boat, or cause the same to be painted or tarred, entirely Black, except the Name or other Description required by Law to be painted on such Vessel or Boat; and every such Vessel or Boat found not so painted or tarred, and every Boat so painted as to resemble any Boat usually employed for the Prevention of Smuggling, or in any other Employment in Her Majesty's Service, shall be forfeited: Provided always, that nothing herein contained shall extend to prevent any distinguishing Mark from being placed on any such Vessel or Boat,

Boat, or to prevent any such Vessel or Boat from being otherwise painted, if the Commissioners of Her Majesty's Customs shall think proper to allow the same, and which shall be so expressed in the Licence of the said Vessel or Boat.

Vessels and Boats.

British Vessels having secret Places for concealing or Devices for running Goods, and Foreign Vessels not square-rigged having Goods in secret Places, forfeited.

XV. And be it enacted, That all Vessels and Boats belonging in the whole or in part to Her Majesty's Subjects having false Bulkheads, false Bows, double Sides or Bottoms, or any secret or disguised Place whatsoever in the Construction of such Vessels or Boats adapted for the Purpose of concealing Goods, or having any Hole, Pipe, or other Device in or about such Vessels or Boats adapted for the Purpose of running Goods, shall be forfeited, with all the Guns, Furniture, Ammunition, Tackle, and Apparel belonging to such Vessels or Boats; and that all Foreign Vessels or Boats not being square-rigged coming to or arriving at any Port of the United Kingdom having on board any Goods liable to the Payment of Duties, or prohibited to be imported into the United Kingdom, concealed in false Bulkheads, false Bows, double Sides or Bottoms, or in any secret or disguised Place whatsoever in the Construction of such last-mentioned Vessels or Boats, shall be forfeited.

Licences.

Vessels requiring a Licence.

XVI. And be it enacted, That all Vessels belonging in the whole or in part to Her Majesty's Subjects, not being square-rigged or propelled by Steam, and all Vessels belonging as aforesaid, whether propelled by Steam or otherwise, being of the Burden of One hundred and seventy Tons or less, of which the Length is to the Breadth in a greater Proportion than Three Feet Six Inches to One Foot, and all such last-mentioned Vessels carrying Arms for Resistance, and all Vessels of the Burden of One hundred and seventy Tons or more, belonging as aforesaid, armed with more than Two Carriage Guns of a Calibre exceeding Four Pounds, and with more than Two Muskets for every Ten Men, and all Boats belonging as aforesaid, which shall be found within One hundred Leagues of the Coast of the United Kingdom, shall be forfeited, unless the Owners thereof shall have obtained a Licence from the Commissioners of Her Majesty's Customs in the Manner herein-after described.

Vessels and Boats belonging to Her Majesty's Subjects, or whereof Half the Persons on board are Subjects of Her Majesty, not to be navigated with a greater Number of Persons than herein mentioned, unless licensed.

XVII. And be it enacted, That every Vessel or Boat belonging in the whole or in part to Her Majesty's Subjects, or whereof One Half of the Persons on board shall be Subjects of Her Majesty, (not being a Lugger, and at the Time fitted and rigged as such,) which shall be navigated by a greater Number of Men (Officers and Boys included) than in the following Proportions; (that is to say,) if of Thirty Tons or under, and above Five Tons, Four Men; if of Sixty Tons or under, and above Thirty Tons, Five Men; if of Eighty Tons, or under, and above Sixty Tons, Six Men; if of One hundred Tons or under, and above Eighty Tons, Seven Men; and above that Tonnage, One Man for every Fifteen Tons of such additional Tonnage; or, if a Lugger, then in the following Proportions; (that is to say,) if of Thirty Tons or under, Eight Men; if of Fifty Tons or under, and above Thirty Tons, Nine Men; if of Sixty Tons or under, and above Fifty Tons, Ten Men; if of Eighty Tons or under, and above Sixty Tons, Eleven Men; if of One hundred Tons or under, and above Eighty Tons, Twelve Men; and if above One hundred Tons, One Man for every Ten Tons of such additional Tonnage; which shall be found within One hundred Leagues of the Coast of the United Kingdom shall be forfeited, unless such Vessel, Boat, or Lugger shall be especially licensed for that Purpose by the Commissioners of Her Majesty's Customs.

Certain Particulars to be inserted in Licences for Vessels and Boats.

XVIII. And be it enacted, That every Licence granted by the Commissioners of Her Majesty's Customs for any Vessel or Boat requiring Licence under this Act shall contain the proper Description of such Vessel or Boat, the Name or Names of the Owner or Owners, with his or their Place or Places of Abode, and the Manner and the Limits in which the same is to be employed, and, if armed, the Numbers and Descriptions of Arms, and the Quantity of Ammunition, together with any other Particulars which the said Commissioners may require and direct, and that it shall be lawful for the said Commissioners to restrict the granting of a Licence for any Vessel or Boat in any way that they may deem expedient for the Security of the Revenue.

The Owner to give Security by Bond, with the Condition herein mentioned.

XIX. And be it enacted, That before any such Licence shall be issued or delivered, or shall have Effect for the Use of such Vessel or Boat, the Owner or Owners of every such Vessel or Boat shall give Security by Bond in the single Value of such Vessel or Boat, with Condition as follows; (that is to say,) that the Vessel or Boat shall not be employed in the Importation, landing, or removing of any prohibited or uncustomed Goods contrary to the true Intent and Meaning of this Act, or any other Act relating to the Customs or Excise, nor in the Exportation of any Goods which are or may be prohibited to be exported, nor in the re-landing of any Goods contrary to Law, nor shall receive or take on board or be found at Sea or in Port with any Goods subject to Forfeiture, nor shall do any Act contrary to this Act, or any Act hereafter to be made relating to the Customs or Excise, or for the Protection of the Trade and Commerce of the United Kingdom, nor shall be employed otherwise than mentioned in the Licence, and within the Limits therein mentioned; and in case of Loss, breaking up, or Disposal of the Vessel or Boat, that the Licence shall be delivered up within Six Months from the Date of such Loss, breaking up, or Disposal of such Vessel or Boat to the Collector or principal Officer of Customs at the Port at which such Vessel or Boat shall belong, and that no such Bond given in respect of any Boat shall be liable to any Stamp Duty.

Penalty of Bond not to exceed 1,000*l.*

XX. And be it enacted, That nothing herein contained shall authorize the requiring any Bond in any higher Sum than One thousand Pounds, although the single Value of the Vessel or Boat for which such Licence is to be issued may be more than One thousand Pounds.

Licence Bonds given by Minors to be valid.

XXI. And be it enacted, That all Bonds given by Persons under the Age of Twenty-one Years, in pursuance of the Directions herein contained, shall be valid and effectual to all Intents and Purposes, any thing in any Act or any Law or Custom to the contrary in anywise notwithstanding.

XXII. And

Vessels not to be used in any Manner not mentioned in the Licence, which is to be produced when demanded.

XXII. And be it enacted, That when any Vessel or Boat shall be found or discovered to have been used or employed in any Manner or in any Limits other than such as shall be specified in the Licence hereby required, or if such Licence shall not be on board such Vessel or Boat, or shall not at any Time be produced and delivered for Examination to any Officer or Officers of the Army, Navy, or Marines, duly employed for the Prevention of Smuggling, and on full Pay, or any Officer of Customs or Excise demanding the same, then and in every such Case such Vessel or Boat, and all the Goods laden on board, shall be forfeited.

Certain Vessels, Boats, and Luggers not required to be licensed.

XXIII. Provided always, and be it enacted, That nothing herein contained shall extend, or be deemed or taken to extend, to any Vessel, Boat, or Lugger belonging to any of the Royal Family, or being in the Service of the Navy, Victualling, Ordnance, Customs, Excise, or Post Office, nor to any Whale Boat or Boat solely employed in the Fisheries, nor to any Boat belonging to any square-rigged Vessel in the Merchant Service, nor to any Life Boat, nor to any Tow Boat belonging to licensed Pilots used in towing Vessels, nor to any Boat used solely in Rivers or Inland Navigation, nor to any Boats solely used in fishing on the Coast of *Ireland* or *Scotland*.

Penalty for counterfeiting or falsifying Licences, &c.

XXIV. And be it enacted, That if any Person or Persons shall counterfeit, erase, alter, or falsify, or cause to be counterfeited, erased, altered, or falsified, any Licence so to be granted as aforesaid, or shall knowingly make use of any Licence so counterfeited, erased, altered, or falsified, such Person or Persons shall for every such Offence forfeit the Sum of Five hundred Pounds.

How long Bonds are to be in force.

XXV. And be it enacted, That no Bond given on account of the Licence of any Vessel or Boat under this or any other Act for the Prevention of Smuggling shall be cancelled until the Space of Twelve Months after the Licence for which such Bond had been entered into shall have been delivered up to the proper Officer of the Customs; and such Bond shall remain in full Force and Effect for Twelve Months after the delivering up of the Licence as aforesaid.

Licences and Bonds granted previous to this Act valid.

XXVI. And be it enacted, That all Licences for any Vessels or Boats granted in pursuance of any former Act relating to the Customs, or for the Prevention of Smuggling, shall continue valid for all the Purposes for which such Licences were required; and all Bonds given in pursuance of any such Act shall continue valid, and may be in force, any thing herein contained notwithstanding.

Provisions extended to Guernsey, &c.

XXVII. And be it enacted, That all the Provisions herein contained relating to the licensing of Vessels and Boats shall extend to the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*.

Vessels and Goods.

Goods unshipped without Payment of Duty, and prohibited Goods, liable to Forfeiture.

XXVIII. And be it enacted, That if any Goods liable to the Payment of Duties shall be unshipped from any Vessel or Boat in the United Kingdom or the *Isle of Man* (Customs or other Duties not being first paid or secured), or if any prohibited Goods whatsoever shall be imported or brought into any Part of the United Kingdom, or of the *Isle of Man*, or if any Goods whatever which shall have been warehoused or otherwise secured in the United Kingdom, or in the *Isle of Man*, either for Home Consumption or Exportation, shall be clandestinely or illegally removed from or out of any Warehouse or Place of Security, then and in every such Case all such Goods as aforesaid shall be forfeited, together with all Horses and other Animals, and all Carriages and other Things, made use of in the Removal of such Goods.

Goods concealed on board a Vessel forfeited, and all Goods packed therewith.

XXIX. And be it enacted, That if any Goods which are subject to any Duty or Restriction in respect of Importation, or which are prohibited to be imported into the United Kingdom, shall be found or discovered to have been concealed in any Manner on board any Vessel or Boat within the Limits of any Port of the United Kingdom or of the *Isle of Man*, or shall be found, either before or after landing, to have been concealed in any Manner on board such Vessel or Boat within such Limits as aforesaid, that then and in every such Case all such Goods, and all other Goods which shall be packed with or used in concealing them, shall be forfeited.

Spirits and Tobacco found removing without a Permit to be deemed run.

XXX. And be it enacted, That all Spirits and all Tobacco for which a Permit is by Law required which shall be found removing without a legal Permit for the same shall be deemed to be Spirits or Tobacco respectively liable to and unshipped without Payment of Duty, unless the Party in whose Possession the same shall be found or seized shall prove to the contrary.

Restricted Goods to be deemed run in Proceedings for Forfeiture or Penalty.

XXXI. And be it enacted, That all Goods the Importation of which is in any way restricted, which are of a Description admissible to Duty, and which shall be found or seized in the United Kingdom or in the *Isle of Man* under any Law relating to the Customs or Excise, shall, for the Purpose of proceeding for the Forfeiture of them, or for any Penalty incurred in respect of them, be deemed to be and shall be described in any Information exhibited on account of such Forfeiture or Penalty as Goods liable to and unshipped without Payment of Duties.

Prohibited Goods shipped or waterborne with Intent to be exported, &c. forfeited.

XXXII. And be it enacted, That if any Goods which are prohibited to be exported shall be put on board any Vessel or Boat with Intent to be laden or shipped for Exportation, or shall be brought to any Quay, Wharf, or other Place in the United Kingdom in order to be put on board any Vessel or Boat for the Purpose of being exported, or if any Goods which are prohibited to be exported shall be found in any Package produced to the Officer or Officers of Customs as containing Goods not so prohibited, then and in every such Case not only all such prohibited Goods, but also all other Goods packed therewith, shall be forfeited.

Vessel, &c. may be seized by Persons herein mentioned, and must be delivered to the proper Officer.

XXXIII. And be it enacted, That all Vessels and Boats, and all Goods whatsoever, liable to Forfeiture under this or any other Act relating to the Customs, shall and may be seized in any Place, either upon Land or Water, by any Officer or Officers of Her Majesty's Army, Navy, or Marines, duly employed for the Prevention of Smuggling, and on Full Pay, or by any Officer or Officers of Customs or Excise, or by any Person having Authority to seize from the Commissioners of Her Majesty's Customs or Excise; and

and all Vessels, Boats, and Goods so seized shall, as soon as conveniently may be, be delivered into the Care of the proper Officer appointed to receive the same.

Powers given to Officers of Excise by 1 & 2 W.4. c. 55. as to Seizure of private Stills, &c., extended to Officers of Customs.

XXXIV. 'And whereas by an Act passed in the First and Second Years of the Reign of His late 'Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws for suppressing 'the illicit making of Malt and Distillation of Spirits in* Ireland, Officers of Excise are authorized to 'search for private Stills, Wort, Wash, Pot Ale, Low Wines, or Singlings, or Spirits, and Corn or Grain 'making into Malt, and to arrest and detain Persons discovered in the Place where private Distillation 'of Spirits or making of Malt is carrying on: And whereas it is expedient to extend the like Powers 'to Officers of Customs;' be it therefore enacted, That all the Powers, Authorities, and Privileges granted to Officers of Excise by the said recited Act may and shall be exercised by Officers of Customs as fully and effectually as if the Clauses in the said Act had been repeated and re-enacted in the Body of this Act, and made to apply to Officers of Customs.

Penalty on Officers and Persons making collusive Seizures, or taking Bribes, and on Persons offering them.

XXXV. And be it enacted, That if any Officer or Officers of the Customs or Excise, or any Officer or Officers of the Army, Navy, or Marines, duly employed for the Prevention of Smuggling, and on Full Pay, or any other Person or Persons whomsoever duly employed for the Prevention of Smuggling, shall make any collusive Seizure, or deliver up, or make any Agreement to deliver up or not to seize, any Vessel or Boat, or any Goods liable to Forfeiture, or shall take any Bribe, Gratuity, Recompence, or Reward for the Neglect or Nonperformance of his Duty, every such Officer or other Person shall forfeit for every such Offence the Sum of Five hundred Pounds, and be rendered incapable of serving Her Majesty in any Office whatever, either Civil or Military; and every Person who shall give or offer, or promise to give or procure to be given, any Bribe, Recompence, or Reward to, or shall make any collusive Agreement with, any such Officer or Person as aforesaid, to induce him in any way to neglect his Duty, or to do, conceal, or connive at any Act whereby any of the Provisions of any Act of Parliament relating to the Customs may be evaded, shall forfeit the Sum of Two hundred Pounds.

Vessels may be searched within the Limits of the Ports, as also Persons on board, or who may have landed from them, if suspected of having Goods concealed about their Persons.

XXXVI. And be it enacted, That it shall and may be lawful to and for any Officer or Officers of the Army, Navy, or Marines, duly employed for the Prevention of Smuggling, and on Full Pay, or for any Officer or Officers of Customs, producing his or their Warrant or Deputation (if required), to go on board any Vessel which shall be within the Limits of any of the Ports of the United Kingdom, and to rummage and to search the Cabin and all other Parts of such Vessel for prohibited or uncustomed Goods, and to remain on board such Vessel during the whole Time that the same shall continue within the Limits of such Port, and also to search any Person or Persons either on board or who shall have landed from any Vessel, provided such Officer or Officers shall have good Reason to suppose that such Person or Persons hath or have any uncustomed or prohibited Goods secreted about his, her, or their Person or Persons; and if any Person shall obstruct any such Officer or Officers in going or remaining on board, or in entering or searching such Vessel or Person, every such Person shall forfeit and lose the Sum of One hundred Pounds.

Before Persons are searched, they may require to be taken before a Justice or a Superior Officer of Customs, who shall determine whether there are reasonable Grounds of Suspicion.

XXXVII. And be it enacted, That before any Person shall be searched by any such Officer or Officers as aforesaid it shall be lawful for such Person to require such Officer or Officers to take him or her before any Justice of the Peace, or before the Collector, Comptroller, or other Superior Officer of the Customs, who shall determine whether there is reasonable Ground to suppose that such Person has any uncustomed or prohibited Goods about his or her Person; and if it shall appear to such Justice, Collector, Comptroller, or other Superior Officer of Customs that there is reasonable Ground to suppose that such Person has any uncustomed or prohibited Goods about his or her Person, then such Justice, Collector, Comptroller, or other Superior Officer of Customs shall direct such Person to be searched in such Manner as he shall think fit; but if it shall appear to such Justice, Collector, Comptroller, or other Superior Officer of Customs that there is not reasonable Ground to suppose that such Person has any uncustomed or prohibited Goods about his or her Person, then such Justice, Collector, Comptroller, or other Superior Officer of Customs shall forthwith discharge such Person, who shall not in such Case be liable to be searched; and every such Officer or Officers as aforesaid is and are hereby authorized and required to take such Person, upon demand, before any such Justice, Collector, Comptroller, or other Superior Officer of Customs, detaining him or her in the meantime: Provided always, that no Person being a Female shall be searched by any other Person than a Female duly authorized for that Purpose by the Commissioners of Her Majesty's Customs.

Penalty on Officers for Misconduct with respect to Search.

XXXVIII. And be it enacted, That if any such Officer or Officers shall not take such Person with reasonable Despatch before such Justice, Collector, Comptroller, or other Superior Officer of Customs, when so required, or shall require any Person to be searched by him, not having reasonable Ground to suppose that such Person has any uncustomed or prohibited Goods about his or her Person, such Officer shall forfeit and pay the Sum of Ten Pounds.

Penalty on Persons on board denying having Foreign Goods about them.

XXXIX. And be it enacted, That if any Passenger or other Person on board any Vessel or Boat shall, upon being questioned by any Officer or Officers of Her Majesty's Customs whether he or she has any Foreign Goods upon his or her Person, or in his or her Possession, deny the same, and any such Goods shall, after such Denial, be discovered upon his or her Person, or in his or her Possession, such Goods shall be forfeited, and such Person shall forfeit Treble the Value of such Goods.

Officers authorized by Writ of Assistance, and having a Peace Officer,

XL. And be it enacted, That it shall and may be lawful for any Officer or Officers of Customs, or Person acting under the Direction of the Commissioners of Her Majesty's Customs, having a Writ of Assistance under the Seal of Her Majesty's Court of Exchequer, to take a Constable, Headborough, or other public Officer inhabiting near the Place, and in the Daytime to enter into and search any

may search Houses for uncustomed or prohibited Goods, and break open Doors and Packages.

House, Shop, Cellar, Warehouse, Room, or other Place, and in case of Resistance to break open Doors, Chests, Trunks, and other Packages, there to seize and from thence to bring any uncustomed or prohibited Goods, and to put and secure the same in the Custom House Warehouse in the Port next to the Place from whence such Goods shall be so taken as aforesaid: Provided always, that for the Purposes of this Act any such Constable, Headborough, or other public Officer, duly sworn as such, may act as well without the Limits of any Parish, Ville, or other Place for which he shall be so sworn as within such Limits.

Duration of Writs of Assistance.

XLI. And be it enacted, That all Writs of Assistance so issued from the Court of Exchequer as aforesaid shall continue and be in force during the whole of the Reign in which such Writs shall have been granted, and for Six Months from the Conclusion of such Reign.

Officers of Customs or Excise may, on probable Cause, stop Carts, &c. and search for Goods.

XLII. And be it enacted, That it shall be lawful for any Officer of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, upon reasonable Suspicion, to stop and examine any Cart, Waggon, or other Means of Conveyance, for the Purpose of ascertaining whether any smuggled Goods are contained therein; and if no such Goods shall be found, then and in such Case the Officer or other Person so stopping and examining such Cart, Waggon, or other Conveyance, having had probable Cause to suspect that such Cart, Waggon, or other Conveyance had smuggled Goods contained therein, shall not, on account of such Stoppage and Search, be liable to any Prosecution or Action at Law on account thereof; and all Persons driving or conducting such Cart, Waggon, or other Conveyance, refusing to stop when required so to do in the Queen's Name, shall forfeit the Sum of One hundred Pounds.

Police Officers seizing Goods to carry them to the Custom House Warehouse.

XLIII. And be it enacted, That if any Goods subject or liable to Forfeiture under this or any other Act relating to the Customs shall be stopped or taken by any Police Officer, or other Person acting by virtue of any Act of Parliament, or otherwise duly authorized, such Goods shall be carried to the Custom House Warehouse next to the Place where the Goods were stopped or taken, and there delivered to the proper Officer appointed to receive the same, within Forty-eight Hours after the said Goods were stopped and taken.

Goods stopped by Police Officers may be retained until Trial of Persons charged with stealing them.

XLIV. And be it enacted, That if any such Goods shall be stopped or taken by such Police Officer on Suspicion that the same had been feloniously stolen, it shall be lawful for the said Officer to carry the same to the Police Office to which the Offender is taken, there to remain until and in order to be produced at the Trial of the said Offender; and in such Case the Officer is required to give Notice in Writing to the Commissioners of Her Majesty's Customs of his having so detained the said Goods, with the Particulars of the same; and immediately after the Trial of such Offender all such Goods shall be conveyed to and deposited in the Custom House Warehouse as aforesaid, to be proceeded against according to Law; and in case any Police Officer making Detention of any such Goods shall neglect to convey the same to such Warehouse, or to give the Notice of having stopped the same as before described, such Officer shall forfeit the Sum of Twenty Pounds.

Commissioners of Treasury, or Commissioners of Customs or Excise, may restore Seizures, and mitigate or remit Punishments and Penalties.

XLV. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, for the Time being, or for the Commissioners of Her Majesty's Customs or Excise, by any Order made for that Purpose under their Hands, to direct any Vessel, Boat, Goods, or Commodities whatever seized under this or any Act relating to the Customs or Excise, or to the Trade or Navigation of the United Kingdom, or to any of Her Majesty's Possessions abroad, to be delivered to the Proprietor or Proprietors thereof, whether Condemnation shall have taken place or not, and also to mitigate or remit any Penalty or Fine, or any Part of any Penalty or Fine, incurred under any such Act as last aforesaid, or to release from Confinement any Person or Persons committed under this or any Act relating to the Customs, on such Terms and Conditions as to them respectively shall appear to be proper: Provided always, that no Person shall be entitled to the Benefit of any Order for such Delivery, Mitigation, Remission, or Release, unless such Terms and Conditions are fully and effectually complied with.

Penalties.

Persons unshipping, harbouring, or having Custody of any prohibited or uncustomed Goods to forfeit the Value, or 100*l.*

XLVI. And be it enacted, That every Person who shall, either in the United Kingdom or the *Isle of Man*, unship or assist or be otherwise concerned in the unshipping of any Goods which are prohibited to be imported into the United Kingdom or into the *Isle of Man*, or the Duties for which have not been paid or secured, or who shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed, any Goods which shall have been illegally unshipped without Payment of Duties, or which shall have been illegally removed without Payment of the same, from any Warehouse or Place of Security in which they may have been deposited, or any Goods prohibited to be imported, or to be used or consumed in the United Kingdom or in the *Isle of Man*, and every Person, either in the United Kingdom or in the *Isle of Man*, to whose Hands and Possession any such prohibited or uncustomed Goods shall knowingly come, or who shall assist or be in anywise concerned in the illegal Removal of any Goods from any Warehouse or Place of Security in which they shall have been deposited as aforesaid, shall forfeit either the Treble Value thereof, or the Penalty of One hundred Pounds, at the Election of the Commissioners of Her Majesty's Customs.

How Value is to be ascertained.

XLVII. And be it enacted and declared, That in all Cases where any Penalty, the Amount of which is at any Time to be determined by the Value of any Goods, is directed to be sued for under any Act relating to the Customs or Excise, such Value shall, as regards Proceedings in any of Her Majesty's Courts of Record at *Westminster*, *Dublin*, or *Edinburgh*, or in the Royal Courts of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, be estimated and taken according to the Rate and Price which Goods of the like Sort or Denomination of the best Quality, and upon which the Duties of Importation shall have been paid,

Penalties.

paid, were sold for in *London*, *Dublin*, *Edinburgh*, or at the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* respectively at or about the Time of the Commission of the Offence (as the Penalty may have been incurred in *England*, *Ireland*, *Scotland*, or at any of the said Islands respectively), and that as regards Proceedings before Magistrates such Value shall be estimated and taken in the like Manner according to the Rate and Price for which such Goods were sold in some Town at or near to the Place where the Offence shall have been committed.

Persons insuring the Delivery of prohibited or uncustomed Goods to forfeit 500*l*.

XLVIII. And be it enacted, That every Person who, by way of Insurance or otherwise, shall undertake or agree to deliver any Goods to be imported from Parts beyond the Seas into any Port or Place in the United Kingdom without paying the Duties due thereon on such Importation, or any prohibited Goods, or who, in pursuance of such Insurance or otherwise, shall deliver or cause to be delivered any uncustomed or prohibited Goods, and every Aider or Abettor of such Person, shall for every such Offence forfeit the Sum of Five hundred Pounds, over and above any other Penalty to which by Law he may be liable; and every Person who shall agree to pay any Money for the Insurance or conveying of such Goods, or shall receive or take such Goods into his Custody or Possession, or suffer the same to be so received or taken, shall also forfeit Five hundred Pounds, over and above any Penalty to which by Law he may be liable on account of such Goods.

Penalty on Persons offering Goods for Sale under Pretence of being run or prohibited.

XLIX. And be it enacted, That if any Person or Persons shall offer for Sale any Goods under Pretence that the same are prohibited or have been unshipped and run on shore without Payment of Duties, that then and in such Case all such Goods (although not liable to any Duties or prohibited) shall be forfeited, and the Person or Persons, and every of them, offering the same for Sale shall forfeit the Treble Value of such Goods, or the Penalty of One hundred Pounds, at the Election of the Commissioners of Her Majesty's Customs.

Persons found or discovered to have been on board Vessels liable to Forfeiture for being found within certain Limits of the Coast, subject to be committed to any House of Correction.

L. And be it enacted, That every Person, being a Subject of Her Majesty, who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture under this or any Act relating to the Customs for being found or discovered to have been within any of the Distances in this Act mentioned from the United Kingdom or from the *Isle of Man*, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, such Goods or Things as subject such Vessel or Boat to Forfeiture, or who shall be found or discovered to have been, within any such Distances as aforesaid, on board any Vessel or Boat from which any Part of the Cargo or Lading of such Vessel or Boat shall have been thrown overboard, or staved or destroyed, to prevent Seizure, and every Person, not being a Subject of Her Majesty, who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture for any of the Causes last aforesaid within One League of the Coast of the United Kingdom or of the *Isle of Man*, shall, upon being duly convicted of any of the said Offences before any Two Justices of the Peace, be adjudged by such Justices for the First of such Offences to be imprisoned in any House of Correction, and there kept to hard Labour for any Term not less than Six nor greater than Nine Calendar Months, and for the Second of such Offences for any Term not less than Nine nor greater than Twelve Calendar Months, and for the Third or any subsequent Offence for Twelve Calendar Months; and it shall be lawful for any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer or Officers of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and he and they is and are hereby authorized, empowered, and required to detain every such Person, and to take such Person before any Justice of the Peace in the United Kingdom or in the *Isle of Man*, to be dealt with as herein-after directed: Provided always, that any such Person proving to the Satisfaction of any Justice or Justices before whom he may be brought that he was only a Passenger in such Vessel or Boat, and had no Interest whatever either in the Vessel or Boat, or in the Cargo, or any Goods on board the same, shall be forthwith discharged by such Justice or Justices.

Persons unshipping, or concerned in the carrying away or concealing, Spirits or Tobacco, to forfeit 100*l*., and may be detained.

LI. And be it enacted, That every Person whatsoever who shall unship, or be aiding, assisting, or concerned in the unshipping of any Spirits or Tobacco liable to Forfeiture under this or any other Act relating to the Customs or Excise, either in the United Kingdom or in the *Isle of Man*, or who shall carry, convey, or conceal, or be aiding, assisting, or concerned in the carrying, conveying, or concealing of any such Spirits or Tobacco, shall forfeit for such Offence the Sum of One hundred Pounds; and every such Person may be detained by any Officer or Officers of Her Majesty's Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on full Pay, or by any Officer or Officers of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and taken before any Justice of the Peace in the United Kingdom or in the *Isle of Man*, to be dealt with as herein-after directed.

Persons carrying, &c. Tea or manufactured Silk, to forfeit Treble the Value, and to be liable to Detention.

LII. And be it enacted, That every Person whatsoever who shall unship, or be aiding, assisting, or otherwise concerned in the unshipping, of any Tea or Foreign manufactured Silk, of the Value of Twenty Pounds liable to Forfeiture under any Act relating to the Customs or Excise, or who shall carry, convey, or conceal, or be aiding, assisting, or concerned in the carrying, conveying, or concealing, of such Tea or Silk, shall forfeit for every such Offence Treble the Value thereof; and every such Person shall and may be detained by any Officer or Officers of Her Majesty's Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or by any Officer or Officers of Customs or Excise, or by any other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and taken before any Justice of the Peace in the United Kingdom or the *Isle of Man*, to be dealt with as herein-after directed: Provided always, that it shall and may be lawful for such

Penalties.

Person so detained to give Security in Treble the Amount of the Goods seized by Recognizance or otherwise, to the Satisfaction of such Justice of the Peace, to appear at a Time and Place to be by him appointed.

Persons found or discovered to have been on board Vessels found within a Port of the United Kingdom or the Isle of Man with certain contraband Articles on board subject to a Penalty of 100*l.*, and to Detention.

LIII. And be it enacted, That every Person who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture under this or any Act or Acts relating to the Customs for being found or discovered to have been within any Port, Harbour, River, or Creek of the United Kingdom or of the *Isle of Man*, not being driven thereinto by Stress of Weather or other unavoidable Accident, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, such Goods or Things as subject such Vessel or Boat to Forfeiture, or who shall be found or discovered to have been on board any of Her Majesty's Ships or Vessels, or on board any Ship or Vessel in Her Majesty's Employment or Service, or on board of any Foreign Post Office Packet, being a national Vessel, employed in carrying the Mails between any Foreign Country and the United Kingdom, such last-mentioned Ships, Vessels, or Packets being found or discovered to have been within any Port, Harbour, River, or Creek of the United Kingdom or of the *Isle of Man*, not being driven therein by Stress of Weather or other unavoidable Accident, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits, not being in a Cask or other Vessel capable of containing Liquids of the Size or Content of Twenty Gallons at the least, or any Tobacco or Snuff not being in a Cask or Package containing Three hundred Pounds Weight of such Tobacco or Snuff at least, or being separated or divided in any Manner within any Cask or Package, shall forfeit the Sum of One hundred Pounds; and it shall be lawful for any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer or Officers of Customs or Excise, or other Persons acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and he and they is and are hereby authorized, empowered, and required, to detain every such Person, and to take such Person before any Justice of the Peace in the United Kingdom or in the *Isle of Man*, to be dealt with as herein-after directed.

Parties not liable to Penalties or Detention unless concerned in bringing in the Goods.

LIV. Provided always, and be it enacted and declared, That no Person shall be liable to any Penalty for or to be detained on account of any such Offence as is herein-before lastly mentioned, unless there shall be reasonable Ground to believe that such Person was the Owner of such Goods, or was concerned in bringing the same into such Ports and other Places as are herein-before mentioned, or in concealing the same, nor on account of any Spirits, Tobacco, or Snuff, being Stores, or being in Vessels or Packages of a Content or Size permitted by Law.

Persons in Her Majesty's Naval Service detained under Revenue Laws to be secured on board until a Justice's Warrant procured.

LV. And be it enacted, That where any Persons or Person, being Part of the Crew of any Ship or Vessel in Her Majesty's Employment or Service, and liable to Detention by any Officer or Officers of the Customs, shall have been detained under any Law or Laws relating to the Customs, such Person or Persons, upon Notice thereof given by such Officer or Officers of Customs to the Captain or Commanding Officer of the Ship or Vessel, shall be placed in Security by such Captain or Commanding Officer on board such Ship or Vessel, until the Officer or Officers of Customs shall have obtained a Warrant from a Justice of the Peace for bringing the said Offender or Offenders before him or any Two or more Justices of the Peace, to be dealt with according to Law, which said Warrant such Justice of the Peace is hereby authorized and required to grant, upon Complaint made to him by such Officer or Officers of Customs, stating the Offence for which such Person or Persons is or are liable to Detention as aforesaid.

Persons assembled, to run Spirits, Tea, Tobacco, or Silk; or procuring others to assemble to run Goods; or obstructing Officers in the Execution of their Duty,

to be sent to House of Correction to hard Labour.

LVI. And be it enacted, That all Persons assembled, to the Number of Three or more, for the Purpose of unshipping, carrying, conveying, or concealing any Spirits or Tobacco, or any Tea or Silk (such Tea or Silk being of the Value of Twenty Pounds or more), liable to Forfeiture under this Act, or any other Act or Acts relating to the Customs or Excise, and every Person who shall by any Means procure or hire, or shall depute or authorize any other to procure or hire, any Person or Persons to assemble for the Purpose of being concerned in the landing or unshipping, or carrying, conveying, or concealing, any Goods which are prohibited to be imported, or the Duties for which have not been paid or secured, and that every Person who shall obstruct any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer or Officers of Customs or Excise, or any Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, in the Execution of his or their Duty, or in the due seizing of any Goods liable to Forfeiture by this Act, or any other Act or Acts relating to the Customs, or who shall rescue or cause to be rescued any Goods which have been duly seized, or who shall attempt or endeavour to do, or who shall before or at or after any Seizure stave, break, or otherwise destroy any Goods to prevent the Seizure thereof or the securing the same, shall, upon being duly convicted of any of the said Offences before any Two Justices of the Peace, be adjudged by such Justices for the First Offence to be imprisoned in any House of Correction, and there kept to hard Labour for any Term not less than Six nor greater than Nine Calendar Months, and for the Second Offence for any Term not less than Nine nor greater than Twelve Calendar Months, and for the Third or any subsequent Offence for Twelve Calendar Months.

Authorizing Magistrates to proceed to Conviction of Smugglers in certain Cases

LVII. And be it enacted, That whenever any Person shall have been detained and taken before any Justice of the Peace for being found or discovered to have been on board any Vessel or Boat within any Port, Harbour, River, or Creek of the United Kingdom or of the *Isle of Man*, such Vessel or Boat having on board or having had on board Spirits or Tobacco in such Casks or Packages as would, under this or any other Act relating to Customs, subject the same to Forfeiture, or for unshipping, or for aiding, assisting,

assisting, or being concerned in the unshipping, of any Spirits or Tobacco liable to Forfeiture under this or any other Act relating to the Customs or Excise, or for carrying, conveying, or concealing, or for aiding, assisting, or being concerned in the carrying, conveying, or concealing, of any such Spirits or Tobacco, and it shall appear to such Justice that the Quantity of Spirits in respect of which such Person has been so detained does not exceed One Gallon, or that the Quantity of Tobacco in respect of which such Person has been so detained does not exceed Six Pounds Weight, it shall and may be lawful for such Justice and he is hereby authorized to proceed summarily upon the Case without any Information, and although no Direction shall have been given by the Commissioners of Her Majesty's Customs, and to convict such Person of such Offence, and to adjudge that such Person shall, in lieu of any other Penalty, forfeit any Sum of Money not exceeding Five Pounds, and in default of Payment of such Sum of Money to commit such Person to any of Her Majesty's Gaols for any Time not exceeding One Month.

without an Order from the Board of Customs.

LVIII. 'And whereas it is expedient that Time should be allowed to obtain the Order of the Commissioners of Customs or Excise as herein-after directed, and also to prepare Informations, Convictions, and Warrants of Commitment;' be it enacted, That when any Person or Persons shall have been detained by any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or by any Officer of Customs or Excise, or any Person or Persons acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, for any Offence against this or any other Act or Acts relating to the Customs, and shall have been taken before any Justice of the Peace, if it shall appear to such Justice that there is reasonable Cause to detain such Person or Persons, such Justice may and he is hereby authorized and required to order such Person or Persons to be detained a reasonable Time, and at the Expiration of such Time to be brought before any Two Justices of the Peace, who are hereby authorized and required finally to hear and determine the Matter.

Where Persons are taken before a Justice for any Offence under any Act relating to the Customs, such Justice may order them to be detained a reasonable Time.

LIX. And be it enacted, That if any Person or Persons liable to be detained under the Provisions of this or any other Act relating to the Customs shall not be detained at the Time of so committing the Offence for which he or they is or are so liable, or, after Detention, shall make his or their Escape, it shall and may be lawful for any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or for any Officer of Customs or Excise, or any other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, to detain such Person so liable to Detention as aforesaid at any Time afterwards, and to take him before any Justice of the Peace, to be dealt with as if detained at the Time of committing the said Offence.

Any Person liable to be arrested making his Escape may afterwards be detained by any Officer of the Customs.

LX. And be it enacted, That no Person shall, after Sunset and before Sunrise, between the Twenty-first Day of *September* and the First Day of *April*, or after the Hour of Eight in the Evening and before the Hour of Six in the Morning at any other Time in the Year, make, aid, or assist in making, any Signal in or on board or from any Vessel or Boat, or on or from any Part of the Coast or Shore of the United Kingdom, or within Six Miles of any Part of such Coast or Shore, for the Purpose of giving any Notice to any Person on board any Smuggling Vessel or Boat, whether any Person so on board of such Vessel or Boat be or be not within Distance to notice any such Signal, and if any Person, contrary to the true Intent and Meaning of this Act, make or cause to be made, or aid or assist in making, any such Signal, such Person so offending shall be guilty of a Misdemeanor, and it shall be lawful for any Person to stop, arrest, and detain the Person or Persons who shall so offend, and to carry and convey such Person or Persons so offending before any One or more of Her Majesty's Justices of the Peace residing near the Place where such Offence shall be committed, who, if he sees Cause, shall commit the Offender to the next County Gaol, there to remain until the next Court of Oyer and Terminer, Great Session, or Gaol Delivery, or until such Person or Persons shall be delivered by due Course of Law; and it shall not be necessary to prove on any Indictment or Information that any Vessel or Boat was actually on the Coast; and the Offender or Offenders, being duly convicted thereof, shall, by Order of the Court before whom such Offender or Offenders shall be convicted, either forfeit and pay the Penalty or Forfeiture of One hundred Pounds, or, at the Discretion of such Court, be sentenced or committed to the Common Gaol or House of Correction, there to be kept to hard Labour for any Term not exceeding One Year.

Persons making Signals to Smuggling Vessels at Sea may be detained, and, on Conviction, to forfeit 100*l.*, or be kept to hard Labour for One Year.

LXI. Provided always, and be it enacted, That in case any Person be charged with or indicted for having made or caused to be made, or for aiding or assisting in making, any such Signal as aforesaid, the Burden of Proof that such Signal so charged as having been made with Intent and for the Purpose of giving such Notice as aforesaid was not made with such Intent and for such Purpose shall be upon the Defendant against whom such Charge is made or such Indictment is found.

Proof of a Signal not being intended to lie on the Defendant.

LXII. And be it enacted, That it shall be lawful for any Person whatsoever to prevent any Signal being made as aforesaid, and to enter and go into and upon any Lands for that Purpose without being liable or subject to any Indictment, Suit, or Action for the same.

Any Person may prevent Signals.

Felonies.

LXIII. And be it enacted, That if any Persons, to the Number of Three or more, armed with Fire-arms or other offensive Weapons, shall, within the United Kingdom, or within the Limits of any Port, Harbour, or Creek thereof, be assembled in order to be aiding and assisting in the illegal landing, running, or carrying away of any prohibited Goods, or any Goods liable to any Duties which have not been paid or secured, or in rescuing or taking away any such Goods as aforesaid after Seizure from the Officer of the Customs or other Officer authorized to seize the same, or from any Person or Persons employed by them

Three or more armed Persons assembled to assist in the illegal landing of any Goods,

or in the rescuing of Goods seized, to be deemed guilty of Felony.

them or assisting them, or from the Place where the same shall have been lodged by them, or in rescuing any Person who shall have been apprehended for any of the Offences made Felony by this or any Act relating to the Customs, or in the preventing the Apprehension of any Person who shall have been guilty of such Offence, or in case any Persons to the Number of Three or more, so armed as aforesaid, shall, within the United Kingdom, or within the Limits of any Port, Harbour, or Creek thereof, be so aiding or assisting, every Person so offending, and every Person aiding, abetting, or assisting therein, shall, being thereof convicted, be adjudged guilty of Felony, and shall be liable, at the Discretion of the Court before which he shall be convicted, to be transported beyond the Seas for the Term of the natural Life of such Person, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years.

Persons shooting at any Boat belonging to the Navy, or in the Service of the Revenue, deemed guilty of Felony.

LXIV. And be it enacted, That if any Person shall maliciously shoot at any Vessel or Boat belonging to Her Majesty's Navy, or in the Service of the Revenue, within One hundred Leagues of any Part of the Coast of the United Kingdom, or shall maliciously shoot at, maim, or dangerously wound any Officer of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer of Customs or Excise, or any Person acting in his Aid or Assistance, or duly employed for the Prevention of Smuggling, in the due Execution of his Office or Duty, every Person so offending, and every Person aiding, abetting, or assisting therein, shall, being lawfully convicted, be adjudged guilty of Felony, and shall be liable, at the Discretion of the Court before which he shall be convicted, to be transported beyond the Seas for the Term of the natural Life of such Person, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years.

Any Person in company with more than Four others, &c. having Goods liable to Forfeiture, deemed a Felon.

LXV. And be it enacted, That if any Person being in company with more than Four other Persons be found with any Goods liable to Forfeiture under this or any other Act relating to the Customs or Excise, or in company with One other Person, within Five Miles of the Sea Coast, or of any navigable River leading therefrom, with such Goods, and carrying offensive Arms or Weapons, or disguised in any Way, every such Person shall be adjudged guilty of Felony, and shall, on Conviction of such Offence, be transported as a Felon for the Term of Seven Years.

Officers.

Persons assaulting Officers by Force or Violence may be transported.

LXVI. And be it enacted, That if any Person shall by Force or Violence assault, resist, oppose, molest, hinder, or obstruct any Officer of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, in the due Execution of his or their Office or Duty, such Person, being thereof convicted, shall be transported for Seven Years, or sentenced to be imprisoned in any House of Correction or Common Gaol, and kept to hard Labour, for any Term not exceeding Three Years, at the Discretion of the Court before whom the Offender shall be tried and convicted as aforesaid.

Commanding Officers of Vessels in the Service may haul their Vessels on shore without being liable to any Action for so doing.

LXVII. And be it enacted, That it shall and may be lawful to and for the Commanding Officer for the Time being of any Vessel or Boat employed for the Prevention of Smuggling to haul any such Vessel or Boat upon any Part of the Coasts of the United Kingdom, or the Shores, Banks, or Beaches of any River, Creek, or Inlet of the same (not being a Garden or Pleasure Ground, or Place ordinarily used for any Bathing Machine or Machines,) which shall be deemed most convenient for that Purpose, and to moor any such Vessel or Boat on such Part of the aforesaid Coasts, Shores, Banks, and Beaches below High-water Mark, and over which the Tide flows on ordinary Occasions, and to continue such Vessel or Boat so moored as aforesaid for such Time as the said Commanding Officer shall deem necessary and proper; and such Commanding Officer, or Person or Persons acting under his Direction, shall not be liable to any Indictment, Action, or Suit for so doing, any Law, Statute, Custom, or Usage to the contrary notwithstanding.

Officers of the Army, &c. may patrol the Coasts of the United Kingdom without being liable to Action.

LXVIII. And be it enacted, That it shall be lawful to and for any Officer of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or for any Officer of Customs or Excise, or any Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, when on Duty to patrol upon and pass freely along and over any Part of the Coasts of the United Kingdom, or the Shores or Banks of any River, Creek, or Inlet of the same, (not being a Garden or Pleasure Ground,) and any such Officer or Person so patrolling shall not be liable to any Indictment, Action, or Suit for so doing, any Law, Statute, Custom, or Usage to the contrary notwithstanding.

Officers, if wounded in the Service of the Customs, to be provided for, &c.

LXIX. And be it enacted, That in all Cases when any Officer or Seaman employed in the Service of the Customs or Excise shall be killed, maimed, wounded, or in any way injured in the due Execution of his Office, or if any Person acting in his Aid, or duly employed for the Prevention of Smuggling, shall be so killed, maimed, wounded, or in any way injured while so aiding such Officer or Seaman, or so employed, it shall and may be lawful for the Commissioners of Her Majesty's Customs and Excise respectively to make such Provision for the Officer or Person so maimed, wounded, or injured as aforesaid, or for the Widows and Families of such as shall be killed, as they shall be authorized and empowered to do by Warrant from the Commissioners of Her Majesty's Treasury for the Time being.

Vessels and Goods seized may be disposed of as Commissioners direct.

LXX. And be it enacted, That all Vessels and Boats and all Goods whatsoever which shall have been seized and condemned for Breach of any Law relating to the Customs shall be disposed of, as soon as conveniently may be after the Condemnation thereof, in such Manner as the Commissioners of Her Majesty's Customs shall direct.

LXXI. And

Rewards.

To Officers for detaining Smugglers.

LXXI. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized and empowered, to award to any Officer or other Person detaining any Person liable to Detention under this or any other Act relating to the Customs, to be paid upon the Conviction of such Person, any Reward they may think fit to direct, not exceeding the Sum of Twenty Pounds for each Person.

Rewards to Officers where pecuniary Penalties are recovered.

LXXII. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized, to order the following Reward to be paid to any Officer or Officers or Persons as aforesaid by whose Means any pecuniary Penalty or Composition is recovered; (that is to say,) One Third Part of the Penalty or Sum recovered, except in Seizures of Silk Goods, in which Case the Officers or other Persons may receive One Half the Penalty or Sum recovered.

Rewards to Officers making Seizures.

LXXIII. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized, to order to be paid in respect of any Seizure made under this or any Act relating to the Customs, or to Trade and Navigation, to the Person or Persons making the same, the following Rewards; (that is to say,)

In the Case of Seizures of Spirits or Tobacco:—

If all the Parties concerned in the Act which occasions the Seizure, being above the Age of Sixteen Years, are detained and convicted, the whole Value thereof, such Value to be fixed and settled by the Lords of the Treasury, or by the Commissioners of Her Majesty's Customs, as herein-after directed:

If Two or more of such Parties, not being the whole, are so detained and convicted, Seven Eighths of such Value:

If One such Party, not being the whole of them, is so detained and convicted, Five Eighths of such Value:

If One such Party, not being the whole of them, is detained and convicted, and the Vessel or Means of Conveyance is or are seized and condemned, Three Fourths of such Value:

If the Vessel or Means of Conveyance is seized and condemned without any Person being detained, One Third of such Value:

If all the Goods are seized, and all the Parties concerned as aforesaid are subsequently convicted in consequence of such Seizure, and by the Exertion of the Seizors, One Half of such Value:

If the Goods only are seized, One Eighth or such other Part as the Commissioners of the Customs shall think proper, not exceeding One Fourth of such Value:

In the Case of Seizures of other Goods, not Silks:

If the Vessel or other Means of Conveyance is or are seized and condemned, or if any Person is prosecuted to Conviction on account of the same, One Half of the Produce, exclusive of the Duties:

If the Goods only, One Fourth of such Produce:

In the Case of damaged Tobacco, Snuff, or other Goods destroyed, such Reward as the Lords of the Treasury or the Commissioners of Her Majesty's Customs may think proper to direct, not exceeding a Moiety of the Duty payable on such Goods in case the same had been sold for Home Consumption:

In the Case of Seizures of Silk Goods, the whole Value of such Goods, exclusive of the Duty thereon:

In the Case of Seizures of Vessels and Boats:—

If sold, a Moiety of the Produce:

If taken into the Public Service, or broken up, a Moiety of the Value:

In the Case of Seizures of Cattle and Carriages:—

In all Cases, Three Fourths of the Produce of the Sale.

Treasury to fix Value of Spirits and Tobacco. Rewards subject to Deduction.

LXXIV. Provided always, and be it enacted, That the Value of Spirits and Tobacco seized as aforesaid shall in all Cases be deemed and taken to be such as the Lords of the Treasury or the Commissioners of Her Majesty's Customs may think fit to fix the same at *per* Gallon or *per* Pound Weight, for the Purpose of rewarding the said Officer as aforesaid; and that all the before-mentioned Rewards shall be paid subject to a Deduction of Ten Pounds *per Centum* on account of Law Charges and other Expences.

All Rewards, &c. payable to Officers of Army, &c. to be regulated by Her Majesty's Orders in Council.

LXXV. And be it enacted, That every such Reward, or Part or Share of any such Seizure, or of the Value thereof, as shall be payable to any Officer or Officers, Non-commissioned Officers, Petty Officers, Seamen, or Privates of Her Majesty's Army, Navy, or Marines, or acting under the Orders of the Lord High Admiral or Commissioners of the Admiralty, shall be divided and distributed in such Proportions, and according to such Rules, Regulations, and Orders, as Her Majesty shall, by Her Order or Orders in Council, or by Her Royal Proclamation in that Behalf, be pleased to direct and appoint.

Commissioners may distribute Officers Shares of Seizure in certain Cases, so as to reward Persons not actually present.

LXXVI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs or Excise respectively, and they are hereby authorized, in case of any Seizure of Vessels, Boats, or Goods, or of the Apprehension of any Parties under this or any other Act relating to the Customs, to direct the Distribution of the Seizor's Share of such Vessels, Boats, or Goods, or of any Penalties or Rewards that may be recovered on account of any Seizure, in such Manner as to enable any Officer or Officers or other Person or Persons through whose Information or Means such Seizure shall have been made, or Penalty recovered, or Party apprehended, and who may by them be deemed to be so entitled, to participate in such Proportions as the said Commissioners shall respectively deem expedient.

Officers acting negligently or collusively, the Seizure to be

LXXVII. And be it enacted, That upon Proof being made to the Satisfaction of the Commissioners of Her Majesty's Customs or Excise that any Officer or Officers or Person or Persons as aforesaid shall have acted collusively or negligently in the making of any Seizure, or in the Apprehension of any Party, it shall

be

applied to Her Majesty's Use.

be lawful for the said Commissioners to direct that the whole or any Part of the Proportion of such Seizure be applied to the Use of Her Majesty.

Spirits in small Casks sunk or floating to be taken up by Officers only.

LXXVIII. And be it enacted, That no Person or Persons whatsoever being a Subject or Subjects of Her Majesty, other than an Officer or Officers of the Navy, Customs, or Excise, or some Person or Persons authorized in that Behalf, shall intermeddle with or take up any Spirits, being in Casks of less Content than Twenty Gallons, which may be found floating upon or sunk in the Sea within One hundred Leagues of the United Kingdom; and that if any Spirits shall be so intermeddled with or taken up, the same shall be forfeited, together with any Vessel or Boat in which they are found.

Rewards to Persons giving Information of Goods floating upon or sunk in the Sea.

LXXIX. Provided always, and be it enacted, That if any Person or Persons shall discover any Spirits, being in Casks of less Content than Twenty Gallons, which may be found floating upon or sunk in the Sea, and shall give Information to any Officer of the Customs, or other Person or Persons duly authorized to make Seizure of such Spirits, so that Seizure shall be made of the same, the Person or Persons giving such Information shall be entitled to and shall receive such Reward as the Commissioners of Her Majesty's Customs may deem it expedient to direct.

Allowance to poor Persons confined for Offences against Laws of Customs or Excise.

LXXX. And be it enacted, That for the necessary Subsistence of any poor Person confined in any Prison in the United Kingdom or in the *Isle of Man*, under or by virtue of any Exchequer or other Process for the Recovery of any Duties or Penalties, either upon Bond or otherwise, under this or any other Act relating to the Customs or Excise, sued for under or by virtue of any Order of the Commissioners of Her Majesty's Customs or Excise, it shall and may be lawful to and for the said Commissioners respectively to cause an Allowance, not exceeding the Sum of Seven-pence Halfpenny and not less than Four-pence Halfpenny *per* Day, to be made to any such poor Person out of any Money in their Hands arising from the Duties of Customs or Excise, as the Case may require.

Expences of Commitment of Smugglers to be paid out of Consolidated Customs.

LXXXI. And be it enacted, That the actual Expences incurred by any County, City, Borough, Liberty, Division, Franchise, or Town Corporate, in consequence of the Commitment of any Person to hard Labour under this or any Act or Acts relating to the Customs, shall be repaid out of the Consolidated Customs by Warrant of the Commissioners of Her Majesty's Treasury, or any Two or more of them, in such Manner and to such Amount as they shall think fit to direct.

Jurisdiction.

Penalties and Forfeitures how to be sued for.

LXXXII. And be it enacted, That all Penalties and Forfeitures incurred or imposed by this or any Act relating to the Customs, or to Trade or Navigation, shall and may be sued for, prosecuted, and recovered by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record at *Westminster*, or at *Dublin*, or at *Edinburgh*, or in the Royal Courts of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, in the Name of Her Majesty's Attorney General or of the Lord Advocate of *Scotland*, or in the Name or Names of some Officer or Officers of Her Majesty's Customs, or by Information before any Two or more of Her Majesty's Justices of the Peace in the United Kingdom or the *Isle of Man*, or before any Governor, Deputy Governor, or Deemster in the *Isle of Man*.

Justices may summon Offender, and the Summons may be left at his Residence, or on board his Ship.

LXXXIII. And be it enacted, That upon the exhibiting any Information before any Justice of the Peace of any Offence against this or any Act relating to the Customs, or to Trade or Navigation, for which Offence the Party charged is not liable to be detained in manner herein-before mentioned, such Justice is hereby required to issue a Summons for the Appearance of the Party against whom such Information is exhibited before Two Justices of the Peace; and such Summons, directed to such Party, being left either at his or her last known Place of Residence, or on board any Ship or Vessel to which such Party may belong or may have lately belonged, shall be deemed to have been sufficiently served.

Two Justices may, upon the Appearance or Default of the Party, proceed to the Hearing and Conviction.

LXXXIV. And be it enacted, That upon the Appearance of any Party so summoned, or in case of his or her Default, then upon Proof to the Satisfaction of the Justices that the Party was duly summoned in manner aforesaid, it shall be lawful for any Two Justices of the Peace to proceed to the Examination of the Matter contained in such Information, and upon due Proof thereof, either upon the Confession of the Party, or upon the Oath of One or more credible Witness or Witnesses, to convict such Party of the Offence charged in such Information; and in case of the Nonpayment of any Penalty or Penalties which such Party may have incurred for such Offence, such Justices, or One of them, or any other Justice or Justices of the Peace, are hereby authorized, by Warrant under Hand and Seal, to commit such Party to any of Her Majesty's Gaols within their or his Jurisdiction, there to remain until the Penalty or Penalties shall be paid; and such Justice or Justices are hereby also authorized and required, when such Party is convicted of any Offence for which the Punishment of hard Labour is inflicted, to commit such Party by such Warrant to the next House of Correction, there to be kept to hard Labour for such Time as he or they shall be authorized to do by this or any Act or Acts relating to the Customs.

Power to commit.

Warrants.

LXXXV. And be it enacted, That such Warrants shall and may be executed in any Part of the United Kingdom.

Justices empowered to mitigate Penalty in certain Cases.

LXXXVI. And be it enacted, That where any Party shall or may be convicted before any Two or more of Her Majesty's Justices of the Peace as aforesaid in any Penalty or Penalties incurred as aforesaid, except as is herein-after provided, it shall and may be lawful for the said Justices, in Cases where, upon consideration of the Circumstances they shall deem it expedient so to do, and for a first Offence only, to mitigate the Payment of the said Penalty or Penalties, so as the Sum to be paid by such Party be not less than One Fourth of the Amount of the Penalty in which such Party shall have been convicted.

As to Persons committed for Penalties under 100*l.*

LXXXVII. And be it enacted, That where any Person shall have been so committed by any Justices or Justice of the Peace to any Prison for Nonpayment of any Penalty less than One hundred Pounds, the Gaoler or Keeper of such Prison is hereby authorized and required to discharge such Person at the End of Six Calendar Months from the Commencement of such Imprisonment.

LXXXVIII. And,

Persons detained for the Offences herein mentioned may be convicted by Justices, and committed for Nonpayment of Penalty, or to hard Labour.

LXXXVIII. And be it enacted, That it shall and may be lawful for any Two or more Justices of the Peace before whom any Person liable to be detained, and who shall have been detained, for any Offence against this or any Act relating to the Customs, shall be brought, either on the Confession of such Person of such Offence, or on Proof thereof upon the Oath or Oaths of One or more credible Witness or Witnesses, to convict such Person of any such Offence; and every such Person so convicted as aforesaid shall immediately upon such Conviction pay into the Hands of such Justices, for the Use of Her Majesty, the Penalty of One hundred Pounds, without any Mitigation whatever for any such Offence of which he shall be so convicted as aforesaid, or in default thereof the said Justices shall and they are hereby respectively authorized, by Warrant under their Hands and Seals, to commit such Person so convicted as aforesaid, and making such Default as aforesaid, to any Gaol or Prison, there to remain until such Penalty shall be paid; and such Justices are hereby also authorized and required, when any such Person is convicted of any Offence for which the Punishment of hard Labour is inflicted, to commit such Person to the next House of Correction, there to be kept to hard Labour for such Time as they shall be authorized to do by this or any other Act or Acts relating to the Customs.

Justices may order Imprisonment in default of Payment of Penalty, with hard Labour.

LXXXIX. And be it enacted, That where any Person shall have been convicted before any Two Justices of the Peace of any Offence for which any Penalty shall have been inflicted by this or any other Act or Acts relating to the Customs, it shall and may be lawful for the said Justices, if they shall think fit, to order and adjudge that such Person shall, in default of paying such Penalty, be imprisoned for the first of such Offences in any of Her Majesty's Gaols within their Jurisdiction for a Period of not less than Six nor more than Nine Calendar Months; and if such Party shall have been before convicted of any Offence against this or any other Act or Acts relating to the Customs, it shall and may be lawful for the said Justices, if they shall think fit, to order and adjudge that such Person be imprisoned in any House of Correction and there kept to hard Labour for any Period not less than Six nor more than Twelve Calendar Months.

Justices of limited Jurisdiction not having Houses of Correction to commit to the one nearest to them.

XC. And be it enacted, That when any Person shall have been duly convicted of any Offence against this or any Act or Acts relating to the Customs for which such Person is liable to be sentenced to hard Labour, and such Conviction shall take place before any Two Justices of the Peace within whose Jurisdiction there is no House of Correction, it shall and may be lawful for such Justices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Offenders to any of Her Majesty's Gaols within their Jurisdiction wherein the Sentence of hard Labour is or can be executed, or to the House of Correction nearest to the Place where such Offender is convicted, for such Time as is herein set forth for a First, Second, and Third Offence respectively; and the Governor or Keeper of such Gaol or House of Correction is hereby required to receive such Offender, and to obey such Warrant in all respects as if such Gaol or House of Correction was within the Jurisdiction of such Justices.

Justices may commute the Sentence of hard Labour to Imprisonment only where Offender is a Female, or incapable of hard Labour.

XCI. And be it enacted, That where any Person shall have been convicted of any Offence against this or any Act or Acts relating to the Customs for which such Persons would be liable to be committed to hard Labour, it shall and may be lawful for the Justices before whom such Person is so convicted, provided such Person is a Female, or provided it appears to such Justices that such Person is from Age or Sickness incapable of hard Labour, to order and adjudge that such Person shall, in lieu of being committed to hard Labour, be imprisoned in any of Her Majesty's Gaols within their Jurisdiction for the Length of Time to which such Person would have been liable to be kept to hard Labour: Provided always, that in all such Cases the Cause of Mitigation shall be stated in the Warrant of Commitment.

Period of Confinement may, after Commitment, be extended, with hard Labour in case of Discovery of a prior Conviction for a similar Offence.

XCII. And be it enacted, That when any Person shall have been convicted before any Two Justices of the Peace of any Offence against this or any Act relating to the Customs for which such Person is liable to be committed to hard Labour, and it shall at any Time during such Imprisonment be made appear to the said or any other Two Justices, in the Presence of such Person, that such Person had been before convicted of any such Offence, it shall be lawful for such Justices and they are hereby required to commit such Offender to some House of Correction, to be kept to hard Labour for any Period not less than Nine nor greater than Twelve Calendar Months in the whole from the Date of the first Commitment, and to amend the Warrant of Commitment accordingly: Provided always, that any Gaoler in whose Custody such Person shall be shall, upon a written Order signed by any Justice of the Peace, produce such Person before such last-mentioned Justices for the Purpose last aforesaid.

Amended Warrant.

XCIII. And be it enacted, That it shall not be necessary in such amended Warrant of Commitment to state or refer to the former Conviction.

Married Women may be committed to Prison.

XCIV. And be it enacted and declared, That where any Person being a married Woman shall be convicted before Two Justices of the Peace of any Offence against this or any other Act relating to the Customs, such Person shall, in default of paying any Penalty which she may have incurred, be liable to be committed to Prison.

Offences on the High Seas deemed to have been committed at the Place into which the Offender is brought or in which he is found.

XCV. And be it enacted, That in case any Offence shall be committed upon the High Seas against this or any other Act relating to the Customs, or any Penalty or Forfeiture shall be incurred upon the High Seas for any Breach of such Act, such Offence shall, for the Purpose of Prosecution, be deemed and taken to have been committed, and such Penalties and Forfeitures to have been incurred, at the Place on Land in the United Kingdom or the *Isle of Man* into which the Person committing such Offence, or incurring such Penalty or Forfeiture, shall be taken, brought, or carried, or in which such Person shall be found, and in case such Place on Land is situated within any City, Borough, Liberty, Division, Franchise, or Town Corporate, as well any Justice or Justices of the Peace for such City, Borough,

Jurisdiction.

Borough, Liberty, Division, Franchise, or Town Corporate, as any Justice of the Peace of the County within which such City, Borough, Liberty, Division, Franchise, or Town Corporate is situated, shall have Jurisdiction to hear and determine all Cases of Offences against such Act so committed upon the High Seas, any Charter or Act of Parliament to the contrary notwithstanding: Provided always, that where any Offence shall be committed in any Place upon the Water not being within any County of the United Kingdom, or where any Doubt exists as to the same being within any County, such Offence shall, for the Purposes of this Act, be deemed and taken to be an Offence committed upon the High Seas.

As to Jurisdiction in Boroughs, &c.

XCVI. And be it enacted, That where any Offence against this or any Act relating to the Customs shall be committed in any City, Borough, Liberty, Division, Franchise, or Town Corporate, as well any Justice or Justices of the said City, Borough, Liberty, Division, Franchise, or Town Corporate, as any Justices of any County within which such City, Borough, Liberty, Division, Franchise, or Town Corporate is situated, shall have Jurisdiction to hear and determine the same.

One Magistrate of an adjoining County, with One of County where Offence committed, may hear Informations.

XCVII. And be it enacted, That when the Attendance of Two Magistrates having Jurisdiction in the County where the Offence is committed cannot be conveniently obtained, it shall be lawful for a Magistrate of any adjoining County, with One Magistrate of the County in which the Offence was committed or deemed to have been committed, to hear and determine any Information exhibited before them, and to have the same Powers and Authorities in all respects as to any Proceeding had under this or any other Act relating to the Customs as if they were both Magistrates for the County in which the Offence was committed.

Mode of proceeding before Justices for the Condemnation of seized Goods.

XCVIII. And be it enacted, That when any Information shall have been exhibited before any Justice of the Peace for the Forfeiture of any Goods whatsoever seized under this or any Act relating to this Customs, it shall be lawful for the said Justice, and he is hereby authorized and required, to summon the Party to whom such Goods belonged, or from whom they were seized, to appear before any Two Justices of the Peace; and such Summons, directed to such Party, being left either at his or her last known Place of Residence, or on board any Ship to which such Party may belong, shall be deemed to have been sufficiently served; and upon his, her, or their Appearance or Default any Two Justices may proceed to the Examination of the Matter, and upon due Proof that the said Goods are liable to Forfeiture under this or any Act relating to the Customs may condemn the said Goods.

Vessels, &c. seized under Laws of Customs, and ordered to be prosecuted, shall be deemed to be condemned unless the Owner gives Notice that he intends to claim.

XCIX. And be it enacted, That all Vessels, Boats, and Goods which shall have been or shall be hereafter seized as forfeited under any Law relating to the Customs, and which shall have been or shall hereafter be ordered to be prosecuted by the Commissioners of Her Majesty's Customs, shall be deemed and taken to be condemned, and may be sold in the Manner directed by Law in respect to Vessels, Boats, and Goods seized and condemned for Breach of any Law relating to the Customs, unless the Person from whom such Vessels, Boats, and Goods shall have been seized, or the Owner of them, or some Person authorized by him, shall, within One Calendar Month from the Day of seizing the same, give Notice in Writing, if in *London*, to the Person seizing the same, or to the Secretary or Solicitor for the Customs, and if elsewhere to the Person seizing the same, or to the Collector and Comptroller or other chief Officer of the Customs at the nearest Port, that he claims the Vessel, Boat, or Goods, or intends to claim them.

Powers of Justices to be exercised by Governor, &c. of the Isle of Man.

C. And be it enacted, That all the Powers vested in any Justices or Justice of the Peace by virtue of this Act shall be and the same are hereby vested in and may be exercised in the *Isle of Man* by any Governor, Deputy Governor, or Deemster of the said Island, or by any Two Justices of the Peace in and for the said Island, so far as regards Offences committed against or Penalties or Forfeitures incurred under this or any Act or Acts relating to the Customs.

Writs of Certiorari and Writs of Habeas corpus not to be issued except on an Affidavit;

CI. And be it enacted, That no Writ of Certiorari shall issue to remove any Proceedings before any Justice or Justices of the Peace under this or any Act relating to the Customs, nor shall any Writ of Habeas corpus issue to bring up the Body of any Person who shall have been convicted before any Justice or Justices of the Peace under any such Act, unless the Party against whom such Proceeding shall have been directed, or who shall have been so convicted, or his Attorney or Agent, shall state in an Affidavit in Writing, to be duly sworn, the Grounds of Objection to such Proceedings or Conviction, and that upon the Return to such Writ of Certiorari or Habeas corpus no Objection shall be taken or considered other than such as shall have been stated in such Affidavit; and that it shall be lawful for any Justice or Justices of the Peace, and they are hereby required, to amend any Information, Conviction, or Warrant of Commitment for any Offence under any such Act, at any Time, whether before or after Conviction.

any Justice may amend Informations, &c.

Writ of Habeas corpus not to issue without Notice to the Solicitor for the Customs.

CII. And be it enacted, That no such Writ shall issue without Notice in Writing of the issuing thereof to the Solicitor for the Customs, and that no Return to any such Writ shall be considered by any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, or by any of Her Majesty's Judges of any of the said Courts, unless there shall be produced to such Court or Judge an Affidavit in Writing duly sworn, stating that Notice of the issuing of such Writ was given to the Solicitor for the Customs or left at his Office Four clear Days before the Return of such Writ, and that with respect to all such Writs there shall be an Interval of Four clear Days at least between the Day on which they issue and the Day on which they are returnable, and any such Writ issuing without such Notice, and not being in conformity to the Directions herein contained, shall be void to all Intents and Purposes whatsoever.

Informations to be in the Words of the Act.

CIII. And be it enacted, That every Information preferred to enforce any Punishment, Penalty, or Forfeiture for any Offence committed against this or any Act or Acts relating to the Customs, and every Conviction or Warrant of Commitment for any such Offence, shall be deemed valid and sufficient, in which the Offence for which such Punishment or Penalty shall have been inflicted, or the Cause of such Forfeiture,

Forfeiture, is set forth in the Words of the Act or Acts by which such Punishment or Penalty has been inflicted, or under which such Forfeiture has been incurred; and that no Warrant of Commitment for any such Offence shall be held void by reason of any Defect in such Warrant, nor shall any Party be entitled to be discharged out of Custody on account of any such Defect, provided it be alleged in such Warrant that the said Party has been convicted of such an Offence, and provided it shall appear to the Court or Judge before whom such Warrant is returned that such Conviction proceeded upon good and valid Grounds.

Parties not to be discharged upon Defects in Warrants, if Conviction took place upon good Grounds.

CIV. And be it enacted, That when by any Act relating to the Customs a Penalty is imposed upon every Person committing or concerned in the Act by which such Penalty is incurred, and such Offence shall have been committed by several Persons jointly, or several Persons shall have been concerned in the same, such several Persons shall jointly and severally incur every such Penalty; and it shall be lawful to proceed against such Persons to recover such Penalties jointly by one Information, or severally by separate Informations, as the Attorney General or the Commissioners of Her Majesty's Customs respectively may deem expedient.

Several Persons concerned in the same Offence may be sued by One Information.

CV. And be it enacted, That when any Verdict shall pass against any Person in any of Her Majesty's Courts of Record for any Offence for which any pecuniary Penalty shall have been inflicted by this or any Act relating to the Customs, and such Person shall have before been duly convicted, either by Verdict in any of Her Majesty's Courts of Record or otherwise, of any such Offence, it shall and may be lawful for the Judge or Judges of the said Court in which such Person shall be so convicted to order and adjudge that such Person shall, in lieu of any Penalty, be imprisoned in any House of Correction for any Period not less than Six nor more than Twelve Calendar Months; and the Governor or Keeper of any House of Correction is hereby required to receive any Person committed under any such Order or Judgment.

Persons previously convicted may, upon a Verdict passing against them, be imprisoned in House of Correction.

CVI. And be it enacted, That when any Writ of Capias shall hereafter issue against any Person for any such Offence as is herein-before lastly mentioned, and such Person shall before have been convicted of any such Offence, such Writ shall issue and such Person shall be held to Bail for the full Amount of the Penalty sought to be recovered against him.

Persons previously convicted held to Bail for full Amount of Penalty.

CVII. And be it enacted, That all Informations exhibited before any Justice or Justices of the Peace for any Offence committed against this or any other Act relating to the Customs, and all Convictions for such Offences, and all Warrants of any Justice or Justices of the Peace founded upon such Convictions, shall be drawn respectively in the Form or to the Effect in the Schedule to this Act annexed.

Informations, &c. to be in the Form, &c. in Schedule.

CVIII. And be it enacted, That all Penalties and Forfeitures which may be recovered before any Justice or Justices of the Peace under this or any other Act relating to the Customs or Excise, on any Prosecution by Order of the Commissioners of Customs, shall be paid to the Commissioners of Her Majesty's Customs, and on any Prosecution by Order of the Commissioners of Excise shall be paid to the Commissioners of Her Majesty's Excise, or to the Person appointed by them respectively to receive the same; and such Penalties and Forfeitures shall be applied by the said Commissioners respectively in such Manner as the Law directs, any thing contained in any Act now in force or hereafter to be made to the contrary in anywise notwithstanding.

Penalties and Forfeitures to be paid to Commissioners of Customs or Excise, and applied as the Law directs.

CIX. And be it enacted, That whenever any Penalty shall be sued for as aforesaid by Information against any Person in any of Her Majesty's Courts of Record at *Westminster* or at *Dublin*, or at *Edinburgh*, a Capias may thereupon issue as the first Process, specifying the Amount of the Penalty sued for, and such Person against whom such Capias shall issue shall be obliged to give sufficient Bail or Security, by natural-born Subjects or Denizens, to the Person or Persons to whom such Capias shall be directed, to appear in the Court out of which such Capias shall issue at the Day of the Return of such Writ, to answer such Suit and Prosecution, and shall likewise at the Time of such appearing give sufficient Bail or Security, by such Persons as aforesaid, in the said Court, to answer and pay all the Forfeitures and Penalties incurred for such Offence or Offences, in case he, she, or they shall be convicted thereof, or to yield his, her, or their Body or Bodies to Prison.

Capias may issue against Persons sued under this Act, who are to give Bail.

CX. And be it enacted, That if any Person against whom a Capias shall issue out of any of Her Majesty's Courts of Record as aforesaid shall be arrested upon such Capias, and taken to Prison for Want of sufficient Bail, a Copy of the Information exhibited against such Person shall be served upon him or her in Gaol, or delivered to the Gaoler, Keeper, or Turnkey of the Prison in which such Person shall be confined, and if such Person shall neglect or refuse to appear or plead to the said Information for the Space of Twenty Days, Judgment shall be entered by Default; and in case Judgment shall be obtained against any such Person or Persons, by Default, Verdict, or otherwise, and such Persons or Person shall not pay the Sum recovered against him, her, or them for his, her, or their Offence, Execution shall be thereupon awarded and issued, not only against the Body or Bodies of the Person or Persons so in Prison as aforesaid, but against all the Real and Personal Estates of such Person or Persons for such Sum or Sums of Money so as aforesaid recovered against him, her, or them.

Persons in Gaol not appearing or pleading to the Information, Judgment may be entered by default.

CXI. And be it enacted, That in case any Person arrested and imprisoned by virtue of any Writ of Capias as aforesaid shall make Affidavit before the Judge or Judges of the Court where the Information shall be brought, or before any other Person commissioned to take Affidavits in such Court, that he or she is not worth, over and above his or her Wearing Apparel, the Sum of Five Pounds (which said Affidavit the said Judge or Judges of such Court and such Person so commissioned is and are hereby authorized and required so to take), and such Person shall thereupon petition such Court to defend himself or herself against such Information *in formâ pauperis*, the Judge or Judges of such Court shall, according

Persons not worth 5*l.* may defend Suits in formâ pauperis.

Jurisdiction.

to their Discretion, admit such Person to defend himself or herself against such Information in the same Manner and with the same Privileges as the Judges of such Court are by Law directed and authorized to admit poor Subjects to commence Actions for the Recovery of their Rights; and for that End and Purpose it shall be lawful for any Judge or Judges of such Court to assign Counsel learned in the Law, and to appoint an Attorney and Clerk of such Court, to advise and carry on any legal Defence that such Person can make against such Action or Information, and which said Counsel, Attorney, and Clerk so assigned and appointed is and are hereby required to give his and their Advice and Assistance to such Person, and to do their Duties, without Fee or Reward.

Sheriff to grant special Warrant on Writ of Capias being endorsed by the Solicitor for the Customs.

CXII. And be it enacted, That where any Writ of Capias or other Process shall issue out of any Court, directed to any Sheriff, Mayor, Bailiff, or other Person having the Execution of Process in any County, City, Borough, or Liberty, against any Person who shall be charged with any Offence against this or any Act relating to the Customs, every such Sheriff, Mayor, or Bailiff, and other Person having Execution of Process as aforesaid, and their and every of their Under Sheriffs, Deputies, and other Persons acting for them in the said Office and Offices respectively, shall and are hereby required and enjoined, upon the Request or Application of the Solicitor for the Customs, or any Person acting in his Behalf, (such Request to be in Writing, and endorsed upon the Back of the said Process, and signed by such Solicitor, with his Name and Addition of Solicitor for the Customs, or by such other Person, stating his Authority,) to grant a special Warrant or Warrants to such Person or Persons as shall be named to them by such Solicitor or other Person for the apprehending such Offender or Offenders, or in default thereof every such Sheriff, Mayor, Bailiff, Under Sheriff, and other Person acting in the said Office or Offices respectively shall be subject and liable to such Process of Contempt, Fines, Amerciaments, Penalties, and as they or any of them are now by any Law, Custom, or Usage liable to in case of refusing or neglecting to execute the like Process where the Defendant might have been taken thereupon in the common and usual Method of Proceeding.

Sheriff indemnified from Escapes in Cases where Warrants are granted at the Request of Solicitor for the Customs, or any Person acting in his Behalf, and Gaolers required to receive Offenders.

CXIII. And be it enacted, That all and every such Sheriff, Mayor, Bailiff, Under Sheriff, and other Persons so granting or making out such special Warrant as aforesaid shall be and they are hereby saved harmless and indemnified against Her Majesty, Her Heirs and Successors, and against all and every other Person or Persons whomsoever, of and from all Escapes of any Person or Persons who shall or may be taken by virtue of any such Warrant as aforesaid which shall or may happen from the Time of taking such Offender or Offenders till he, she, or they shall be committed to the proper Gaol or Prison, or be offered and tendered to the Gaol-keeper or other Person having charge of such Gaol or Prison (who is hereby enjoined and required to receive every such Person or Persons so apprehended as aforesaid, and give a Receipt for his, her, or their Body or Bodies), and of and from all Actions, Prosecutions, Process of Contempt, and other Proceedings for or by reason of such Escape, any Law, Custom, or Usage to the contrary notwithstanding.

No Claim or Appearance to be entered to any Information for the Forfeiture of seized Goods, unless in the Name of the Owners, and Oath made to the Property.

CXIV. And be it enacted, That no Claims shall be permitted to be entered to, and no Appearance shall be permitted to be entered to, any Information filed for the Forfeiture of any Vessel, Boat, or Goods seized for any Cause of Forfeiture, and returned into any of Her Majesty's Courts of Record in the United Kingdom or the *Isle of Man*, unless such Claim or Appearance is entered in the true and real Name or Names of the Owner or Owners, Proprietor or Proprietors of such Vessel, Boat, or Goods, describing the Place of Residence and the Business or Profession of such Person or Persons; and if such Person or Persons shall reside at *London*, *Edinburgh*, or *Dublin*, or within the Liberties thereof, Oath shall be made by him, her, or them before One of the Judges of the Court into which the said Vessel, Boat, or Goods are returned, or in which such Information is filed, that the said Vessel, Boat, or Goods was or were really and truly the Property of him, her, or them at the Time of such Seizure; but if such Person or Persons shall not be resident in *London*, *Edinburgh*, or *Dublin*, or the Liberties thereof, then and in such Case Oath shall be made in like Manner by the Agent, Attorney, or Solicitor by whom such Claim or Appearance shall be entered that he has full Power and legal Authority and Directions from such Owners or Proprietors to enter such Claim or Appearance, and that to the best of his Knowledge and Belief such Vessel, Boat, or Goods were at the Time of the Seizure thereof *bonâ fide* and truly the real Property of the Person or Persons in whose Name or Names such Claim or Appearance is entered; and on failure thereof the Vessel, Boat, or Goods shall be absolutely condemned, and Judgment shall be entered thereon by Default, according to the usual Method of Proceedings of the Court, in the same Manner as if no Claim or Appearance had been entered into; and every Person who shall be convicted of making or taking a false Oath to any of the Facts herein-before directed or required to be sworn shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties to which Persons are liable for wilful and corrupt Perjury.

Owners to give Security for Costs occasioned by the Claim or Appearance.

CXV. And be it enacted, That upon the Entry of any Claim to any Boat or Vessel or to any Goods seized for any Cause of Forfeiture, or of any Appearance to any Information filed for such Forfeiture, the Person or Persons who shall enter such Claim or Appearance as the Owner or Proprietor thereof (in case such Claimant shall reside in the United Kingdom) shall be bound, with Two other sufficient Sureties, in the Penalty of One hundred Pounds, to answer and pay the Costs occasioned by such Claim or Appearance; and if such Owner or Proprietor shall not reside in the United Kingdom, then and in such Case the Attorney or Solicitor by whose Direction such Claim or Appearance shall be entered shall in like Manner be bound, with Two other sufficient Sureties, in the like Penalty, to answer and pay the Costs occasioned by such Claim or Appearance.

CXVI. And

If Suit brought on account of Seizure, and the Judge shall certify that there was probable Clause, Plaintiff to have 2*d.* Damages, and Defendant fined not more than 1*s.*

CXVI. And be it enacted, That in case any Information or Suit shall be commenced or brought to Trial on account of the Seizure of any Vessel, Boat, or Goods, Merchandizes or Commodities whatsoever, or any Horses or other Animals, or any Carriage, seized as forfeited by this or any Act relating to the Customs, wherein a Verdict shall be found for the Claimant thereof, and it shall appear to the Judge or Court before whom the same shall have been tried that there was a probable Cause of Seizure, such Judge or Court shall certify on the Record that there was such probable Cause; and in such Case the Person or Persons who made such Seizure shall not be liable to any Action, Indictment, or other Suit or Prosecution on account of such Seizure; and in case any Action, Indictment, or other Suit or Prosecution shall be commenced and brought to Trial against any Person or Persons whomsoever on account of any such Seizure as aforesaid, wherein a Verdict shall be given against the Defendants or Defendant, if the Court or Judge before whom such Information or Suit shall have been tried shall have certified on the said Record that there was a probable Cause for such Seizure, then the Plaintiff, besides the Things seized or the Value thereof, shall not be entitled to above Two-pence Damages, nor to any Costs of Suit, nor shall the Defendant or Defendants in such Prosecution be fined above One Shilling.

No Process to be sued out against any Officer making Seizure until One Calendar Month next after Notice given.

CXVII. And be it enacted, That no Writ shall be sued out against, nor a Copy of any Process served upon, any Officer of the Army, Navy, Marines, Customs, or Excise, or against any Person acting under the Direction of the Commissioners of Her Majesty's Customs, for any thing done in the Execution of or by reason of his Office, until One Calendar Month next after Notice in Writing shall have been delivered to him, or left at his usual Place of Abode, by the Attorney or Agent for the Party who intends to sue out such Writ or Process as aforesaid, in which Notice shall be clearly and explicitly contained the Cause of Action, the Name and Place of Abode of the Person who is to bring such Action, and the Name and Place of Abode of the Attorney or Agent; and that a Fee of Twenty Shillings shall be paid for the preparing and serving of every such Notice, and no more.

No Evidence to be adduced but what is contained in the Notice.

CXVIII. Provided always, and be it enacted, That no Plaintiff in any Case when an Action shall be grounded on any such Act done by the Defendant shall be permitted to produce any Evidence of the Cause of such Action, except such as shall be contained in the Notice to be given as aforesaid, or shall receive any Verdict against such Officer or Person, unless he shall prove on the Trial of such Action that such Notice was given; and in default of such Proof the Defendant in such Action shall receive a Verdict, with Costs, as herein-after mentioned.

Officer may tender Amends.

CXIX. And be it enacted, That it shall and may be lawful to and for any such Officer or other Person to whom such Notice shall have been given as aforesaid, at any Time within One Calendar Month after such Notice shall have been given, to tender Amends to the Party complaining, or his, her, or their Agent or Attorney, and in case the same is not accepted to plead such Tender in bar to any Action to be brought against him grounded on such Writ or Process, together with the Plea of Not Guilty, and other Pleas, with Leave of the Court; and if, upon Issue joined thereon, the Jury shall find the Amends so tendered to have been sufficient, then they shall give a Verdict for the Defendant; and in such Case, or in case the Plaintiff shall become nonsuited, or discontinue his, her, or their Action, or in case Judgment shall be given for such Defendant upon Demurrer, then such Defendant shall be entitled to the like Costs as he would have been entitled to in case he had pleaded the General Issue only; but if upon Issue joined, the Jury shall find that no Amends were tendered, or that the same were not sufficient, or shall find against the Defendant in such other Plea or Pleas, then they shall give a Verdict for the Plaintiff, and such Damages as they shall think proper, together with his, her, or their Costs of Suit.

Officer neglecting to tender Amends may pay Money into Court.

CXX. And be it enacted, That in case such Officer or other Person as aforesaid shall neglect to tender any Amends, or shall have tendered insufficient Amends, before the Action brought, it shall and may be lawful for him, by Leave of the Court in which such Action shall be brought, at any Time before the Trial of the said Action, to pay into Court such Sums of Money as he shall see fit, whereupon such Proceedings, Orders, and Payments shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Action to be commenced within Six Months next after Cause of Action has arisen.

CXXI. And be it enacted, That if any Action or Suit shall be brought or commenced as aforesaid such Action or Suit shall be brought or commenced within Six Months next after the Cause of Action shall have arisen, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action is alleged to have occurred, and not in any other County or Place; and the Defendant or Defendants shall and may plead the General Issue, and give the special Matter in Evidence, at any Trial had thereupon; and if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Suit, or if upon a Verdict or Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall be entitled to Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants can or may have in other Cases where Costs are given by Law.

Judges of the Queen's Bench may issue Warrants for apprehending Offenders prosecuted by Indictment or Information.

CXXII. And be it enacted, That whenever any Person shall be charged with any Offence against this or any Act relating to the Customs for which he or she may be prosecuted by Indictment or Information in Her Majesty's Court of Queen's Bench, and the same shall be made appear to any Judge of the same Court, by Affidavit or by Certificate of an Information or Indictment being filed against such Person in the said Court for such Offence, it shall and may be lawful for such Judge to issue his Warrant under his Hand and Seal, and thereby to cause such Person to be apprehended and brought before him or some other Judge of the same Court, or before some One of Her Majesty's Justices of the Peace, in order to his or her being bound to the Queen's Majesty, with Two sufficient Sureties, in such Sum as in the said Warrant shall be expressed, with Condition to appear in the said Court at the Time mentioned

Persons neglecting to give Bail may be committed to Gaol.

mentioned in such Warrant, and to answer all and singular Indictments or Informations for any such Offence; and in case any such Person shall neglect or refuse to become bound as aforesaid it shall be lawful for such Judge or Justice respectively to commit such Person to the Common Gaol of the County, City, or Place where the Offence shall have been committed, or where he or she shall have been apprehended, there to remain until he or she shall become bound as aforesaid, or shall be discharged by Order of the Court in Term Time, or of One of the Judges of the said Court in Vacation; and the Recognizance to be thereupon taken shall be returned and filed in the said Court, and shall continue in force until such Person shall have been acquitted of such Offence, or in case of Conviction shall have received Judgment for the same, unless sooner ordered by the Court to be discharged; and that where any Person, either by virtue of such Warrant of Commitment aforesaid, or by virtue of any Writ of Capias ad respondendum issued out of the said Court, is now detained or shall hereafter be committed to and detained in any Gaol for Want of Bail, it shall be lawful for the Prosecutor of any such Indictment or Information to cause a Copy thereof to be delivered to such Person, or to the Gaoler or Keeper or Turnkey of the Gaol wherein such Person is or shall be so detained, with a Notice thereon endorsed, that unless such Person shall, within Eight Days from the Time of such Delivery of a Copy of the Indictment or Information as aforesaid, cause an Appearance and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, an Appearance and the Plea of Not Guilty will be entered thereto in the Name of such Person; and in case he or she shall thereupon, for the Space of Eight Days after the Delivery of a Copy of such Indictment or Information as aforesaid, neglect to cause an Appearance and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, it shall be lawful for the Prosecutor of such Indictment or Information, upon Affidavit being made and filed in the Court of the Delivery of a Copy of such Indictment or Information, with such Notice endorsed thereon as aforeaaid, to such Person, or to such Gaoler, Keeper, or Turnkey, as the Case may be, which Affidavit may be made before any Judge or Commissioner of the said Court authorized to take Affidavits in the said Court, to cause an Appearance and the Plea of Not Guilty to be entered in the said Court to such Indictment or Information for such Person, and such Proceedings shall be had thereupon as if the Defendant in such Indictment or Information appeared and pleaded Not Guilty, according to the usual Course of the said Court; and that if upon Trial of such Indictment or Information any Defendant so committed and detained as aforesaid shall be acquitted of all the Offences therein charged upon him or her, it shall be lawful for the Judge before whom such Trial shall be had, although he may not be One of the Judges of the said Court of Queen's Bench, to order that such Defendant shall be forthwith discharged out of Custody as to his or her Commitment as aforesaid, and such Defendant shall be thereupon discharged accordingly.

Indictments or Informations may be served on the Gaoler, and if Offender neglect to appear, &c. the Prosecutor may enter Plea of Not Guilty.

If upon Trial the Party is acquitted, the Judge may discharge him out of Custody.

When Recognizance is given, and the Party shall not plead, a Copy of the Information or Indictment may be delivered to his Attorney, and if the Party does not appear, a Plea of Not Guilty may be entered.

CXXIII. And be it enacted, That where any Person shall be arrested by virtue of a Warrant issued as aforesaid, and shall enter into a Recognizance, and appear in the said Court at the Return of the said Recognizance, but shall not afterwards plead to the Information or Indictment, it shall and may be lawful for the Prosecutor of such Information or Indictment to cause a Copy thereof to be delivered to such Person, or his or her Attorney or Agent, or to be left at his or her last Place of Abode, with a Notice thereon endorsed, that unless such Person shall, within Eight Days from the Time of such Delivery of a Copy of the Information or Indictment as aforesaid, cause a Plea to be entered in the said Court to such Information or Indictment, that the Prosecutor of such Information or Indictment will enter a Plea of Not Guilty on his or her Behalf; and that upon Affidavit being made and filed in the said Court of the Delivery of a Copy of such Information or Indictment, with such Notice endorsed thereon as aforesaid, to such Person, or to his or her Attorney or Agent, or at his or her last Place of Abode, as the Case may be, it shall be lawful for the Prosecutor of such Information or Indictment to cause the Plea of Not Guilty to be entered in the said Court to such Information or Indictment for such Person, and such Proceedings shall be had thereupon as if the Defendant in such Information or Indictment had pleaded according to the usual Course of the said Court.

Certain Articles herein mentioned not to be landed Coastwise until the Dues of the City of London are paid.

CXXIV. And for the Purpose of enabling the Mayor, Commonalty, and Citizens of the City of *London*, and their Successors, to ascertain and collect the Amount of the Dues payable to them upon the several Articles herein-after mentioned, brought Coastwise into the Port of *London*, be it enacted, That if all or any of the Goods of the Description herein-after mentioned, (that is to say,) Firkins of Butter, Tons of Cheese, Fish, Eggs, Salt, Fruit, Roots (eatable), and Onions, brought Coastwise into the Port of the said City, and which are liable to the said Dues, shall be landed or unshipped at or in the said Port before a proper Certificate of the Payment of the said Duties shall have been obtained, such Goods respectively shall be forfeited, and may be seized by any Officer of Her Majesty's Customs empowered to seize any Goods landed without due Entry thereof; and such Forfeiture may be sued for, prosecuted, and recovered by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record at *Westminster*, in the Name of the Chamberlain of the said City, on behalf of the said Mayor, Commonalty, and Citizens.

When Offenders are arrested, and give Bail to the Sheriff, the Bail Bond to be assigned to Her Majesty.

CXXV. And be it enacted, That if any Person shall be arrested under or by virtue of a Writ of Capias ad respondendum issuing out of any of Her Majesty's Courts of Record, or out of any of the Superior Courts of Record of either of the Counties Palatine, at the Suit of the Queen's Majesty, Her Heirs and Successors, and the Sheriff or other Officer shall take Bail from such Person, such Sheriff or other Officer, at the Request and Costs of the Prosecutor, shall assign to the Queen's Majesty, Her Heirs and Successors, the Bail Bond taken from such Person, by endorsing the same, and attesting the same under his Hand and Seal in the Presence of Two or more credible Witnesses, which may be done without any

any Stamp, provided the Assignment so endorsed be duly stamped before any Suit be commenced thereupon; and if such Bail Bond be forfeited such Process shall thereupon issue as on Bonds originally made to the Queen's Majesty, Her Heirs and Successors, and the Court in which such Bail Bond is put in Suit may, by Rule or Rules of the same Court, give such Relief to the Defendant or Defendants as is agreeable to Justice and Reason. *Jurisdiction.*

CXXVI. And be it enacted, That no Indictment shall be preferred for any Offence against this or any other Act or Acts relating to the Customs or Excise, nor shall any Suit be commenced for the Recovery of any Penalty or Forfeiture for any such Offence, (except in the Cases of Persons detained and carried before One or more Justices in pursuance of this Act,) unless such Indictment shall be preferred under the Direction of the Commissioners of Her Majesty's Customs or Excise, or unless such Suit shall be commenced in the Name of Her Majesty's Attorney General for *England* or *Ireland*, or in the Name of the Lord Advocate of *Scotland*, or in the Name of some Officer of Customs or Excise, under the Direction of the said Commissioners respectively. Indictments to be preferred by Order of the Commissioners, and Suits to be in the Name of the Attorney General or Lord Advocate, &c.

CXXVII. And be it enacted, That if any Prosecution whatever shall be commenced for the Recovery of any Fine, Penalty, or Forfeiture incurred under this or any other Act relating to the Customs or Excise, it shall be lawful for Her Majesty's Attorney General, or for the Lord Advocate of *Scotland*, if he is satisfied that such Fine, Penalty, or Forfeiture was incurred without any Intention of Fraud, or that it is inexpedient to proceed in the said Prosecution, to stop all further Proceedings by entering a Nolle prosequi, or otherwise, on such Information, as well with respect to the Share of such Fine, Penalty, or Forfeiture to which any Officer or Officers may be entitled as to the Queen's Share thereof. The Attorney General or Lord Advocate may sign a Nolle prosequi.

CXXVIII. And be it enacted, That if any Goods shall be seized for Nonpayment of Duties, or any other Cause of Forfeiture, and any Dispute shall arise whether the Customs, Excise, or Inland Duties have been paid for the same, or the same have been lawfully imported, or concerning the Place from whence such Goods were brought, then and in such Case the Proof thereof shall be on the Owner or Claimer of such Goods, and not on the Officer who shall seize the same. Proof of Payments of Duties or lawful Importation of Goods to be on Owner.

CXXIX. And be it enacted, That no Justice of the Peace who is a Collector or Comptroller, or otherwise connected with the Collection of the Customs or Excise, shall take cognizance of any Matter relating to the summary Conviction of Persons offending against this or any other Act relating to the Customs. No Justice connected with the Revenue to interfere.

CXXX. And be it enacted, That in case of any Information or Proceedings had under this or any Act relating to the Customs, the Averment that the Commissioners of Her Majesty's Customs or Excise have directed or elected such Information or Proceedings to be instituted, or that any Vessel is Foreign, or belonging wholly or in part to Her Majesty's Subjects, or that any Person detained or found on board any Vessel or Boat liable to Seizure is or is not a Subject of Her Majesty, or that any Person is an Officer of the Customs, and where the Offence is committed in any Port in the United Kingdom the naming such Port in any Information or Proceedings, shall be sufficient, without Proof as to such Fact or Facts, unless the Defendant in such Case shall prove to the contrary. Averment of certain Matters to be sufficient unless the contrary is proved.

CXXXI. And be it enacted, That all Persons employed for the Prevention of Smuggling, under the Direction of the Commissioners of Her Majesty's Customs, or of any Officer or Officers in the Service of the Customs, shall be deemed and taken to be duly employed for the Prevention of Smuggling, and the Averment in any Information or Suit that such Party was so duly employed shall be sufficient Proof thereof, unless the Defendant in such Information or Suit shall prove to the contrary. Persons employed for Prevention of Smuggling to be deemed duly employed.

CXXXII. And be it enacted, That if upon any Trial a Question shall arise whether any Person is an Officer of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or an Officer of Customs or Excise, Evidence of his having acted as such shall be deemed sufficient, and such Person shall not be required to produce his Commission or Deputation, unless sufficient Proof shall be given to the contrary; and every such Officer, and any Person acting in his Aid or Assistance, shall be deemed a competent Witness upon the Trial of any Suit or Information on account of any Seizure or Penalty as aforesaid, notwithstanding such Officer or other Person may be entitled to the whole or any Part of such Seizure or Penalty, or to any Reward upon the Conviction of the Party charged in such Suit or Information. Vivâ voce Evidence may be given that a Party is an Officer. Witness competent, although entitled to Part of Seizure or to Reward.

CXXXIII. And be it enacted, That upon the Trial of any Issue, or upon any judicial Hearing or Investigation, touching any Penalty or Forfeiture under any Law or Laws relating to the Customs or Excise, or to the Law of Navigation, where it may be necessary to give Proof of any Order issued by the Commissioners of Her Majesty's Treasury, or by the Commissioners of Her Majesty's Customs or Excise respectively, the Order, or any Letter or Instructions referring thereto, which shall have been officially received by any Officer of Customs or Excise for his Government, and under which he shall have acted as such Officer, shall be admitted and taken as sufficient Evidence and Proof of such Order to all Intents and Purposes whatsoever. What shall be deemed sufficient Evidence of an Order of the Treasury or of the Commissioners of Customs or Excise.

CXXXIV. And be it enacted, That all Suits, Indictments, or Informations exhibited for any Offence against this or any other Act relating to the Customs in any of Her Majesty's Courts of Record at *Westminster* or in *Dublin*, or in *Edinburgh*, or in the Royal Courts of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, shall and may be had, brought, sued, or exhibited within Three Years next after the Date of the Offence committed, and shall and may be exhibited before any One or more Justices of the Peace within Six Months next after the Date of the Offence committed. Within what Time Suits, Indictments, or Informations are to be exhibited.

CXXXV. Provided always, and be it enacted, That where any Person shall have been detained for any Offence against this or any Act relating to the Customs, and shall have made his Escape from Custody, Information in certain Cases may be exhibited any

Time after Six Months.

Custody, an Information may be exhibited before One or more Justices of the Peace against such Person for such Offence at any Time afterwards, although more than Six Months shall have expired.

Indictments or Informations may be tried in any County in England, Scotland, or Ireland.

CXXXVI. And be it enacted, That any Indictment or Information for any Offence against this or any other Act relating to the Customs shall and may be inquired of, examined, tried, and determined in any County of *England* where the Offence is committed in *England*, and in any County in *Scotland* where the Offence is committed in *Scotland*, and in any County in *Ireland* where the Offence is committed in *Ireland*, in such Manner and Form as if the Offence had been committed in the said County where the said Indictment or Information shall be tried.

Summonses, &c. in Customs or Excise Proceedings may be served within the Police District by the Officers of Customs or Excise.

CXXXVII. 'And whereas by an Act passed in the Session of Parliament holden in the Second and 'Third Years of the Reign of Her present Majesty, intituled *An Act for further improving the Police 'in and near the Metropolis*, it is enacted, that after the passing of that Act all Summonses and 'Warrants to be issued in any Criminal Proceeding within the Metropolitan Police District, or by any 'Magistrate within the said District, shall be served and executed by a Constable of the Metropolitan 'Police Force, and by none other: And whereas it is expedient, in Cases of Proceedings instituted by 'Direction of the Commissioners of Her Majesty's Customs or Excise, that such Summonses or Warrants 'should be executed by their respective Officers;' be it therefore enacted, That from and after the passing of this Act all such Summonses and Warrants shall and may be served and executed by any Officer of the Customs or Excise, any Act now in force or hereafter to be made to the contrary in anywise notwithstanding.

Alteration of Act.

CXXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

No. 1.

Form of Information before Justices of the Peace where a pecuniary Penalty is inflicted.

County of } BE it remembered, That on the Day of in the Year of our
to wit. } Lord at *A.B.*, an Officer of Customs, who is directed by the Commissioners of Her Majesty's Customs to prefer this Information, gives us, Two of Her Majesty's Justices of the Peace in and for to understand and be informed that *C.D.*, within Six Months now last past, that is to say, on the Day of in the Year of our Lord [*here state the Offence*], contrary to the Form of the Statute in that Case made and provided, whereby the said *C.D.* hath forfeited for his said Offence the Sum of Pounds.

No. 1.

Form of Warrant of Commitment to Gaol for a pecuniary Penalty.

County of } To *A.B.*, Officer of Customs, and to the Gaoler or Keeper of the at in
to wit. } the .

WHEREAS *C.D.* has this Day been duly convicted before us, Two of Her Majesty's Justices of the Peace in and for upon the Information of *A.B.*, an Officer of Customs, who was directed by the Commissioners of Her Majesty's Customs to prefer the same, for that, within Six Months now last past, to wit, on the Day of in the Year of our Lord [*here state the Offence as in the Information*]: And whereas we the said Justices did adjudge that the said *C.D.* had forfeited for his said Offence the Sum of Pounds, which said Sum of Pounds has not been paid: These are therefore to require you the said *A.B.* forthwith to take, carry, and convey the said *C.D.* to the at in the and to deliver him into the Custody of the Gaoler or Keeper of the said and we the said Justices do hereby authorize and require you the said Gaoler or Keeper of the said Gaol to receive and take the said *C.D.* into your Custody, and him safely to keep until he shall duly pay the said Sum of Pounds. Given under our Hands and Seals at this Day of in the Year of our Lord .

No. 1.

Form of Conviction for a pecuniary Penalty.

County of } BE it remembered, That on the Day of in the Year of our
to wit. } Lord at an Information was exhibited by *A.B.*, an Officer of Customs, who was directed by the Commissioners of Her Majesty's Customs to prefer the same before us Two of Her Majesty's Justices of the Peace in and for against *C.D.*, which said Information charged that the said *C.D.*, within Six Months then last past, that is to say, on the Day of in the Year of our Lord [*here state the Offence as in the Information*], contrary to the Form of the Statute in that Case made and provided, whereby the said *C.D.* had forfeited for his said Offence the Sum of Pounds, which Offence ["has been duly proved before us the said Justices," *or* "the Party has confessed himself to be guilty of," *as the Case may be*]: We the said Justices do therefore convict the said *C.D.* of the said Offence, and do adjudge that the said *C.D.* hath forfeited for his said Offence the Sum of Pounds. Given under our Hands and Seals at the Day of in the Year of our Lord .

No. 2.

No. 2.

Form of Information before Justices of the Peace where the Penalty of hard Labour is inflicted.

County of } BE it remembered, That on the Day of in the Year of our Lord
to wit. } at *A.B.*, an Officer of Customs, who is directed by the Commissioners of Her Majesty's Customs to prefer this Information, gives us, Two of Her Majesty's Justices of the Peace in and for to understand and be informed that *C.D.*, within Six Months now last past, (that is to say,) on the Day of in the Year of our Lord One thousand eight hundred and [*here state the Offence*], contrary to the Form of the Statute in that Case made and provided, whereby the said *C.D.* hath for his said Offence become liable to be imprisoned in a House of Correction, and there kept to hard Labour, for any Term not less than Six nor greater than Nine Calendar Months.

No. 2.

Form of Conviction for the Penalty of hard Labour.

County of } BE it remembered, That on the Day of in the Year of our
to wit. } Lord at an Information was exhibited by *A.B.*, an Officer of Customs, who was directed by the Commissioners of Her Majesty's Customs to prefer the same before us, Two of Her Majesty's Justices of the Peace in and for against *C.D.*, which said Information charged that the said *C.D.*, within Six Months then last past, (that is to say,) on the Day of in the Year of our Lord [*here state the Offence as in the Information*], contrary to the Form of the Statute in that Case made and provided, whereby the said *C.D.* had for his said Offence become liable to be imprisoned in a House of Correction, and there kept to hard Labour for any Term not less than Six nor greater than Nine Calendar Months, which Offence ["has been duly proved before us the said Justices," *or* "the Party has confessed himself to be guilty of," *as the Case may be*]: We the said Justices do therefore convict the said *C.D.* of the said Offence, and do adjudge that the said *C.D.* shall for his said Offence be imprisoned in the House of Correction at in the County of and be there kept to hard Labour for the Period of Calendar Months. Given under our Hands and Seals at this Day of in the Year of our Lord

No. 2.

Form of Warrant of Commitment for the Penalty of hard Labour.

County of } To *A.B.*, an Officer of Customs, and to the Gaoler or Keeper of the House of Correction
to wit. } in the County of

WHEREAS *C.D.* has been this Day duly convicted before us, Two of Her Majesty's Justices of the Peace in and for upon the Information of *A.B.*, an Officer of Customs, who was directed by the Commissioners of Her Majesty's Customs to prefer the same, for that within Six Months now last past, to wit, on the Day of in the Year of our Lord [*here state the Offence as in the Information*]: And whereas we the said Justices did adjudge that the said *C.D.* should for his said Offence be imprisoned in the House of Correction at aforesaid, and be there kept to hard Labour for the Term of Calendar Months: These are therefore to require you the said *A.B.* forthwith to take, carry, and convey the said *C.D.* to the House of Correction at in the and deliver him into the Custody of the Gaoler or Keeper of the said House of Correction; and we the said Justices do hereby authorize and require you the said Gaoler or Keeper of the said House of Correction to receive and take the said *C.D.* into your Custody, and to keep the said *C.D.* for the said Term of Calendar Months to hard Labour. Given under our Hands and Seals at this Day of in the Year of our Lord

CAP. LXXXVIII.

An Act for the Encouragement of *British* Shipping and Navigation. [4th *August* 1845.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the Encouragement of* British *Shipping and Navigation*, whereby the Laws for the Encouragement of *British* Shipping and Navigation were consolidated: And whereas since the passing of the said Act divers Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Act and Parts of Acts should be consolidated into One Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force for the Purposes therein mentioned, except where any other Commencement is herein particularly directed. 3&4 W.4. c.54. Commencement of Act.

II. And be it enacted, That the several Sorts of Goods herein-after enumerated, being the Produce of *Europe*, (that is to say,) Masts, Timber, Boards, Tar, Tallow, Hemp, Flax, Currants, Raisins, Figs, Prunes, Ships in which only enumerated Goods of

Europe may be imported.

Prunes, Olive Oil, Corn or Grain, Wine, Brandy, Tobacco, Wool, Shumac, Madders, Madder Roots, Barilla, Brimstone, Bark of Oak, Cork, Oranges, Lemons, Linseed, Rapeseed, and Clover-seed, shall not be imported into the United Kingdom to be used therein, except in *British* Ships, or in Ships of the Country of which the Goods are the Produce, or in Ships of the Country from which the Goods are imported.

Places from which only Goods of Asia, Africa, or America may be imported.

III. And be it enacted, That Goods the Produce of *Asia*, *Africa*, or *America* shall not be imported from *Europe* into the United Kingdom to be used therein, except the Goods herein-after mentioned; (that is to say,)

Goods the Produce of the Dominions of the Emperor of *Morocco*, which may be imported from Places in *Europe* within the *Straits of Gibraltar*:

Goods the Produce of *Asia* or *Africa* which (having been brought into Places in *Europe* within the *Straits of Gibraltar* from or through Places in *Asia* or *Africa* within those Straits, and not by way of the *Atlantic Ocean*,) may be imported from Places in *Europe* within the *Straits of Gibraltar*:

Goods the Produce of Places within the Limits of the *East India* Company's Charter, which (having been imported from those Places into *Gibraltar* or *Malta* in *British* Ships) may be imported from *Gibraltar* or *Malta*:

Goods taken by way of Reprisal by *British* Ships:

Bullion, Diamonds, Pearls, Rubies, Emeralds, and other Jewels or precious Stones.

Ships in which only Goods of Asia, Africa, or America may be imported.

IV. And be it enacted, That Goods the Produce of *Asia*, *Africa*, or *America* shall not be imported into the United Kingdom to be used therein, in Foreign Ships, unless they be the Ships of the Country in *Asia*, *Africa*, or *America* of which the Goods are the Produce, and from which they are imported, except the Goods herein-after mentioned; (that is to say,)

Goods the Produce of the Dominions of the Grand Seignior in *Asia* or *Africa*, which may be imported from his Dominions in *Europe* in Ships of his Dominions:

Raw Silk and Mohair Yarn, the Produce of *Asia*, which may be imported from the Dominions of the Grand Seignior in the *Levant* Seas in Ships of his Dominions.

Bullion:

Proviso.

Provided always, that in case any Treaty shall be made with any Country having a Port or Ports within the *Straits of Gibraltar*, stipulating that such Productions of *Asia* or *Africa* as may by Law be imported into the United Kingdom from Places in *Europe* within the *Straits of Gibraltar* in *British* Ships shall also be imported from the Ports of such Country in the Ships of such Country, then and in every such Case it shall be lawful to import such Goods from the Ports of such Country in the Ships of such Country.

Manufacture deemed Produce.

V. Provided always, and be it enacted, That all manufactured Goods shall be deemed to be the Produce of the Country of which they are the Manufacture.

From Guernsey, &c.

VI. And be it enacted, That no Goods shall be imported into the United Kingdom from the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, except in *British* Ships.

Exports to Asia, &c., and to Guernsey, &c.

VII. And be it enacted, That no Goods shall be exported from the United Kingdom to any *British* Possession in *Asia*, *Africa*, or *America*, nor to the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, except in *British* Ships.

Coastwise.

VIII. And be it enacted, That no Goods or Passengers shall be carried Coastwise from one Part of the United Kingdom to another, or from the United Kingdom to the *Isle of Man*, or from the *Isle of Man* to the United Kingdom, except in *British* Ships.

Between Guernsey, Jersey, &c.

IX. And be it enacted, That no Goods shall be carried from any of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* to any other of such Islands, nor from one Part of any of such Islands to another Part of the same Island, except in *British* Ships.

Between British Possessions in Asia, &c.

X. And be it enacted, That no Goods shall be carried from any *British* Possession in *Asia*, *Africa*, or *America* to any other of such Possessions, nor from one Part of any of such Possessions to another Part of the same, except in *British* Ships.

Imports into British Possessions in Asia, &c.

XI. And be it enacted, That no Goods shall be imported into any *British* Possession in *Asia*, *Africa*, or *America* in any Foreign Ships, unless they be Ships of the Country of which the Goods are the Produce, and from which the Goods are imported.

Her Majesty may, by Order in Council, declare that Foreign Goods may be imported into Hong Kong in any Vessels.

XII. And be it enacted, That it shall be lawful for Her Majesty from Time to Time, by any Order in Council, to declare that Goods the Growth, Produce, or Manufacture of any Foreign Country may be imported into the Island of *Hong Kong* from the same or any other Foreign Country, in Vessels belonging to the same or any other Foreign Country, and however navigated, subject nevertheless to such Limitations and Restrictions as shall be contained in any such Order in Council; and from and after the Publication of any such Order in Council such Goods may lawfully be so imported into the said Island of *Hong Kong* according to the Provisions of such Order, and until the Revocation thereof; and any such Order in Council may from Time to Time be altered or revoked by Her Majesty by any subsequent Order in Council.

No Ship British unless registered and navigated as such.

XIII. And be it enacted, That no Ship shall be admitted to be a *British* Ship unless duly registered and navigated as such, and that every *British* registered Ship (so long as the Registry of such Ship shall be in force, or the Certificate of such Registry retained for the Use of such Ship,) shall be navigated during the whole of every Voyage (whether with a Cargo or in Ballast), in every Part of the World, by a Master who is a *British* Subject, and by a Crew whereof Three Fourths at least are *British* Seamen; and

and if such Ship be employed in a Coasting Voyage from one Part of the United Kingdom to another, or in a Voyage between the United Kingdom and the Islands of *Guernsey, Jersey, Alderney, Sark,* or *Man,* or from one of the said Islands to another of them, or from one Part of either of them to another of the same, or be employed in fishing on the Coasts of the United Kingdom, or of any of the said Islands, then the whole of the Crew shall be *British* Seamen.

But Vessels under Fifteen Tons Burden admitted although not registered.

XIV. Provided always, and be it enacted, That all *British*-built Boats or Vessels under Fifteen Tons Burden, wholly owned and navigated by *British* Subjects, although not registered as *British* Ships, shall be admitted to be *British* Vessels in all Navigation in the Rivers and upon the Coasts of the United Kingdom, or of the *British* Possessions abroad, and not proceeding over Sea, except within the Limits of the respective Colonial Governments within which the managing Owners of such Vessels respectively reside; and that all *British*-built Boats or Vessels wholly owned and navigated by *British* Subjects, not exceeding the Burden of Thirty Tons, and not having a whole or a fixed Deck, and being employed solely in fishing on the Banks and Shores of *Newfoundland* and of the Parts adjacent, or on the Banks and Shores of the Provinces of *Canada, Nova Scotia,* or *New Brunswick,* adjacent to the *Gulf of Saint Lawrence,* or on the North of *Cape Canso,* or of the Islands within the same, or in trading Coastwise within the said Limits, shall be admitted to be *British* Boats or Vessels, although not registered, so long as such Boats or Vessels shall be solely so employed.

Vessels under Thirty Tons for Newfoundland Fishery, &c. need not be registered.

Honduras Ships to be as British in Trade with United Kingdom and Colonies in America.

XV. Provided also, and be it enacted, That all Ships built in the *British* Settlements at *Honduras,* and owned and navigated as *British* Ships, shall be entitled to the Privileges of *British* registered Ships in all direct Trade between the United Kingdom or the *British* Possessions in *America* and the said Settlements, provided the Master shall produce a Certificate under the Hand of the Superintendent of those Settlements that satisfactory Proof has been made before him that such Ship (describing the same) was built in the said Settlements, and is wholly owned by *British* Subjects: Provided also, that the Time of the Clearance of such Ship from the said Settlements for every Voyage shall be endorsed upon such Certificate by such Superintendent.

Ship of any Foreign Country to be of the Build of or Prize to such Country, or British-built, and owned and navigated by Subjects of the Country.

XVI. And be it enacted, That no Ship shall be admitted to be a Ship of any particular Country, unless she be of the Build of such Country, or have been made Prize of War to such Country, or have been forfeited to such Country under any Law of the same made for the Prevention of the Slave Trade, and condemned as such Prize or Forfeiture by a competent Court of such Country, or be *British*-built (not having been a Prize of War from *British* Subjects to any other Foreign Country), nor unless she be navigated by a Master who is a Subject of such Foreign Country, and by a Crew of whom Three Fourths at least are Subjects of such Country, nor unless she be wholly owned by Subjects of such Country usually residing therein, or under the Dominion thereof: Provided always, that the Country of every Ship shall be deemed to include all Places which are under the same Dominion as the Place to which such Ship belongs.

Master and Seamen not British, unless natural born or naturalized, or Denizens, or Subjects by Conquest, &c.

XVII. And be it enacted, That no Person shall be qualified to be a Master of a *British* Ship or to be a *British* Seaman within the Meaning of this Act, except the natural-born Subjects of Her Majesty, or Persons naturalized by any Act of Parliament, or made Denizens by Letters of Denization, or except Persons who have become *British* Subjects by virtue of Conquest or Cession of some newly-acquired Country, and who shall have taken the Oath of Allegiance to Her Majesty, or the Oath of Fidelity required by the Treaty or Capitulation by which such newly-acquired Country came into Her Majesty's Possession, or Persons who shall have served on board any of Her Majesty's Ships of War in Time of War for the Space of Three Years: Provided always, that the Natives of Places within the Limits of the *East India* Company's Charter, although under *British* Dominion, shall not, upon the ground of being such Natives, be deemed to be *British* Seamen: Provided always, that every Ship (except Ships required to be wholly navigated by *British* Seamen) which shall be navigated by One *British* Seaman if a *British* Ship, or One Seaman of the Country of such Ship if a Foreign Ship, for every Twenty Tons of the Burden of such Ship, shall be deemed to be duly navigated, although the Number of other Seamen shall exceed One Fourth of the whole Crew: Provided also, that nothing herein contained shall extend to repeal or alter the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, for consolidating and amending the Laws then in force with respect to Trade from and to Places within the Limits of the *East India* Company's Charter, nor the Provisions of an Act passed in the Session of Parliament holden in the Third and Fourth Years of Her present Majesty, intituled *An Act further to regulate the Trade of Ships built and trading within the Limits of the* East India *Company's Charter.*

Natives of India not to be British Seamen.

One British Seaman to Twenty Tons to constitute a proper Crew.

4 G. 4. c. 80. s. 21.

3 & 4 Vict. c. 56.

Foreigners serving Two Years in H.M.S. during War.

XVIII. Provided always, and be it enacted, That it shall be lawful for Her Majesty, by Her Royal Proclamation during War, to declare that Foreigners having served Two Years on board any of Her Majesty's Ships of War in Time of such War shall be *British* Seamen within the Meaning of this Act.

British Ship not to depart British Port unless duly navigated, &c.

XIX. And be it enacted, That no *British* registered Ship shall be suffered to depart any Port in the United Kingdom, or any *British* Possession in any Part of the World, (whether with a Cargo or in Ballast,) unless duly navigated: Provided always, that any *British* Ships trading between Places in *America* may be navigated by *British* Negroes, and that Ships trading Eastward of the *Cape of Good Hope,* within the Limits of the *East India* Company's Charter, may be navigated by Lascars, or other Natives of Countries within those Limits.

Penalty for Excess of Foreign Seamen.

XX. And be it enacted, That if any *British* registered Ship shall at any Time have as Part of the Crew in any Part of the World any Foreign Seamen not allowed by Law, the Master or Owners of such Ship shall for every such Foreign Seaman forfeit the Sum of Ten Pounds: Provided always, that if a due

Proportion of *British* Seamen cannot be procured in any Foreign Port, or in any Place within the Limits of the *East India* Company's Charter, for the Navigation of any *British* Ship, or if such Proportion be destroyed during the Voyage by any unavoidable Circumstance, and the Master of such Ship shall produce a Certificate of such Facts under the Hand of any *British* Consul, or of Two known *British* Merchants if there be no Consul at the Place where such Facts can be ascertained, or from the *British* Governor of any Place within the Limits of the *East India* Company's Charter, or in the Want of such Certificate shall make Proof of the Truth of such Facts to the Satisfaction of the Collector and Comptroller of the Customs of any *British* Port, or of any Person authorized in any other Part of the World to inquire into the Navigation of such Ship, the same shall be deemed to be duly navigated.

Proportion of Seamen may be altered by Proclamation.

XXI. And be it enacted, That if Her Majesty shall at any Time by Her Royal Proclamation declare that the Proportion of *British* Seamen necessary to the due Navigation of *British* Ships shall be less than the Proportion required by this Act, every *British* Ship navigated with the Proportion of *British* Seamen required by such Proclamation shall be deemed to be duly navigated, so long as such Proclamation shall remain in force.

Goods prohibited only by Navigation Law may be imported for Exportation.

XXII. Provided always, and be it enacted, That Goods of any Sort, or the Produce of any Place, not otherwise prohibited than by the Law of Navigation herein-before contained, may be imported into the United Kingdom from any Place in a *British* Ship, and from any Place, not being a *British* Possession, in a Foreign Ship of any Country, and however navigated, to be warehoused for Exportation only, under the Provisions of any Law in force for the Time being made for the warehousing of Goods without Payment of Duty upon the first Entry thereof.

Her Majesty may, by Order in Council, appoint Ports in the British Possessions abroad, wherein any Goods imported in any Vessel may be warehoused.

XXIII. And be it enacted, That it shall be lawful for Her Majesty from Time to Time, by any Order in Council, to declare that Goods of any Sort, or the Produce of any Place, not otherwise prohibited than by the Law of Navigation herein-before contained, may be imported into any Port or Ports of the *British* Possessions abroad, to be named in such Order, from any Place, in a *British* Ship, and from any Place not being a Part of the *British* Dominions in a Foreign Ship of any Country, and however navigated, to be warehoused for Exportation only, under the Provisions of any Law in force for the Time being, made for the warehousing of Goods without Payment of Duty upon the first Entry thereof; and from and after the Date of any such Order it shall be lawful so to import, for the Purpose of being warehoused for Exportation only, any such Goods into the Port or Ports named therein, according to the Provisions of the said Order, and until the Revocation thereof; and any such Order in Council may from Time to Time be altered or revoked by Her Majesty by any subsequent Order in Council.

Forfeitures, how incurred.

XXIV. And be it enacted, That if any Goods be imported, exported, or carried Coastwise, contrary to the Law of Navigation, all such Goods shall be forfeited, and the Master of the Ship in which the same are so imported, exported, or carried Coastwise shall forfeit the Sum of One hundred Pounds.

Recovery of Forfeitures.

XXV. And be it enacted, That all Penalties and Forfeitures incurred under this Act shall be sued for, prosecuted, recovered, and disposed of, or shall be mitigated or restored, in like Manner as any Penalty or Forfeiture can be sued for, prosecuted, recovered, and disposed of, or may be mitigated or restored, under an Act passed in the present Session of Parliament for the Prevention of Smuggling.

Alteration of Act.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act or Acts to be passed in this present Session of Parliament.

CAP. LXXXIX.

An Act for the registering of *British* Vessels. [4th *August* 1845.]

3 & 4 W. 4. c. 55.

'WHEREAS an Act was passed in the Session of Parliament held in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the registering of* British *Vessels*, whereby the Laws in relation to the Registration of *British* Vessels were consolidated: And whereas since the passing of the said Act divers Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to Trade and Commerce that the said Act and Parts of Acts should be consolidated into One Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and continue in full Force for the Purposes therein mentioned, except where any other Commencement is herein particularly directed.

Commencement of Act.

No Vessel to enjoy Privileges until registered.

6 G. 4. c. 110.

4 G. 4. c. 41.

II. And be it enacted, That no Ship or Vessel shall be entitled to any of the Privileges or Advantages of a *British* registered Ship, unless the Person or Persons claiming Property therein shall have caused the same to have been registered in virtue of the said Act, or of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for registering* British *Vessels*, or of an Act passed in the Fourth Year of His said late Majesty's Reign, intituled *An Act for the registering of* British *Vessels*, or until such Person or Persons shall have caused the same to be registered in manner herein-after mentioned, and shall have obtained a Certificate of such Registry from the Person or Persons authorized to make such Registry and grant such Certificate as herein-after directed; the Form of which Certificate shall be as follows; (*videlicet*,)

Form of Certificate of Registry.

'THIS is to certify, That in pursuance of an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Queen *Victoria*, intituled *An Act* [*here insert the Title of this Act, the Names, Occupations, and Residence of the subscribing Owners*], having made and subscribed the Declaration required by the said Act, and having declared that [he *or* they], together with

'[*Names*,

'[*Names, Occupations, and Residence of non-subscribing Owners*] is [*or* are] sole Owner [*or* Owners] 'in the Proportions specified on the Back hereof of the Ship or Vessel called the [*Ship's Name*] of '[*Place to which the Vessel belongs*], which is of the Burden of [*Number of Tons*], and whereof '[*Master's Name*] is Master, and that the said Ship or Vessel was [*when and where built, or condemned* 'as Prize, referring to Builder's Certificate, Judge's Certificate, or Certificate of last Registry, then 'delivered up to be cancelled], and [*Name and Employment of Surveying Officer*] having certified to us 'that the said Ship or Vessel has [*Number*] Decks and [*Number*] Masts, that her Length from the 'inner Part of the Main Stem to the fore Part of the Stern-post aloft is [*Feet Tenths*], 'her Breadth in Midships is [*Feet Tenths*], her Depth in Hold at Midships is ['Feet Tenths], that she is [*how rigged*] rigged, with a [*standing or running*] Bowsprit, is '[*Description of Stern*] sterned, [*Carvel or Clincher*] built, has [*whether any or not*] Gallery, and '[*Kind of Head, if any*] Head; and the said subscribing Owners having consented and agreed to the 'above Description, and having caused sufficient Security to be given as required by the said Act, the 'said Ship or Vessel called the [*Name*] has been duly registered at the Port of [*Name of Port*]. Cer- 'tified under our Hands at the Custom House in the said Port of [*Name of Port*], this [*Date*] Day of '[*Name of Month*] in the Year [*Words at Length*].

'(Signed) Collector.
'(Signed) Comptroller.'

And on the Back of such Certificate of Registry there shall be an Account of the Parts or Shares held by each of the Owners mentioned and described in such Certificate, in the Form and Manner following:

Names of the several Owners within mentioned.	Number of Sixty-fourth Shares held by each Owner.
[Name]	Thirty-two.
[Name]	Sixteen.
[Name]	Eight.
[Name]	Eight.

(Signed) Comptroller.
(Signed) Collector.

III. And be it enacted, That the Persons authorized and required to make such Registry and grant such Certificates shall be the several Persons herein-after mentioned and described; (that is to say,) Persons to make Registry.

The Collector and Comptroller of Her Majesty's Customs in any Port in the United Kingdom of *Great Britain* and *Ireland* and in the *Isle of Man* respectively, in respect of Ships or Vessels to be there registered: In the United Kingdom and Isle of Man:

The principal Officers of Her Majesty's Customs in the Islands of *Guernsey* or *Jersey*, together with the Governor, Lieutenant Governor, or Commander-in-Chief of those Islands respectively, in respect of Ships or Vessels to be there registered: In Guernsey, &c.:

The Collector and Comptroller of Her Majesty's Customs of any Port in the *British* Possessions in *Asia*, *Africa*, and *America*, or the Collector of any such Port at which no Appointment of a Comptroller has been made, in respect of Ships or Vessels to be there registered: In Colonies in Asia, Africa, and America:

The Collector of Duties at any Port in the Territories under the Government of the *East India* Company, within the Limits of the Charter of the said Company, or any other Person of the Rank in the said Company's Service of Senior Merchant, or of Six Years standing in the said Service, being respectively appointed to act in the Execution of this Act by any of the Governments of the said Company, in respect of Ships or Vessels to be there registered: In Territories of East India Company:

The Collector of Duties at any *British* Possession within the said Limits, and not under the Government of the said Company, and at which a Custom House is not established, together with the Governor, Lieutenant Governor, or Commander-in-Chief of such Possession, in respect of Ships or Vessels to be there registered: In other Places within Limits of the Charter of E.I.C.:

The Governor, Lieutenant Governor, or Commander-in-Chief of *Malta*, *Gibraltar*, and *Heligoland* respectively, in respect of Vessels or Ships to be there registered: In Malta, Gibraltar, &c.

Provided always, that no Ship or Vessel shall be registered at *Heligoland*, except such as is wholly of the Build of that Place, and that Ships or Vessels registered at *Malta*, *Gibraltar*, or *Heligoland* shall not be registered elsewhere; and that Ships or Vessels registered at *Malta*, *Gibraltar*, or *Heligoland* shall not be entitled to the Privileges and Advantages of *British* Ships in any Trade between the said United Kingdom and any of the *British* Possessions in *America*: Provided also, that wherever in and by this Act it is directed or provided that any Act, Matter, or Thing shall and may be done or performed by, to, or with any Collector and Comptroller of Her Majesty's Customs, the same shall or may be done or performed by, to, or with the several Persons respectively herein-before authorized and required to make Registry and to grant Certificates of Registry as aforesaid, and according as the same Act, Matter, or Thing is to be done or performed at the said several and respective Places, and within the Jurisdiction of the said several Persons respectively: Provided also, that wherever in and by this Act it is directed or provided that any Act, Matter, or Thing shall or may be done or performed by, to, or with the Commissioners of Her Majesty's Customs, the same shall or may be done or performed by, to, or with the Governor, Limitation as to Vessels registered at Malta, Gibraltar, or Heligoland: Certain Powers of Collectors and Comptrollers, by whom to be exercised, &c. Powers of Commissioners of Customs in United King-

dom given to Governors, &c. abroad.

Governor, Lieutenant Governor, or Commander-in-Chief of any Place where any Ship or Vessel may be registered under the Authority of this Act, so far as such Act, Matter, or Thing can be applicable to the registering of any Ship or Vessel at such Place.

Ships exercising Privileges before Registry to be forfeited;

but not to affect Vessels registered under previous Acts.

IV. And be it enacted, That in case any Ship or Vessel not being duly registered, and not having obtained such Certificate of Registry as aforesaid, shall exercise any of the Privileges of a *British* Ship, the same shall be subject to Forfeiture, and also all the Guns, Furniture, Ammunition, Tackle, and Apparel to the same Ship or Vessel belonging, and shall and may be seized by any Officer or Officers of Her Majesty's Customs: Provided always, that nothing in this Act shall extend or be construed to extend to affect the Privileges of any Ship or Vessel duly registered prior to the Commencement thereof.

What Ships are entitled to be registered.

V. And be it enacted, That no Ship or Vessel shall be registered, or having been registered shall be deemed to be duly registered, by virtue of this Act, except such as are wholly of the Build of the said United Kingdom, or of the *Isle of Man*, or of the Islands of *Guernsey* or *Jersey*, or of some of the Colonies, Plantations, Islands, or Territories in *Asia*, *Africa*, or *America*, or of *Malta*, *Gibraltar*, or *Heligoland*, which belonged to Her Majesty, Her Heirs or Successors, at the Time of the building of such Ships or Vessels, or such Ships or Vessels as shall have been condemned in any Court of Admiralty as Prize of War, or such Ships or Vessels as shall have been condemned in any competent Court as forfeited for the Breach of the Laws made for the Prevention of the Slave Trade, and which shall wholly belong and continue wholly to belong to Her Majesty's Subjects duly entitled to be Owners of Ships or Vessels registered by virtue of this Act.

Mediterranean Pass may be issued at Malta or Gibraltar for certain Ships only.

VI. And be it enacted, That no *Mediterranean* Pass shall be issued for the Use of any Ship as being a Ship belonging to *Malta* or *Gibraltar*, except such as be duly registered at those Places respectively, or such as, not being entitled to be so registered, shall have wholly belonged, before the Tenth Day of *October* One thousand eight hundred and twenty-seven, and shall have continued wholly to belong, to Persons actually residing at those Places respectively as Inhabitants thereof, and entitled to be Owners of *British* Ships there registered, or who, not being so entitled, shall have so resided upwards of Fifteen Years prior to the said Tenth Day of *October* One thousand eight hundred and twenty-seven.

Ships disqualified if Foreign Repairs exceed 20s. per Ton;

VII. And be it enacted, That no Ship or Vessel shall continue to enjoy the Privileges of a *British* Ship after the same shall have been repaired in a Foreign Country, if such Repairs shall exceed the Sum of Twenty Shillings for every Ton of the Burden of the said Ship or Vessel, unless such Repairs shall have been necessary, by reason of extraordinary Damage sustained by such Ship or Vessel during her Absence from Her Majesty's Dominions, to enable her to perform the Voyage in which she shall have been engaged, and to return to some Port or Place in the said Dominions; and whenever any Ship or Vessel which has been so repaired in a Foreign Country shall arrive at any Port in Her Majesty's Dominions as a *British* registered Ship or Vessel, the Master or other Person having the Charge or Command of the same shall, upon the First Entry thereof, report to the Collector and Comptroller of Her Majesty's Customs at such Port that such Ship or Vessel has been so repaired, under Penalty of Twenty Shillings for every Ton of the Burden of such Ship or Vessel, according to the Admeasurement thereof; and if it shall be proved to the Satisfaction of the Commissioners of Her Majesty's Customs that such Ship or Vessel was seaworthy at the Time when she last departed from any Port or Place in Her Majesty's Dominions, and that no greater Quantity of such Repairs have been done to the said Vessel than was necessary as aforesaid, it shall be lawful for the said Commissioners, upon a full Consideration of all the Circumstances, to direct the Collector and Comptroller of the Port where such Ship or Vessel shall have arrived, or where she shall then be, to certify on the Certificate of the Registry of such Ship or Vessel that it has been proved to the Satisfaction of the Commissioners of Her Majesty's Customs that the Privileges of the said Ship or Vessel have not been forfeited, notwithstanding the Repairs which have been done to the same in a Foreign Country.

unless the Necessity of such Repairs be proved to Commissioners of Customs.

Ships declared unseaworthy to be deemed Ships lost or broken up.

VIII. And be it enacted, That if any Ship or Vessel registered under the Authority of this or any other Act shall be deemed or declared to be stranded or unseaworthy, and incapable of being recovered or repaired to the Advantage of the Owners thereof, and shall for such Reasons be sold by Order or Decree of any competent Court, for the Benefit of the Owners of such Ship or Vessel or other Persons interested therein, the same shall be taken and deemed to be a Ship or Vessel lost or broken up to all Intents and Purposes within the Meaning of this Act, and shall never again be entitled to the Privileges of a *British*-built Ship for any Purposes of Trade or Navigation.

British Ships captured not to be again entitled to Registry, &c.

IX. And be it enacted, That no *British* Ship or Vessel which has been or shall hereafter be captured by and become Prize to an Enemy or sold to Foreigners, shall again be entitled to the Privileges of a *British* Ship: Provided always, that nothing contained in this Act shall extend to prevent the registering of any Ship or Vessel whatever which shall afterwards be condemned in any Court of Admiralty as Prize of War, or in any competent Court, for Breach of Laws made for the Prevention of the Slave Trade.

Ships shall be registered at the Port to which they belong.

X. And be it enacted, That no such Registry shall hereafter be made, or Certificate thereof granted, by any Person or Persons herein-before authorized to make such Registry and grant such Certificate, in any other Port or Place than the Port or Place to which such Ship or Vessel shall properly belong, except so far as relates to such Ships or Vessels as shall be condemned as Prizes in any of the Islands of *Guernsey*, *Jersey*, or *Man*, which Ships or Vessels shall be registered in manner herein-after directed; but all and every Registry and Certificate made and granted in any Port or Place to which any such Ship or Vessel does not properly belong shall be utterly null and void to all Intents and Purposes, unless the Officers aforesaid shall be specially authorized and empowered to make such Registry and grant such Certificate

Commissioners of Customs may permit Registry at other Ports.

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in any other Port by an Order in Writing under the Hands of the Commissioners of Her Majesty's Customs, which Order the said Commissioners are hereby authorized and empowered to issue if they shall see fit; and at every Port where Registry shall be made in pursuance of this Act a Book shall be kept by the Collector and Comptroller, in which all the Particulars contained in the Form of the Certificate of the Registry herein-before directed to be used shall be duly entered; and every Registry shall be numbered in progression, beginning such progressive Numeration at the Commencement of each and every Year; and such Collector and Comptroller shall forthwith, or within One Month at the furthest, transmit to the Commissioners of Her Majesty's Customs a true and exact Copy, together with the Number of every Certificate which shall be by them so granted.

Book of Registers to be kept, and Accounts to be transmitted to Commissioners.

XI. And be it enacted, That every Ship or Vessel shall be deemed to belong to some Port at or near to which some or one of the Owners, who shall make and subscribe the Declaration required by this Act before Registry be made, shall reside; and whenever such Owner or Owners shall have transferred all his or their Share or Shares in such Ship or Vessel, the same shall be registered *de novo* before such Ship or Vessel shall sail or depart from the Port to which she shall then belong, or from any other Port which shall be in the same Part of the United Kingdom, or the same Colony, Plantation, Island, or Territory, as the said Port shall be in: Provided always, that if the Owner or Owners of such Ship or Vessel cannot in sufficient Time comply with the Requisites of this Act, so that Registry may be made before it shall be necessary for such Ship or Vessel to sail or depart upon another Voyage, it shall be lawful for the Collector and Comptroller of the Port where such Ship or Vessel may then be to certify upon the Back of the existing Certificate of Registry of such Ship or Vessel that the same is to remain in force for the Voyage upon which the said Ship or Vessel is then about to sail or depart: Provided also, that if any Ship or Vessel shall be built in any of the Colonies, Plantations, Islands, or Territories in *Asia*, *Africa*, or *America*, to Her Majesty belonging, for Owners residing in the United Kingdom, and the Master of such Ship or Vessel, or the Agent for the Owner or Owners thereof, shall have produced to the Collector and Comptroller of the Port at or near to which such Ship or Vessel was built the Certificate of the Builder required by this Act, and shall have made and subscribed a Declaration before such Collector and Comptroller of the Names and Descriptions of the principal Owners of such Ship or Vessel, and that she is the identical Ship or Vessel mentioned in such Certificate of the Builder, and that no Foreigner, to the best of his Knowledge and Belief, has any Interest therein, the Collector and Comptroller of such Port shall cause such Ship or Vessel to be surveyed and measured in like Manner as is directed for the Purpose of registering any Ship or Vessel, and shall give the Master of such Ship or Vessel a Certificate under their Hands and Seals, purporting to be under the Authority of this Act, and stating when and where and by whom such Ship or Vessel was built, the Description, Tonnage, and other Particulars required on Registry of any Ship or Vessel, and such Certificate shall have all the Force and Virtue of a Certificate of Registry under this Act, during the Term of Two Years, unless such Ship shall sooner arrive at some Place in the United Kingdom; and such Collector and Comptroller shall transmit a Copy of such Certificate to the Commissioners of Her Majesty's Customs.

Port to which Vessels deemed to belong.

Change of subscribing Owner to require Registry de novo.

If Registry de novo cannot be made, Ship may go One Voyage with Permission on Certificate.

Ships built in Foreign Possessions for Owners resident in United Kingdom may have a Certificate from the Collector, &c. to trade for Two Years or until Arrival in United Kingdom.

XII. And be it enacted, That no Person who has taken the Oath of Allegiance to any Foreign State, except under the Terms of some Capitulation, unless he shall afterwards become a Denizen or naturalized Subject of the United Kingdom by Her Majesty's Letters Patent or by Act of Parliament, nor any Person usually residing in any Country not under the Dominion of Her Majesty, Her Heirs and Successors, unless he be a Member of some *British* Factory, or Agent for or Partner in any House or Copartnership actually carrying on Trade in *Great Britain* or *Ireland*, shall be entitled to be the Owner, in whole or in part, directly or indirectly, of any Ship or Vessel required and authorized to be registered by virtue of this Act.

Foreigners may not be Owners, unless Members of British Factories, or Agents for or Partners in British Houses.

XIII. And be it enacted, That no Registry shall henceforth be made or Certificate granted until the following Declaration be made and subscribed, before the Person or Persons herein-before authorized to make such Registry and grant such Certificate respectively, by the Owner of such Ship or Vessel if such Ship or Vessel is owned by or belongs to One Person only, or in case there shall be Two joint Owners, then by both of such joint Owners if both shall be resident within Twenty Miles of the Port or Place where such Registry is required, or by One of such Owners if One or both of them shall be resident at a greater Distance from such Port or Place, or if the Number of such Owners or Proprietors shall exceed Two, then by the greater Part of the Number of such Owners or Proprietors if the greater Number of them shall be resident within Twenty Miles of such Port or Place as aforesaid, not in any Case exceeding Three of such Owners or Proprietors, unless a greater Number shall be desirous to join in making and subscribing the said Declaration, or by One of such Owners if all, or all except One, shall be resident at a greater Distance:

Declaration to be made by subscribing Owners previous to Registry.

Form of Declaration.

'I *A.B.* of [*Place of Residence and Occupation*] do truly declare, That the Ship or Vessel [*Name*] of '[*Port or Place*], whereof [*Master's Name*] is at present Master, being [*Kind of Build, Burden, et* 'cætera, *as described in the Certificate of the Surveying Officer*], was [*when and where built, or, if Prize* 'or *forfeited, Capture and Condemnation as such*], and that I the said *A.B.* [*and the other Owners Names* 'and *Occupations, if any, and where they respectively reside, (videlicet,) Town, Place, or Parish, and* 'County, *or if Member of and resident in any Factory in Foreign Parts, or in any Foreign Town or* 'City, *being an Agent for or Partner in any House or Copartnership actually carrying on Trade in* Great 'Britain *or* Ireland, *the Name of such Factory, Foreign Town or City, and the Names of such House* 'or *Copartnership*] am [*or* are] sole Owner [*or* Owners] of the said Vessel, and that no other Person 'or Persons whatever hath or have any Right, Title, Interest, Share, or Property therein or thereto; and

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'that I the said *A.B.* [*and the said other Owners, if any,*] am [*or* are] truly and *bonâ fide* a Subject '[*or* Subjects] of *Great Britain*, and that I the said *A.B.* have not [*nor have any of the other Owners* '*to the best of my Knowledge and Belief,*] taken the Oath of Allegiance to any Foreign State whatever '[*except under the Terms of some Capitulation, describing the Particulars thereof*], or that since my 'taking [*or* his *or* their taking] the Oath of Allegiance to [*naming the Foreign States respectively to* '*which he or any of the said Owners shall have taken the same*] I have [*or* he *or* they hath *or* have] 'become a Denizen [*or* Denizens, *or* naturalized Subject *or* Subjects, *as the Case may be,*] of the United 'Kingdom of *Great Britain* and *Ireland* by Her Majesty's Letters Patent, *or* by an Act of Parliament '[*naming the Times when such Letters of Denization have been granted respectively, or the Year or* '*Years in which such Act or Acts for Naturalization have passed respectively*], and that no Foreigner, 'directly or indirectly, hath any Share or Part Interest in the said Ship or Vessel:'

Declaration by Corporation.

Provided always, that if it shall become necessary to register any Ship or Vessel belonging to any Corporate Body in the United Kingdom, the following Declaration in lieu of the Declaration herein-before directed shall be taken and subscribed by the Secretary or other proper Officer of such Corporate Body; (that is to say,)

'I *A.B.*, Secretary [*or* Officer] of [*Name of Company or Corporation*], do truly declare, That the Ship 'or Vessel [*Name*] of [*Port*] whereof [*Master's Name*] is at present Master, being [*Kind of Build,* '*Burden, et cætera, as described in the Certificate of the Surveying Officer*], was [*when and where built,* '*or, if Prize or forfeited, Capture and Condemnation as such*], and that the same doth wholly and truly 'belong to [*Name of Company or Corporation*].'

Addition to Declaration in case the required Number of Owners do not attend.

XIV. And be it enacted, That in case the required Number of joint Owners or Proprietors of any Ship or Vessel shall not personally attend to make and subscribe the Declaration herein-before directed to be made and subscribed, then and in such Case such Owner or Owners, Proprietor or Proprietors, as shall personally attend and make and subscribe the Declaration aforesaid, shall further declare that the Part Owner or Part Owners of such Ship or Vessel then absent is or are not resident within Twenty Miles of such Port or Place, and hath or have not, to the best of his or their Knowledge or Belief, wilfully absented himself or themselves in order to avoid the making the Declaration herein-before directed to be made and subscribed, or is or are prevented by Illness from attending to make and subscribe the said Declaration.

Survey.

Vessels to be surveyed previous to Registry.

XV. And in order to enable the Collector and Comptroller of Her Majesty's Customs to grant a Certificate truly and accurately describing every Ship or Vessel to be registered in pursuance of this Act, and also to enable all other Officers of Her Majesty's Customs, on due Examination, to discover whether any such Ship or Vessel is the same with that for which a Certificate is alleged to have been granted, be it enacted, That previous to the registering or granting of any Certificate of Registry as aforesaid some One or more Person or Persons appointed by the Commissioners of Her Majesty's Customs (taking to his or their Assistance, if he or they shall judge it necessary, One or more Person or Persons skilled in the building and Admeasurement of Ships,) shall go on board of every such Ship or Vessel as is to be registered, and shall strictly and accurately examine and admeasure every such Ship or Vessel as to all and every Particular contained in the Form of the Certificate herein-before directed, in the Presence of the Master or of any other Person who shall be appointed for that Purpose on the Part of the Owner or Owners, or in his or their Absence by the said Master, and shall deliver a true and just Account in Writing of all such Particulars of the Build, Description, and Admeasurement of every such Ship or Vessel as are specified in the Form of the Certificate above recited to the Collector and Comptroller authorized as aforesaid to make such Registry and grant such Certificate of Registry; and the said Master or other Person attending on the Part of the Owner or Owners is hereby required to sign his Name also to the Certificate of such Surveying or Examining Officer, in testimony of the Truth thereof, provided such Master or other Person shall consent and agree to the several Particulars set forth and described therein.

Certificate of Survey to be given.

Owner or Master concurring therein.

The Rule by which Tonnage of Vessels is to be ascertained.

XVI. And be it enacted, That from and after the Commencement of this Act the Tonnage of every Ship or Vessel required by Law to be registered shall, previous to her being registered, be measured and ascertained while her Hold is clear, and according to the following Rule; (that is to say,) divide the Length of the upper Deck between the after Part of the Stem and the fore Part of the Stern-post into Six equal Parts; Depths, at the foremost, the middle, and the aftermost of those Points of Division, measure in Feet and decimal Parts of a Foot the Depths from the under Side of the upper Deck to the Ceiling at the Limber Strake; in the Case of a Break in the upper Deck the Depths are to be measured from a Line stretched in a Continuation of the Deck; Breadths, divide each of those Three Depths into Five equal Parts, and measure the inside Breadths at the following Points; (*videlicet,*) at One Fifth and at Four Fifths from the upper Deck of the foremost and aftermost Depths, and at Two Fifths and Four Fifths from the upper Deck of the Midship Depth; Length, at Half the Midship Depth measure the Length of the Vessel from the after Part of the Stem to the fore Part of the Stern-post; then to Twice the Midship Depth add the foremost and the aftermost Depths for the Sum of the Depths; add together the upper and lower Breadths at the foremost Division, Three Times the upper Breadth and the lower Breadth at the Midship Division, and the upper and Twice the lower Breadth at the after Division, for the Sum of the Breadths; then multiply the Sum of the Depths by the Sum of the Breadths, and this Product by the Length, and divide the final Product by Three thousand five hundred, which will give the Number of Tons for Register; if the Vessel have a Poop or Half Deck or a Break in the upper Deck, measure the inside mean Length, Breadth, and Height of such Part thereof as may be included within the Bulkhead; multiply these Three Measurements together, and dividing the Product by 92·4,

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the Quotient will be the Number of Tons to be added to the Result as above found; in order to ascertain the Tonnage of open Vessels the Depths are to be measured from the upper Edge of the upper Strake. *Survey.*

Mode of ascertaining Tonnage of Steam Vessels.

XVII. Provided always, and be it enacted, That in each of the several Rules herein-before prescribed, when applied for the Purpose of ascertaining the Tonnage of any Ship or Vessel propelled by Steam, the Tonnage due to the Cubical Contents of the Engine Room shall be deducted from the total Tonnage of the Vessel as determined by either of the Rules aforesaid, and the Remainder shall be deemed the true Register Tonnage of the said Ship or Vessel; the Tonnage due to the Cubical Contents of the Engine Room shall be determined in the following Manner; (that is to say,) measure the inside Length of the Engine Room in Feet and decimal Parts of a Foot from the foremost to the aftermost Bulkhead, then multiply the said Length by the Depth of the Ship or Vessel at the Midship Division as aforesaid, and the Product by the inside Breath at the same Division at Two Fifths of the Depth from the Deck, taken as aforesaid, and divide the last Product by 92·4, and the Quotient shall be deemed the Tonnage due to the Cubical Contents of the Engine Room.

Length, &c. of Engine Room to be set forth in Description of Steam Vessel.

XVIII. Provided always, and be it enacted, That the Tonnage due to the Cubical Contents of the Engine Room, and also the Length of the Engine Room, shall be set forth in the Certificate of Registry as Part of the Description of the Ship or Vessel, and that any Alteration of such Tonnage due to the Cubical Contents of the Engine Room, or of such Length of the Engine Room after Registry, shall be deemed to be an Alteration requiring Registry *de novo* within the Meaning of this Act.

Rule for measuring Ships with Cargoes on board.

XIX. And be it enacted, That for the Purpose of ascertaining the Tonnage of all such Ships as there shall be occasion to measure while their Cargoes are on board, the following Rule shall be observed, and is hereby established; (that is to say,) measure first the Length on the upper Deck between the after Part of the Stem and the fore Part of the Stern-post; secondly, the inside Breadth on the under Side of the upper Deck at the middle Point of the Length; and, thirdly, the Depth from the under Side of the upper Deck down the Pump Well to the Skin; multiply these Three Dimensions together, and divide the Product by One hundred and thirty, and the Quotient will be the Amount of the Register Tonnages of such Ships; if the Vessel have a Poop or Half Deck or a Break in the upper Deck, measure the inside mean Length, Breadth, and Height of such Part thereof as may be included within the Bulkhead, multiply these Three Measurements together, and, dividing the Product by Ninety-two and Four Tenths, the Quotient will be the Number of Tons to be added to the Result above found. *Registry.*

Amount of registered Tonnage carved on Main Beam.

XX. And be it enacted, That the true Amount of the Register Tonnage of every Ship or Vessel required by Law to be registered, ascertained according to the Rule by this Act established, shall be deeply carved or cut in Figures at least Three Inches in Length on the Main Beam of every such Ship or Vessel prior to her being registered.

Not to alter Tonnage of Vessels already registered.

XXI. And be it enacted, That nothing herein contained shall extend to alter the present Measure of Tonnage of any Ship or Vessel which shall have been registered prior to the Commencement of this Act, unless in Cases where the Owners of any such Ships shall require to have their Tonnage established according to the Rule herein-before provided, or unless there shall be occasion to have any such Ship admeasured again on account of any Alteration which shall have been made in the Form or Burden of the same, in which Cases only such Ships shall be re-admeasured according to the said Rule, and their Tonnage registered accordingly.

Tonnage when so ascertained to be ever after deemed the Tonnage.

XXII. And be it enacted, That whenever the Tonnage of any Ship or Vessel shall have been ascertained according to the Rules herein prescribed, such Account of Tonnage shall ever after be deemed the Tonnage of such Ship or Vessel, and shall be repeated in every subsequent Registry of such Ship or Vessel, unless it shall happen that any Alteration has been made in the Form and Burden of such Ship or Vessel, or it shall be discovered that the Tonnage of such Ship or Vessel had been erroneously taken and computed.

Bond to be given at the Time of Registry.

XXIII. And be it enacted, That at the Time of the obtaining of the Certificate of Registry as aforesaid sufficient Security by Bond shall be given to Her Majesty, Her Heirs and Successors, by the Master and such of the Owners as shall personally attend as is herein-before required, such Security to be approved of and taken by the Person or Persons herein-before authorized to make such Registry, and grant such Certificate of Registry, at the Port or Place in which such Certificate shall be granted, in the Penalties following; (that is to say,) if such Ship or Vessel shall be a decked Vessel, or be above the Burden of Fifteen Tons, and not exceeding Fifty Tons, then in the Penalty of One hundred Pounds; if exceeding the Burden of Fifty Tons, and not exceeding One hundred Tons, then in the Penalty of Three hundred Pounds; if exceeding the Burden of One hundred Tons, and not exceeding Two hundred Tons, then in the Penalty of Five hundred Pounds; if exceeding the Burden of Two hundred Tons, and not exceeding Three hundred Tons, then in the Penalty of Eight hundred Pounds; and if exceeding the Burden of Three hundred Tons, then in the Penalty of One thousand Pounds; and the Condition of every such Bond shall be, that such Certificate shall not be sold, lent, or otherwise disposed of to any Person or Persons whatever, and that the same shall be solely made use of for the Service of the Ship or Vessel for which it is granted; and that in case such Ship or Vessel shall be lost or taken by the Enemy, burnt or broken up, or otherwise prevented from returning to the Port to which she belongs, or shall on any Account have lost and forfeited the Privileges of a *British* Ship, or shall have been seized and legally condemned for illicit Trading, or shall have been taken in execution for Debt, and sold by due Process of Law, or shall have been sold to the Crown, or shall under any Circumstances have been registered *de novo*, the Certificate, if preserved, shall be delivered up within One Month after

Conditions that the Certificate shall be solely made use of for the Service of the Vessel, or given up to be cancelled in certain Cases.

Registry.

the Arrival of the Master in any Port or Place in Her Majesty's Dominions to the Collector and Comptroller of some Port in *Great Britain*, or of the *Isle of Man*, or of the *British* Plantations, or to the Governor, Lieutenant Governor, or Commander-in-Chief for the Time being of the Islands of *Guernsey* or *Jersey;* and that if any Foreigner, or any Person or Persons for the Use and Benefit of any Foreigner, shall purchase or otherwise become entitled to the whole or to any Part or Share of or any Interest in such Ship or Vessel, and the same shall be within the Limits of any Port of *Great Britain*, or of the Islands of *Guernsey*, *Jersey*, or *Man*, or of the *British* Colonies, Plantations, Islands, or Territories aforesaid, then and in such Case the Certificate of Registry shall, within Seven Days after such Purchase or Transfer of Property in such Ship or Vessel, be delivered up to the Person or Persons herein-before authorized to make Registry, and grant Certificate of Registry, at such Port or Place respectively as aforesaid; and if such Ship or Vessel shall be in any Foreign Port when such Purchase or Transfer of Property shall take place, then that the Certificate shall be delivered up to the *British* Consul or other chief *British* Officer resident at or nearest to such Foreign Port, or if such Ship or Vessel shall be at Sea when such Purchase or Transfer of Property shall take place, then that the Certificate shall be delivered up to the *British* Consul or other chief *British* Officer at the Foreign Port or Place in or at which the Master or other Person having or taking the Charge or Command of such Ship or Vessel shall first arrive after such Purchase or Transfer of Property at Sea, immediately after his Arrival at such Foreign Port; but if such Master or other Person who had the Command thereof at the Time of such Purchase or Transfer of Property at Sea shall not arrive at a Foreign Port, but shall arrive at some Port of *Great Britain*, or of the Islands of *Guernsey*, *Jersey*, or *Man*, or of Her Majesty's said Colonies, Plantations, Islands, or Territories, then that the Certificate shall be delivered up in manner aforesaid within Fourteen Days after the Arrival of such Ship or Vessel, or of the Person who had the Command thereof in any Port of *Great Britain*, or of the Islands of *Guernsey*, *Jersey*, or *Man*, or of any of Her Majesty's said Colonies, Plantations, Islands, or Territories: Provided always, that if it shall happen that at the Time of Registry of any Ship or Vessel the same shall be at any other Port than the Port to which she belongs, so that the Master of such Ship or Vessel cannot attend at the Port of Registry to join with the Owner or Owners in such Bond as aforesaid, it shall be lawful for him to give a separate Bond to the like Effect at the Port where such Ship or Vessel may then be, and the Collector and Comptroller of such other Port shall transmit such Bond to the Collector and Comptroller of the Port where such Ship or Vessel is to be registered; and such Bond, and the Bond also given by the Owner or Owners, shall together be of the same Effect against the Master and Owner or Owners, or either of them, as if they had bound themselves jointly and severally in One Bond.

If Ship at the Time of Registry be at any other Port than that of Registry, the Master may there give Bond.

When Master is changed, new Master to give similar Bond, and his Name to be endorsed on Certificate of Registry.

XXIV. And be it enacted, That when and so often as the Master or other Person having or taking the Charge or Command of any Ship or Vessel, registered in manner herein-before directed, shall be changed, the Master or Owner of such Ship or Vessel shall deliver to the Person or Persons herein-before authorized to make such Registry, and grant such Certificates of Registry, at the Port where such Change shall take place, the Certificate of Registry belonging to such Ship or Vessel, who shall thereupon endorse and subscribe a Memorandum of such Change, and shall forthwith give Notice of the same to the proper Officer of the Port or Place where such Ship or Vessel was last registered pursuant to this Act, who shall likewise make a Memorandum of the same in the Book of Registers which is hereby directed and required to be kept, and shall forthwith give Notice thereof to the Commissioners of Her Majesty's Customs: Provided always, that before the Name of such new Master shall be endorsed on the Certificate of Registry he shall be required to give and shall give a Bond in the like Penalties and under the same Conditions as are contained in the Bond herein-before required to be given at the Time of Registry of any Ship or Vessel.

Bonds liable to same Duties as Customs Bonds.

XXV. And be it enacted, That all Bonds required by this Act shall be liable to the same Duties of Stamps as Bonds given for or in respect of the Duties of Customs are or shall be liable to under any Act for the Time being in force for granting Duties of Stamps.

Certificate of Registry to be given up by all Persons as directed by the Bond.

XXVI. And be it enacted, That if any Person whatever shall at any Time have possession of and wilfully detain any Certificate of Registry granted under this or any other Act, which ought to be delivered up to be cancelled, according to any of the Conditions of the Bond herein-before required to be given upon the Registry of any Ship or Vessel, such Person is hereby required and enjoined to deliver up such Certificate of Registry in manner directed by the Conditions of such Bond in the respective Cases and under the respective Penalties therein provided.

Name of Vessel which has been registered never afterwards to be changed, and to be painted on the Stern.

XXVII. And be it enacted, That it shall not be lawful for any Owner or Owners of any Ship or Vessel to give any Name to such Ship or Vessel other than that by which she was first registered in pursuance of this or any other Act; and the Owner or Owners of all and every Ship or Vessel which shall be so registered shall, before such Ship or Vessel after such Registry shall begin to take in any Cargo, paint or cause to be painted in White or Yellow Letters, of a Length of not less than Four Inches, upon a Black Ground, upon some conspicuous Part of the Stern, the Name by which such Ship or Vessel shall have been registered, and the Port to which she belongs, in a distinct and legible Manner, and shall so keep and preserve the same; and if such Owner or Owners, or Master or other Person having or taking the Charge or Command of such Ship or Vessel, shall permit such Ship or Vessel to begin to take in any Cargo before the Name of such Ship or Vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done (unless in the Case of square-rigged Vessels in Time of War), or shall in any written or printed Paper or other Document describe such Ship or Vessel by any Name other than that by which she was first

first registered, or shall verbally describe or cause or procure or permit such Ship or Vessel to be described by any other Name to any Officer or Officers of Her Majesty's Revenue in the due Execution of his or their Duty, then and in every such Case such Owner or Owners, or Master or other Person having or taking the Charge or Command of such Ship or Vessel, shall forfeit the Sum of One hundred Pounds. *Registry.* Penalty for Omission, 100*l.*

XXVIII. And be it enacted, That all and every Person and Persons who shall apply for a Certificate of the Registry of any Ship or Vessel shall and they are hereby required to produce to the Person or Persons authorized to grant such Certificate a true and full Account, under the Hand of the Builder of such Ship or Vessel, of the proper Denomination of such Vessel, and of the Time when and the Place where such Ship or Vessel was built, and also an exact Account of the Tonnage of such Ship or Vessel, together with the Name of the first Purchaser or Purchasers thereof, (which Account such Builder is hereby directed and required to give under his Hand, on the same being demanded by such Person or Persons so applying for a Certificate as aforesaid,) and shall also make and subscribe a Declaration before the Person or Persons herein-before authorized to grant such Certificate that the Ship or Vessel for which such Certificate is required is the same with that which is so described by the Builder as aforesaid: Provided always, that where by reason of the Death of such Builder, or some other unavoidable Cause, such Certificate cannot be produced, it shall be lawful for the Commissioners of Her Majesty's Customs, on Proof being made to their Satisfaction of all the Particulars required as aforesaid, to dispense with the Account hereby required under the Hand of the Builder, and to allow the Certificate of Registry to be granted. *Builder's Certificate of Particulars of Ship.* Declaration to be made thereto. Power to Commissioners to dispense with Builder's Certificate.

XXIX. And be it enacted, That if the Certificate of Registry of any Ship or Vessel shall be lost or mislaid so that the same cannot be found or obtained for the Use of such Ship or Vessel when needful, and Proof thereof shall be made to the Satisfaction of the Commissioners of Her Majesty's Customs, such Commissioners shall and may permit such Ship or Vessel to be registered *de novo*, and a Certificate thereof to be granted: Provided always, that if such Ship or Vessel be absent and far distant from the Port to which she belongs, or by reason of the Absence of the Owner or Owners, or of any other Impediment, Registry of the same cannot then be made in sufficient Time, such Commissioners shall and may grant a Licence for the present Use of such Ship or Vessel, which Licence shall, for the Time and to the Extent specified therein, and no longer, be of the same Force and Virtue as a Certificate of Registry: Provided also, that before such Registry *de novo* be made the Owner or Owners and Master shall give Bond to the Commissioners aforesaid, in such Sum as to them shall seem fit, with a Condition that if the Certificate of Registry shall at any Time afterwards be found the same shall be forthwith delivered to the proper Officers of Her Majesty's Customs to be cancelled, and that no illegal Use has been or shall be made thereof with his or their Privity or Knowledge; and further, that before any such Licence shall be granted as aforesaid the Master of such Ship or Vessel shall also make and subscribe a Declaration that the same has been registered as a *British* Ship, naming the Port where and the Time when such Registry was made, and all the Particulars contained in the Certificate thereof, to the best of his Knowledge and Belief, and shall also give such Bond, and with the same Condition as is herein-before mentioned: Provided also, that before any such Licence shall be granted such Ship or Vessel shall be surveyed in like Manner as if a Registry *de novo* were about to be made thereof, and the Certificate of such Survey shall be preserved by the Collector and Comptroller of the Port to which such Ship or Vessel shall belong; and in virtue thereof it shall be lawful for the said Commissioners and they are hereby required to permit such Ship or Vessel to be registered after her Departure, whenever the Owner or Owners shall personally attend to take and subscribe the Declaration required by this Act before Registry be made, and shall also comply with all other Requisites of this Act, except so far as relates to the Bond to be given by the Master of such Ship or Vessel, which Certificate or Registry the said Commissioners shall and may transmit to the Collector and Comptroller of any other Port to be by them given to the Master of such Ship or Vessel upon his giving such Bond, and delivering up the Licence which had been granted for the then present Use of such Ship or Vessel. Certificate of Registry lost or mislaid. Commissioners may permit Registry de novo, or grant Licence.

XXX. 'And whereas it is not proper that any Person, under any Pretence whatever, should detain 'the Certificate of Registry of any Ship or Vessel, or hold the same for any Purpose other than the 'lawful Use and Navigation of the Ship or Vessel for which it was granted;' be it therefore enacted, That in case any Person who shall have received or obtained by any Means or for any Purpose whatever, the Certificate of the Registry of any Ship or Vessel, (whether such Person shall claim to be the Master or to be the Owner or one of the Owners of such Ship or Vessel or not,) shall wilfully detain and refuse to deliver up the same to the proper Officers of Her Majesty's Customs, for the Purposes of such Ship or Vessel as Occasion shall require, or to the Person or Persons having the actual Command, Possession, and Management of such Ship or Vessel as the ostensible and reputed Master, or as the ostensible and reputed Owner or Owners thereof, it shall be lawful to and for any such last-mentioned Person to make Complaint, on Oath, of such Detainer and Refusal to any Justice of the Peace residing near to the Place where such Detainer and Refusal shall be in *Great Britain* or *Ireland*, or to any Member of the Supreme Court of Justice, or to any Deemster or Justice of the Peace, in the Islands of *Jersey*, *Guernsey*, or *Man*, or in any Colony, Plantation, Island, or Territory to Her Majesty belonging in *Asia*, *Africa*, or *America*, or in *Malta*, *Gibraltar*, or *Heligoland*, where such Detainer and Refusal shall be in any of the Places last mentioned; and on such Complaint the said Justice or other Magistrate shall and is hereby required, by Warrant under his Hand and Seal, to cause the Person so complained against to be brought before him to be examined touching such Detainer and Refusal; and if it shall appear to the said Justice or other Magistrate, on Examination of such Person or otherwise, that the said Certificate of Registry is not lost or mislaid, Persons detaining Certificate of Registry to forfeit 100*l.*

Registry.

but is wilfully detained by the said Person, such Person shall be thereof convicted, and shall forfeit and pay the Sum of One hundred Pounds, and on failure of Payment thereof he shall be committed to the Common Gaol, there to remain without Bail or Mainprize for such Time as the said Justice or other Magistrate shall in his Discretion deem proper, not being less than Three Months nor more than Twelve Months; and the said Justice or other Magistrate shall certify the aforesaid Detainer, Refusal, and Conviction to the Person or Persons who granted such Certificate of Registry for such Ship or Vessel, who shall, on the Terms and Conditions of Law being complied with, make Registry of such Ship or Vessel *de novo*, and grant a Certificate thereof conformably to Law, notifying on the Back of such Certificate the Ground upon which such Ship or Vessel was so registered *de novo*; and if the Person who shall have detained and refused to deliver up such Certificate of Registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded, so that the said Warrant of the Justice or other Magistrate cannot be executed upon him, and Proof thereof shall be made to the Satisfaction of the Commissioners of Her Majesty's Customs, it shall be lawful for the said Commissioners to permit such Ship or Vessel to be registered *de novo*, or otherwise, in their Discretion, to grant a Licence for the present Use of such Ship or Vessel, in like Manner as is herein-before provided in the Case wherein the Certificate of Registry is lost or mislaid.

Ship altered in certain Manner to be registered de novo.

XXXI. And be it enacted, That if any Ship or Vessel, after she shall have been registered, shall in any Manner whatever be altered so as not to correspond with all the Particulars contained in the Certificate of her Registry, in such Case such Ship or Vessel shall be registered *de novo*, in manner herein-before required, as soon as she returns to the Port to which she belongs, or to any other Port which shall be in the same Part of the United Kingdom, or in the same Colony, Plantation, Island, or Territory as the said Port shall be in, on failure whereof such Ship or Vessel shall to all Intents and Purposes be considered and deemed and taken to be a Ship or Vessel not duly registered.

Vessels condemned as Prize, or for Breach of Laws against Slave Trade, Certificate of Condemnation to be produced.

XXXII. And be it enacted, That the Owner or Owners of all Ships and Vessels taken by any of Her Majesty's Ships or Vessels of War, or by any private or other Ship or Vessel, and condemned as lawful Prize in any Court of Admiralty, or of Ships or Vessels condemned in any competent Court as forfeited for Breach of the Laws for the Prevention of the Slave Trade, shall, for the Purpose of registering any such Ship or Vessel, produce to the Collector and Comptroller of Her Majesty's Customs a Certificate of the Condemnation of such Ship or Vessel under the Hand and Seal of the Judge of the Court in which such Ship or Vessel shall have been condemned (which Certificate such Judge is hereby authorized and required to grant), and also a true and exact Account in Writing of all the Particulars contained in the Certificate herein-before set forth, to be made and subscribed by One or more skilful Person or Persons to be appointed by the Court then and there to survey such Ship or Vessel, and shall also make and subscribe a Declaration before the Collector and Comptroller that such Ship or Vessel is the same Vessel which is mentioned in the Certificate of the Judge aforesaid.

Prize Vessels not to be registered at Guernsey, Jersey, or Man, but at certain Ports.

XXXIII. Provided always, and be it enacted, That no Ship or Vessel which shall be taken and condemned as Prize or Forfeiture as aforesaid shall be registered in the Islands of *Guernsey*, *Jersey*, or *Man*, although belonging to Her Majesty's Subjects residing in those Islands, or in some one or other of them, but the same shall be registered either at *Southampton*, *Weymouth*, *Exeter*, *Plymouth*, *Falmouth*, *Liverpool*, or *Whitehaven* by the Collector and Comptroller at such Ports respectively, who are hereby authorized and required to register such Ship or Vessel, and to grant a Certificate thereof in the Form and under the Regulations and Restrictions in this Act contained.

Transfers.

Transfer of Interest to be made by Bill of Sale.

XXXIV. And be it enacted, That when and so often as the Property in any Ship or Vessel, or any Part thereof, belonging to any of Her Majesty's Subjects, shall, after Registry thereof, be sold to any other or others of Her Majesty's Subjects, the same shall be transferred by Bill of Sale, or other Instrument in Writing, containing a Recital of the Certificate of Registry of such Ship or Vessel, or the principal Contents thereof, otherwise such Transfer shall not be valid or effectual for any Purpose whatever either in Law or in Equity: Provided always, that no Bill of Sale shall be deemed void by reason of any Error in such Recital, or by the Recital of any former Certificate of Registry instead of the existing Certificate, provided the Identity of the Ship or Vessel intended in the Recital be effectually proved thereby.

Property in Ships to be divided into Sixty-four Parts or Shares.

XXXV. And be it enacted, That the Property in every Ship or Vessel of which there are more than One Owner shall be taken and considered to be divided into Sixty-four equal Parts or Shares, and the Proportion held by each Owner shall be described in the Registry as being a certain Number of Sixty-fourth Parts or Shares, and that no Person shall be entitled to be registered as an Owner of any Ship or Vessel in respect of any Proportion of such Ship or Vessel which shall not be an integral Sixty-fourth Part or Share of the same; and upon the first Registry of any Ship or Vessel, the Owner or Owners who shall take and subscribe the Declaration required by this Act before Registry be made shall also declare the Number of such Parts or Shares then held by each Owner, and the same shall be so registered accordingly: Provided always, that if it shall at any Time happen that the Property of any Owner or Owners in any Ship or Vessel cannot be reduced by Division into any Number of integral Sixty-fourth Parts or Shares, it shall and may be lawful for the Owner or Owners of such fractional Parts as shall be over and above such Number of integral Sixty-fourth Parts or Shares into which such Property in any Ship or Vessel can be reduced by Division to transfer the same one to another, or jointly to any new Owner, by Memorandum upon their respective Bills of Sale, or by fresh Bill of Sale, without such Transfer being liable to any Stamp Duty: Provided also, that the Right of any Owner or Owners to any such fractional Parts shall not be affected by reason of the same not having

having been registered: Provided also, that it shall be lawful for any Number of such Owners named and described in such Registry, being Partners in any House or Copartnership actually carrying on Trade in any Part of Her Majesty's Dominions, to hold any Ship or Vessel, or any Share or Shares of any Ship or Vessel, in the Name of such House or Copartnership, as joint Owners thereof, without distinguishing the proportionate Interest of each of such Owners; and that such Ship or Vessel, or the Share or Shares thereof so held in Copartnership, shall be deemed and taken to be Partnership Property to all Intents and Purposes, and shall be governed by the same Rules both in Law and Equity as relate to and govern all other Partnership Property in any other Goods, Chattels, and Effects whatsoever. *Transfers.*

Only Thirty-two Persons to be Owners of any Ship at one Time.

XXXVI. And be it enacted, That no greater Number than Thirty-two Persons shall be entitled to be legal Owners at One and the same Time of any Ship or Vessel as Tenants in common, or to be registered as such: Provided always, that nothing herein contained shall affect the equitable Title of Minors, Heirs, Legatees, Creditors, or others, exceeding that Number, duly represented by or holding from any of the Persons within the said Number registered as legal Owners of any Share or Shares of such Ship or Vessel: Provided also, that if it shall be proved to the Satisfaction of the Commissioners of Her Majesty's Customs that any Number of Persons have associated themselves as a Joint Stock Company for the Purpose of owning any Ship or Vessel, or any Number of Ships or Vessels, as the joint Property of such Company, and that such Company have duly elected or appointed any Number not less than Three of the Members of the same to be Trustees of the Property in such Ship or Vessel or Ships or Vessels so owned by such Company, it shall be lawful for such Trustees, or any Three of them, with the Permission of such Commissioners, to make and subscribe the Declaration required by this Act before Registry be made, except that instead of stating therein the Names and Descriptions of the other Owners they shall state the Name and Description of the Company to which such Ship or Vessel or Ships or Vessels shall in such Manner belong.

Joint Stock Companies.

Trustees may apply to have Registry made.

Bills of Sale not effectual until produced to Officers of Customs, and entered in the Book of Registry or of intended Registry.

XXXVII. And be it enacted, That no Bill of Sale or other Instrument in Writing shall be valid and effectual to pass the Property in any Ship or Vessel, or in any Share thereof, or for any other Purpose, until such Bill of Sale or other Instrument in Writing shall have been produced to the Collector and Comptroller of the Port at which such Ship or Vessel is already registered, or to the Collector and Comptroller of any other Port at which she is about to be registered *de novo*, as the Case may be, nor until such Collector and Comptroller respectively shall have entered in the Book of such last Registry in the one Case, or in the Rook of such Registry *de novo*, after all the Requisites of Law for such Registry *de novo* shall have been duly complied with, in the other Case, (and which they are respectively hereby required to do upon the Production of the Bill of Sale or other Instrument for that Purpose,) the Name, Residence, and Description of the Vendor or Mortgagor, or of each Vendor or Mortgagor if more than One, the Number of Shares transferred, the Name, Residence, and Description of the Purchaser or Mortgagee, or of each Purchaser or Mortgagee if more than One, and the Date of the Bill of Sale or other Instrument and of the Production of it; and further, if such Ship or Vessel is not about to be registered *de novo*, the Collector and Comptroller of the Port where such Ship is registered shall and they are hereby required to endorse the aforesaid Particulars of such Bill of Sale or other Instrument on the Certificate of Registry of the said Ship or Vessel, when the same shall be produced to them for that Purpose, in manner and to the Effect following; (*videlicet*,)

Form of Endorsement.

'Custom House [*Port and Date.*]
'[*Name, Residence, and Description of Vendor or Mortgagor*] has transferred by [*Bill of Sale or other Instrument*], dated [*Date; Number of Shares*] to [*Name, Residence, and Description of Purchaser or Mortgagee*].
'*A.B.* Collector.
'*C.D.* Comptroller.'

And forthwith to give Notice thereof to the Commissioners of Customs; and in case the Collector and Comptroller shall be desired so to do, and the Bill of Sale or other Instrument shall be produced to them for that Purpose, then the said Collector and Comptroller are hereby required to certify by Endorsement upon the Bill of Sale or other Instrument that the Particulars before mentioned have been so entered in the Book of Registry, and endorsed upon the Certificate of Registry as aforesaid.

Entry of Bill of Sale to be valid, except in certain Cases.

XXXVIII. And be it enacted, That when and so soon as the Particulars of any Bill of Sale or other Instrument by which any Ship or Vessel, or any Share or Shares thereof, shall be transferred, shall have been so entered in the Book of Registry as aforesaid, the said Bill of Sale or other Instrument shall be valid and effectual to pass the Property thereby intended to be transferred as against all and every Person and Persons whatsoever, and to all Intents and Purposes, except as against such subsequent Purchasers and Mortgagees who shall first procure the Endorsement to be made upon the Certificate of Registry of such Ship or Vessel in manner herein-after mentioned.

When a Bill of Sale has been entered for any Shares, Thirty Days shall be allowed for endorsing the Certificate of Registry before any other Bill of Sale for the same shall be entered.

XXXIX. And be it enacted, That when and after the Particulars of any Bill of Sale or other Instrument by which any Ship or Vessel, or any Share or Shares thereof, shall be transferred, shall have been so entered in the Book of Registry as aforesaid, the Collector and Comptroller shall not enter in the Book of Registry the Particulars of any other Bill of Sale or Instrument purporting to be a Transfer by the same Vendor or Mortgagor or Vendors or Mortgagors of the same Ship or Vessel, Share or Shares thereof, to any other Person or Persons, unless Thirty Days shall elapse from the Day on which the Particulars of the former Bill of Sale or other Instrument were entered in the Book of Registry, or in case the Ship or Vessel was absent from the Port to which she belonged at the Time when the Particulars of such former Bill of Sale or other Instrument were entered in the Book of Registry, then unless Thirty Days shall have elapsed from the Day on which the Ship or Vessel arrived at the Port to which the same belonged; and in case the Particulars of Two or more such Bills of Sale

Transfers.

Sale or other Instruments as aforesaid shall at any Time have been entered in the Book of Registry of the said Ship or Vessel, the Collector and Comptroller shall not enter in the Book of Registry the Particulars of any other Bill of Sale or other Instrument as aforesaid, unless Thirty Days shall in like Manner have elapsed from the Day on which the Particulars of the last of such Bills of Sale or other Instrument were entered in the Books of Registry, or from the Day on which the Ship or Vessel arrived at the Port to which she belonged, in case of her Absence as aforesaid; and in every Case where there shall at any Time happen to be Two or more Transfers by the same Owner or Owners of the same Property in any Ship or Vessel entered in the Book of Registry as aforesaid, the Collector and Comptroller are hereby required to endorse upon the Certificate of Registry of such Ship or Vessel the Particulars of that Bill of Sale or other Instrument under which the Person or Persons claims or claim Property, who shall produce the Certificate of Registry for that Purpose within Thirty Days next after the Entry of his said Bill of Sale or other Instrument in the Book of Registry as aforesaid, or within Thirty Days next after the Return of the said Ship or Vessel to the Port to which she belongs, in case of her Absence at the Time of such Entry as aforesaid; and in case no Person or Persons shall produce the Certificate of Registry within either of the said Spaces of Thirty Days, then it shall be lawful for the Collector and Comptroller and they are hereby required to endorse upon the Certificate of Registry the Particulars of the Bill of Sale or other Instrument to such Person or Persons as shall first produce the Certificate of Registry for that Purpose, it being the true Intent and Meaning of this Act that the several Purchasers and Mortgagees of such Ship or Vessel, Share or Shares thereof, when more than One appear to claim the same Property, or to claim Security on the same Property, in the same Rank and Degree, shall have Priority one over the other, not according to the respective Times when the Particulars of the Bill of Sale or other Instrument by which such Property was transferred to them were entered in the Book of Registry as aforesaid, but according to the Time when the Endorsement is made upon the Certificate of Registry as aforesaid: Provided always, that if the Certificate of Registry shall be lost or mislaid, or shall be detained by any Person whatever, so that the Endorsement cannot in due Time be made thereon, and Proof thereof shall be made by the Purchaser or Mortgagee, or his known Agent, to the Satisfaction of the Commissioners of Her Majesty's Customs, it shall be lawful for the said Commissioners to grant such further Time as to them shall appear necessary for the Recovery of the Certificate of Registry, or for the Registry *de novo* of the said Ship or Vessel under the Provisions of this Act; and thereupon the Collector and Comptroller shall make a Memorandum in the Book of Registers of the further Time so granted, and during such Time no other Bill of Sale shall be entered for the Transfer of the same Ship or Vessel, or the same Share or Shares thereof, or for giving the same Security thereon.

Nature of the Priority intended in this Act.

Provision in case Certificate be mislaid.

Bills of Sale may be produced after Entry at other Ports than those to which Vessels belong, and Transfers endorsed on Certificate.

Previous Notice to be given to Officers at the Port of Registry.

XL. And be it enacted, That if the Certificate of Registry of such Ship or Vessel shall be produced to the Collector and Comptroller of any Port where she may then be after any such Bill of Sale shall have been recorded at the Port to which she belongs, together with such Bill of Sale containing a Notification of such Record, signed by the Collector or Comptroller of such Port as before directed, it shall be lawful for the Collector and Comptroller of such other Port to endorse on such Certificate of Registry (being required so to do) the Transfer mentioned in such Bill of Sale, and such Collector and Comptroller shall give Notice thereof to the Collector and Comptroller of the Port to which such Ship or Vessel belongs, who shall record the same in like Manner as if they had made such Endorsement themselves, but inserting the Name of the Port at which such Endorsement was made: Provided always, that the Collector and Comptroller of such other Port shall first give Notice to the Collector and Comptroller of the Port to which such Ship or Vessel belongs of such Requisition made to them to endorse the Certificate of Registry, and the Collector and Comptroller of the Port to which such Ship or Vessel belongs shall thereupon send Information to the Collector and Comptroller of such other Port whether any and what other Bill or Bills of Sale have been recorded in the Book of the Registry of such Ship or Vessel; and the Collector and Comptroller of such other Port having such Information shall proceed in manner directed by this Act in all respects to the endorsing of the Certificate of Registry as they would do if such Port were the Port to which such Vessel belonged.

If upon Registry de novo any Bill of Sale shall not have been recorded, it shall then be produced.

XLI. And be it enacted, That if it shall become necessary to register any Ship or Vessel *de novo*, and any Share or Shares of such Ship or Vessel shall have been sold since she was last registered, and the Transfer of such Share or Shares shall not have been recorded and endorsed in manner herein-before directed, the Bill of Sale thereof shall be produced to the Collector and Comptroller of Her Majesty's Customs, who are to make Registry of such Ship or Vessel, otherwise such Sale shall not be noticed in such Registry *de novo*, except as herein-after excepted: Provided always, that upon the future Production of such Bill of Sale, and of the existing Certificate of Registry, such Transfer shall and may be recorded and endorsed as well after such Registry *de novo* as before.

Upon Change of Property Registry de novo may be granted if desired, although not required by this Act.

XLII. And be it enacted, That if upon any Change of Property in any Ship or Vessel the Owner or Owners shall desire to have the same registered *de novo*, although not required by this Act, and the Owner or proper Number of Owners shall attend at the Custom House at the Port to which such Ship or Vessel belongs for that Purpose, it shall be lawful for the Collector and Comptroller of Her Majesty's Customs at such Port to make Registry *de novo* of such Ship or Vessel at the same Port, and to grant a Certificate thereof, the several Requisites herein-before in this Act mentioned and directed being first duly observed and complied with.

Copies of Declarations, &c.,

XLIII. 'And whereas great Inconvenience hath arisen from the Registering Officers being served 'with Subpœnas, requiring them to bring with them, and produce on Trials in Courts of Law relative to 'the

'the Ownery of Vessels or otherwise, the Oaths or Declarations required to be taken by the Owners 'thereof prior to the registering thereof, and the Books of Registry or Copies or Extracts therefrom: 'And whereas it would tend much to the Despatch of Business if the Attendance of such Registering 'Officers with the same upon such Trials were dispensed with;' be it therefore enacted, That the Collector and Comptroller of Her Majesty's Customs at any Port or Place, and the Person or Persons acting for them respectively, shall, upon every reasonable Request by any Person or Persons whomsoever, produce and exhibit for his, her, or their Inspection and Examination any Oath or Declaration sworn or made by any such Owner or Owners, Proprietor or Proprietors, and also any Register or Entry in any Book or Books of Registry required by this Act to be made or kept relative to any Ship or Vessel, and shall, upon every reasonable Request by any Person or Persons whomsoever, permit him, her, or them to take a Copy or Copies or an Extract or Extracts thereof respectively, and that the Copy and Copies of any such Oath or Declaration, Register or Entry, shall, upon being proved to be a true Copy or Copies thereof respectively, be allowed and received as Evidence upon every Trial at Law, without the Production of the Original or Originals, and without the Testimony or Attendance of any Collector or Comptroller, or other Person or Persons acting for them respectively, in all Cases as fully and to all Intents and Purposes as such Original or Originals, if produced by any Collector or Collectors, Comptroller or Comptrollers, or other Person or Persons acting for them, could or might legally be admitted or received in Evidence.

and of Extracts from Books of Registry, admitted in Evidence.

XLIV. And be it enacted, That if the Ship or Vessel, or the Share or Shares of any Owner thereof who may be out of the Kingdom, shall be sold in his Absence by his known Agent or Correspondent under his Directions, either expressed or implied, and acting for his Interest in that Behalf, and such Agent or Correspondent who shall have executed a Bill of Sale to the Purchaser of the whole of such Ship or Vessel, or of any Share or Shares thereof, shall not have received a legal Power to execute the same, it shall be lawful for the Commissioners of Her Majesty's Customs, upon Application made to them, and Proof to their Satisfaction of the fair Dealings of the Parties, to permit such Transfer to be registered, if Registry *de novo* be necessary, or to be recorded and endorsed, as the Case may be, in manner directed by this Act, as if such legal Power had been produced; and also if it shall happen that any Bill of Sale cannot be produced, or if, by reason of Distance of Time or the Absence or Death of Parties concerned, it cannot be proved that a Bill of Sale for any Share or Shares in any Ship or Vessel had been executed, and Registry *de novo* of such Ship or Vessel shall have become necessary, it shall be lawful for the Commissioners of Her Majesty's Customs, upon Proof to their Satisfaction of the fair Dealings of the Parties, to permit such Ship or Vessel to be registered *de novo*, in like Manner as if a Bill of Sale for the Transfer of such Share or Shares had been produced: Provided always, that in any of the Cases herein mentioned good and sufficient Security shall be given to produce a legal Power or Bill of Sale within a reasonable Time, or to abide the future Claims of the absent Owner, his Heirs and Successors, as the Case may be, and, at the future Request of the Party whose Property has been so transferred without the Production of a Bill of Sale from him or from his lawful Attorney, such Bond shall be available for the Protection of his Interest, in addition to any Powers or Rights which he may have in Law or Equity against the Ship or Vessel, or against the Parties concerned, until he shall have received full Indemnity for any Loss or Injury sustained by him.

If Vessels or Shares sold in the Absence of Owners, without formal Powers, Commissioners may permit Record of Sales, &c.

and also in other Cases where Bills of Sale cannot be produced;

Security being given to produce legal Powers, or abide future Claims.

XLV. And be it enacted, That when any Transfer of any Ship or Vessel, or of any Share or Shares thereof, shall be made only as a Security for the Payment of a Debt or Debts, either by way of Mortgage or of Assignment to a Trustee or Trustees for the Purpose of selling the same for the Payment of any Debt or Debts, then and in every such Case the Collector and Comptroller of the Port where the Ship or Vessel is registered shall, in the Entry in the Book of Registry, and also in the Endorsement on the Certificate of Registry in manner herein-before directed, state and express that such Transfer was made only as a Security for the Payment of a Debt or Debts, or by way of Mortgage, or to that Effect; and the Person or Persons to whom such Transfer shall be made, or any other Person or Persons claiming under him or them as a Mortgagee or Mortgagees, or a Trustee or Trustees only, shall not by reason thereof be deemed to be the Owner or Owners of such Ship or Vessel, Share or Shares thereof, nor shall the Person or Persons making such Transfer be deemed by reason thereof to have ceased to be an Owner or Owners of such Ship or Vessel, any more than if no such Transfer had been made, except so far as may be necessary for the Purpose of rendering the Ship or Vessel, Share or Shares, so transferred available, by Sale or otherwise, for the Payment of the Debt or Debts for securing the Payment of which such Transfer shall have been made.

Transfer by way of Mortgage.

Mortgagee not to be deemed an Owner.

XLVI. And be it enacted, That when any Transfer of any Ship or Vessel, or of any Share or Shares thereof, shall have been made as a Security for the Payment of any Debt or Debts, either by way of Mortgage or of Assignment as aforesaid, and such Transfer shall have been duly registered according to the Provisions of this Act, the Right or Interest of the Mortgagee or other Assignee as aforesaid shall not be in any Manner affected by any Act or Acts of Bankruptcy committed by such Mortgagor or Assignor, Mortgagors or Assignors, after the Time when such Mortgage or Assignment shall have been so registered as aforesaid, notwithstanding such Mortgagor or Assignor, Mortgagors or Assignors, at the Time he or they shall so become bankrupt as aforesaid, shall have in his, her, or their Possession, Order, and Disposition, and shall be the reputed Owner or Owners of the said Ship or Vessel, or the Share or Shares thereof so by him or them mortgaged or assigned as aforesaid, but such Mortgage or Assignment shall take place of and be preferred to any Right, Claim, or Interest which may belong to the Assignee or Assignees of such Bankrupt or Bankrupts in such Ship or Vessel, Share or Shares thereof, any Law or Statute to the contrary thereof notwithstanding.

Transfers of Ships for Security of Debts being registered, Rights of Mortgagee not affected by any Act of Bankruptcy of Mortgagor, &c.

XLVII. And

Governors of Colonies, &c. may cause Proceedings in Suits to be stayed.

XLVII. And be it enacted, That it shall and may be lawful for any Governor, Lieutenant Governor, or Commander-in-Chief of any of Her Majesty's Colonies, Plantations, Islands, or Territories, and they are hereby respectively authorized and required, if any Suit, Information, Libel, or other Prosecution or Proceeding of any Nature or Kind whatever shall have been commenced or shall hereafter be commenced in any Court whatever in any of the said Colonies, Plantations, Islands, or Territories respectively touching the Force and Effect of any Register granted to any Ship or Vessel, upon a Representation made to any such Governor, Lieutenant Governor, or Commander-in-Chief, to cause all Proceedings thereon to be stayed, if he shall see just Cause so to do, until Her Majesty's Pleasure shall be known and certified to him by Her Majesty, by and with the Advice of Her Majesty's Privy Council; and such Governor, Lieutenant Governor, or Commander-in-Chief is hereby required to transmit to One of Her Majesty's Principal Secretaries of State, to be laid before Her Majesty in Council, an authenticated Copy of the Proceedings in every such Case, together with his Reasons for causing the same to be stayed, and such Documents (properly verified) as he may judge necessary, for the Information of Her Majesty.

Penalty for making false Declaration or falsifying any Document.

XLVIII. And be it enacted, That if any Person or Persons shall falsely make Declaration to any of the Matters herein-before required to be verified by Declaration, or if any Person or Persons shall counterfeit, erase, alter, or falsify any Certificate or other Instrument in Writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any Certificate or other Instrument so counterfeited, erased, altered, or falsified, or shall wilfully grant such Certificate or other Instrument in Writing, knowing it to be false, such Person or Persons shall for every such Offence forfeit the Sum of Five hundred Pounds.

Owners to give Notice to Collectors of Customs at the Port of Registry of their Loss.

XLIX. And be it enacted, That the Person or Persons registered as Owner or Owners of any *British* Ship or Vessel which shall have been lost or taken by the Enemy, or burnt or broken up, or otherwise prevented from returning to the Port to which such Ship or Vessel belongs, or which shall on any account have lost or forfeited the Privileges of a *British* Ship, shall, immediately upon obtaining Knowledge of any of the Circumstances aforesaid, give Notice in Writing of such Circumstances to the Collector or Comptroller of the Customs at the Port of Registry of such Ship or Vessel.

Or if Vessels absent from the Port of Registry for Three Years, to state the Cause.

L. And be it enacted, That in all Cases where any *British* registered Ship or Vessel shall have been absent from the Port of Registry for the Space of Three Years, the Person or Persons registered as the Owner or Owners of such Ship or Vessel shall in like Manner give Notice in Writing to the Collector or Comptroller of the Customs at such Port, stating therein the Cause of such Absence, and that the said Vessel has not forfeited her Privileges as a *British* Ship.

Failing to give such Notices, &c. to forfeit 5*l*.

LI. And be it enacted, That every such Owner or Owners failing to give such Notice in either of the Cases aforesaid, or making any untrue Statement in respect of any such Ship or Vessel, shall forfeit the Sum of Five Pounds.

How Penalties are to be recovered;

and Officers Shares.

LII. And be it enacted, That all the Penalties and Forfeitures inflicted and incurred by this Act shall and may be sued for, prosecuted, recovered, and disposed of in such Manner, and by such Ways, Means, and Methods, as any Penalties or Forfeitures inflicted or which may be incurred for any Offences committed against any Law relating to the Customs may now legally be sued for, prosecuted, recovered, and disposed of; and that the Officer or Officers concerned in Seizures or Prosecutions under this Act shall be entitled to and receive the same Share of the Produce arising from such Seizures as in the Case of Seizures for unlawful Importation, and to such Share of the Produce arising from any pecuniary Fine or Penalty for any Offence against this Act as any Officer or Officers is or are now by any Law or Regulation entitled to upon Prosecutions for pecuniary Penalties.

Alteration of Act.

LIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XC.

An Act for granting Duties of Customs. [4th *August* 1845.]

3 & 4 W. 4. c. 56.

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for granting Duties of Customs*, whereby the several Duties of Customs were consolidated into One Act: And whereas since the passing of the said Act divers Parts of Acts altering the said Duties have been passed, and it will be of advantage to the Trade and Commerce of the Country that the said several Duties should be consolidated into One Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Operation for all the Purposes mentioned therein, except where any other Commencement is herein particularly directed.

Commencement of Act.

Instead of all other Duties there shall be paid, &c. the Duties and Drawbacks specified in the Tables annexed.

II. And be it enacted, That in lieu and instead of all other Duties and Drawbacks of Customs (except the Duties and Drawbacks upon Corn, Grain, Meal or Flour, Sugar, and Molasses) there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon Goods, Wares, and Merchandize imported into or exported from the United Kingdom, the several Duties of Customs, and there shall be allowed the several Drawbacks, as the same are respectively inserted, described, and set forth in Figures in the Tables marked (A.) and (B.) to this Act annexed, together with the additional Duties herein-after mentioned.

Duties on Corn, &c. to be raised, as Duties men-

III. And be it enacted, That the Duties imposed upon Corn, Grain, Meal, and Flour by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws for the Importation of Corn*, shall be raised, levied, collected, and paid

paid in such and the same Manner in all respects as the several Duties of Customs mentioned in this Act are directed to be raised, levied, collected, and paid. tioned in this Act.

IV. And be it enacted, That there shall be charged, raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, in addition to the Duties mentioned in the said Table marked (A.), upon every Gallon of Spirits or Strong Waters of all Sorts imported into the United Kingdom a further Duty of Four-pence, and upon all the Articles enumerated in the said Table marked (A.), except Spirits and Strong Waters, a further Duty of Five *per Centum* upon the Amount of the several Duties in and by the said Table marked (A.) respectively charged upon the said Articles, and each of them, except the following Articles; (that is to say,) An additional Duty of 4*d.* per Gallon to be levied upon Spirits, and of Five per Cent. upon all other Articles.

Isinglass;
Oils, chemical, essential, or perfumed;
Oils, essential, of Cloves;
Pickles preserved in Vinegar;
Pickles or Vegetables preserved in Salt;
Refined Camphor;
Smalts;
Turpentine;
Verdigris;
Yarn Cable;
Glass of all Sorts.

V. And be it enacted, That the Amount of Drawbacks granted, allowed, and made payable upon Goods, Wares, and Merchandize exported from or used or consumed in *Great Britain* or *Ireland*, under or by virtue of any Act or Acts in force in *Great Britain* or *Ireland*, on or immediately before the passing of this Act, shall remain and continue payable with respect to such Goods, Wares, and Merchandize as, having paid the Duties imposed upon the Importation thereof by any such Act or Acts, shall, from and after the passing of this Act, be exported from or be so used or consumed in *Great Britain* or *Ireland* respectively. Goods having paid Duties imposed by former Acts to be entitled to Drawbacks.

VI. And be it enacted and declared, That all Goods whatsoever which shall have been warehoused without Payment of Duty upon the first Importation thereof, and which shall be in the Warehouse at the Commencement of the Duties imposed by this Act, shall be deemed and taken to be liable to such Duties. Goods in Warehouse liable to Duties.

VII. And be it enacted, That the Duties and Drawbacks by this Act imposed and allowed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, and recovered, and allowed and applied or appropriated, under the Provisions of an Act passed in the present Session of Parliament, intituled *An Act for the general Regulation of the Customs.* Duties, &c. to be managed by Commissioners of Customs.

VIII. And be it enacted, That it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, by Her Order in Council, from Time to Time to order and direct that there shall be levied and collected any additional Duty, not exceeding One Fifth of the Amount of any existing Duty, upon all or any Goods, Wares, or Merchandize, the Growth, Produce, or Manufacture of any Country which shall levy higher or other Duties upon any Article the Growth, Produce, or Manufacture of any of Her Majesty's Dominions than upon the like Article the Growth, Produce, or Manufacture of any other Foreign Country, and in like Manner to impose such additional Duties upon all or any Goods when imported in the Ships of any Country which shall levy higher or other Duties upon any Goods when imported in *British* Ships than when imported in the national Ships of such Country, or which shall levy higher or other Tonnage or Port or other Duties upon *British* Ships than upon such national Ships, or which shall not place the Commerce or Navigation of this Kingdom upon the Footing of the most favoured Nation in the Ports of such Country, and either to prohibit the Importation of any manufactured Article the Produce of such Country in the event of the Export of the raw Material of which such Article is wholly or in part made being prohibited from such Country to the *British* Dominions, or to impose an additional Duty, not exceeding One Fifth as aforesaid, upon such manufactured Article, and also to impose such additional Duty in the Event of such raw Material being subject to any Duty upon being exported from the said Country to any of Her Majesty's Dominions; and all Duties imposed by any such Order shall be deemed to be Duties imposed by this Act. Additional Duties to be levied on Foreign Merchandize, &c.

IX. 'And whereas by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King 'George the Third, intituled *An Act to carry into effect a Convention of Commerce concluded between* 'His Majesty and the United States of America, *and a Treaty with the Prince Regent of* Portugal, 'divers Provisions were made respecting the Duties payable and the Bounties and Allowances to be 'granted upon the Importation and Exportation of Goods, Wares, and Merchandize into or from the 'United Kingdom in Vessels of the United States and in *Portuguese* Vessels, and respecting the Repay- 'ment to certain Corporations, Bodies Politic and Corporate, and sundry other Persons, of the Amount 'of the Sums of Money of which they would be deprived by means of the said Act, and it was thereby 'enacted that the said Act should continue in force so long as the Convention therein recited between 'His said late Majesty and the United States of *America*, and the Treaty therein recited between His 'said late Majesty and His Royal Highness the Prince Regent of *Portugal*, and so long as any Treaty to 'be made with any Foreign Power with the similar Provisions therein-before recited, should respectively 'continue in force: And whereas, subsequently to the Enactment of the said recited Act, Her Majesty 'and Her Royal Predecessors have made and concluded with divers Foreign Powers Treaties containing 'Provisions similar to those recited in the said recited Act, and Doubts have arisen whether, according *59 G. 3. c. 54.* to apply to all Foreign Powers as well as United States and Portugal, and to Duties on Goods as well as on Ships.

'to the true Construction thereof, the said Act doth apply and extend to the Trade and Shipping of such 'other Foreign Powers, and whether the same applies to differential Duties and Charges on Goods 'imported or exported in Foreign Ships as well as to differential Duties and Charges on Foreign Ships, 'and it is expedient that such Doubts be removed;' be it therefore enacted and declared, That from and after the Ratification of any Treaty heretofore made by Her Majesty or any of Her Royal Predecessors subsequently to the Enactment of the said Act, or of any Treaty which may hereafter be made by Her Majesty, Her Heirs and Successors, with any such Foreign Power, in which Treaty has been or shall be contained Provisions similar to those recited in the said recited Act, all and every the Provisions, Clauses, Matters, and Things in the said recited Act contained shall apply and extend to the Trade and Shipping of such Foreign Powers respectively as fully and effectually to all Intents and Purposes as to the Trade and Shipping of the said United States and of the said Kingdom of *Portugal*, and also shall apply and extend to differential Duties or Charges on Goods imported or exported in the Ships of such Foreign Powers as well as to differential Duties on the Ships of such Foreign Powers.

Recited Act not to be construed as granting Powers beyond subsisting Treaties.

X. Provided nevertheless, and be it enacted and declared, That the said recited Act doth not extend, and shall not be construed to extend, to grant to or to confer upon the Trade or Shipping of the said United States, or of the said Kingdom of *Portugal*, or of any other Foreign Power, or to the Subjects of such States or Kingdom, or of any such Foreign Power as aforesaid, any other or greater Advantage than such as shall have been stipulated for by and granted to the said United States, the said Kingdom of *Portugal*, or any such other Foreign Power, by the respective Treaties subsisting and in force between them respectively and Her Majesty, Her Heirs and Successors, or Her Royal Predecessors, but that the said Act shall be so construed and applied as to give full and complete Effect to such respective Treaties so long as the same shall respectively remain in force, and is to provide such, and only such, Indemnity as therein mentioned to such Bodies Politic and Corporate, and other Persons as are therein mentioned, for such Losses as they shall respectively sustain by the Execution of such respective Treaties.

Her Majesty, with Advice of Privy Council, to declare the Powers with whom Treaties are subsisting.

XI. And for the Prevention of Uncertainty herein, be it enacted, That it shall and may be lawful for Her Majesty, Her Heirs and Successors, by any Order or Orders to be by Her or Them made, with the Advice of Her or Their Privy Council, and published in the *London Gazette*, from Time to Time to declare what are the Foreign Powers with which any such Treaty or Treaties as aforesaid is or are subsisting, and this present Act and the said recited Act shall apply and shall be deemed from the Time of the Ratification of any such Treaties to have been applicable to the Trade and Shipping of such Foreign Countries as shall be so mentioned in any such Order or Orders in Council as aforesaid, so long as any such Order or Orders shall continue unrevoked, and no longer.

Lords of Treasury may reduce Duties on Ships or Goods of Countries under Reciprocity.

XII. And be it enacted, That in any Case where any Treaty is in force between Her Majesty and any Foreign State, containing any Stipulations that no higher Duties or Charges shall be levied on the Vessels or Produce of such Foreign State, or upon Goods exported or imported in the Vessels of such Foreign State than on *British* Vessels or Produce, or upon the like Goods exported or imported in *British* Vessels, or any direct or indirect Stipulations to the like Effect, or for the like Objects, or any of them, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Two or more of them, from Time to Time to give Directions that all Duties or Charges imposed by any Act passed after the Tenth Day of *July* One thousand eight hundred and forty-two upon the Vessels of such Foreign State entering or leaving any Port of Her Majesty's Dominions, or upon Articles of the Growth, Produce, or Manufacture of the Dominions of such Foreign State, or upon any Articles imported into the United Kingdom in Vessels of such Foreign State, or upon any Articles (or any particular Classes of Articles) exported from the United Kingdom (or exported from the United Kingdom to any particular Place or Places), shall be reduced to the same Rates as are in the like Cases imposed upon *British* Vessels, or upon the like Articles of *British* Growth, Produce, or Manufacture, or upon the like Articles imported into or exported from the United Kingdom in *British* Vessels, or to give so much of the said Directions as the Case may require.

Manufactures of Gibraltar, &c. from Foreign Materials deemed Foreign.

XIII. And be it enacted, That all Manufactures of *Gibraltar*, *Malta*, and *Heligoland* made of Materials of Foreign Produce liable to Duty upon Importation into the United Kingdom, upon which no such Duty has been paid, or upon which Drawback of such Duty has been allowed in the United Kingdom, shall, for the Purposes of Duty, be deemed and taken to be the Produce of and imported from a Foreign Country.

Certain Produce of the State of Maine to be treated as the Produce of New Brunswick.

XIV. 'And whereas a Treaty has been concluded between Her Majesty and the United States of 'America, dated the Ninth Day of *August* in the Year One thousand eight hundred and forty-two, 'whereby it is stipulated that all the Produce of the Forest in Logs, Lumber, Timber, Timber Boards, 'Staves, or Shingles, or of Agriculture, not being manufactured, grown on any of those Parts of the 'State of *Maine* watered by the River *Saint John* or by its Tributaries, of which Fact reasonable 'Evidence shall, if required, be produced, shall have free Access into and through the said River and 'its Tributaries having their Source within the State of *Maine* to and from the Seaport at the Mouth of 'the River *Saint John*, and to and round the Falls of the said River, either by Boats, Rafts, or other 'Conveyance, and that when within the Province of *New Brunswick* the said Produce shall be dealt with 'as if it were the Produce of the said Province: And whereas it is the Intention of the High Con-'tracting Parties to the said Treaty that the aforesaid Produce should be dealt with as if it were the 'Produce of the Province of *New Brunswick*;' be it therefore enacted, That the Produce in the said recited Treaty and herein-before described shall, so far as regards all Laws relating to Duties, Navigation, and Customs in force in the United Kingdom, or in any of Her Majesty's Dominions, be deemed and taken to be and be dealt with as the Produce of the Province of *New Brunswick*: Provided nevertheless, that

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in all Cases in which Declarations and Certificates of Production or Origin, and Certificates of Clearance, would be required in respect of such Produce if it were the Produce of *New Brunswick*, similar Declarations and Certificates shall be required in respect of such Produce, and shall state the same to be the Produce of those Parts of the State of *Maine* which are entered by the River *Saint John* or by its Tributaries.

Drawback on the Exportation of Foreign Rice or Paddy.

XV. And be it enacted, That upon the Exportation from the United Kingdom of any Foreign Rice or Paddy which shall have been cleaned therein, and which shall have paid the Duties payable on the Importation thereof, there shall be allowed and paid for every Hundred Weight thereof a Drawback equal in Amount to the Duty paid on every Four Bushels of the Rough Rice or Paddy from which the same shall have been cleaned.

Conditions on which such Drawback is to be paid.

XVI. Provided always, and be it enacted, That such Drawback upon Rice so exported shall be paid and allowed only upon such clean Rice as shall be deposited for the Purpose of Exportation, within One Calendar Month from the Day on which the Duty thereon had been paid, in some Warehouse in which Rice may be warehoused on Importation without Payment of Duty, and shall there remain secured until duly shipped to be exported from such Warehouse: Provided also, that the Exporter of such Rice shall make Declaration before the Collector or Comptroller that the Rice so warehoused for Exportation was cleaned from the Rough Rice or Paddy upon which the Duties had been so paid.

Warehousing of Goods.

XVII. And be it enacted, That it shall be lawful for the Importer of any Goods subject to any Duties of Customs to warehouse such Goods upon the first Entry thereof, under the Laws in force for the warehousing of Goods, without Payment of Duty upon such first Entry, and that all Goods which shall have been so warehoused before the Commencement of any such Duties, and shall remain so warehoused after the Commencement of the same, shall become liable to such Duties in lieu of all former Duties.

Cape of Good Hope within Limits of Charter; Mauritius as West Indies.

XVIII. And be it enacted, That for the Purposes of this Act the *Cape of Good Hope*, and the Territories and Dependencies thereof, shall be deemed to be within the Limits of the *East India* Company's Charter, and the Island of *Mauritius* shall be deemed to be one of Her Majesty's Sugar Colonies, and placed upon the same Footing in all respects as Her Majesty's Islands in the *West Indies*.

Produce of Limits of Charter imported from Malta or Gibraltar.

XIX. And be it enacted, That all Goods the Produce of Places within the Limits of the *East India* Company's Charter having been imported into *Malta* or *Gibraltar* from those Places in *British* Ships shall, upon subsequent Importation into the United Kingdom direct from *Malta* or *Gibraltar*, be liable to the same Duties as the like Goods would respectively be liable to if imported direct from some Place within the Limits of the said Charter.

An Account of the Amount of hereditary Revenues of the Crown to be kept separate.

XX. 'And whereas by the Consolidation of the different Branches of the public Revenue, and of the 'several Duties payable on the Importation or Exportation of Goods, Wares, and Merchandize, and 'the Appropriation thereof, as directed by the several Acts in force in *England*, the hereditary and 'temporary Revenues of the Crown of Subsidies of Tonnage and Poundage, and of other Duties upon 'Goods, Wares, and Merchandize arising in *England*, are not now kept distinct and separate at the 'several Offices, but have become blended with other Duties of Customs and Tonnage both in the 'Collection and Appropriation thereof: And whereas it is expedient that Provision should be made 'for ascertaining the annual Amount of what such hereditary Revenues would have produced in case 'the same had not been so consolidated, and that an Account should hereafter be kept of such annual 'Amount;' be it therefore enacted, That from and after the passing of this Act the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them, shall cause to be prepared and kept an Account of what such hereditary Revenue arising in *England* would have amounted to in case the same had not been and was not consolidated and collected with other Duties of Customs and Tonnage in the Collection and Appropriation thereof, in such Manner and Form as shall appear to the said Commissioners of Her Majesty's Treasury for the Time being best adapted to ascertain such Amount, which Account the said Commissioners for the Time being are hereby required to make out, or cause to be made out, and laid before Parliament, together with the public Accounts directed to be laid before Parliament pursuant to the Provisions of the several Acts for directing public Accounts to be laid annually before Parliament.

Not to affect the hereditary Revenue in Scotland.

XXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to affect or to alter the hereditary Revenue of Her Majesty, Her Heirs and Successors, in *Scotland*, or other Revenues there granted to His late Majesty King *George* the Second, during his Life, and reserved to Her present Majesty during Her Life, by an Act passed in the First Year of Her present Majesty's Reign, but the same, and the Civil Establishment payable out of the same, shall continue to be paid in like Manner as heretofore, any thing in this Act contained to the contrary notwithstanding.

Duties to be paid into the Exchequer, and carried to the Consolidated Fund.

XXII. And be it enacted, That all the Monies arising by the Duties imposed by this Act (the necessary Charges of raising and accounting for the same excepted) shall from Time to Time be paid into the Receipt of Her Majesty's Exchequer in *Great Britain*, and shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, except only as by this Act is specially provided, and shall be appropriated in like Manner and to the same Services as the Duties by this Act repealed would have been if this Act had not been passed.

Duties due before the passing of this Act, but levied after, to be deemed Duties under this Act, and

XXIII. And be it enacted, That all Monies arising from any Duties of Customs, or any Arrears thereof, shall be raised, levied, collected, paid, or received from and after the passing of this Act, for or on account of any Goods, Wares, or Merchandize whatever imported or brought into the United Kingdom of *Great Britain* and *Ireland*, or exported from the said United Kingdom, although the Amount of the said Duties may have been computed and ascertained as such Duties have been computed and ascertained before the passing of this Act, and although the Goods, Wares, or Merchandize whereon any such Duties

appropriated as such.

of Customs may have been charged or may be charged may have been imported into or exported from the United Kingdom before the passing of this Act, and although any Duties of Customs due and payable, or charged or chargeable thereon, may have been secured by Bond or otherwise on or before the passing of this Act; and all such Monies shall from and after the passing of this Act be appropriated and applied in like Manner and to the same Purposes as the Duties of Customs by this Act granted are directed to be appropriated and applied, except as is in this Act provided, any Act or Acts of Parliament, Law, Usage, or Custom to the contrary notwithstanding; and that all Monies arising by any of the Revenues of Customs hereafter to be paid or allowed, either upon Bond or otherwise, either by way of Drawback, Bounty, Certificate, Premium, or Allowance, or by any other legal Document whatever, from and after the passing of this Act, although the Amount of the same shall have been computed and ascertained in like Manner in which they have heretofore been usually computed and ascertained, or shall have become due before the passing of this Act, shall and may be paid or allowed in like Manner by the proper Officer or Officers of the Customs out of any Monies in their Hands arising from the Duties of Customs respectively.

Alteration of Act.

XXIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

TABLE (A.)—GOODS, WARES, AND MERCHANDIZE IMPORTED.

Goods, Wares, and Merchandize imported.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Agates or Cornelians, not set	Free.	Free.
——— set for every 100*l.* Value	15 0 0	15 0 0
Ale and Beer, of all Sorts the Barrel	2 0 0	2 0 0
Alganobilla Seed	Free.	Free.
Alkali	—	—
Alkanet Root	—	—
Almonds, not Jordan, nor bitter the Cwt.	0 10 0	0 10 0
——— Jordan the Cwt.	1 5 0	1 5 0
——— bitter	Free.	Free.
——— Paste of for every 100*l.* Value	20 0 0	20 0 0
Aloes	Free.	Free.
Alum	—	—
—— Rock	—	—
Amber, rough	—	—
——— Manufactures of, not enumerated, for every 100*l.* Value	15 0 0	15 0 0
Ambergris	Free.	Free.
Amboyna Wood	—	—
Anchovies the lb.	0 0 2	—
Angelica	Free.	Free.
Animals (living), *viz.*		
——— Asses each	0 2 6	0 1 3
——— Goats each	0 1 0	0 0 6
——— Kids each	0 1 0	0 0 6
——— Oxen and Bulls each	1 0 0	0 10 0
——— Cows each	0 15 0	0 7 6
——— Calves each	0 10 0	0 5 0
——— Horses, Mares, Geldings, Colts, Foals each	1 0 0	0 10 0
——— Mules each	0 2 6	0 1 3
——— Sheep each	0 3 0	0 1 6
——— Lambs each	0 2 0	0 1 0
——— Swine and Hogs each	0 5 0	0 2 6
——— Pigs (sucking) each	0 2 0	0 1 0
Annatto Roll and Flag	Free.	Free.

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
	£ s. d.	£ s. d.
Antimony, *viz.*		
—— Ore of	—	—
—— Crude	—	—
—— Regulus	—	—
Apples, raw the Bushel	0 0 6	0 0 2
—— dried the Bushel	0 2 0	0 2 0
Aquafortis the Cwt.	0 5 0	0 5 0
Argol	Free.	Free.
Aristolochia	—	—
Arrowroot the Cwt.	0 5 0	0 1 0
Arsenic	Free.	Free.
Ashes, *viz.*		
—— Pearl and Pot	—	—
—— Soap, Weed, and Wood	—	—
—— not enumerated	—	—
Asphaltum or Bitumen Judaicum	—	—
Bacon the Cwt.	0 14 0	0 3 6
Balsams, unenumerated	Free.	Free.
Bandstring Twist, the Dozen Knots, each containing 32 Yards	0 5 0	0 2 6
Barilla	Free.	Free.
Bark	—	—
Bark, Extract of, or other Vegetable Substances to be used only for tanning Leather	—	—
Barley, Pearled the Cwt.	0 5 0	0 2 6
Barwood	Free.	Free.
Basket Rods, peeled and unpeeled	—	—
Baskets for every 100*l.* Value	10 0 0	10 0 0
Bast Ropes, Twines, and Strands the Cwt.	0 5 0	0 2 6
Beads, *viz.*		
—— Arango for every 100*l.* of the Value	15 0 0	15 0 0
—— Coral for every 100*l.* of the Value	15 0 0	15 0 0
—— Crystal the 1,000	0 5 0	0 5 0
—— Jet for every 100*l.* of the Value	15 0 0	15 0 0
—— not otherwise enumerated or described, for every 100*l.* of the Value	15 0 0	15 0 0
Beans, Kidney and French	Free.	Free.
Beef, salted (not being corned Beef) the Cwt.	0 8 0	0 2 0
—— fresh, or slightly salted the Cwt.	0 8 0	0 2 0
Beef Wood	Free.	Free.
Beer or Mum the Barrel	2 0 0	2 0 0
—— Spruce the Barrel	1 0 0	1 0 0
Berries, unenumerated	Free.	Free.
Birds, *viz.*, Singing Birds	—	—
Bitumen Judaicum	—	—
Blacking the Cwt.	1 0 0	1 0 0
Black Wood	Free.	Free.
Bladders	—	—

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Bones of Cattle and other Animals, and of Fish (except Whale Fins), whether burnt or not, or as Animal Charcoal	—	—
Books, *viz.*		
—— being of Editions printed prior to the Year 1801, bound or unbound - - - the Cwt.	1 0 0	1 0 0
—— being of Editions printed in or since the Year 1801, bound or unbound - - the Cwt.	5 0 0	5 0 0
—— being of Editions in the Foreign Living Languages, printed in or since the Year 1801, bound and unbound - - the Cwt.	2 10 0	2 10 0
Boracic Acid	Free.	Free.
Borax, refined	—	—
Borax or Tincal, unrefined	—	—
Bottles, of Earth and Stone, empty - the Dozen	0 0 2	0 0 2
—— full	Free.	Free.
—— Flasks in which Olive Oil is imported	—	—
Boxes of all Sorts, excepting those made wholly or partly of Glass, on which the proper Glass Duty will be levied - - - for every 100*l.* Value	10 0 0	5 0 0
Box Wood	Free.	Free.
Brass, Manufactures of - - for every 100*l.* Value	15 0 0	15 0 0
—— Powder of - - - - the lb.	0 0 6	0 0 6
Brazil Wood	Free.	Free.
Brazilleto Wood	—	—
Bricks or Clinkers (Dutch) - - the 1,000	0 10 0	0 5 0
—— other Sorts - - - the 1,000	0 15 0	0 7 6
Brimstone	Free.	Free.
—— refined, in Rolls	—	—
—— —— in Flour	—	—
Bristles, rough, or in any way sorted	—	—
Brocade of Gold or Silver - for every 100*l.* Value	20 0 0	20 0 0
Bronze, all Works of Art	Free.	Free.
—— other Manufactures of - for every 100*l.* Value	15 0 0	15 0 0
—— Powder - - for every 100*l.* Value	15 0 0	15 0 0
Bullion and Foreign Coin, of Gold or Silver, and Ore of Gold or Silver, or of which the major Part in Value is Gold or Silver	Free.	Free.
Bull Rushes	—	—
Butter - - - - the Cwt.	1 0 0	0 5 0
Buttons (Metal) - - for every 100*l.* Value	15 0 0	15 0 0
Cables (not being Iron Cables), tarred or untarred, the Cwt.	0 6 0	0 3 0
—— not being Iron Cables, in actual Use of a British Ship, and being fit and necessary for such Ship, and not or until otherwise disposed of -	Free.	Free.
—— if and when otherwise disposed of, for every 100*l.* Value	10 0 0	5 0 0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries. £ s. d.	Rates of Duty. Of and from British Possessions. £ s. d.
Cables—*continued.*		
—— old, and taken from Foreign Ships, provided the same be rendered unserviceable by Reduction into Lengths not exceeding Three Fathoms, for every 100*l.* Value	10 0 0	
Camomile Flowers	Free.	Free.
Camphor, unrefined	—	—
—— refined the Cwt.	0 5 0	0 5 0
Camwood	Free.	Free.
Candles, *viz.*		
—— Spermaceti the lb.	0 0 6	0 0 6
—— Stearine the lb.	0 0 2½	0 0 2½
—— Tallow the Cwt.	0 10 0	0 10 0
—— Wax the lb.	0 0 4	0 0 4
Candlewick	Free.	Free.
Canella Alba	—	—
Canes, *viz.*		
—— Bamboo	—	—
—— Rattans, not ground	—	—
—— Reed Canes	—	—
—— Walking Canes or Sticks mounted, painted, or otherwise ornamented for every 100*l.* Value	20 0 0	20 0 0
Canes or Sticks, unenumerated	Free.	Free.
Cantharides the lb.	0 0 3	0 0 3
Caoutchouc	Free.	Free.
Capers, including the Pickle the lb.	0 0 6	0 0 3
Cardamons	Free.	Free.
Cards, *viz.*, Playing Cards the Dozen Packs	4 0 0	4 0 0
Carmine the oz.	0 0 6	0 0 6
Carriages of all Sorts for every 100*l.* Value	20 0 0	20 0 0
Casks (empty) for every 100*l.* Value	25 0 0	25 0 0
Cassava Powder the Cwt.	0 5 0	0 1 0
Cassia, *viz.*		
—— Buds	Free.	Free.
—— Fistula	—	—
—— Lignea the lb.	0 0 3	0 0 1
Castor	Free.	Free.
Casts of Busts, Statues, or Figures the Cwt.	0 2 6	0 2 6
Catlings the Gross, containing 12 Dozen Knots	0 3 0	0 3 0
Caviare the Cwt.	0 5 0	0 5 0
Cedar Wood	Free.	Free.
Chalk, *viz.*		
—— unmanufactured	—	—
—— prepared or manufactured, and not otherwise enumerated for every 100*l.* Value	10 0 0	5 0 0
Cheese the Cwt.	0 10 6	0 2 6
Cherries, raw for every 100*l.* Value	5 0 0	5 0 0
—— dried the lb.	0 0 6	0 0 6

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
	£	s.	d.	£	s.	d.
Chicory, or any other vegetable Matter applicable to the Uses of Chicory or Coffee, *viz.*						
——— roasted or ground - - - the lb.	0	0	6	0	0	6
——— raw or Kiln-dried - - - the Cwt.	1	0	0	1	0	0
China Root - - - - -	Free.			Free.		
China or Porcelain Ware, plain - for every 100*l.* Value	15	0	0	15	0	0
——— painted, gilt, ornamented - for every 100*l.* Value	20	0	0	20	0	0
Chip or Willow for platting - - - -	Free.			Free.		
Cider - - - - - the Tun	10	10	0	10	10	0
Cinnabaris Nativa - - - - -	Free.			Free.		
Cinnamon - - - - - the lb.	0	0	6	0	0	3
Citrat of Lime - - - -	Free.			Free.		
Citric Acid - - - - -	—			—		
Citron, preserved with Salt - for every 100*l.* Value	10	0	0	10	0	0
Civet - - - - - -	Free.			Free.		
Clocks - - - for every 100*l.* Value	20	0	0	20	0	0
——— or Watches of any Metal, impressed with any Mark or Stamp appearing to be, or to represent any legal British Assay Mark or Stamp, or purporting, by any Mark or Appearance, to be of the Manufacture of the United Kingdom -	Prohibited.			Prohibited.		
Cloves - - - - - the lb.	0	0	6	0	0	6
Coals, Culm, or Cinders - - - -	Free.			Free.		
Cobalt - - - - - -	—			—		
——— Ore - - - - - -	—			—		
Cochineal and Granilla - - - -	—			—		
——— Dust - - - - -	—			—		
Cocoa - - - - the lb.	0	0	2	0	0	1
——— Husks and Shell - - - the lb.	0	0	1	0	0	0½
——— Paste, or Chocolate - - - the lb.	0	0	6	0	0	2
Coculus Indicus - - - - the Cwt.	0	7	6	0	7	6
Coffee - - - - - the lb.	0	0	6	0	0	4
Coir Rope, Twine, and Strands - - the Cwt.	0	2	6	0	1	3
——— Rope and Junk, old and new, cut into Lengths not exceeding 3 Feet each - - -	Free.			Free.		
Colocynth - - - - - -	—			—		
Columba Root - - - - -	—			—		
Comfits, dry - - - - the lb.	0	0	6	0	0	3
Confectionery - - - - the lb.	0	0	6	0	0	6
Copper, Ore of, *viz.*						
——— containing not more than 15 Parts of Copper in 100 Parts of Ore - per Ton of Metal	3	0	0	1	0	0
——— containing not more than 20 Parts of Copper in 100 Parts of Ore - per Ton of Metal	4	10	0	1	0	0
——— containing more than 20 Parts of Copper in 100 Parts of Ore - per Ton of Metal	6	0	0	1	0	0
——— old, fit only to be re-manufactured - the Cwt.	0	7	6	0	3	6
——— unwrought, *viz.*, in Bricks or Pigs, Rose Copper, and all cast Copper - - the Cwt.	0	8	9	0	4	0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
	£ s. d.	£ s. d.
Copper—*continued.*		
—— in part wrought, *viz.*, Bars, Rods, or Ingots, hammered or raised - - the Cwt.	0 10 0	0 5 0
—— in Plates and Copper Coin - - the Cwt.	0 10 0	0 5 0
—— Manufactures of Copper, not otherwise enumerated or described, and Copper Plates engraved, for every 100*l.* Value	15 0 0	15 0 0
—— Copper or Brass Wire - for every 100*l.* Value	12 10 0	12 10 0
Copperas, Blue - - - - -	Free.	Free.
—— Green - - - -	—	—
—— White - - - -	—	—
Coral, *viz.*		
—— in Fragments - - - -	—	—
—— whole, polished - - - -	—	—
—— unpolished - - - - -	—	—
Cordage, tarred or untarred (standing or running Rigging in use excepted) - - the Cwt.	0 6 0	0 3 0
—— in actual Use of a British Ship, and being fit and necessary for such Ship, and not or until otherwise disposed of - - -	Free.	Free.
—— if and when otherwise disposed of, for every 100*l.* Value	5 0 0	2 10 0
Cork - - - - - -	Free.	Free.
Corks, ready made - - - - the lb.	0 0 8	0 0 8
—— squared for rounding - - the Cwt.	0 16 0	0 16 0
—— Fishermen's - - - the Cwt.	0 2 0	0 2 0
Cotton, Manufactures of - for every 100*l.* Value	10 0 0	5 0 0
—— Yarn - - - -	Free.	Free.
—— Articles or Manufactures of Cotton, wholly or in part made up, not otherwise charged with Duty, for every 100*l.* Value	20 0 0	10 0 0
Cranberries - - - - the Gallon	0 0 1	0 0 1
Crayons - - - for every 100*l.* Value	15 0 0	15 0 0
Cream of Tartar - - - - -	Free.	Free.
Crystal, *viz.*		
—— rough - - - - -	—	—
—— cut or manufactured, except Beads, for every 100*l.* Value	15 0 0	15 0 0
Cubebs - - - - -	Free.	Free.
Cucumbers, *viz.*, preserved - for every 100*l.* Value	10 0 0	5 0 0
Currants - - - - - the Cwt.	0 15 0	0 15 0
Cutch - - - - - -	Free.	Free.
Dates - - - - the Cwt.	0 10 0	0 10 0
Diamonds - - - - -	Free.	Free.
Dice - - - - - the Pair	1 6 2	1 6 2
Divi Divi - - - - -	Free.	Free.
Down - - - - - -	—	—
Drugs, not enumerated - - -	—	—

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
	£ s. d.	£ s. d.
Earthenware, not otherwise enumerated or described, for every 100*l.* Value	10 0 0	10 0 0
Ebony	Free.	Free.
Eggs the 120	0 0 10	0 0 2½
Embroidery and Needlework for every 100*l.* Value	20 0 0	20 0 0
Enamel the lb.	0 2 0	0 2 0
Essences not otherwise described, *viz.*		
Extract of Cardamoms for every 100*l.* Value	20 0 0	20 0 0
——— Coculus Indicus for every 100*l.* Value	20 0 0	20 0 0
——— Guinea Grains of Paradise, for every 100*l.* Value	20 0 0	20 0 0
——— Licorice for every 100*l.* Value	20 0 0	20 0 0
——— Nux Vomica for every 100*l.* Value	20 0 0	20 0 0
——— Opium for every 100*l.* Value	20 0 0	20 0 0
——— Guinea Pepper for every 100*l.* Value	20 0 0	20 0 0
——— Peruvian or Jesuit's Bark, for every 100*l.* Value	20 0 0	20 0 0
——— Quassia for every 100*l.* Value	20 0 0	20 0 0
——— Radix Rhataniæ for every 100*l.* Value	20 0 0	20 0 0
——— Vitriol for every 100*l.* Value	20 0 0	20 0 0
Extract or Preparation of any Article, not being particularly enumerated or described, nor otherwise charged with Duty for every 100*l.* Value	20 0 0	20 0 0
Or, and in lieu of the above Duty, at the Option of the Importer the lb.	0 5 0	0 5 0
Essence of Spruce for every 100*l.* Value	10 0 0	10 0 0
Feathers for Beds, in Beds or otherwise	Free.	Free.
——— Ostrich, dressed the lb.	1 10 0	1 10 0
——— ——— undressed	Free.	Free.
——— not otherwise enumerated or described, *viz.*		
——— dressed for every 100*l.* Value	10 0 0	10 0 0
——— undressed	Free.	Free.
——— Paddy Bird the lb.	0 1 0	0 1 0
——— ——— undressed	Free.	Free.
Figs the Cwt.	0 15 0	0 15 0
Fish, *viz.*		
—— Eels the Ship's Lading	13 0 0	
—— Lobsters	Free.	
—— Turbots the Cwt.	0 5 0	
—— of Foreign taking, imported from Foreign Places in other than Fishing Vessels, *viz.*		
—— Oysters the Bushel	0 1 6	
—— Salmon the Cwt.	0 10 0	
—— Soles the Cwt.	0 5 0	
—— Turtle the Cwt.	0 5 0	
—— Fresh, not otherwise enumerated the Cwt.	0 1 0	
—— Cured, not otherwise enumerated the Cwt.	0 2 0	
—— of British taking, fresh or cured	Free.	Free.

TABLE (A.)—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
	£ s. d.	£ s. d.
Flasks in which Olive Oil is imported	Free.	Free.
Flax and Tow or Codilla of Hemp or Flax, whether dressed or undressed	—	—
Flocks	—	—
Flower Roots	—	—
Flowers, Artificial, not made of Silk, for every 100*l.* Value	25 0 0	25 0 0
Frames for Pictures, Prints, or Drawings, for every 100*l.* Value	10 0 0	10 0 0
Fruit, *viz.*, raw, and not otherwise enumerated, for every 100*l.* Value	5 0 0	5 0 0
Fustic	Free.	Free.
Gallic Powder	—	—
Galls	—	—
Gamboge	—	—
Garnets, cut, uncut, not set	—	—
Garancine	—	—
Gauze of Thread for every 100*l.* Value	15 0 0	7 10 0
Gelantine the Cwt.	0 10 0	0 10 0
Gentian	Free.	Free.
Ginger the Cwt.	0 10 0	0 5 0
——— preserved the lb.	0 0 6	0 0 1
Ginseng	Free.	Free.
Until the 10th Day of October 1846, the following Duties of Customs:—		
Glass, *viz.*		
—— any Kind of Window Glass, White or stained of One Colour only, not exceeding One Ninth of an Inch in Thickness, and Shades and Cylinders, the Cwt.	0 14 0	0 14 0
—— all Glass exceeding One Ninth of an Inch in Thickness, all silvered or polished Glass of whatever Thickness, however small each Pane, Plate, or Sheet, superficial Measure, *viz.*		
—— not exceeding more than Nine Square Feet, the Square Foot	0 1 0	0 1 0
—— containing more than Nine Square Feet, and not more than Fourteen Square Feet, the Square Foot	0 2 0	0 2 0
—— containing more than Fourteen Square Feet, and not more than Thirty-six Square Feet, the Square Foot	0 2 6	0 2 6
—— containing more than Thirty-six Square Feet, the Square Foot	0 3 0	0 3 0
—— painted or otherwise ornamented, the Superficial Foot	0 3 0	0 3 0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
Glass—*continued.*	£ s. d.	£ s. d.
—— all White Flint Glass Bottles, not cut, engraved, or otherwise ornamented, and Beads and Bugles of Glass - - - - the lb.	0 0 2	0 0 2
—— Wine Glasses, Tumblers, and all other White Flint Glass Goods, not cut, engraved, or otherwise ornamented - - - the lb.	0 0 4	0 0 4
—— all Flint Cut Glass, Flint coloured Glass, and fancy ornamental Glass, of whatever Kind, the lb.	0 0 8	0 0 8
—— Bottles of Glass covered with Wicker (not being Flint or Cut Glass), or of Green or Common Glass - - - - the Cwt.	0 3 0	0 3 0
—— Manufactures, not otherwise enumerated or described, and old broken Glass, fit only to be remanufactured - - - the Cwt.	0 14 0	0 14 0
And from and after the 10th Day of October 1846, until the 5th Day of April 1848, there shall be charged on the said Article One Half of the said Duties; and from and after the 5th Day of April 1848, One Fourth of the said Duties.		
Glue - - - - - the Cwt.	0 3 0	0 3 0
—— Clippings or Waste of any Kind, fit only for Glue -	Free.	Free.
Gold, Leaves of - - - the 100	0 3 0	0 3 0
Grains, Guinea and Paradise - - the Cwt.	0 15 0	0 15 0
Grapes - - - - for every 100*l.* Value	5 0 0	5 0 0
Grease - - - - -	Free.	Free.
Greaves, for Dogs - - - - -	—	—
——— Tallow - - - - -	—	—
Guano - - - - -	—	—
Gum, unenumerated - - - -	—	—
Gunpowder - - - - the Cwt.	1 0 0	1 0 0
Gun Stocks in the rough, of Wood - - -	Free.	Free.
Gypsum - - - - -	—	—
Hair, *viz.*		
—— Camel's Hair or Wool - - - -	—	—
—— Cow, Ox, Bull, or Elk Hair - - -	—	—
—— Goat's Hair or Wool - - - -	—	—
—— Horse Hair - - - - -	—	—
—— Human - - - - - -	—	—
—— Unenumerated - - - -	—	—
—— Manufactures of Hair or Goat's Wool, or of Hair or Goat's Wool and any other Material, and Articles of such Manufacture wholly or in part made up, not particularly enumerated or otherwise charged with Duty - for every 100*l.* Value	15 0 0	7 10 0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries. £ s. d.	Of and from British Possessions. £ s. d.
Hams of all Kinds - - - - the Cwt.	0 14 0	0 3 6
Harp Strings, or Lute Strings silvered, for every 100*l.* Value	20 0 0	20 0 0
Hats or Bonnets, *viz.*		
——— of Chip - - - the lb.	0 5 0	0 5 0
——— Bast, Cane, or Horse-hair Hats or Bonnets, each Hat or Bonnet not exceeding 22 Inches in Diameter - the Dozen	0 10 0	0 10 0
——— each Hat or Bonnet exceeding 22 Inches in Diameter - - the Dozen	0 15 0	0 15 0
——— Straw Hats or Bonnets - the lb.	0 8 6	0 8 6
Hats, Felt, Hair, Wool, or Beaver Hats - - each	0 2 6	0 2 6
—— made of Silk, Silk Shag laid upon Felt, Linen or other Material - - - - each	0 3 6	0 3 6
Hay - - - - the Load	0 16 0	0 8 0
Heath, for Brushes - - - - - -	Free.	Free.
Hellebore - - - - - -	—	—
Hemp, dressed - - - - - -	—	—
—— rough or undressed, or any other Vegetable Substance of the Nature and Quality of undressed Hemp, and applicable to the same Purpose -	—	—
Hides, not tanned, tawed, curried, or in any way dressed, dry and wet - - - - -	—	—
—— tawed, curried, or in any way dressed, not being varnished, japanned, or enamelled - the lb.	0 0 4	0 0 2
—— if varnished, japanned, or enamelled - the lb.	0 0 6	0 0 3
—— Losh Hides - - - - - -	Free.	Free.
—— Muscovy or Russia Hides, or Pieces thereof, tanned, coloured, shaved, or otherwise dressed, the lb.	0 0 4	0 0 2
—— Hides or Pieces thereof, raw or undressed, unenumerated - - - - -	Free.	Free.
—— ——— tawed, curried, or in any way dressed, not otherwise enumerated, for every 100*l.* Value	10 0 0	5 0 0
—— Tails, Buffalo, Bull, Cow, or Ox - - - -	Free.	Free.
Hides tanned, not otherwise dressed - - - -	—	—
Hones - - - - - -	—	—
Honey - - - - - the Cwt.	0 10 0	0 5 0
Hoofs of Cattle - - - - -	Free.	Free.
Hoops of Wood - - - - - -	—	—
Hops - - - - - the Cwt.	4 10 0	4 10 0
Horns, Horn Tips, and Pieces of Horn - -	Free.	Free.
Indigo - - - - - -	—	—
Ink, for Printers - - - the Cwt.	0 10 0	0 10 0
Inkle, unwrought - - - - -	Free.	Free.
—— wrought - - - - the lb.	0 1 0	0 0 6

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
	£ s. d.	£ s. d.
Iron, Ore of	Free.	Free.
—— Pig	—	—
—— Bars, unwrought	—	—
—— old broken and cast Iron	—	—
—— and Steel, wrought, not otherwise enumerated, for every 100*l.* Value	15 0 0	15 0 0
—— Bloom	Free.	Free.
—— Chromate of	—	—
—— slit or hammered into Rods	—	—
—— Cast	—	—
—— Hoops	—	—
Isinglass — the Cwt.	0 5 0	0 5 0
Jalap	Free.	Free.
Japanned or Lacquered Ware — for every 100*l.* Value	15 0 0	15 0 0
Jet	Free.	Free.
Jewels, Emeralds, and all other precious Stones, *viz.*		
——— unset	—	—
——— set — for every 100*l.* Value	10 0 0	10 0 0
Juice of Lemons, Limes, or Oranges	Free.	Free.
Kingwood	—	—
Kernels of Walnuts and Kernels of Peach Stones, commonly used for expressing Oil therefrom	—	—
Lac, *viz.*, Stick Lac	—	—
Lace, *viz.*		
—— Thread — for every 100*l.* Value	12 10 0	12 10 0
—— made by the Hand, commonly called Cushion or Pillow Lace, whether of Linen, Cotton, or Silken Thread — for every 100*l.* Value	12 10 0	12 10 0
Lamp Black — the Cwt.	1 0 0	1 0 0
Lapis Calaminaris	Free.	Free.
Lard	—	—
Latten	—	—
——— Shaven	—	—
——— Wire — for every 100*l.* Value	12 10 0	12 10 0
Lavender Flowers	Free.	Free.
Lead, Ore of	—	—
—— Black	—	—
—— Pig and Sheet — the Ton	1 0 0	0 5 0
—— Red	Free.	Free.
—— White	—	—
—— Chromate of	—	—
—— Manufactures of, not otherwise enumerated, for every 100*l.* Value	15 0 0	15 0 0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Rates of Duty. Of and from British Possessions.		
	£	s.	d.	£	s.	d.
Leather Manufactures, *viz.*						
Boots, Shoes, and Calashes, *viz.*						
—— Women's Boots and Calashes - the Dozen Pairs	0	12	0	0	12	0
—— ——— if lined or trimmed with Fur or other Trimming - the Dozen Pairs	0	15	0	0	15	0
—— ——— Shoes with Cork or double Soles, quilted Shoes and Clogs - the Dozen Pairs	0	10	0	0	10	0
—— ——— if trimmed or lined with Fur or any other Trimming - the Dozen Pairs	0	12	0	0	12	0
—— Women's Shoes of Silk, Satin, Jean, or other Stuffs, Kid, Morocco, or other Leather, the Dozen Pairs	0	9	0	0	9	0
—— ——— if trimmed or lined with Fur or any other Trimming - the Dozen Pairs	0	10	0	0	10	0
—— Girls Boots, Shoes, and Calashes, not exceeding Seven Inches in Length, to be charged with Two Thirds of the above Duties.						
—— Men's Boots - - the Dozen Pairs	1	8	0	1	8	0
—— —— Shoes - - the Dozen Pairs	0	14	0	0	14	0
—— Boys Boots and Shoes, not exceeding Seven Inches in Length, to be charged with Two Thirds of the above Duties.						
—— Boot Fronts, not exceeding Nine Inches in Height, the Dozen Pairs	0	3	6	0	3	6
—— ——— exceeding Nine Inches in Height, the Dozen Pairs	0	5	6	0	5	6
—— Cut into Shapes, or any Article made of Leather, or any Manufacture whereof Leather is the most valuable Part, not otherwise enumerated or described - - for every 100*l.* Value	15	0	0	15	0	0
—— Gloves of Leather, *viz.*						
—— Habit Mitts - - - the Dozen Pairs	0	2	4	0	2	4
—— —— Gloves - - the Dozen Pairs	0	3	6	0	3	6
—— Men's Gloves - - the Dozen Pairs	0	3	6	0	3	6
—— Women's Gloves or Mitts - the Dozen Pairs	0	4	6	0	4	6
Leaves of Roses - - - -	Free.			Free.		
Leeches - - - - - -	—			—		
Lentils - - - - -	—			—		
Lignum Vitæ - - - -	—			—		
Linen, or Linen and Cotton, *viz.*						
—— Cambrics and Lawns, commonly called French Lawns, the Piece not exceeding Eight Yards in Length, and not exceeding Seven Eighths of a Yard in Breadth, and so in proportion for any greater or less Quantity.						
——— Plain - - - the Piece	0	5	0	0	5	0
——— Bordered Handkerchiefs - the Piece	0	5	0	0	5	0
—— Lawns of any Sort, not French, for every 100*l.* Value	15	0	0	15	0	0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
Linen — *continued.*	£ s. d.	£ s. d.
—— Damasks - - the Square Yard	0 0 10	0 0 10
—— Damask Diaper - - the Square Yard	0 0 5	0 0 5
—— Plain Linens and Diaper, not otherwise enumerated or described, and whether chequered or striped with Dye Yarn or not, for every 100*l.* Value	15 0 0	15 0 0
—— Sails - - - for every 100*l.* Value	15 0 0	15 0 0
—— in actual Use of a British Ship, and fit and necessary for such Ship, and not otherwise disposed of - - -	Free.	Free.
—— Sails, if and when otherwise disposed of, for every 100*l.* Value	15 0 0	15 0 0
—— Manufactures of Linen, or of Linen mixed with Cotton or with Wool, not particularly enumerated or otherwise charged with Duty, for every 100*l.* Value	15 0 0	15 0 0
Liquorice Roots - - - - the Cwt.	1 0 0	0 10 0
—— Paste - - - the Cwt.	1 0 0	0 10 0
—— Juice - - - the Cwt.	1 7 6	0 10 0
—— Powder - - - the Cwt.	1 15 0	0 15 0
Litharge - - - - -	Free.	Free.
Live Creatures illustrative of Natural History -	—	—
Logwood - - - - - -	—	—
Maccaroni and Vermicelli - - - the lb.	0 0 1	0 0 1
Mace - - - - - the lb.	0 2 6	0 2 6
Madder - - - - - -	Free.	Free.
—— Root - - - - -	—	—
Magna Græcia Ware - - for every 100*l.* Value	5 0 0	5 0 0
Mahogany - - - - -	Free.	Free.
Manganese Ore - - - -	—	—
Manna - - - - - -	—	—
Manures not enumerated - - -	—	—
Manuscripts - - - - the lb.	0 0 2	0 0 2
Maps or Charts, or Parts thereof, plain or coloured - each	0 0 1	0 0 1
Maple Wood - - - - - -	Free.	Free.
Marmalade - - - - - the lb.	0 0 6	0 0 1
Mats and Matting - - for every 100*l.* Value	5 0 0	2 10 0
Mattresses - - - for every 100*l.* Value	10 0 0	10 0 0
Mead - - - - - the Gallon	0 5 6	0 5 6
Meat, salted or fresh, not otherwise described - the Cwt.	0 8 0	0 2 0
Medals of Gold or Silver - - -	Free.	Free.
—— of any Sort - - for every 100*l.* Value	5 0 0	5 0 0
Medlars - - - - the Bushel	0 1 0	0 0 6
Mercury, prepared - - for every 100*l.* Value	10 0 0	10 0 0
Metal, *viz.*		
—— Bell - - - - -	Free.	Free.
—— Leaf (except Leaf Gold), the Packet containing 250 Leaves	0 0 1	0 0 1

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
	£ s. d.	£ s. d.
Mill Boards - - - - the Cwt.	1 10 0	1 10 0
Minerals and Fossils, unenumerated - - -	Free.	Free.
Models of Cork or Wood - - - -	—	—
Morphia, and its Salts - - - the lb.	0 5 0	0 5 0
Moss, *viz.*		
—— Lichen Islandicus - - - -	Free.	Free.
—— Rock, for Dyers Use - - - -	—	—
—— other than Rock or Iceland Moss - -	—	—
Mother-o'-Pearl Shells - - - -	—	—
Musical Instruments - - for every 100*l.* Value	15 0 0	15 0 0
Musk - - - - -	Free.	Free.
Mustard Flour - - - - the Cwt.	0 12 0	0 12 0
Myrobolane Berries - - - -	Free.	Free.
Myrrh - - - - - -	—	—
Nicaragua Wood - - - - -	—	—
Nitre, *viz.*, Cubic Nitre - - -	—	—
Nickel, Ore of - - - - -	—	—
——— Metallic and Oxide of, refined - -	—	—
——— Arseniate of, in Lumps or Powder, being in an unrefined State - - - -	—	—
Nutmegs - - - - - the lb.	0 3 6	0 2 6
——— wild, in the Shell - - the lb.	0 0 3	0 0 3
Nuts, *viz.*		
—— Chesnuts - - - - -	Free.	Free.
—— Coco Nuts - - - - -	—	—
—— Pistachio Nuts - - - -	—	—
—— Small Nuts - - - the Bushel	0 2 0	0 2 0
—— Walnuts - - - - the Bushel	0 2 0	0 2 0
—— Nuts and Kernals unenumerated - -	Free.	Free.
—— Nuts and Kernals of Walnuts, of Peach Stones, and all Nuts and Kernals unenumerated, commonly used for expressing Oil therefrom - -	—	—
Nux Vomica - - - - the Cwt.	0 5 0	0 5 0
Oakum - - - - - -	Free.	Free.
Ochre - - - - - -	—	—
Oil of Almonds - - - - the lb.	0 0 2	0 0 2
— Bays - - - - - the lb.	0 0 2	0 0 2
— Animal - - - - -	Free.	Free.
— Castor - - - - -	—	—
— Chemical, Essential, or Perfumed - - the lb.	0 1 0	0 1 0
— of Cloves - - - - the lb.	0 3 0	0 3 0
— Lard - - - - - -	Free.	Free.
— Cocoa Nut - - - -	—	—
— Linseed - - - - -	—	—
— Hempseed and Rapeseed - - -	—	—
— Olive - - - - - -	—	—

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Rates of Duty. Of and from British Possessions.		
	£	s.	d.	£	s.	d.
Oil — *continued.*						
— Palm	—			—		
— Paran	—			—		
— Rock	—			—		
— Seed, unenumerated	—			—		
— Train, Blubber, and Spermaceti, Oil and Head Matter, the Produce of Fish or Creatures living in the Sea, caught by the Crews of British Vessels, and imported direct from the Fishery, or from any British Possession, in a British Vessel	—			—		
— Train and Blubber, the Produce of Fish or Creatures living in the Sea, of Foreign fishing - the Tun	6	0	0			
— Train Oil or Blubber of Foreign fishing, from and after 1st January 1847	Free.			—		
— Spermaceti of Foreign fishing - the Tun	15	0	0			
——— from and after 1st January 1849	Free.			—		
— Walnut	—			—		
— or Spirit of Turpentine - the Cwt.	0	5	0	0	2	6
— not particularly enumerated or described, nor otherwise charged with Duty	Free.			Free.		
— Seed Cake	—			—		
Olibanum	—			—		
Olives - the Gallon	0	2	0	0	2	0
Olive Wood	Free.			Free.		
Onions - the Bushel	0	0	6	0	0	3
Opium - the lb.	0	1	0	0	1	0
Orange Flower Water - the lb.	0	0	1	0	0	1
Oranges and Lemons, *viz.*						
——— In Chests and Boxes not exceeding 5,000 Cubic Inches - the Box	0	2	6	0	2	6
——— over 5,000 Cubic Inches, and not exceeding 7,300 - the Box	0	3	9	0	3	9
——— over 7,300 Cubic Inches, and not exceeding 14,000 - the Box	0	7	6	0	7	6
——— for every 1,000 Cubic Inches exceeding 14,000	0	0	7½	0	0	7½
——— loose - the 1,000	0	15	0	0	15	0
——— entered at Value, at the Option of the Importer, for every 100*l.* Value	75	0	0	75	0	0
——— ——— Peel	Free.			Free.		
Orchal	—			—		
Ore, unenumerated	—			—		
Orpiment	—			—		
Orris Root	—			—		
Orsedew - the Cwt.	0	10	0	0	10	0
Painters' Colours, unenumerated.						
——— unmanufactured	Free.			Free.		
——— manufactured - for every 100*l.* Value	10	0	0	10	0	0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
	£ s. d.	£ s. d.
Palmetto Thatch - - - - - -	Free.	Free.
——————— Manufactures of Ditto, for every 100*l.* Value	- -	5 0 0
Paper, *viz.*		
——— Brown, made of old Rope or Cordage only, without separating or extracting the Pitch or Tar therefrom, and without any Mixture of other Material therewith - - - the lb.	0 0 3	0 0 3
——— printed, painted, or stained Paper, or Paper Hangings, or Flock Paper - the Square Yard	0 1 0	0 1 0
——— Waste, unless printed on in the English Language, or Paper of any other Sort, not particularly enumerated or described, nor otherwise charged with Duty - - - the lb.	0 0 4½	0 0 4½
——— printed on in the English Language - -	Prohibited.	Prohibited.
Parchment - - - the Dozen Sheets	0 6 0	0 6 0
Pasteboards - - - - the Cwt.	1 10 0	1 10 0
Pearls - - - - - -	Free.	Free.
Pears, raw - - - - the Bushel	0 0 6	0 0 3
——— dried - - - - the Bushel	0 2 0	0 2 0
Pencils - - - for every 100*l.* Value	15 0 0	15 0 0
——— of Slate - - for every 100*l.* Value	15 0 0	15 0 0
Pens - - - for every 100*l.* Value	15 0 0	15 0 0
Pepper of all Sorts - - - - the lb.	0 0 6	0 0 6
Percussion Caps - - - - the 1,000	0 0 4	0 0 4
Perfumery, not otherwise charged - for every 100*l.* Value	20 0 0	20 0 0
Perry - - - - - the Tun	10 10 0	10 10 0
Pewter, Manufactures of - for every 100*l.* Value	15 0 0	15 0 0
Phosphorus - - - for every 100*l.* Value	10 0 0	10 0 0
Pickles preserved in Vinegar - - the Gallon	0 0 4	0 0 4
——— or Vegetables preserved in Salt, for every 100*l.* Value	5 0 0	5 0 0
Pictures - - - - - each	0 1 0	0 1 0
——— and further - - the Square Foot	0 1 0	0 1 0
——— above 200 Square Feet - - each	10 0 0	10 0 0
Pimento - - - - the Cwt.	0 5 0	0 5 0
Pink Root - - - - - -	Free.	Free.
Pitch - - - - - -	—	—
—— Burgundy - - - - -	—	—
Plantains - - - - - the Cwt.	0 0 2	0 0 2
Plants, Shrubs, and Trees, alive - - -	Free.	Free.
Plaster of Paris - - - - -	—	—
Plate of Gold - - - for every 100*l.* Value	10 0 0 together with the Stamp Duty.	10 0 0 together with the Stamp Duty.
—— Silver, gilt and ungilt - for every 100*l.* Value	10 0 0 together with the Stamp Duty.	10 0 0 together with the Stamp Duty.

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Plate, battered	Free.	Free.
—— Wire, gilt or plated — for every 100*l.* Value	12 10 0	12 10 0
—— —— Silver — for every 100*l.* Value	12 10 0	12 10 0
Platina, and Ore of	Free.	Free.
Platting, or other Manufactures to be used in, or proper for making Hats or Bonnets, *viz.*		
—— of Bast, Cane, or Horse Hair — the lb.	0 10 0	0 10 0
—— of Chip	Free.	Free.
Platting of Straw — the lb.	0 7 6	0 7 6
Plums, dried or preserved — the Cwt.	1 7 6	1 7 6
—— commonly called French Plums and Prunelloes, the Cwt.	1 0 0	1 0 0
—— preserved in Sugar — the lb.	0 0 6	0 0 6
Pomatum — for every 100*l.* Value	20 0 0	20 0 0
Pomegranates — the 1,000	0 5 0	0 5 0
—— Peel of	Free.	Free.
Pork, salted (not Hams) — the Cwt.	0 8 0	0 2 0
—— Fresh — the Cwt.	0 8 0	0 2 0
Potatoes — the Cwt.	0 0 2	0 0 1
Pots, *viz.*		
—— Melting, for Goldsmiths — the 100	0 3 2	0 3 2
—— of Stone — for every 100*l.* Value	20 0 0	20 0 0
Powder, *viz.*		
—— Hair — the Cwt.	1 0 0	1 0 0
—— Perfumed — the Cwt.	1 0 0	1 0 0
—— not otherwise enumerated or described, that will serve for the same Use as Starch — the Cwt.	0 10 0	0 10 0
Poultry, alive or dead — for every 100*l.* Value	5 0 0	2 10 0
Prints and Drawings, plain or coloured, single — each	0 0 1	0 0 1
—— bound or sewn — the Dozen	0 0 3	0 0 3
Prunes — the Cwt.	0 7 0	0 7 0
Prussiate of Potash	Free.	Free.
Puddings and Sausages — the lb.	0 0 3	0 0 1
Quassia — the Cwt.	0 10 0	0 10 0
Quicksilver	Free.	Free.
Quills, *viz.*		
—— Goose	—	—
—— Swan	—	—
Quinces — the 1,000	0 1 0	0 1 0
Quinine, Sulphate of — the oz.	0 0 6	0 0 6
Radix, *viz.*		
—— Contrayervæ	Free.	Free.
—— Enulæ Companæ	—	—
—— Eringii	—	—
—— Ipecacuanhæ	—	—

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
Radix—*continued.*	£ s. d.	£ s. d.
—— Rhataniæ	—	—
—— Senekæ	—	—
—— Serpentariæ, or Snake Root	—	—
Rags, *viz.*		
—— old Rags, old Junk or Ropes, or old Fishing Nets, fit only for making Paper or Pasteboard	—	—
—— Pulps of Rags	—	—
—— old Woollen	—	—
Raisins the Cwt.	0 15 0	0 7 6
Rape of Grapes	Free.	Free.
Red Wood or Guinea Wood	—	—
Rhubarb	—	—
Rice, *viz.*		
—— not rough nor in the Husk the Cwt.	0 6 0	0 0 6
—— rough and in the Husk the Quarter	0 7 0	0 0 1
Rosewood	Free.	Free.
Rosin	—	—
Saccharum Saturni the Cwt.	0 10 0	0 10 0
Safflower	Free.	Free.
Saffron	—	—
Sago the Cwt.	0 1 0	0 1 0
Sal, *viz.*		
—— Ammoniac	Free.	Free.
—— Limonum	—	—
—— Prunelle	—	—
Salep or Salop	—	—
Salt	—	—
Saltpetre	—	—
Sanguis Draconis	—	—
Santa Maria Wood	—	—
Sapan Wood	—	—
Sarsaparilla	—	—
Sassafras	—	—
Satin Wood	—	—
Saunders, Red, White, or Yellow	—	—
Sausages or Puddings the lb.	0 0 3	0 0 1
Scaleboards the Cwt.	1 10 0	1 10 0
Scammony	Free.	Free.
Seeds, *viz.*		
—— Acorns	—	—
—— Anniseed	—	—
—— Burnet	—	—
—— Canary the Bushel	0 4 0	0 2 0
—— Carraway the Cwt.	0 10 0	0 5 0
—— Carrot the Cwt.	0 10 0	0 5 0
—— Clover the Cwt.	0 10 0	0 5 0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.		Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
		£ s. d.	£ s. d.
Seeds—*continued.*			
—— Colchicum		Free.	Free.
—— Cole		—	—
—— Coriander		—	—
—— Croton		—	—
—— Cummin		—	—
—— Fenugreek		—	—
—— Flax		—	—
—— Forest		—	—
—— Garden, unenumerated, nor otherwise charged with Duty		—	—
—— Grass, of all Sorts, not particularly enumerated, or otherwise charged with Duty	the Cwt.	0 5 0	0 2 6
—— Hemp		Free.	Free.
—— Leek	the Cwt.	1 0 0	0 10 0
—— Lettuce		Free.	Free.
—— Linseed		—	—
—— Lucerne	the Cwt.	0 5 0	0 5 0
—— Lupines		Free.	Free.
—— Maw		—	—
—— Millet		—	—
—— Mustard	the Bushel	0 1 3	0 0 6
—— Onion	the Cwt.	1 0 0	0 10 0
—— Parsley		Free.	Free.
—— Poppy		—	—
—— Quince		—	—
—— Rape		—	—
—— Sesamum		—	—
—— Shrub or Tree		—	—
—— Tares		—	—
—— Trefoil	the Cwt.	0 5 0	0 2 6
—— Worm		Free.	Free.
—— All Seeds unenumerated, commonly used for expressing Oil therefrom		—	—
—— All other Seeds not particularly enumerated or described, nor otherwise charged with Duty,	for every 100*l.* Value	10 0 0	5 0 0
Senna		Free.	Free.
Ships to be broken up with their Tackle, Apparel, and Furniture (except Sails), *viz.*			
—— Foreign Ships or Vessels	for every 100*l.* Value	25 0 0	25 0 0
—— Foreign Ships broken up	for every 100*l.* Value	10 0 0	10 0 0
—— British Ships or Vessels entitled to be registered as such, and not having been built in the United Kingdom		Free.	Free.
Shumac		—	—

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
	£	s.	d.	£	s.	d.
Silk, *viz.*						
—— Knubs or Husks of Silk, and Waste Silk	—			—		
—— Raw Silk	—			—		
—— Thrown Silk, not dyed	—			—		
—— —— dyed, *viz.*						
—— —— Singles or Tram the lb.	0	2	0	0	1	0
—— —— Organzine or Crape Silk the lb.	0	2	0	0	1	0
—— Manufactures of Silk, or of Silk mixed with any other Material, the Produce of Europe, *viz.* Silk or Satin, plain the lb.	0	11	0			
—— —— or, and at the Option of the Officers of the Customs for every 100*l.* Value	25	0	0			
—— —— Silk, figured or brocaded the lb.	0	15	0			
—— —— or, and at the Option of the Officers of the Customs for every 100*l.* Value	30	0	0			
—— —— Gauze, plain the lb.	0	17	0			
—— —— or, and at the Option of the Officers of the Customs for every 100*l.* Value	30	0	0			
—— —— Gauze, figured or brocaded the lb.	1	7	6			
—— —— or, and at the Option of the Officers of the Customs for every 100*l.* Value	30	0	0			
—— —— Crape, plain the lb.	0	16	0			
—— —— or, and at the Option of the Officers of the Customs for every 100*l.* Value	30	0	0			
—— —— Crape, figured the lb.	0	18	0			
—— —— or, and at the Option of the Officers of the Customs for every 100*l.* Value	30	0	0			
—— —— Velvet, plain the lb.	1	2	0			
—— —— or, and at the Option of the Officers of the Customs for every 100*l.* Value	30	0	0			
—— —— Velvet, figured the lb.	1	7	6			
—— —— or, and at the Option of the Officers of the Customs for every 100*l.* Value	30	0	0			
—— —— Ribbons, embossed or figured with Velvet, the lb.	0	17	0			
—— —— or, and at the Option of the Officers of the Customs for every 100*l.* Value	30	0	0			
—— —— and further, if mixed with Gold, Silver, or other Metals, in addition to the above Rates, when the Duty is not charged according to the Value the lb.	0	10	0			
—— Fancy Silk Net, or Tricot the lb.	1	4	0			
—— Plain Silk Lace or Net, called Tulle, the Square Yard	0	1	4			
—— Manufactures of Silk, or of Silk mixed with any other Material, not particularly enumerated or otherwise charged with Duty, for every 100*l.* Value	30	0	0	5	0	0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
Silk — *continued.*	£ s. d.	£ s. d.
—— Millinery of Silk, or of which the greater Part of the Material is of Silk, *viz.*		
—— Turbans or Caps - - - - each	0 15 0	0 15 0
—— Hats or Bonnets - - - - each	1 5 0	1 5 0
—— Dresses - - - - - each	2 10 0	2 10 0
———— or, and at the Option of the Officers of the Customs - - for every 100*l.* Value	40 0 0	40 0 0
—— Manufactures of Silk, or of Silk and any other Material and Articles of the same, wholly or in part made up, not particularly enumerated or otherwise charged with Duty, for every 100*l.* Value	30 0 0	30 0 0
Silkworm Gut - - - for every 100*l.* Value	20 0 0	20 0 0
Skins, Furs, Pelts, and Tails, or Pieces of Skins, raw or undressed, unenumerated - - - - -	Free.	Free.
Skins, Furs, Pelts, and Tails, or Pieces of Skin, tanned, curried, dressed, unenumerated - - - -	—	—
—— Articles manufactured of Skins or Furs, for every 100*l.* Value	20 0 0	10 0 0
Smalts - - - - - - the Cwt.	0 10 0	0 10 0
Soap, Hard - - - - - the Cwt.	1 10 0	1 0 0
—— Soft - - - - - the Cwt.	1 0 0	0 15 0
—— Naples - - - - - the Cwt.	2 16 0	2 16 0
Spa Ware - - - for every 100*l.* Value	15 0 0	15 0 0
Specimens of Minerals or Fossils, and all Specimens illustrative of Natural History - - -	Free.	Free.
Speckled Wood - - - - -	—	—
Spelter or Zinc, *viz.*		
——— crude, in Cakes - - - -	—	—
——— rolled, but not otherwise manufactured -	—	—
——— Manufactures of - - for every 100*l.* Value	10 0 0	10 0 0
Spermaceti, fine - - for every 100*l.* Value	25 0 0	25 0 0
———— from and after 1st January 1849 - -	Free.	Free.
Spirits or strong Waters of all Sorts, *viz.*		
——— For every Gallon of such Spirits or strong Waters of any Strength not exceeding the Strength of Proof by Sykes's Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon, *viz.*		
——— not being Spirits or strong Waters the Produce of any British Possession in America, or any British Possession within the Limits of the East India Company's Charter, and not being sweetened Spirits or Spirits mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by such Hydrometer - - - - - the Gallon	1 2 6	1 2 6

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
Spirits — *continued.*	£ s. d.	£ s. d.
——— Spirits or strong Waters, the Produce of any British Possession in America, not being sweetened Spirits, or Spirits so mixed as aforesaid, the Gallon	- - -	0 9 0
——— Rum, the Produce of any British Possession within the Limits of the East India Company's Charter, not being sweetened Spirits or Spirits so mixed as aforesaid, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled - - the Gallon	- - -	0 9 0
——— Rum Shrub, however sweetened, the Produce of and imported from such Possessions in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, or the Produce of and imported from any British Possession in America - - - the Gallon	- - -	0 9 0
——— Spirits or strong Waters, the Produce of any British Possession within the Limits of the East India Company's Charter, except Rum, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, not being sweetened Spirits or Spirits so mixed as aforesaid - - - the Gallon	- - -	0 15 0
——— Spirits, Cordials, or strong Waters, not being the Produce of any British Possession in America, nor any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, sweetened or mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by Sykes's Hydrometer, and perfumed Spirits to be used as Perfumery only - the Gallon	1 10 0	1 10 0
——— strong Waters, except Rum Shrub being the Produce of any British Possession in America, or of any British Possession qualified as aforesaid, sweetened or mixed with any Article as aforesaid - - - the Gallon	- - -	1 0 0
——— Cordials and Liqueurs, except Rum Shrub, being the Produce of any British Possession in America, or of any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, sweetened or mixed with any Article, so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer - - the Gallon	- - -	0 9 0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
	£ s. d.	£ s. d.
Sponge	Free.	Free.
Squills, dried and not dried	—	—
Starch the Cwt.	0 10 0	0 5 0
Starch, Gum of, torrified or calcined, commonly called British Gum the Cwt.	0 15 0	0 15 0
Stavesacre	Free.	Free.
Steel, Manufactures of for every 100*l.* Value	15 0 0	15 0 0
—— unwrought	Free.	Free.
Scrap Steel	—	—
Stones, in Lumps not in any Manner hewn, Slate and Marble in rough Blocks or Slabs, Limestone, Flint Stones, Felspar, and Stones for Potters Use, Pebble Stones, Stone to be used for the Purpose of Lithography	Free.	Free.
——— in Blocks, shaped or rough scalped	—	—
——— Stone and Slate, hewn the Ton	0 10 0	0 1 0
——— Marble, sawn, in Slabs, or otherwise manufactured the Cwt.	0 3 0	0 1 6
Straw or Grass for platting	Free.	Free.
Succades, including all Fruits and Vegetables preserved in Sugar the lb.	0 0 6	0 0 1
Sulphur Impressions	Free.	Free.
——— vivum. *See* Brimstone.		
Sweet Wood	—	—
Talc	—	—
Tallow the Cwt.	0 3 2	0 0 3
Tamarinds the lb.	0 0 3	0 0 1
Tapioca the Cwt.	0 1 0	0 1 0
Tar	Free.	Free.
—— Barbadoes	—	—
Tarras	—	—
Tartaric Acid	—	—
Tea the lb.	0 2 1	0 2 1
Teasles	Free.	Free.
Teeth, *viz.*, Elephant, Sea Cow, Sea Horse, or Sea Morse	—	—
Telescopes for every 100*l.* Value	15 0 0	15 0 0
Terra Japonica	Free.	Free.
—— Sienna	—	—
—— Umbra	—	—
—— Verde	—	—
Thread, not otherwise enumerated or described, for every 100*l.* Value	10 0 0	5 0 0
Tiles for every 100*l.* Value	10 0 0	5 0 0
Tin, Ore and Regulus of	Free.	Free.
—— in Blocks, Ingots, Bars, or Slabs the Cwt.	0 6 0	0 3 0
—— Manufactures of, not otherwise enumerated, for every 100*l.* Value	15 0 0	15 0 0
—— Foil the lb.	0 0 6	0 0 6

TABLE (A.)—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Tincal, unrefined	Free.	Free.
Tobacco, *viz.*		
——— unmanufactured the lb.	0 3 0	0 3 0
——— Snuff the lb.	0 6 0	0 6 0
——— manufactured, or Cigars the lb.	0 9 0	0 9 0
——— Stalks and Flour of	Prohibited.	Prohibited.
——— manufactured in the United Kingdom, at or within Two Miles of any Port into which Tobacco may be imported, made into Shag, Roll, or Carrot Tobacco, Drawback upon Exportation or Shipment as Stores, the lb., 2*s.* 7½*d.*		
Tobacco Pipes of Clay for every 100*l.* Value	15 0 0	15 0 0
Tongues the Cwt.	0 10 0	0 2 6
Tornsal	Free.	Free.
Tortoiseshell or Turtleshell, unmanufactured	—	—
Toys, excepting Toy and Hand Mirrors, on which the Plate Glass Duty will be levied for every 100*l.* Value	10 0 0	10 0 0
Truffles the lb.	0 1 0	0 1 0
Tulip Wood	Free.	Free.
Turmeric	—	—
Turnery, not otherwise described for every 100*l.* Value	15 0 0	15 0 0
Turpentine, *viz.*		
——— not being of greater Value than 15*s.* per Cwt.	Free.	Free.
——— above 15*s.* Value per Cwt. the Cwt.	0 2 0	0 2 0
——— of Venice, Scio, or Cyprus	Free.	Free.
Twine the Cwt.	0 10 0	0 5 0
Ultra Marine	Free.	Free.
Valonia	—	—
Vanelloes the lb.	0 5 0	0 5 0
Varnish, not otherwise described for every 100*l.* Value	15 0 0	15 0 0
Vases, Ancient, not of Stone or Wood	Free.	Free.
Vegetables, *viz.*, all Vegetables not enumerated or described for every 100*l.* Value	5 0 0	2 10 0
Vellum the Skin	0 1 0	0 1 0
Verdegris the Cwt.	0 5 0	0 5 0
Verjuice the Tun	10 0 0	10 0 0
Vermilion	Free.	Free.
Vinegar the Tun	4 4 0	4 4 0
Wafers the lb.	0 0 3	0 0 3
Washing Balls the lb.	0 0 6	0 0 6
Walnut Wood	Free.	Free.
Watches of Gold, Silver, or other Metal, for every 100*l.* Value	10 0 0	10 0 0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Water, Cologne, the Flask (Thirty containing not more than One Gallon) - - -	0 1 0	0 1 0
—— Mineral Water - - - -	Free.	Free.
Wax, Bees Wax - - - -	—	—
—— in any Degree bleached - - -	—	—
—— Myrtle Wax - - - -	—	—
—— Sealing Wax - - for every 100*l.* Value	15 0 0	15 0 0
—— Vegetable - - - - -	Free.	Free.
Weld - - - - - -	—	—
Whales Fins, British taking, and imported direct from the Fishery, or from any British Possession, in a British Ship - -	—	—
—— otherwise taken - for every 100*l.* Value	20 0 0	20 0 0
—— Foreign taking, and not prohibited, from and after 1st January 1847 - -	Free.	Free.
Whipcord - - - - the lb.	0 0 6	0 0 6
Wine, *viz.*		
—— the Produce of the Cape of Good Hope or the Territories or Dependencies thereof, and imported directly from thence - the Gallon	- - -	0 2 9
—— French - - - the Gallon	0 5 6	
—— Canary - - - the Gallon	0 5 6	
—— Madeira - - - the Gallon	0 5 6	
—— Portugal - - - the Gallon	0 5 6	
—— Rhenish - - - the Gallon	0 5 6	
—— Spanish - - - the Gallon	0 5 6	
—— other Sorts - - - the Gallon	0 5 6	
(The full Duties on Wine are drawn back upon Re-exportation or Shipment as Stores.)		
—— Lees, subject to the same Duty as Wine, but no Drawback is allowed on the Lees of Wine exported.		
Woad - - - - -	Free.	Free.
Wood.		
Timber and Woods not otherwise charged, *viz.*		
Timber or Woods, not being Deals, Battens, Boards, Staves, Handspikes, Oars, Lathwood, or other Timber or Wood, sawn, split, or otherwise dressed, except hewn, and not being Timber or Wood otherwise charged with Duty, the Load of 50 Cubic Feet	1 5 0	0 1 0
—— Deals, Battens, Boards, or other Timber or Wood, sawn or split, and not otherwise charged with Duty - - the Load of 50 Cubic Feet	1 12 0	0 2 0

TABLE (A.)—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
Wood—*continued.*	£ s. d.	£ s. d.
Timber and Woods not otherwise charged, *viz.*		
Staves - - - the Load of 50 Cubic Feet	1 8 0	0 2 0
Staves not exceeding 72 Inches in Length, nor Seven Inches in Breadth, nor 3¼ Inches in Thickness -	Free.	Free.
Birch, hewn, not exceeding Three Feet in Length, nor exceeding Eight Inches square, imported for the sole Purpose of making Herring Barrels for the Use of the Fisheries - - - - - -	—	—
Firewood - - the Fathom of 216 Cubic Feet	0 10 0	Free.
Handspikes, not exceeding Seven Feet in Length, the 120	1 0 0	0 0 6
——— exceeding Seven Feet in Length the 120	2 0 0	0 1 0
Knees, under Five Inches square - - the 120	0 10 0	0 0 3
——— Five Inches, and under Eight Inches square the 120	2 0 0	0 1 0
Lathwood - - the Fathom of 216 Cubic Feet	2 0 0	0 1 0
Oars - - - - - - the 120	7 10 0	0 3 9
Spars or Poles, under 22 Feet in Length, and under 4 Inches in Diameter - - the 120	1 0 0	0 0 6
—— 22 Feet in Length and upwards, and under Four Inches in Diameter - - - the 120	2 0 0	0 1 0
—— of all Lengths, Four Inches and under Six Inches in Diameter - - - - the 120	4 0 0	0 2 0
Spokes for Wheels, not exceeding Two Feet in Length, the 1,000	2 0 0	0 1 0
——— exceeding Two Feet in Length - the 1,000	4 0 0	0 2 0
Teake - - - - - -	Free.	Free.
Wood for Shipbuilding, previously admitted at the same Duty as Teake - - - - - -	—	—
Wastewood, *viz.*, Billetwood or Brushwood, used for the Purposes of Stowage - for every 100*l.* Value	5 0 0	0 5 0
Wood planed, or otherwise dressed or prepared for Use, and not particularly enumerated, nor otherwise charged with Duty - - -	7½*d.* per Foot of Cubic Contents, and further for every 100*l.* Value 10*l.* 0 0	For every 100*l.* Value, 5 0 0
—— Maple, being Furniture Wood - - -	Free.	Free.
—— New Zealand Wood, being Furniture Wood -	Free.	Free.

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

Wood — *continued.*

Or, in lieu of the Duties imposed upon Wood by the Load according to the Cubic Content, the Importer may have the Option, at the Time of passing the First Entry, of entering Battens, Batten Ends, Boards, Deals, Deal Ends, and Plank, by Tale, if of or from Foreign Countries, according to the following Dimensions, *viz.*—

	Rates of Duty.		
	Not above 7 Inches in Width.	Not above 1¼ Inch in Thickness.	Above 1¼ Inch and not above 2¾ in Thickness.
Battens and Batten Ends:—	£ s. d.	£ s. d.	£ s. d.
Not above Six Feet in Length - the 120	- - -	1 10 10	3 1 7
Above Six and not above Nine Feet in Length - - - the 120	- - -	2 6 2	4 12 5
Above Nine and not above 12 Feet in Length - - - the 120	- - -	3 1 7	6 3 2
Above 12 and not above 15 Feet in Length, the 120	- - -	3 17 0	7 14 0
Above 15 and not above 18 Feet in Length, the 120	- - -	4 12 5	9 4 10
Above 18 and not above 21 Feet in Length, the 120	- - -	5 7 9	10 15 7
	Not above 9½ Inches in Width.	Not above 1½ Inch in Thickness.	Above 1½ Inch and not above 3½ in Thickness.
Boards, Deals, Deal Ends, and Plank:—			
Not above Six Feet in Length - the 120	- - -	2 9 5	4 18 10
Above Six and not above Nine Feet in Length - - - the 120	- - -	3 14 1	7 8 3
Above Nine and not above 12 Feet in Length, the 120	- - -	4 18 10	9 17 8
Above 12 and not above 15 Feet in Length, the 120	- - -	6 3 6	12 7 1
Above 15 and not above 18 Feet in Length, the 120	- - -	7 8 3	14 16 6
Above 18 and not above 21 Feet in Length, the 120	- - -	8 12 11	17 5 11
Not above Six Feet in Length - the 120	Above 9½ Inches and not above 11½ in Width.	2 19 10	5 19 7
Above Six and not above Nine Feet in Length - - - the 120	- - -	4 9 8	8 19 5
Above Nine and not above 12 Feet in Length, the 120	- - -	5 19 7	11 19 2
Above 12 and not above 15 Feet in Length, the 120	- - -	7 9 6	14 19 0
Above 15 and not above 18 Feet in Length, the 120	- - -	8 19 5	17 18 9
Above 18 and not above 21 Feet in Length, the 120	- - -	10 9 4	20 18 7

TABLE (A.)—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
	£ s. d.	£ s. d.
Wool, *viz.*		
—— Alpaca, and the Llama Tribe	Free.	Free.
—— Beaver	—	—
—— —— cut and combed	—	—
—— Coney	—	—
—— Cotton, or Waste of Cotton Wool	—	—
—— Goats, or Hair	—	—
—— Hares	—	—
—— Sheep or Lambs Wool	—	—
Woollens, *viz.*		
—— Manufactures of Wool, not being Goat's Wool, or of Wool mixed with Cotton, not particularly enumerated or described, not otherwise charged with Duty, for every 100*l.* Value	15 0 0	5 0 0
—— Articles or Manufactures of Wool, not being Goat's Wool, or of Wool mixed with Cotton, wholly or in part made up, not otherwise charged with Duty - for every 100*l.* Value	20 0 0	10 0 0
Yarn, *viz.*		
—— Cable - the Cwt.	0 3 0	0 3 0
—— Camel or Mohair	Free.	Free.
—— Raw Linen	—	—
Worsted - the lb.	0 0 6.	0 0 6
Zaffre	Free.	Free.
Zebra Wood	—	—
Goods, Wares, and Merchandize, being either in part or wholly manufactured, and not being enumerated or described, not otherwise charged with Duty, and not prohibited to be imported into or used in Great Britain or Ireland - for every 100*l.* Value	20 0 0	20 0 0
Goods unenumerated, not being either in part or wholly manufactured, not enumerated or prohibited	Free.	Free.

TABLE (B.)

DUTIES of CUSTOMS payable on GOODS the Produce of the United Kingdom exported to Foreign Countries.

	Rate of Duty.
	£ s. d.
Coals, Culm, or Cinders in a Foreign Ship - the Ton	0 4 0

CAP. XCI.

An Act for the warehousing of Goods. [4th *August* 1845.]

3 & 4 W. 4. c. 57.

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the warehousing of Goods*, whereby the Laws of Customs in relation to the warehousing of Goods were consolidated: 'And whereas since the passing of the said Act divers Parts of Acts for the further Amendment of the 'Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce 'of the Country that the said Act and Parts of Acts should be consolidated into One Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Effect for the Purposes therein mentioned, except where any other Commencement is therein particularly directed.

Commencement of Act.

Treasury to appoint warehousing Ports.

Commissioners to appoint Warehouses, and require Bond.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, by their Warrant from Time to Time, to appoint the Ports in the United Kingdom which shall be warehousing Ports for the Purposes of this Act; and that it shall be lawful for the Commissioners of Her Majesty's Customs, subject to the Authority and Directions of the Commissioners of Her Majesty's Treasury, by their Order from Time to Time to appoint in what Warehouses or Places of special Security, or of ordinary Security, as the Case may require, in such Ports, and in what different Parts or Divisions of such Warehouses or Places, and in what Manner, any Goods, and what Sorts of Goods, may and may only be warehoused and kept and secured without Payment of any Duty upon the first Entry thereof, or for Exportation only, in Cases where the same may be prohibited to be imported for Home Use; and also in such Order to direct in what Cases (if any) Security by Bond, in manner herein-after provided, shall be required in respect of any Warehouse so appointed by them.

Warehouses of special Security by Appointment.

Of special Security without Appointment.

III. And be it enacted, That whenever any Warehouse shall have been approved of by the said Commissioners of Her Majesty's Customs as being a Warehouse of special Security, it shall be stated in their Order of Appointment that such Warehouse is appointed as a Warehouse for special Security: Provided always, that all Warehouses connected with the Wharfs for the landing of the Goods to be lodged therein, and inclosed together with such Wharfs within Walls such as are or shall be required by any Act for the constructing of such Warehouses and Wharfs, and being appointed to be legal Quays, shall, without any Order of the said Commissioners, be Warehouses for the Purposes of this Act for all Goods landed at such Wharfs or Quays at any Port appointed by the Commissioners of Her Majesty's Treasury to be a warehousing Port as aforesaid, and all such Warehouses shall be Warehouses of special Security.

Bonds given previous to Act to continue in force.

IV. And be it enacted, That all Appointments of Warehouses for the warehousing of Goods made under the Authority of any other Act in force at the Time of the Commencement of this Act, shall continue in force as if the same had been made under the Authority of this Act; and all Bonds given in respect of any Goods warehoused or entered to be warehoused under any Act in force at the Time of the Commencement of this Act, shall continue in force for the Purposes of this Act.

Commissioners to provide Warehouses for Tobacco, and Treasury to fix Rent.

V. And be it enacted, That the Commissioners of Her Majesty's Customs shall, out of the Monies arising from the Duties of Customs, provide from Time to Time the Warehouses for the warehousing of Tobacco at the Ports into which Tobacco may be legally imported: Provided always, that for every Hogshead, Chest, Case, or other Package of Tobacco so warehoused the Importer or Proprietor thereof shall pay as and for Warehouse Rent such Sum or Sums, not exceeding any Sum payable under any Act in force at the Time of the Commencement of this Act, and at such Periods and in such Manner, as the Commissioners of Her Majesty's Treasury shall from Time to Time by their Warrant appoint and direct, and all such Sums shall be paid, received, and appropriated as Duties of Customs.

Power to revoke or alter Appointment.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury by their Warrant, and for the said Commissioners of Customs by their Order, from Time to Time to revoke any former Warrant or any former Order, or to make any Alteration in or Addition to any former Warrant or any former Order made as aforesaid by them respectively.

Publication of Appointment in Gazette.

VII. And be it enacted, That every Order made by the said Commissioners of Her Majesty's Customs in respect of Warehouses of special Security, as well those of original Appointment as those of Revocation, Alteration, or Addition, shall be published in the *London Gazette* for such as shall be appointed in *Great Britain*, and in the *Dublin Gazette* for such as shall be appointed in *Ireland*.

Warehouse Keeper may give general Bond, if willing;

or Importer give particular Bond.

VIII. And be it enacted, That before any Goods shall be entered to be warehoused in any Warehouse, in respect of which Security by Bond shall be required as aforesaid, the Proprietor or Occupier of such Warehouse, if he be willing, shall give general Security by Bond, with Two sufficient Sureties, for the Payment of the full Duties of Importation on all such Goods as shall at any Time be warehoused therein, or for the due Exportation thereof; and if such Proprietor or Occupier be not willing to give such general Security, the different Importers of the separate Quantities of Goods shall upon each Importation, before such Goods shall be entered to be warehoused, give such Security by Bond with One sufficient Surety, in respect of the particular Goods imported, the Penalty of such Bond being Double the Amount of the Duty to which such Goods are subject.

Sale of Goods in Warehouse by Proprietor to be valid,

IX. And be it enacted, That if any Goods lodged in any Warehouse shall be the Property of the Occupier of such Warehouse, and shall be *bonâ fide* sold by him, and upon such Sale there shall have been a written Agreement signed by the Parties, or a written Contract of Sale made, executed, and delivered by

by a Broker, or other Person legally authorized for or in behalf of the Parties respectively, and the Amount of the Price stipulated in the said Agreement or Contract shall have been actually paid or secured to be paid by the Purchaser, every such Sale shall be valid, although such Goods shall remain in such Warehouse; provided that a Transfer of such Goods, according to such Sale, shall have been entered in a Book to be kept for that Purpose by the Officer of the Customs having the Charge of such Warehouse, who is hereby required to keep such Book and to enter such Transfers, with the Dates thereof, upon Application of the Owners of the Goods, and to produce such Book upon Demand made.

although they remain there.

Transfer of such Goods to be entered in a Book.

X. And be it enacted, That all Goods warehoused shall be stowed in such Manner as that easy Access may be had to every Package and Parcel of the same, and if the Occupier of the Warehouse shall omit so to stow the same he shall for every such Omission forfeit the Sum of Five Pounds; and if any Goods shall be taken out of any Warehouse without due Entry of the same with the proper Officers of the Customs, the Occupier of the Warehouse shall be liable to the Payment of the Duties due thereon.

Stowage in Warehouse to afford easy Access.

XI. And be it enacted, That the Occupier or Occupiers of any Warehouse in which Goods are deposited under the Provisions of this Act shall, upon any Request being made by any Officer duly authorized by the Commissioners of Her Majesty's Customs, immediately produce to such Officer any Goods deposited therein, or received into his or their Custody, for the Delivery of which the said Occupier or Occupiers has or have not received an Order duly signed by the proper Warehouse Officer, and upon every Failure so to do such Occupier or Occupiers shall forfeit the Sum of Five Pounds, over and above the Duties to which every Package or Parcel of Goods not so produced may be liable.

Occupiers of Warehouses to produce, on demand, Goods to Officers of Customs, or to forfeit 5*l*.

XII. And be it enacted, That if any Goods warehoused shall be fraudulently concealed in or removed from the Warehouse the same shall be forfeited; and if any Importer or Proprietor of any Goods warehoused, or any Person in his Employ, shall by any Contrivance fraudulently open the Warehouse or gain Access to the Goods, except in the Presence of the proper Officer acting in the Execution of his Duty, such Importer or Proprietor shall forfeit and pay for every such Offence the Sum of Five hundred Pounds.

Goods fraudulently concealed.

Penalty on opening the Warehouse.

XIII. And be it enacted, That if any Goods entered to be warehoused under any Law made for the warehousing of Goods shall be removed and not deposited in a Warehouse or Place of Security, in pursuance of such Entry, every Person who shall remove or assist or be otherwise concerned in the removing of any such Goods, or who shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed, any such Goods so removed, and every Person to whose Hands and Possession any Goods so removed shall knowingly come, shall forfeit either Treble the Value thereof, or the Penalty of One hundred Pounds, at the Election of the Commissioners of Her Majesty's Customs, and such Goods shall be forfeited.

Persons assisting in the removing of Goods entered for the Warehouse, and not deposited there, subjected to Penalties.

XIV. And be it enacted, That within One Month after any Tobacco shall have been warehoused, and upon the Entry and Landing of any other Goods to be warehoused, the proper Officer of Customs shall take a particular Account of the same, and shall mark the Contents on each Package, and shall mark the Word "Prohibited" on such Packages as contain Goods prohibited to be imported for Home Use; and that all Goods shall be warehoused and kept in the Packages in which they shall have been imported, and no Alteration shall be made in the Packages or the packing of any Goods in the Warehouse, except in the Cases herein-after provided.

Examination on Entry and Landing.

Marking Package.

XV. And be it enacted, That all Goods entered to be warehoused or to be re-warehoused shall be carried into the Warehouse under the Care or with the Authority or Permission of the proper Officer of Customs, and in such Manner and by such Persons, and by such Roads or Ways, and within such Spaces of Time, as the proper Officer of Customs shall authorize, permit, or direct, and all such Goods not so carried shall be forfeited.

Goods to be carried to Warehouse under Authority of Officer of Customs.

XVI. And be it enacted, That all Goods which have been so warehoused shall be duly cleared either for Exportation or for Home Use within Three Years, and all surplus Stores of Ships within One Year, from the Day of the First Entry thereof, unless further Time be given by the Commissioners of Her Majesty's Treasury; and if any such Goods be not so cleared, it shall be lawful for the Commissioners of Her Majesty's Customs to cause the same to be sold, and the Produce shall be applied to the Payment of the Warehouse Rent and other Charges, and the Overplus (if any) shall be paid to the Proprietor; and such Goods, when sold, shall be held subject to all the Conditions to which they were subject previous to such Sale, except that a further Time of Three Months from the Date of the Sale shall be allowed to the Purchaser for the clearing of such Goods from the Warehouse; and if the Goods so sold shall not be duly cleared from the Warehouse within such Three Months the same shall be forfeited.

Goods to be cleared in Three Years; Ship's Stores in One Year; if not cleared to be sold.

Purchaser allowed Three Months.

XVII. And be it enacted, That if any Goods entered to be warehoused, or entered to be delivered from the Warehouse, shall be lost or destroyed by any unavoidable Accident, either on Ship-board or in the landing or shipping of the same, or in the receiving into or delivering from the Warehouse, it shall be lawful for the Commissioners of Her Majesty's Customs to remit or return the Duties payable or paid on the Quantity of such Goods so lost or destroyed.

In case of Accident in landing or shipping Goods, Duty to be remitted.

XVIII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs to remit the Duties payable or paid on the whole or any Portion of any Goods which shall be lost or destroyed by any unavoidable Accident in the Warehouse in which the same shall have been deposited under the Provisions of this or any other Act passed for the warehousing of Goods; and that the Duties payable upon the following Articles deposited in Warehouses of special Security, that is to say, Wines, Currants, Raisins, Figs, Hams, and Cheese, when taken out of the Warehouse for Home Use, shall be charged upon the Quantities ascertained by the Measure or Weight of the same actually delivered.

Duties on Goods destroyed by Accident remitted; and certain Goods to be charged on Quantity delivered.

Entry for Exportation or Home Use.

XIX. And be it enacted, That no Goods which have been so warehoused shall be taken or delivered from the Warehouse, except upon due Entry, and under Care of the proper Officers for Exportation, or upon due Entry and Payment of the full Duties payable thereon for Home Use, if they be such Goods as may be used in the United Kingdom, save and except Goods delivered into the Charge of the Searchers to be shipped as Stores, and which shall and may be so shipped without Entry or Payment of any Duty for any Ship of the Burden of Sixty Tons at least, bound upon a Voyage to Foreign Parts, the probable Duration of which, out and home, will not be less than Forty Days: Provided always, that such Stores shall be duly borne upon the Ship's Victualling Bill, and shall be shipped in such Quantities and subject to such Directions and Regulations as the Commissioners of Customs shall direct and appoint.

Goods permitted to be shipped from the Warehouse Duty-free, as Ship's Stores.

Rum for Stores and surplus Stores may be shipped without Entry, if borne on Victualling Bill;

or entered for private Use.

XX. Provided always, and be it enacted, That any Rum of the *British* Plantations may be delivered into the Charge of the Searcher to be shipped as Stores for any Ship without Entry or Payment of any Duty, and any Surplus Stores of any Ship may be delivered into the Charge of the Searcher to be re-shipped as Stores for the same Ship, or for the same Master in another Ship, without Entry or Payment of any Duty, such Rum and such surplus Stores being duly borne upon the Victualling Bills of such Ships respectively, and if the Ship, for the future Use of which any surplus Stores have been warehoused, shall have been broken up or sold, such Stores may be so delivered for the Use of any other Ship belonging to the same Owners, or may be entered for Payment of Duty, and delivered for the private Use of such Owners, or any of them, or of the Master or Purser of such Ship.

Duties to be paid on original Quantities, except in certain Cases.

XXI. And be it enacted, That upon the Entry of any such Goods to be cleared from the Warehouse, if the same be for Home Use, the Person entering such Goods Inwards shall deliver a Bill of the Entry and Duplicates thereof, in like Manner as directed by Law in the Case of Goods entered to be landed, as far as the same is applicable, and at the same Time shall pay down to the proper Officer of the Customs the full Duties of Customs payable thereon, and not being less in Amount than according to the Account of the Quantity first taken of the respective Packages or Parcels of the Goods in such Entry at the Examination thereof, at the Time of the first Entry and landing of the same, without any Abatement on account of any Deficiency, except by this Act is otherwise provided; and that if the Entry be for Exportation or for Removal to any other Warehouse, and any of the Packages or Parcels of the Goods be deficient of the respective Quantities of the same according to the Account first taken as aforesaid, a like Entry inwards shall also be passed in respect of the Quantities so deficient, and the full Duties shall be paid on the Amount thereof before such Packages or Parcels of Goods shall be delivered or taken for Exportation or Removal, except as by this Act is otherwise provided; and if any Goods so deficient in Quantity shall be such as are charged to pay Duty according to the Value thereof, such Value shall be estimated at the Price for which the like Sorts of Goods of the best Quality shall have been last or lately sold.

If for Exportation or Removal, Duties on Deficiencies to be paid.

How Value ascertained.

Duties on Tobacco, Sugar, and Spirits to be charged on Quantities delivered, except in certain Cases.

XXII. And be it enacted, That the Duties payable upon Tobacco, Sugar, and Spirits respectively, when taken out of Warehouse for Home Use, shall be charged upon the Quantities ascertained by the Weight, Measure, or Strength of the same actually delivered, save and except that if the Sugar shall not be in a Warehouse of special Security no greater Abatement on account of Deficiency of the Quantity, first ascertained as aforesaid, shall be made than shall be after the Rate of Three *per Centum* of such Quantity for the first Three Months, and One *per Centum* for every subsequent Month during which such Sugar shall have been warehoused; and also save and except that if the Spirits (being any other Spirits than Rum of the *British* Plantations) shall not be in a Warehouse of special Security no greater Abatement on account of Deficiency of the Quantity or Strength first ascertained as aforesaid shall be made than shall be after the several Rates of Allowances following; (that is to say),

For every Hundred Gallons Hydrometer Proof:—

For any Time not exceeding Six Months, One Gallon:

For any Time exceeding Six Months, and not exceeding Eighteen Months, Three Gallons:

For any Time exceeding Eighteen Months, and not exceeding Two Years, Five Gallons:

For any Time exceeding Two Years, and not exceeding Two Years and a Half, Six Gallons:

For any Time exceeding Two Years and a Half, and not exceeding Three Years, Seven Gallons:

And for every additional Year, Two Gallons:

No Allowance for Leakage.

Provided always, that no Abatement shall be made in respect of any Deficiency in Quantity of any Spirits occasioned by Leakage and not by natural Evaporation, in whatever Warehouse the same may be, except as by this Act is otherwise specially provided.

Allowances for natural Deficiency on Corn or Grain in Warehouse.

XXIII. And be it enacted, That in respect of any Wheat or Barley, or any Rye or any Oats, lodged in Warehouses without Payment of Duty on the first Importation thereof, the following Allowances for natural Waste shall be made upon the Exportation thereof, or upon the Entry thereof for Home Consumption; (that is to say,)

In respect of all Wheat, Barley, and Rye, except as is herein-after provided, which has been in Warehouse One Month and less than Three Months, there shall be allowed One and a Half *per Centum*:

In respect of all Wheat, Barley, and Rye, except as herein-after provided, which has been in Warehouse Three Months and less than Six Months, there shall be allowed Two *per Centum*:

In respect of all Wheat, Barley, and Rye, except as is herein-after provided, which has been in Warehouse Six Months and less than Twelve Months, there shall be allowed Two and a Half *per Centum*:

And

And in respect of all Wheat, Barley, and Rye, except as is herein-after provided, which has been in Warehouse Twelve Months and upwards, there shall be allowed Three *per Centum:*

In respect of Oats, except as is herein-after provided, which have been in Warehouse One Month and less than Three Months, there shall be allowed Two and a Half *per Centum:*

In respect of Oats, except as is herein-after provided, which have been in Warehouse Three Months and less than Six Months, there shall be allowed Three and a Half *per Centum:*

In respect of Oats, except as is herein-after provided, which have been in Warehouse Six Months and less than Twelve Months, there shall be allowed Four and a Half *per Centum:*

And in respect of Oats, except as is herein-after provided, which have been in Warehouse Twelve Months and upwards, there shall be allowed Five *per Centum:*

Provided nevertheless, that only Half the above Allowances hereby directed to be made on Wheat and Barley and Oats respectively shall be made upon *Spanish* Wheat and Barley and Oats respectively, and upon Wheat and Barley Kiln-dried abroad respectively, and that no such Allowance shall be made in respect of Rye being Kiln-dried: Provided also, that no such Allowance shall be made unless there shall be an actual Deficiency in the Quantity of such Wheat, Rye, Barley, and Oats originally warehoused.

Importer may enter Goods for Home Use or for Exportation, although not actually warehoused.

XXIV. And be it enacted, That if after any Goods shall have been duly entered and landed to be warehoused, and before the same shall have been actually deposited in the Warehouse, the Importer shall further enter the same, or any Part thereof, for Home Use or for Exportation, as from the Warehouse, the Goods so entered shall be considered as virtually and constructively warehoused, although not actually deposited in the Warehouse, and shall and may be delivered and taken for Home Use or for Exportation, as the Case may be.

Goods may be removed to other Ports to be re-warehoused;

XXV. 'And whereas it is expedient to make Regulations for the Removal of warehoused Goods 'from one warehousing Port to another, and from one Warehouse to another in the same Port;' be it therefore enacted, That any Goods which have been warehoused at some Port in the United Kingdom may be removed by Sea or inland Carriage to any other Port in the same in which the like Goods may be warehoused upon Importation, to be re-warehoused at such other Port, and again as often as may be required to any other such Port, to be there re-warehoused, subject to the Regulations herein-after mentioned; that is to say, Twelve Hours Notice in Writing of the Intention to remove such Goods shall be given to the Warehouse Officer, specifying the particular Goods intended to be removed, and the Marks, Numbers, and Description of the Packages in which the same are contained, in what Ship imported, when and by whom entered Inwards to be warehoused, and if subsequently re-warehoused when and by whom re-warehoused, and to what Ports the same are to be removed; and thereupon the Warehouse Officer shall take a particular Account of such Goods, and shall mark the Contents on every Package in preparation for the delivering of the same for the Purposes of such Removal, and previous to the Delivery thereof may cause the proper Seals of Office to be affixed thereto: Provided always, that Tobacco, the Produce of the *British* Possessions in *America*, or of the United States of *America*, and purchased for the Use of Her Majesty's Navy, may be removed by the Purser of any Ship of War in actual Service to the Ports of *Rochester*, *Portsmouth*, or *Plymouth*, to be there re-warehoused, in the Name of such Purser, in such Warehouse as shall be approved for that Purpose by the Commissioners of Her Majesty's Customs.

and on Notice given, Officers to prepare them for Removal.

Tobacco for Use of Navy may be removed to certain Ports.

Entry of Goods for Removal.

XXVI. And be it enacted, That before such Goods shall be delivered to be removed due Entry of the same shall be made, and a proper Bill of such Entry, with Duplicates thereof, be delivered to the Collector or Comptroller, containing the before-mentioned Particulars, and an exact Account of the Quantities of the different Sorts of Goods; and such Bill of Entry, signed by the Collector and Comptroller, shall be the Warrant for the Removal of such Goods; and an Account of such Goods, containing all such Particulars, shall be transmitted by the proper Officers of the Port of Removal to the proper Officers of the Port of Destination; and upon the Arrival of such Goods at the Port of Destination due Entry of the same to be re-warehoused shall in like Manner be made with the Collector and Comptroller at such Port, containing all the Particulars and Accounts before mentioned, together with the Name of the Port from which such Goods have been removed, and the Description and Situation of the Warehouse in which they are to be warehoused; and the Bill of such Entry, signed by such Collector and Comptroller, shall be the Warrant to the Landing Officer and the Warehouse Officer to admit such Goods, to be there re-warehoused, under such Examination as is made of the like Goods, when first warehoused upon Importation from Parts beyond the Seas; and the Particulars to be contained in such Notice and in such Entries shall be written and arranged in such Form and Manner as the Collector and Comptroller shall require; and the Officers at the Port of Arrival shall transmit to the Officers at the Port of Removal an Account of the Goods so arrived, according as they shall upon Examination prove to be, and the Warehouse Officers at the Port of Removal shall notify such Arrival in their Books.

Account sent to other Ports.

Entry at Port of Arrival to re-warehouse.

Forms of Entries.

Examination of Officers.

Certificate of Arrival sent to Port of Removal.

Bond to re-warehouse, which may be be given at either Port.

XXVII. And be it enacted, That the Person removing such Goods shall at the Time of entering the same give Bond, with One sufficient Surety, for the due Arrival and re-warehousing of such Goods, within a reasonable Time, with reference to Distance between the respective Ports, to be fixed by the Commissioners of Her Majesty's Customs, which Bond may be taken by the Collector and Comptroller either of the Port of Removal or of the Port of Destination, as shall best Suit the Residence or Convenience of the Persons interested in the Removal of such Goods; and if such Bond shall have been given at the Port of Destination, a Certificate thereof, under the Hands of the Collector and Comptroller

of such Port, shall, at the Time of entering such Goods, be produced to the Collector or Comptroller of the Port of Removal.

Bond how to be discharged.

XXVIII. And be it enacted, That such Bond shall not be discharged unless such Goods shall have been duly re-warehoused at the Port of Destination within the Time allowed for such Removal, or shall have been otherwise accounted for to the Satisfaction of the said Commissioners, nor until the full Duties due upon any Deficiency of such Goods shall have been paid, nor until fresh Security shall have been given in respect of such Goods in manner herein-after provided, unless such Goods shall have been lodged in some Warehouse in respect of which general Security shall have been given by the Proprietor or Occupier thereof, or in some Warehouse in respect of which no Security is required.

Goods re-warehoused held on Terms of first warehousing.

XXIX. And be it enacted, That such Goods when so re-warehoused may be entered and shipped for Exportation, or entered and delivered for Home Use, as the like Goods may be when first warehoused upon Importation, and the Time when such Goods shall be allowed to remain re-warehoused at such Port shall be reckoned from the Day when the same were first entered to be warehoused.

On Arrival, after Forms of re-warehousing, Parties may enter to export, or take for Home Use, without first carrying to the Warehouse.

XXX. And be it enacted, That if upon the Arrival of such Goods at the Port of Destination the Parties shall be desirous forthwith to export the same, or to pay Duty thereon for Home Use, without actually lodging the same in the Warehouse for which they have been entered and examined to be re-warehoused, it shall be lawful for the Officers of the Customs at such Port, after all the Formalities of entering and examining such Goods for re-warehousing have been duly performed, except the actual Labour of carrying and lodging the same in the Warehouse, to consider the same as virtually or constructively re-warehoused, and to permit the same to be entered and shipped for Exportation, or to be entered and delivered for Home Use, upon Payment of the Duties due thereon, in like Manner as if such Goods had been actually so carried and lodged in such Warehouse; and the Account taken for the re-warehousing of such Goods may serve as the Account for delivering the same as if from the Warehouse either for Shipment or for Payment of Duties, as the Case may be; and all Goods so exported, or for which the Duties have been so paid, shall be deemed to have been duly cleared from the Warehouse.

Removal in the same Port.

XXXI. And be it enacted, That any Goods which have been warehoused in some Warehouse in the Port of *London* may, with the Permission of the Commissioners of Customs first obtained, be removed to any other Warehouse in the said Port in which the like Goods may be warehoused on Importation; and any Goods which have been warehoused in some Warehouse in any other Port may, with the Permission of the Collector and Comptroller of such Port first obtained, be removed to any other Warehouse in the same Port in which the like Goods may be warehoused on Importation, under such general Regulations as the Commissioners of Customs shall direct.

Goods and Parties subject to original Conditions.

XXXII. And be it enacted, That all Goods which shall have been removed from one Warehouse for or to another, whether in the same Port or in a different Port, and all Proprietors of such Goods, shall be held subject in all respects to all the Conditions to which they would have been held subject if such Goods had remained in the Warehouse where the same had been originally warehoused.

Goods sold, new Owner may give Bond, and release the original Bonder.

XXXIII. And be it enacted, That if any Goods shall have been warehoused in any Warehouse in respect of which general Security by Bond as herein-before provided shall not have been given by the Proprietor or Occupier of such Warehouse, and particular Security, as in such Case is required, shall have been given by the Importer of such Goods in respect of the same, and such Goods shall have been sold or disposed of, so that the original Bonder shall be no longer interested in or have Control over such Goods, it shall be lawful for the proper Officers to admit fresh Security to be given, by the Bond of the new Proprietor of such Goods or Persons having the Control over the same, with his sufficient Surety, and to cancel the Bond given by the original Bonder of such Goods, or to exonerate him and his Surety to the Extent of the fresh Security so given.

Bond of Remover to be in force in new Warehouse until fresh Bond be given by new Owner.

XXXIV. And be it enacted, That if the Person removing any Goods from one Port to another, and who shall have given Bond in respect of such Removal and re-warehousing, shall be and shall continue to be interested in such Goods after the same shall have been duly re-warehoused, and such Goods shall have been so re-warehoused in some Warehouse in respect of which Security is required, and the Proprietor or Occupier of the same shall not have given general Security, the Bond in respect of such Removal and re-warehousing shall be conditioned and continue in force for the re-warehousing such Goods until fresh Bond be given by some new Proprietor or other Person in manner herein-before provided.

To sort, separate, and repack in same or equal Packages;

XXXV. And be it enacted, That it shall be lawful in the Warehouse to sort, separate, pack, and re-pack any Goods, and to make such lawful Alterations therein or Arrangements thereof as may be necessary either for the Preservation of such Goods, or in order to the Sale, Shipment, or legal Disposal of the same; provided that such Goods be re-packed in the same Packages in which the same Goods, or some Part of the whole Quantity of the same Parcel of Goods, were imported, or in Packages of entire Quantity equal thereto, or in such other Packages as the Commissioners of Her Majesty's Customs shall permit (not being less in any Case, if the Goods be to be exported or to be removed to another Warehouse, than may be required by Law for the Importation of such Goods); and also in the Warehouse to draw off any Wine or any Rum of the *British* Plantations into reputed Quart Bottles or reputed Pint Bottles, for the Purpose only of being exported from the Warehouse; and also in the Warehouse to draw off any such Rum into Casks, containing not less than Twenty Gallons each, for the Purpose only of being disposed of as Stores for Ships; and also in the Warehouse to draw off any other Spirits into reputed Quart Bottles, under such Regulations as the Commissioners of Customs shall from Time to Time

to bottle off Wine or Rum for Exportation;

to draw off Rum for Stores;

Time direct, for the Purpose only of being exported from the Warehouse; and also in the Warehouse to draw off and mix with any Wine any Brandy, secured in the same Warehouse, not exceeding the Proportion of Ten Gallons of Brandy to One hundred Gallons of Wine; and also in the Warehouse to fill up any Casks of Wine or Spirits from any other Casks of the same, respectively secured in the same Warehouse; and also in any Warehouse of special Security to rack off any Wine from the Lees, and in such Warehouse to mix any Wines of the same Sort, erasing from the Cask all import Brands; and also in the Warehouse to take such moderate Samples of Goods as may be allowed by the Commissioners of Her Majesty's Customs, without Entry and without Payment of Duty, except as the same may eventually become payable as on a Deficiency of the original Quantity.

to mix Brandy with Wine; to fill up or rack off Casks of Wine; to take Samples.

XXXVI. Provided always, and be it enacted, That no Alteration shall be made in any such Goods or Packages, nor shall any such Wine, Rum, Brandy, or Spirits be bottled, drawn off, mixed, or filled up, nor shall any such Samples be taken, except after such Notices given by the respective Importers or Proprietors, and at such Times and in such Manner, and under such Regulations and Restrictions, as the Commissioners of Customs shall from Time to Time require and direct.

No Alteration to be made in Goods or Packages, but according to Regulations.

XXXVII. 'And whereas it may happen that after the re-packing into proper Packages of any Parcel 'of Goods which have been unpacked and separated or drawn off from the original Package, in any of 'the Cases herein-before provided for, there may remain some surplus Quantities of the respective 'Parcels of such Goods which may not be sufficient to make or fill up any One of such proper Packages, 'or it may happen that some Part of such Goods when separated from other Parts may be such Refuse, 'or in so damaged a State, as to be worthless, or that the total Quantity of such Parcel of Goods 'may be reduced by the Separation of Dirt or Sediment, or by the Dispersion of Dust or otherwise: 'And whereas the Duties payable on such Goods may have been levied at a Rate having regard to a 'just Allowance for the State in which such Goods are imported, and it is not proper that any 'manufacturing Process should be performed in such Warehouse to the Detriment of the Revenue;' be it therefore enacted, That after such Goods have been so re-packed in proper Packages, it shall be lawful for the Commissioners of Customs, at the Request of the Importer or Proprietor of such Goods, to cause or permit any such Refuse, Damage, or surplus Goods not contained in any of such Packages to be destroyed; and if the Goods be such as may be delivered for Home Use the Duties shall be immediately paid upon any Part of such Surplus as may remain, and the same shall be delivered for Home Use accordingly; and if they be such as may not be so delivered such Surplus as may so remain shall be disposed of for the Purpose of Exportation in such Manner as the Commissioners of Her Majesty's Customs shall direct; and thereupon the Quantity contained in each of such proper Packages shall be ascertained and marked upon the same; and the Deficiency shall be ascertained by a Comparison of the total Quantity in such proper Packages with the total Quantity first warehoused, and the Proportion which such Deficiency may bear to the Quantity in each Package shall also be marked on the same and added to such Quantity, and the Total shall be deemed to be the imported Contents of such Package, and be held subject to the full Duties of Importation, except as otherwise in any Case provided by this Act: Provided always, that it shall be lawful for the said Commissioners to accept the Abandonment for the Duties of any Quantity of Tobacco or Coffee, or Pepper or Cocoa, or Lees of Wine, and also of any whole Packages of other Goods, and to cause or permit the same to be destroyed, and to deduct such Quantity of Tobacco or Coffee, or Pepper or Cocoa, or the Contents of such whole Packages, from the total Quantity of the same Importation in computing the Amount of the Deficiency of such total Quantity.

Re-packing in proper Packages.

After re-packing damaged Parts may be destroyed.

Disposal of surplus Quantity.

Quantities in new Packages to be marked, and Deficiency to be apportioned.

Abandonment of Goods for the Duty.

XXXVIII. And be it enacted, That no Foreign Casks, Bottles, Corks, Packages, or Materials whatever, except any in which some Goods shall have been imported and warehoused, shall be used in the re-packing of any Goods in the Warehouse, unless the full Duties shall have been first paid thereon.

No Foreign Casks, &c. to be used unless Duties paid.

XXXIX. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs to permit any Goods to be taken out of Warehouse for any such Purpose as may appear to them to be expedient, under such Regulations and Restrictions as they may think fit, to direct, without Payment of Duty of Customs, under Security, nevertheless, by Bond to the Satisfaction of the said Commissioners, that such Regulations and Restrictions shall be duly complied with, and that such Goods shall be returned to the Warehouse within such Time as they shall appoint.

Goods may be delivered out of Warehouse for such Purposes as Commissioners may direct.

XL. And be it enacted, That no Parcels of Goods so warehoused, which were imported in Bulk, shall be delivered, except in the whole Quantity of each Parcel, or in a Quantity not less than One Ton Weight, unless by special Leave of the proper Officers of Customs.

Goods in Bulk delivered.

XLI. And be it enacted, That no Goods so warehoused shall be delivered unless the same, or the Packages containing the same, shall have been marked in such distinguishing Manner as the Commissioners of Her Majesty's Customs shall deem necessary and practicable, and shall from Time to Time direct.

Packages to be marked before Delivery.

XLII. And be it enacted, That upon the Application to the Commissioners of Her Majesty's Customs of any Person actually carrying on the Business of a Sugar Refiner in the Ports of *London*, *Liverpool*, *Bristol*, *Hull*, *Greenock*, or *Glasgow*, or any other Port to be approved of by any Three of the Commissioners of Her Majesty's Treasury, it shall be lawful for the Commissioners of Her Majesty's Customs by their Order to approve of such Premises as Bonded Sugar Houses for the refining of Sugar for Exportation only, on it being made appear to the Satisfaction of the said Commissioners that the said Premises are fit in every respect for receiving such Sugars, and wherein the same may be safely deposited.

Commissioners of Her Majesty's Customs may approve of Premises for refining Sugar for Exportation.

XLIII. And

On Approval thereof Officers empowered to deliver Sugars Duty-free, to be there refined for Exportation only.

XLIII. And be it enacted, That on the Approval of any Premises as Bonded Sugar Houses as aforesaid it shall be lawful for the Officers of the Customs at the Ports respectively where such Premises are situated to deliver, without Payment of Duty, to the Party or Parties so applying as aforesaid, on Entry with the proper Officer of Customs, any Quantity of Foreign Sugar, or of Sugar the Produce of any *British* Possession, for the Purpose of being there refined under the Locks of the Crown for Exportation only; and that all Sugars so delivered shall be lodged and secured in such Premises, under such Conditions, Regulations, and Restrictions as the said Commissioners shall from Time to Time direct; provided always, that it shall be lawful for the said Commissioners, by their Order, to revoke or alter any former Order of Approval of any such Premises.

Approval may be revoked.

Refiner to give Bond.

XLIV. And be it enacted, That upon the Entry of the Sugar to be refined in any Premises approved of under the Authority of this Act, the Refiner on whose Premises the same is to be refined shall give Bond to the Satisfaction of the Officers of the Customs, in the Penalty of Double the Amount of the Duty payable upon a like Quantity of Sugar of the *British* Plantations, with a Condition that the whole of such Sugar shall be actually subjected to the Process of Refinement upon the said Premises, and that within Four Months from the Date of such Bond the whole of the refined Sugar and Treacle produced by such Process shall be either duly exported from the said Premises or delivered into an approved Bonded Warehouse, under the Locks of the Crown, for the Purpose of being eventually exported to Foreign Parts.

Decrease and Increase may be ascertained and allowed, under Regulations of the Treasury.

XLV. 'And whereas some Sorts of Goods are liable in Time to Decrease, and some to Increase, and 'some to Fluctuation of Quantity, by the Effect of the Atmosphere and other natural Causes, and it may 'be necessary in some Cases that the Duties should not be charged upon the Deficiency arising from 'such Causes;' be it therefore enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to make Regulations for ascertaining the Amount of such Decrease or Increase of the Quantity of any particular Sorts of Goods, and to direct in what Proportion any Abatement of Duty payable under this Act for Deficiencies shall be made on account of any such Decrease: Provided always, that if such Goods be lodged in Warehouses of special Security, or declared in the Order of Appointment to be of special Security, no Duty shall be charged for any Amount whatever of Deficiency of any of such Goods on the Exportation thereof, except in Cases where Suspicion shall arise that Part of such Goods has been clandestinely conveyed away, nor shall any such Goods (unless they be Wine or Spirits) be measured, counted, weighed, or gauged for Exportation, except in such Cases of Suspicion.

No Duty on Deficiency of Goods exported from Warehouses declared of special Security.

Allowances for natural Waste of Wine, Spirits, &c. in Warehouses not of special Security, on Exportation.

XLVI. Provided always, and be it enacted, That for any Wine, Spirits, Coffee, Cocoa Nuts, or Pepper, lodged in Warehouses not being or being declared to be of special Security, the following Allowances for natural Waste, in proportion to the Time during which any such Goods shall have remained in the Warehouse, shall be made upon the Exportation thereof, according as such Allowances are herein-after respectively set forth; (that is to say,)

Wine, upon every Cask; (*videlicet,*)
For any Time not exceeding One Year, One Gallon:
For any Time exceeding One Year and not exceeding Two Years, Two Gallons:
For any Time exceeding Two Years, Three Gallons:

Spirits, upon every One Hundred Gallons Hydrometer Proof; (*videlicet,*)
For any Time not exceeding Six Months, One Gallon:
For any Time exceeding Six Months and not exceeding Twelve Months, Two Gallons:
For any Time exceeding Twelve Months and not exceeding Eighteen Months, Three Gallons:
For any Time exceeding Eighteen Months and not exceeding Two Years, Four Gallons:
For any Time exceeding Two Years, Five Gallons:

Coffee, Cocoa Nuts, Pepper, for every One hundred Pounds, and so in proportion for any less Quantity, Two Pounds.

In case of Embezzlement and Waste through Misconduct of Officers, Damages to be made good to the Proprietor.

XLVII. And be it enacted, That in case it shall at any Time happen that any Embezzlement, Waste, Spoil, or Destruction shall be made of or in any Goods or Merchandize which shall be warehoused in Warehouses under the Authority of this Act, by or through any wilful Misconduct of any Officer or Officers of Customs or Excise, such Officer or Officers shall be deemed guilty of a Misdemeanor, and shall upon Conviction suffer such Punishment as may be inflicted by Law in Cases of Misdemeanor; and if such Officer shall be so prosecuted to Conviction by the Importer, Consignee, or Proprietor of the Goods or Merchandize so embezzled, wasted, spoiled, or destroyed, then and in such Case no Duty of Customs or Excise shall be payable for or in respect of such Goods or Merchandize so embezzled, wasted, spoiled, or destroyed, and no Forfeiture or Seizure shall take place of any Goods and Merchandize so warehoused in respect of any Deficiency caused by such Embezzlement, Waste, Spoil, or Destruction, and the Damage occasioned by such Embezzlement, Waste, Spoil, or Destruction of such Goods or Merchandize, not being occasioned by Fire, shall be repaid and made good to such Importer, Consignee, or Proprietor, by the Commissioners of Customs or Excise, under such Orders, Regulations, and Directions as shall be for that Purpose made and given by the Commissioners of Her Majesty's Treasury, or any Three of them.

On Entry Outwards, Bond for due shipping and landing shall be given.

XLVIII. 'And whereas it is expedient to make Regulations for the exporting of such Goods to Parts 'beyond the Seas as have been imported into the United Kingdom from Parts beyond the Seas, and 'warehoused without Payment of any Duty on the Importation thereof, or notwithstanding that the same 'may be prohibited to be used in the United Kingdom;' be it therefore enacted, That upon the Entry Outwards of any Goods to be exported from the Warehouse to Parts beyond the Seas, and before Cocket be

be granted, the Person in whose Name the same shall be entered shall give Security by Bond in Double the Amount of Duty payable by Law upon the Importation of such Goods, with One sufficient Surety, that such Goods shall be duly shipped and exported, and shall be landed at the Place for which they be entered Outwards, or otherwise accounted for to the Satisfaction of the Commissioners of Her Majesty's Customs.

Goods removed from Warehouse for Shipment under Care of Customs Officers.

XLIX. And be it enacted, That all Goods taken from the Warehouse for Removal or for Exportation shall be removed, or shall be carried to be shipped, under the Care or with the Authority or Permission of the proper Officer of Customs, and in such Manner, and by such Persons, and within such Spaces of Time, and by such Roads or Ways, as the proper Officer of Customs shall authorize, permit, or direct, and all such Goods not so removed or carried shall be forfeited.

Tonnage of Ships for exporting such Goods.

L. And be it enacted, That it shall not be lawful for any Person to export any Goods so warehoused, nor to enter for Exportation to Parts beyond the Seas any Goods so warehoused, in any Ship which shall not be of the Burden of Sixty Tons or upwards.

Goods landed in Docks liable to Claims for Freight as before landing.

LI. And be it enacted, That all Goods or Merchandize which shall be landed in Docks, and lodged in the Custody of the Proprietors of the said Docks under the Provisions of this Act, not being Goods seized as forfeited to Her Majesty, shall when so landed continue and be subject or liable to such and the same Claim for Freight in favour of the Master, Owner or Owners, of the respective Ships or Vessels, or of any other Person or Persons interested in the Freight of the same, from or out of which such Goods or Merchandize shall be so landed, as such Goods, Wares, or Merchandize respectively were subject and liable to whilst the same were on board such Ships or Vessels, and before the landing thereof; and the Directors and Proprietors of any such Docks at or in which any such Goods or Merchandize may be landed and lodged as aforesaid, or their Servants or Agents, or any of them, shall and may, and they are hereby authorized, empowered, and required, upon due Notice in that Behalf given to them by such Master or Masters, Owner or Owners, or other Persons as aforesaid, to detain and keep such Goods and Merchandize, not being seized as forfeited to Her Majesty, in the Warehouses belonging to the said Docks as aforesaid, until the respective Freights to which the same shall be subject and liable as aforesaid shall be duly paid or satisfied, together with the Rates and Charges to which the same shall have been subject and liable, or until a Deposit shall have been made by the Owner or Owners or Consignee or Consignees of such Goods or Merchandize, equal in Amount to the Claim or Demands made by the Master, Owner or Owners, of the respective Ships or Vessels or other Persons as aforesaid, for or on account of Freight upon such Goods or Merchandize, which Deposit the said Directors or Proprietors of such Docks, or their Agents, respectively, are hereby authorized and directed to receive and hold in Trust, until the Claim or Demand for Freight upon such Goods shall have been satisfied, upon Proof of which, and Demand made by the Person or Persons, their Executors, Administrators, or Assigns, by whom the said Deposit shall have been made, and the Rates and Charges due upon the said Goods being first paid, the said Deposit shall be returned to him or them by the said Directors or Proprietors, or their Agents on their Behalf, with whom the said Deposit shall have been made as aforesaid.

Alteration of Act.

LII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XCII.

An Act to grant certain Bounties and Allowances of Customs. [4th *August* 1845.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act to grant certain Bounties and Allowances of Customs*, whereby the Laws of Customs in relation to Bounties and Allowances of Customs were consolidated: And whereas, since the passing of the said Act, divers Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Act and Parts of Acts should be consolidated into One Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Operation, for all the Purposes mentioned therein, except where any other Commencement is herein particularly directed. 3&4 W.4. c.58.

Commencement of Act.

Bounties allowed upon the Exportation of Refined Sugar.

II. And be it enacted, That so long as the Duties due and payable upon the Importation of Sugar shall be continued there shall be allowed upon the Exportation of Refined Sugar made in the United Kingdom the several Bounties set forth in the Table herein-after contained; (that is to say,)

	£	s.	d.
Upon Double Refined Sugar, or Sugar equal in Quality to Double Refined, for every Hundred Weight	1	0	0
Upon other Refined Sugar, in Loaf, complete and whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or such Sugar pounded, crashed, or broken, and Sugar Candy, for every Hundred Weight	0	17	0
Upon Bastard or Refined Sugar broken in Pieces, or being ground or powdered Sugar, or such Sugar pounded, crashed, or broken, for every Hundred Weight	0	14	0

Bond to be given for due Exportation

III. And be it enacted, That the Exporter of any Goods in respect of which any Bounty is claimed under this Act, or the Person in whose Name the same are entered outwards, shall at the Time of Entry, and

and before Cocket be granted, give Security by Bond in double the Amount of such Bounty, with One sufficient Surety, that the same shall be duly exported to the Place for which they are entered, or be otherwise accounted for to the Satisfaction of the Commissioners of Her Majesty's Customs, and shall not be re-landed in the United Kingdom, or landed in the *Isle of Man* unless expressly entered to be carried thereto.

Candy in Packages of Half Hundred Weight.

IV. And be it enacted, That no Bounty shall be given upon the Exportation of any Refined Sugar called Candy unless it be properly refined and manufactured, and free from Dirt and Scum, and packed in Packages each of which shall contain Half a Hundred Weight of such Candy at the least.

Sugar crashed for Exportation.

V. And be it enacted, That if any Sugar in Lumps or Loaves is to be pounded, crashed, or broken before the same be exported for the Bounty payable thereon, such Lumps or Loaves shall, after due Entry thereof, be lodged in some Warehouse provided by the Exporter, and approved by the Commissioners of Her Majesty's Customs for such Purpose, to be then first examined by the Officers of Customs while in such Lumps or Loaves as if for immediate Shipment, and afterwards to be there pounded, crashed, or broken, and packed for Exportation in the Presence of such Officers and at the Expence of the Exporter; and such Sugar shall be kept in such Warehouse, and be removed from thence for Shipment, and be shipped under the Care and in the Charge of the Searchers, in order that the Shipment and Exportation thereof may be duly certified by them upon the Debenture, according to the Quality ascertained by them of the same while in such Lumps or Loaves.

Different Sorts of crashed Sugar to be kept separate.

VI. And be it enacted, That the different Sorts of such Sugar shall be kept apart from each other, in such Manner and in such distinct Rooms or Divisions of such Warehouse as shall be directed and appointed by the Commissioners of Her Majesty's Customs; and if any Sort of such Sugar shall be found in any Part of such Warehouse appointed for the keeping of Sugar of a Sort superior in Quality thereto the same shall be forfeited; and if any Sort of such Sugar shall be brought to such Warehouse to be pounded, crashed, or broken, which shall be of a Quality inferior to the Sort of Sugar expressed in the Entry for the same, such Sugar shall be forfeited.

Sample Loaves to be provided.

VII. And be it enacted, That there shall be provided by and at the Expence of the Committee of Sugar Refiners in *London*, and in like Manner by and at the Expence of the Committee of Merchants in *Dublin*, as many Loaves of Double Refined Sugar prepared in manner herein-after directed, and as many Loaves or Lumps of Sugar made upon the Patent Principle, and equal in Quality to Double Refined Sugar, as the Commissioners of Her Majesty's Customs shall think necessary; which Loaves or Lumps, when approved of by the said Commissioners, shall be deemed and taken to be Standard Samples; one of which Loaves or Lumps shall be lodged with the said Committees respectively, and one other with such Person or Persons as the said Commissioners shall direct, for the Purpose of comparing therewith Double Refined Sugar, or Sugar equal in Quality to Double Refined Sugar, entered for Exportation for the Bounty; and fresh Standard Samples shall in like Manner be again furnished by such Committees respectively, and in like Manner lodged, whenever it may be deemed expedient by the said Commissioners: Provided always, that no Loaf of Sugar shall be deemed to be a proper Sample Loaf of Double Refined Sugar as aforesaid, if it be of greater Weight than Fourteen Pounds, nor unless it be a Loaf complete and whole, nor unless the same shall have been made by a distinct Second Process of Refinement from a Quantity of Single Refined Sugar, every Part of which had first been perfectly clarified and duly refined, and had been made into Loaves or Lumps which were of an uniform Whiteness throughout, and had been thoroughly dried in the Stove: Provided also, that no Loaf or Lump of Sugar shall be deemed to be a proper Sample Loaf or Lump of Sugar equal to Double Refined, unless it be a Loaf or Lump complete, nor unless the same shall have been prepared after the Patent Principle.

Proviso for Double Refined Sugar.

Proviso for Patent Sugar.

Sugar entered not equal to the Standard shall be forfeited.

VIII. And be it enacted, That in case any Sugar which shall be entered in order to obtain the Bounty on Double Refined Sugar or Sugar equal in Quality to Double Refined Sugar shall, on Examination by the proper Officer, be found to be of a Quality not equal to such Standard Sample, all Sugar so entered shall be forfeited and may be seized.

Alteration of Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XCIII.

An Act to regulate the Trade of *British* Possessions abroad. [4th *August* 1845.]

3 & 4 W. 4. c. 59.

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act to regulate the Trade of the* British *Possessions abroad*, whereby the Laws of Customs in relation to the Trade of the *British* Possessions abroad were consolidated: And whereas since the passing of the said Act divers Acts and Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Acts and Parts of Acts should be consolidated into One Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force for all the Purposes therein mentioned, except where any other Commencement is herein particularly directed.

Commencement of Act.

Importation and Exportation of Goods confined to Free Ports.

II. And be it enacted, That no Goods shall be imported into, nor shall any Goods, except the Produce of the Fisheries in *British* Ships, be exported from any of the *British* Possessions in *America* by Sea from or to any Place other than the United Kingdom, or some other of such Possessions, except into or from

from the several Ports in such Possessions, called "Free Ports," enumerated or described in the Table following; (that is to say,)

TABLE OF FREE PORTS.

Kingston	Jamaica.	
——— Old Harbour		
Savanna la Mer		
——— Black River		
Montego Bay		
——— St. Lucia		
Falmouth		
——— Rio Bueno		
——— St. Ann's		
Port Maria		
——— Annotto Bay		
Port Antonio		
Morant Bay		
——— Port Morant		
Bridgetown	Barbadoes.	
St. John's	Antigua.	
Plymouth	Montserrat.	
Basseterre	St. Kitt's.	
——— Anguilla	Anguilla.	
Charlestown	Nevis.	
Road Harbour	Tortola.	
Castries	St. Lucia.	
Roseau	Dominica.	
Kingstown	St. Vincent.	
St. George's	Grenada.	
Port of Spain	Trinidad.	
——— San Fernando		
Scarborough	Tobago.	
George Town	Demerara — British Guiana.	
New Amsterdam	Berbice — British Guiana.	
Nassau	New Providence — Bahamas.	
——— Grand Key	Turk's Island — Bahamas.	
——— Pitt's Town	Crooked Island — Bahamas.	
Any Port where there is a Custom House		
Ports St. George's and Hamilton	Bermudas.	
Quebec	Canada.	
Halifax	Nova Scotia.	
——— Pictou		
——— Liverpool		
——— Yarmouth		
——— Lunenberg		
——— Shelburne		
——— Digby		
——— Windsor		
——— Parrsboro'		
——— Cumberland		
——— New Edinburgh		
——— Arichat		
——— Sydney, Cape Breton		
Charlotte Town	Prince Edward's Island.	
George Town		
St. John's	New Brunswick.	
——— Miramichi		
——— Dalhousie		
St. Andrew's		
——— Magaguadavic		
——— Campo Bello		
St. John's	Newfoundland.	
——— Harbour Grâce		

And if any Goods shall be imported into any Port or Place in any of the said Possessions contrary hereto, such Goods shall be forfeited: Provided always, that if Her Majesty shall deem it expedient to extend the Provisions of this Act to any Port or Ports not enumerated in the said Table, it shall be lawful for Her Majesty, by Order in Council, to extend the Provisions of this Act to such Port or Ports; and from

Her Majesty may appoint other Ports to be Free Ports.

from and after the Day mentioned in such Order in Council all the Privileges and Advantages of this Act, and all the Provisions, Penalties, and Forfeitures therein contained, (subject nevertheless to the Limitations and Restrictions herein-after provided,) shall extend, and be deemed and construed to extend, to any such Port or Ports respectively, as fully as if the same had been inserted and enumerated in the said Table at the Time of passing this Act: Provided also, that nothing herein-before contained shall extend to prohibit the Importation or Exportation of Goods into or from any Ports or Places in *Newfoundland* or *Labrador* in *British* Ships: Provided also, that it shall be lawful to import from the Islands of *Guernsey* and *Jersey* in *British* Ships into any Port or Place in the *British* Possessions in *North America*, at or from whence the *British* Fisheries in *North America* are carried on, any Sort of Craft, Food, Victuals (except Spirits), and any Sort of Clothing and Implements and Materials fit and necessary for the said Fisheries, although such Port or Place be not a Free Port.

Proviso for Articles from Guernsey, &c. for the Fisheries.

Her Majesty may appoint Ports for limited Purposes.

III. 'And whereas there are in the said Possessions many Places situated in Rivers and in Bays at 'which it may be necessary to establish Ports for particular and limited Purposes only;' be it therefore enacted, That it shall be lawful for Her Majesty, in any Order in Council made for the Appointment of any Free Port, to limit and confine such Appointments respectively to any and such Purposes only as shall be expressed in such Order.

Limitation of the Privileges of Foreign Ships.

IV. 'And whereas by the Law of Navigation Foreign Ships are permitted to import into any of the 'British Possessions in *Asia*, *Africa*, or *America*, from the Countries to which they belong, Goods the 'Produce of those Countries, and to export Goods from such Possessions to be carried to any Foreign 'Country whatever: And whereas it is expedient that such Permission should be subject to certain 'Conditions;' be it therefore enacted, That the Privileges thereby granted to Foreign Ships shall be limited to the Ships of those Countries which, having Colonial Possessions, shall grant the like Privileges of trading with those Possessions to *British* Ships, or which, not having Colonial Possessions, shall place the Commerce and Navigation of this Country, and of its Possessions abroad, upon the Footing of the most favoured Nation, unless Her Majesty, by Her Order in Council, shall in any Case deem it expedient to grant the whole or any of such Privileges to the Ships of any Foreign Country, although the Conditions aforesaid shall not in all respects be fulfilled by such Foreign Country: Provided always, that no Foreign Country shall be deemed to have fulfilled the before-mentioned Conditions, or to be entitled to the Privileges aforesaid, unless and until Her Majesty shall, by some Order or Orders by Her made or to be made by the Advice of Her Privy Council, have declared that such Foreign Country hath so fulfilled the said Conditions, and is entitled to the said Privileges.

This Act not to affect 4 G. 4. c. 77. and 5 G. 4. c. 50. for regulating the Trade of Foreign Ships.

V. And be it enacted, That nothing contained in this Act, or any other Act passed in the present Session of Parliament, shall extend to repeal or in any way alter or affect an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to authorize His Majesty, under certain Circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in Foreign Vessels, and to exempt certain Foreign Vessels from Pilotage*, nor to repeal or in any way alter or affect an Act passed in the Fifth Year of the Reign of His said late Majesty, among other things, to amend the last-mentioned Act; and that all Trade and Intercourse between the *British* Possessions and all Foreign Countries shall be subject to the Powers granted to His said late Majesty by those Acts.

Establishing Prohibitions as per Table.

VI. And be it enacted, That the several Sorts of Goods enumerated or described in the Table following, denominated "A Table of Prohibitions and Restrictions," are hereby prohibited to be imported or brought either by Sea or by Inland Carriage or Navigation, into the *British* Possessions in *America* or the *Mauritius*, or shall be so imported or brought only under the Restrictions mentioned in such Table, according as the several Sorts of such Goods are set forth therein; (that is to say,)

A TABLE OF PROHIBITIONS AND RESTRICTIONS.

Gunpowder.

Ammunition, Arms, or Utensils of War,

[Prohibited to be imported, except from the United Kingdom, or from some other *British* Possession.]

Coffee - - - - - -
Sugar (not being refined in Bond in the United Kingdom) - - - - -
Molasses - - - - -
Rum - - - - -

} Being the Produce or Manufacture of any *British* Possession within the Limits of the *East India* Company's Charter (except and subject as herein-after is provided), or, being of Foreign Produce or Manufacture,

[Prohibited to be imported into any of the *British* Possessions on the Continent of *South America* or in the *West Indies* (the *Bahama* and *Bermuda* Islands not included), or into the *Mauritius* except to be warehoused for Exportation only, and may also be prohibited to be imported into the *Bahama* or *Bermuda* Islands by Her Majesty's Order in Council.]

Base or Counterfeit Coin,

[Prohibited to be imported.]

Goods imported contrary hereto forfeited.

And if any Goods shall be imported or brought into any of the *British* Possessions in *America* or the *Mauritius* contrary to any of the Prohibitions or Restrictions mentioned in such Table in respect of such Goods, the same shall be forfeited; and if the Ship or Vessel in which such Goods shall be imported be of less Burden than Sixty Tons, such Ship or Vessel shall also be forfeited.

VII. Pro-

Coffee, Sugar, and Rum may be imported into the British Possessions in the West Indies and South America and the Mauritius in certain Cases.

VII. Provided always, and be it enacted, That it shall be lawful to import into any *British* Possessions in the *West Indies* and *South America*, and into the *Mauritius*, any Coffee the Produce of any *British* Possessions within the Limits of the *East India* Company's Charter, and also any Sugar the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, into which the Importation of Sugar the Produce of any Foreign Country, or of any *British* Possession into which Foreign Sugar may be legally imported, has been prohibited, and also any Rum the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, into which the Importation of Rum the Produce of any Foreign Country, or of any *British* Possession into which Foreign Sugar or Rum may be legally imported, has been prohibited: Provided nevertheless, that no such Coffee, Sugar, or Rum shall be entered in any *British* Possession in the *West Indies* or *South America*, or in the Island of *Mauritius*, as being the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, from which the same may be so legally imported, unless the Master of the Ship importing the same shall have delivered to the Collector or principal Officer of the Customs at the Port of Importation such Certificate of Origin as herein-after is mentioned, under the Hand and Seal of the proper Officer at the Place where the same shall have been taken on board; and such Master shall also make and subscribe a Declaration before the proper Officer of the Customs that such Certificate was received by him at the Place where such Coffee, Sugar, or Rum was taken on board, and that the Coffee, Sugar, or Rum so imported is the same as is mentioned therein; and such Certificate of Origin shall, as regards Coffee, certify that a Declaration in Writing had been made and signed before the Officer giving such Certificate, the Contents of which he believed to be true, by the Shipper of such Coffee, that the same was really and *bonâ fide* the Produce of some *British* Possession; and such Certificate of Origin shall, as respects Sugar, state the Name of the District in which such Sugar was produced, the Quantity and Quality thereof, the Number and Denomination of the Packages containing the same, and the Name of the Ship in which they were laden, and of the Master thereof, and the Officer giving the same; the Shipper of such Sugar shall likewise certify that there had been produced a Certificate under the Hand and Seal of the Collector or Assistant Collector of the Land or Customs Revenue of the District within which such Sugar was produced, that such Sugar was of the Produce of such District, and that the Importation into such District of Foreign Sugar, or Sugar the Growth of any *British* Possession into which Foreign Sugar can be legally imported, is prohibited; and such Certificate of Origin shall, as respects Rum, state the Name of the District in which such Rum was produced, the Quantity and Strength thereof, the Number and Denomination of the Packages containing the same, and the Name of the Ship in which they were laden, and of the Master thereof, and shall also testify that there had been produced to the Party giving such Certificate, by the Shipper of such Rum, a Certificate under the Hand and Seal of the Collector or Assistant Collector of the Land or Customs Revenue of the District within which such Rum was produced that the same was the Production of such District.

Coffee, &c., though British, deemed Foreign in certain Cases.

VIII. And be it enacted, That all Coffee, Sugar, Molasses, and Rum (although the same may be of *British* Plantations) exported from any of the *British* Possessions in *America*, into which the like Goods of Foreign Production can be legally imported, shall, upon subsequent Importation from thence into any of the *British* Possessions in *America* or the *Mauritius*, into which such Goods, being of Foreign Production, cannot be legally imported, or into the United Kingdom, be deemed to be of Foreign Production, and shall be liable, on such Importation respectively, to the same Duties or the same Forfeitures as Articles of the like Description, being of Foreign Production, would be liable to, unless the same shall have been warehoused under the Provisions of this Act, and exported from the Warehouse direct to such other *British* Possession, or to the United Kingdom, as the Case may be.

Foreign Reprints of Books under Copyright prohibited.

IX. And be it enacted, That any Books wherein the Copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or re-printed in any other Country, shall be and are hereby absolutely prohibited to be imported into the *British* Possessions abroad: Provided always, that no such Books shall be prohibited to be imported as aforesaid unless the Proprietor of such Copyright, or his Agent, shall have given Notice in Writing to the Commissioners of Customs that such Copyright subsists, and in such Notice shall have stated when the Copyright will expire; and the said Commissioners shall cause to be made, and to be publicly exposed at the several Ports in the *British* Possessions abroad, from Time to Time, printed Lists of Books respecting which such Notice shall have been duly given, and all Books imported contrary thereto shall be forfeited.

Foreign Manufactures with British Marks.

X. And be it enacted, That if any Articles of Foreign Manufacture, and any Packages of such Articles bearing any Names, Brands, or Marks of Manufacturers resident in the United Kingdom, shall be imported into any of the *British* Possessions abroad, the same shall be forfeited.

Import Duties imposed.

XI. And be it enacted, That there shall be raised, levied, collected, and paid unto Her Majesty the several Duties of Customs, as the same are respectively set forth in Figures in the Table of Duties herein-after contained, upon Goods, Wares, and Merchandize not being the Growth, Production, or Manufacture of the United Kingdom, or of any of the *British* Possessions in *America*, or of the *Mauritius*, or of any of the *British* Possessions within the Limits of the *East India* Company's Charter, or the Produce of any of the *British* Fisheries imported or brought into any of the *British* Possessions in *America* or the *Mauritius*, by Sea or Inland Carriage or Navigation.

TABLE OF DUTIES.

			s.	d.
Wheat Flour		the Barrel of 196 lbs.	2	0
Fish of Foreign taking or curing	dried or salted	the Cwt.	2	0
	pickled	the Barrel	4	0
Meat, salted or cured		the Cwt.	3	0
Butter		—	8	0
Cheese		—	5	0
Coffee		—	5	0
Cocoa		—	1	0
Molasses		—	3	0
Sugar, unrefined		—	5	0
Refined Sugar, the Produce of and refined in Foreign Countries	20 per Centum ad valorem.			
Tea, unless imported direct from China, or unless imported from the United Kingdom, or from any of the British Possessions		per lb.	0	1
Spirits:				
Rum		per Gallon	0	6
Other Spirits and Cordials		—	1	0
Glass Manufactures	15 per Centum ad valorem.			
Silk Manufactures				
Spermaceti				
Wine, whether bottled or not	7 per Centum ad valorem.			
Cotton Manufactures				
Linen Ditto				
Woollen Ditto				
Leather Ditto				
Paper Ditto				
Hardware				
Clocks and Watches				
Manufactured Tobacco				
Soap				
Candles other than Spermaceti				
Corks, Cordage, and Oakum				
Oil, Blubber, Fins, and Skins, the Produce of Fish and Creatures living in the Sea, of Foreign Fishing	15 per Centum ad valorem.			
Articles not enumerated, except such as are comprised or referred to in the subjoined Table of Exemptions	4 per Centum ad valorem.			
And if any of the Goods herein-before charged with Duty, except Sugar, shall be imported through the United Kingdom, (having been warehoused therein, and being exported from the Warehouse, or the Duties thereon, if there paid, having been drawn back,)	Such Goods shall only be charged with Three Fourths of the Duties herein-before imposed.			

TABLE OF EXEMPTIONS.

Coin, Bullion, and Diamonds.
Horses, Mules, Asses, neat Cattle, and all other Live Stock.
Hay and Straw.
Tallow and raw Hides.
Salt.
Rice.
Corn and Grain unground.
Biscuit or Bread.
Meal or Flour, except Wheat Flour.
Fresh Meat.
Fresh Fish.
Fruit and Vegetables, fresh.
Carriages of Travellers.
Wood and Lumber.
Cotton Wool.
Hemp, Flax, and Tow.
Drugs.
Gums and Resins.
Tortoiseshell.
Manures of all Kinds.
Specimens illustrative of Natural History.
Herrings taken and cured by the Inhabitants of the Isle of Man, and imported from thence.
Tea imported direct from China or from the United Kingdom or from any British Possession.
Provisions and Stores of every Description imported or supplied for the Use of Her Majesty's Land and Sea Forces.
All Goods imported from the United Kingdom after having there paid the Duties of Consumption, and imported from thence without Drawback.

And also such of the following Articles, (namely,)

Salted or cured Meat,	Pitch,
Flour,	Tar,
Butter,	Turpentine,
Cheese,	Leather and Leather-ware,
Molasses,	Fisherman's Clothing and Hosiery,
Corkwood,	Fishing Craft, Utensils, Instruments, and Bait,
Cordage,	
Oakum,	

as shall be imported for the Use of the *British* Fisheries in *America* into any Place at or from whence any such Fishery is carried on.

Commissioners of Customs may make necessary Regulations.

XII. And be it enacted, That the Commissioners of Customs, or the principal Officer of Customs at the Place of Importation, shall make and establish such Regulations as may be necessary, for the Purpose of ascertaining that such Articles as last aforesaid are *bonâ fide* intended to be applied to the Use of such Fisheries, or that such Provisions and Stores as aforesaid are *bonâ fide* imported or supplied for the Use of Her Majesty's Land and Sea Forces.

Import Duty on Sugar refined in Bond.

XIII. And be it enacted, That there shall be raised, levied, collected, and paid unto Her Majesty a Duty of Ten Pounds for every One hundred Pounds of the Value upon Sugar refined in Bond in the United Kingdom, not being of the Growth of any of the *British* Possessions in *America* or of the *Mauritius*, or of any of the *British* Possessions within the Limits of the *East India* Company's Charter, imported into any of the *British* Possessions in *America* or into the *Mauritius*.

Crown Goods sold after Importation to pay Duty.

XIV. And be it enacted, That all Goods, Wares, and Merchandize, the Property of the Crown, shall, in case of the Sale thereof after Importation into any of the *British* Possessions abroad, be liable to and be charged with such and the same Duties of Customs as may by Law be payable or charged on the like Goods, Wares, and Merchandize, not being the Property of the Crown.

Duties imposed by this Act to be increased in certain Cases.

XV. And be it enacted, That if in any of the *British* Possessions in *America* or the *Mauritius* any Duty be chargeable by any Colonial Law upon any Articles being the Growth, Produce, or Manufacture of the United Kingdom, or of the *British* Possessions in *America*, or the *Mauritius*, or of the *British* Possessions within the Limits of the *East India* Company's Charter, or the Produce of the *British* Fisheries, beyond the Duty (if any) chargeable by such Colonial Law upon similar Foreign Articles, a Duty equal to such Excess or Amount (as the Case may be) of the Duties so chargeable by such Colonial Law upon such *British* Articles shall be charged under this Act upon such Foreign Articles, in addition to the Imperial Duties (if any) hereby imposed thereon; and that if in any of the *British* Possessions in *America* or the *Mauritius* any Duty be chargeable by any Colonial Law upon Tea imported direct from *China*, or imported from the United Kingdom, or any of the *British* Possessions, beyond the Duty (if any) chargeable by such Colonial Law upon Tea not so imported, the Imperial Duty hereby imposed upon Tea not so imported shall be increased by such Excess or Amount (as the Case may be) of the Duties so chargeable by such Colonial Law upon Tea imported direct from *China*, or imported from the United Kingdom, or from any of the *British* Possessions.

Power to Her Majesty, by Order in Council, to exempt certain Articles from Duty.

XVI. And be it enacted, That it shall and may be lawful for Her Majesty, by and with the Advice of Her Privy Council, by any Order or Orders in Council to be issued from Time to Time, to direct that any Article described in such Order, being an Article chargeable under this Act as an unenumerated Article, with a Duty of Four *per Centum ad valorem*, shall be added to the List of Exemptions hereinbefore set forth, and shall be free from such Duty; and from and after the Time mentioned in such Order for the Commencement of such Exemption, not being less than Six Months from the Date thereof, such Exemption shall take effect, and such Article shall thenceforth, whilst such Order shall continue in force, be free from such Duty accordingly; and any such Order may at any Time be suspended or revoked by Her Majesty, with the Advice of Her Privy Council, by any other Order in Council.

Money levied under this Act to be Sterling Money of Great Britain.

XVII. And be it enacted, That all Sums of Money granted or payable under this Act as Duties, Penalties, or Forfeitures in the *British* Possessions in *America* or the *Mauritius* shall be deemed and are hereby declared to be Sterling Money of *Great Britain*, and shall be collected, recovered, and paid to the Amount of the Value which such nominal Sums bear in *Great Britain*, and such Money may be received and taken in Sterling Money of *Great Britain*, or in Foreign Coins at such Rates as shall be equivalent to Sterling Money of *Great Britain*, and which shall have been fixed by any Proclamation issued by Her Majesty; and all Duties under this Act shall be paid and received in every Part of the *British* Possessions in *America* and in the *Mauritius* according to the Imperial Weights and Measures now by Law established; and in all Cases where such Duties are imposed according to any specific Quantity or any specific Value, the same shall be deemed to apply in the same Proportion to any greater or less Quantity or Value; and all such Duties shall be under the Management of the Commissioners of Her Majesty's Customs.

Duties to be levied according to Imperial Weights, &c. and managed by Commissioners of Customs.

Net Produce of Duties how to be applied.

XVIII. And be it enacted, That the net Produce of the Duties so received by the Means and Powers of this Act shall be paid by the Collector of the Customs into the Hands of the Treasurer or Receiver General of the Colony, or other proper Officer authorized to receive the same in the Colony in which the same shall be levied, to be applied to such Uses as shall be directed by the local Legislatures of such Colonies respectively; and that the Produce of such Duties so received as aforesaid in the Colonies which have no local Legislature shall and may be applied in such Manner as shall be directed by the Commissioners of Her Majesty's Treasury.

XIX. And

Goods from the Channel Islands.

XIX. And be it enacted, That Goods the Produce or Manufacture of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, when imported from such Islands into the *British* Possessions in *America* or the *Mauritius*, shall be admitted to Entry upon Payment of the same Duties as are payable upon the like Goods the Produce or Manufacture of the United Kingdom, or of any of the said Possessions, upon Production to the principal Officer of Customs at the Port of Importation of the Proofs now required by Law that such Goods are the Production or Manufacture of the Islands aforesaid.

All British Vessels shall be subject to equal Duties in the Colonies, except Coasting Vessels.

XX. 'And whereas in some of Her Majesty's Possessions abroad certain Duties of Tonnage are, by 'Acts of the local Legislatures of such Possessions, made payable in respect of or are levied upon *British* 'Vessels, to which Duties the like Vessels built within such Possessions, or owned by Persons resident 'there, are not subject;' be it enacted, That there shall be levied and paid at the several *British* Possessions abroad upon all Vessels built in any such Possessions, or owned by any Person or Persons there resident, other than Coasting or Drogueing Vessels employed in coasting or drogueing, all such and the like Duties of Tonnage and Shipping as are or shall be payable in any such Possessions upon the like *British* Vessels built in other Parts of Her Majesty's Dominions, or owned by Persons not resident in such Possessions.

Ship and Cargo to be reported on Arrival.

Particulars of Report.

XXI. And be it enacted, That the Master of every Ship arriving in any of the *British* Possessions in *America* or the *Mauritius*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, whether laden or in Ballast, shall come directly, and before Bulk be broken, to the Custom House for the Port or District where he arrives, and there make a Report in Writing to the Collector or Comptroller, or other proper Officer, of the Arrival and Voyage of such Ship, stating her Name, Country, and Tonnage, and, if *British*, the Port of Registry, the Name and Country of the Master, the Country of the Owners, the Number of the Crew, and how many are of the Country of such Ship, and whether she be laden or in Ballast, and, if laden, the Marks, Numbers, and Contents of every Package and Parcel of Goods on board, and where the same was laden, and where and to whom consigned, and where any and what Goods, if any, had been unladen during the Voyage, as far as any such Particulars can be known to him; and the Master shall further answer all such Questions concerning the Ship and Cargo, and the Crew and the Voyage, as shall be demanded of him by such Officer; and if any Goods be unladen from any Ship before such Report be made, or if the Master fail to make such Report, or make an untrue Report, or do not truly answer the Questions demanded of him, he shall forfeit the Sum of One hundred Pounds, and if any Goods be not reported such Goods shall be forfeited.

Penalty for false Report.

Entry Outwards of Ship for Cargo.

Particulars of Entry.

Penalty 50*l.*

Content of the Cargo to be delivered before Departure.

Clearance of Ship for the Voyage.

XXII. And be it enacted, That the Master of every Ship bound from any *British* Possession abroad, except the Territories subject to the Government of the Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, and *Bombay*, shall, before any Goods be laden therein, deliver to the Collector or Comptroller, or other proper Officer, an Entry Outwards under his Hand of the Destination of such Ship, stating her Name, Country, and Tonnage, and, if *British*, the Port of Registry, the Name and Country of the Master, the Country of the Owners, the Number of the Crew, and how many are of the Country of such Ship; and if any Goods be laden on board any Ship before such Entry be made the Master of such Ship shall forfeit the Sum of Fifty Pounds; and before such Ship depart, the Master shall bring and deliver to the Collector or Comptroller, or other proper Officer, a Content in Writing under his Hand of the Goods laden, and the Names of the respective Shippers and Consignees of the Goods, with the Marks and Numbers of the Packages or Parcels of the same, and shall make and subscribe a Declaration to the Truth of such Content as far as any of such Particulars can be known to him; and the Master of every Ship bound from any such Possession, whether in Ballast or laden, shall, before Departure, come before the Collector or Comptroller, or other proper Officer, and answer all such Questions concerning the Ship and the Cargo, if any, and the Crew and the Voyage, as shall be demanded of him by such Officer; and thereupon the Collector and Comptroller, or other proper Officer, if such Ship be laden, shall make out and give to the Master a Certificate of the Clearance of such Ship for her intended Voyage, containing an Account of the total Quantities of the several Sorts of Goods laden therein, or a Certificate of her Clearance in Ballast, as the Case may be; and if the Ship shall depart without such Clearance, or if the Master shall deliver a false Content, or shall not truly answer the Questions demanded of him, he shall forfeit the Sum of One hundred Pounds.

Penalty for not clearing, 100*l.*

Goods not stated to be Produce of British Possession to be deemed Foreign Production.

XXIII. And be it enacted, That no Goods shall be stated in such Certificate of Clearance of any Ship from any *British* Possession to be the Produce of such Possession unless such Goods shall have been expressly stated so to be in the Entry Outwards of the same, and that all Goods not expressly stated in such Certificate of Clearance to be the Produce of such Possession shall, at the Place of Importation in any other such Possession or in the United Kingdom, be deemed to be of Foreign Production.

Clearing Officers to ascertain and certify that the Cargo of certain Ships is below Deck.

Such Ships not to sail without Certificate.

XXIV. And be it enacted, That before any Clearing Officer permits any Vessel wholly or in part laden with Timber or Wood Goods to clear out from any *British* Port in *North America*, or in the Settlement of *Honduras*, for any Port in the United Kingdom, at any Time after the First Day of *September* or before the First Day of *May* in any Year, he shall ascertain that the whole of the Cargo of such Vessel is below Deck, and shall give the Captain or other Person having Command of such Vessel a Certificate to that Effect; and no Captain or other Person having Command of any Vessel so laden as aforesaid shall sail from any of the Ports aforesaid for any Port of the United Kingdom, at any such Time as aforesaid, until he has obtained such a Certificate as aforesaid from the Clearing Officer.

No Part of the Cargo of such Ship to be placed on Deck.

XXV. And be it enacted, That no Captain, Owner, Supercargo, or other Person having Command of any Vessel in respect of which such Certificate as aforesaid has been obtained shall place, or permit or cause to be placed or to remain or be, upon or above the Deck of such Vessel, any Part of the Cargo thereof,

thereof, until such Vessel has arrived at the Port of her Destination: Provided always, that if the Captain, or other Person having Command of any such Vessel, consider that it is necessary, in consequence of the springing a Leak, or of other Damage received or apprehended during the Voyage, to remove any Portion of the Cargo upon Deck, he may remove or cause to be removed upon the Deck of such Vessel so much of the Cargo, and may permit the same to remain there for such Time as he considers expedient: Provided also, that the Store Spars or other Articles necessary for the Vessel's Use shall not be taken to be Cargo for the Purposes of this Act.

Proviso for Removal of Cargo in Cases of Leakage or Damage.

Stores not taken to be Cargo.

XXVI. And be it enacted, That if any Captain or other Person having the Command of any Vessel for which such Certificate as aforesaid is hereby required sails or attempts to sail without having obtained such Certificate, or places or permits, or causes to be placed or to remain or be, upon or above the Deck of such Vessel, any Part of the Cargo thereof, except in the Cases in which the same is not hereby forbidden, he shall for every Offence forfeit and pay any Sum not exceeding One hundred Pounds.

Penalty for Default.

XXVII. 'And whereas a Treaty has been concluded between Her Majesty and the United States of 'America, dated the Ninth Day of *August* in the Year One thousand eight hundred and forty-two, 'whereby it is stipulated that all the Produce of the Forest in Logs, Lumber, Timber, Timber Boards, 'Staves, or Shingles, or of Agriculture, not being manufactured, grown on any of those Parts of the 'State of *Maine* watered by the River *Saint John* or by its Tributaries, of which Fact reasonable 'Evidence shall, if required, be produced, shall have free Access into and through the said River and its 'said Tributaries, having their Source within the State of *Maine*, to and from the Seaport at the Mouth 'of the River *Saint John*, and to and round the Falls of the said River, either by Boats, Rafts, or other 'Conveyance; and that when within the Province of *New Brunswick* the said Produce shall be dealt 'with as if it were the Produce of the said Province: And whereas it is the Intention of the High 'Contracting Parties to the said Treaty that the aforesaid Produce should be dealt with as if it were 'the Produce of the Province of *New Brunswick*;' be it therefore enacted, That the Produce in the said recited Treaty and herein-before described shall, so far as regards all Laws relating to Duties, Navigation, and Customs in force in the United Kingdom, or in any of Her Majesty's Dominions, be deemed and taken to be and be dealt with as the Produce of the Province of *New Brunswick*: Provided nevertheless, that in all Cases in which Declarations and Certificates of Production or Origin and Certificates of Clearance would be required in respect of such Produce, if it were the Produce of *New Brunswick*, similar Declarations and Certificates shall be required in respect of such Produce, and shall state the same to be the Produce of those Parts of the State of *Maine* which are watered by the River *Saint John* or by its Tributaries.

Certain Produce of the State of Maine to be treated as the Produce of New Brunswick.

XXVIII. Provided always, and be it enacted, That whenever a Ship shall be cleared out from any Port in *Newfoundland*, or in any other Part of Her Majesty's Dominions, for the Fisheries on the Banks or Coasts of *Newfoundland* or *Labrador*, or the Dependencies thereof, without having on board any Article of Traffic, (except only such Provisions, Nets, Tackle, and other Things as are usually employed in and about the said Fishery, and for the Conduct and carrying on of the same,) the Master of any such Ship shall be entitled to demand from the Collector or other principal Officer of the Customs at such Port a Certificate under his Hand that such Ship hath been specially cleared out for the *Newfoundland* Fishery, and such Certificate shall be in force for the Fishing Season for the Year in which the same may be granted, and no longer; and upon the first Arrival in any Port in the said Colony of *Newfoundland*, or its Dependencies, of any Ship having on board any such Certificate as aforesaid, a Report thereof shall be made by the Master of such Ship to the principal Officer of Customs at such Port, and all Ships having such Certificate which has been so reported, and being actually engaged in the said Fishery, or in carrying Coastwise, to be landed or put on board any other Ships engaged in the said Fishery, any Fish, Oil, Salt, Provisions, or other Necessaries for the Use and Purposes thereof, shall be exempt from all Obligation to make an Entry at or obtain any Clearance from any Custom House at *Newfoundland*, upon Arrival or Departure from any of the Ports or Harbours of the said Colony or its Dependencies, during the Continuance of the Fishing Season for which such Certificate may have been granted; and previously to obtaining a Clearance at the End of such Season for any Voyage at any of such Ports the Master of such Ship shall deliver up the before-mentioned Certificate to the principal Officer of the Customs of such Port: Provided always, that in case any such Ship shall have on board during the Time the same may be engaged in the said Fishery any Goods or Merchandizes whatsoever other than Fish, Seals, Oil made of Fish or Seals, Salt, Provisions, and other Things, being the Produce of or usually employed in the said Fishery, such Ship shall forfeit the said Fishing Certificate, and shall thenceforth become and be subject and liable to all such and the same Rules, Restrictions, and Regulations as Ships in general are subject or liable to.

Newfoundland Fishing Certificates in lieu of Clearance during the Fishing Season.

At the End of the Season the Certificate to be delivered up.

Ships trading to forfeit their Certificate.

XXIX. And be it enacted, That no Goods shall be laden or waterborne to be laden on board any Ship, or unladen from any Ship, in any of the *British* Possessions in *America* or the *Mauritius*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, until due Entry shall have been made of such Goods, and Warrant granted for the lading or unlading of the same; and that no Goods shall be so laden or waterborne, or so unladen, except at some Place at which an Officer of the Customs is appointed to attend the lading and unlading of Goods, or at some Place for which a Sufferance shall be granted by the Collector and Comptroller or other principal Officer for the lading and unlading of such Goods; and that no Goods shall be so laden or unladen except in the Presence or with the Permission in Writing of the proper Officer: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Customs

Entry of Goods to be laden or unladen.

Regulations Inwards and Outwards.

Regulations Coastwise.

Forfeiture.

Customs to make and appoint such other Regulations for the carrying Coastwise of any Goods, or for the removing of any Goods for Shipment, as to them shall appear expedient; and that all Goods laden, waterborne, or unladen contrary to the Regulations of this Act, or contrary to any Regulations so made and appointed, shall be forfeited.

Commissioners of Customs may declare Trade between neighbouring Colonies a Coasting Trade.

XXX. And be it enacted, That whenever it shall appear to the Commissioners of Her Majesty's Customs expedient to establish a Coasting Trade for the Removal of Goods generally, or for the Removal of any particular Goods between neighbouring Ports of different Colonies similarly circumstanced in respect of Duties in any of the *British* Possessions abroad, it shall be lawful for the said Commissioners to issue Directions for that Purpose, and from and after the Publication thereof in the Gazette, or other public Paper printed in the said Colonies to which such Coasting Trade has been extended, the same shall come into and be in full Force and Effect; and such Coasting Trade shall be subject to the like Rules, Regulations, Penalties, and Forfeitures as the said Commissioners are authorized to make for the carrying Coastwise of any Goods under the Provisions of this Act.

Particulars of Entry of Goods Inwards and Outwards.

XXXI. And be it enacted, That the Person entering any Goods shall deliver to the Collector or Comptroller or other proper Officer a Bill of the Entry thereof, fairly written in Words at Length, containing the Name of the Exporter or Importer, and of the Ship and of the Master, and of the Place to or from which bound, and of the Place within the Port where the Goods are to be laden or unladen, and the Particulars of the Quality and Quantity of the Goods, and the Packages containing the same, and the Marks and Numbers on the Packages, and setting forth whether such Goods be the Produce of the *British* Possessions in *America* or not, and shall also deliver at the same Time One or more Duplicates of such Bill, in which all Sums and Numbers may be expressed in Figures; and the Particulars to be contained in such Bill of Entry shall be written and arranged in such Form and Manner, and the Number of such Duplicates shall be such, as the Collector or other principal Officer shall require, and such Person shall at the same Time pay down all Duties due upon the Goods; and the Collector and Comptroller or other proper Officer shall thereupon grant their Warrant for the lading or unlading of such Goods.

If no Officer resident at Port of Shipment, Certificate by whom to be granted.

XXXII. Provided always, and be it enacted, That where there is no Collector or Comptroller or Officer of Customs at the Port or Place of Shipment of such Goods, then the principal Civil Officer in the Service of Her Majesty at such Place, or his sufficient Representative, shall be deemed and taken to be the proper Officer for the Performance of all such Duties with respect to such Goods as are hereby required to be performed by the Collector or other Officer or Officers of Customs.

Entry Inwards by Bill of Sight.

XXXIII. And be it enacted, That if the Importer of any Goods shall make and subscribe a Declaration before the Collector or Comptroller or other proper Officer that he cannot, for Want of full Information, make perfect Entry thereof, it shall be lawful for the Collector and Comptroller or other proper Officer to receive an Entry by Bill of Sight for the Packages or Parcels of such Goods by the best Description which can be given, and to grant a Warrant thereupon, in order that the same may be landed and secured to the Satisfaction of the Officer of the Customs, and at the Expence of the Importer, and may be seen and examined by such Importer in the Presence of the proper Officers; and

Within Three Days after landing of Goods perfect Entry to be made and Duties paid.

within Three Days after the Goods shall have been so landed the Importer shall make a perfect Entry thereof, and pay down all Duties due thereon, and in default of such Entry such Goods shall be taken to the Queen's Warehouse; and if the Importer shall not, within One Month after such landing, make perfect Entry of such Goods, and pay the Duties due thereon, together with Charges of Removal and Warehouse Rent, such Goods shall be sold for the Payment thereof, and the Overplus (if any) shall be paid to the Proprietor of the Goods.

Goods subject to ad valorem Duties.

Value to be declared on Entry.

XXXIV. And be it enacted, That in all Cases where the Duties imposed by this Act upon the Importation of Articles into Her Majesty's Possessions in *America* or the *Mauritius* are charged not according to the Weight, Tale, Gauge, or Measure, but according to the Value thereof, such Value shall be ascertained by the Declaration of the Importer of such Articles, or his known Agent, in manner and form following; (that is to say,)

'I *A.B.* do hereby declare, That the Articles mentioned in the Entry, and contained in the Packages '[*here specifying the several Packages, and describing the several Marks and Numbers, as the Case* '*may be*], are of the Value of

'Witness my Hand the Day of

'*A.B.*

'The above Declaration signed the Day of in the Presence of *C.D.*, Collector '[*or other principal Officer*].'

Which Declaration shall be written on the Bill of Entry of such Articles, and shall be subscribed with the Hand of the Importer thereof, or his known Agent, in the Presence of the Collector or other principal Officer of the Customs at the Port of Importation; provided that if upon View and Examination of such Articles by the proper Officer of the Customs it shall appear to him that the said Articles are not valued according to the true Price or Value thereof, and according to the true Intent and Meaning of this Act, then and in such Case the Importer or his known Agent shall be required to declare on Oath before the Collector or Comptroller what is the Invoice Price of such Articles, and that he verily believes such Invoice Price is the current Value of the Articles at the Place from whence the said Articles were imported; and such Invoice Price, with the Addition of Ten Pounds *per Centum* thereon, shall be deemed to be the Value of the Articles, in lieu of the Value so declared by the Importer or his known Agent, and upon which the Duties imposed by this Act shall be charged and paid: Provided also,

Mode of Proceeding if the Goods be under-valued.

Proof of Invoice Price.

also, that if it shall appear to the Collector and Comptroller or other proper Officer that such Articles have been invoiced below the real and true Value thereof at the Place from whence the same were imported, or if the Invoice Price is not known, the Articles shall in such Case be examined by Two competent Persons, to be nominated and appointed by the Governor or Commander-in-Chief of the Colony, Plantation, or Island into which the said Articles are imported; and such Persons shall declare on Oath before the Collector or Comptroller or other proper Officer what is the true and real Value of such Articles in such Colony, Plantation, or Island; and the Value so declared on the Oaths of such Persons shall be deemed to be the true and real Value of such Articles, and upon which the Duties imposed by this Act shall be charged and paid.

If necessary, Two Persons may be nominated to fix the Price.

XXXV. And be it enacted, That if the Importer of such Articles shall refuse to pay the Duties hereby imposed thereon, it shall and may be lawful for the Collector or other Chief Officer of the Customs where such Articles shall be imported, and he is hereby required, to take and secure the same, with the Casks or other Package thereof, and to cause the same to be publicly sold within the Space of Twenty Days at the most after such Refusal made, and at such Time and Place as such Officer shall, by Four or more Days public Notice, appoint for that Purpose, which Articles shall be sold to the best Bidder; and the Money arising from the Sale thereof shall be applied in the first place in Payment of the said Duties, together with the Charges which shall have been occasioned by the said Sale, and the Overplus, if any, shall be paid to such Importer or Proprietor, or any other Person authorized to receive the same.

If Importer refuse to pay such Duty the Goods may be sold.

XXXVI. And be it enacted, That every Importer of any Goods shall, within Twenty Days after the Arrival of the importing Ship, make due Entry Inwards of such Goods, and land the same; and in default of such Entry and Landing it shall be lawful for the Officers of the Customs to convey such Goods to the Queen's Warehouse; and if the Duties due upon such Goods be not paid within Three Months after such Twenty Days shall have expired, together with all Charges of Removal and Warehouse Rent, the same shall be sold, and the Produce thereof shall be applied first to the Payment of Freight and Charges, next of Duties, and the Overplus, if any, shall be paid to the Proprietor of the Goods, or any other Person authorized to receive the same.

Goods not entered in Twenty Days to be secured.

If Duties be not paid within Three Months, Goods to be sold.

XXXVII. And be it enacted, That every Act, Matter, or Thing required by any Law at any Time in force to be done or performed by, to, or with the Collector and Comptroller of Customs in any of Her Majesty's Possessions abroad shall and may be done or performed at such Ports or Places where there is no Comptroller of Customs by, to, or with the Collector or other principal Officer of Customs; and every such Act, Matter, or Thing so done or performed by, to, or with such Collector or other principal Officer of Customs shall be as valid and effectual in Law as if the same had been done and performed by, to, or with any Collector and Comptroller of Customs under any Law now in force or hereafter to be made.

In Places where there is no Comptroller of the Customs Acts done by Collector or principal Officer alone to be valid.

XXXVIII. And be it enacted, That no Goods shall be imported into any *British* Possession as being imported from the United Kingdom, or from any other *British* Possession (if any Advantage attach to such Distinction), unless such Goods appear upon the Cockets or other proper Documents for the same to have been duly cleared Outwards at the Port of Exportation in the United Kingdom, or in such other *British* Possession, nor unless the Ground upon which such Advantage be claimed be stated in such Cocket or Document.

Goods imported from United Kingdom or from British Possessions must appear in Cocket, &c.

XXXIX. And be it enacted, That no Goods shall, upon Importation into any of the *British* Possessions in *America* or the *Mauritius*, be deemed to be of the Growth, Production, or Manufacture of the United Kingdom, or of any *British* Possession in *America* or the *Mauritius* respectively, unless imported from the United Kingdom, or from some *British* Possession in *America* or the *Mauritius* respectively.

Goods when to be deemed of the Growth of United Kingdom, &c.

XL. And be it enacted, That no Entry nor any Warrant for the landing of any Goods or for the taking of any Goods out of any Warehouse, shall be deemed valid, unless the Particulars of the Goods and Packages in such Entry shall correspond with the Particulars of the Goods and Packages purporting to be the same in the Report of the Ship, or in the Certificate or other Document, where any is required, by which the Importation or Entry of such Goods is authorized, nor unless the Goods shall have been properly described in such Entry by the Denominations and with the Characters and Circumstances according to which such Goods are charged with Duty or may be imported; and any Goods taken or delivered out of any Ship or out of any Warehouse by virtue of any Entry or Warrant not corresponding or agreeing in all such respects, or not properly describing the same, shall be deemed to be Goods landed or taken without due Entry thereof, and shall be forfeited.

Entry not to be valid if Goods be not properly described in it.

XLI. And be it enacted, That before any Sugar, Coffee, Cocoa, or Spirits shall be shipped for Exportation in any *British* Possession in *America*, or in the Island of *Mauritius*, as being the Produce of such Possession or of the said Island, the Proprietor of the Estate on which such Goods were produced, or his known Agent, shall make and sign a Declaration in Writing before the Collector, Comptroller, or other Officer of Customs at the Port of Exportation, or before One of Her Majesty's Justices of the Peace residing in or near the Place where such Estate is situated, declaring that such Goods are the Produce of such Estate; and such Declaration shall set forth the Name of the Estate and the Description and Quantity of the Goods and the Packages containing the same, with the Marks and Numbers thereon, and the Name of the Person to whose Charge at the Place of Shipment they are to be sent; and if any Justice of the Peace or other Officer aforesaid shall subscribe his Name to any Writing purporting to be such a Declaration, unless the Person purporting to make the same shall actually appear before him,

Certificate of Production for Sugar, Coffee, Cocoa, or Spirits.

Declaration of the Grower.

Declaration of Exporter.

Declaration of the Master.

and shall declare to the Truth of the same, such Justice of the Peace or Officer aforesaid shall forfeit and pay for any such Offence the Sum of Fifty Pounds; and the Person entering and shipping such Goods shall deliver such Declaration to the Collector or Comptroller or other proper Officer, and shall make and subscribe a Declaration before him that the Goods which are to be shipped by virtue of such Entry are the same as are mentioned in such first-mentioned Declaration; and the Master of the Ship in which such Goods shall be laden shall, before Clearance, make and subscribe a Declaration before the Collector or Comptroller or other proper Officer that the Goods shipped by virtue of such Entry are the same as are mentioned and intended in such first-mentioned Declaration, to the best of his Knowledge and Belief; and thereupon the Collector and Comptroller or other proper Officer shall sign and give to the Master a Certificate of Production, stating that Proof has been made in manner required by Law that such Goods (describing the same) are the Produce of such *British* Possession, or of the said Island, and setting forth in such Certificate the Name of the Exporter and of the exporting Ship, and of the Master thereof, and the Destination of the Goods; and if any Sugar, Coffee, Cocoa, or Spirits be imported into any *British* Possession in *America*, as being the Produce of some other such Possession or of the said Island, without such Certificate of Production, the same shall be forfeited.

Certificate of Production on Re-exportation from another Colony.

XLII. And be it enacted, That before any Sugar, Coffee, Cocoa, or Spirits shall be shipped for Exportation in any *British* Possession in *America* as being the Produce of some other such Possession, the Person exporting the same shall in the Entry Outwards state the Place of Production, and refer to the Entry Inwards and landing of such Goods, and shall make and subscribe a Declaration before the Collector or Comptroller to the Identity of the same; and thereupon, if such Goods shall have been duly imported with a Certificate of Production within Twelve Months prior to the shipping for Exportation, the Collector and Comptroller shall sign and give to the Master a Certificate of Production founded upon and referring to the Certificate of Production under which such Goods had been so imported, and containing the like Particulars, together with the Date of such Importation.

Goods brought over Land or by Inland Navigation.

XLIII. 'And whereas it is expedient to make Regulation respecting the Inland Trade of the *British* 'Possessions in *America*;' be it therefore enacted, That it shall be lawful to bring or import by Land or by Inland Navigation into any of the *British* Possessions in *America* from any adjoining Foreign Country any Goods which might be lawfully imported by Sea into such Possession from such Country, and so to bring or import such Goods in the Vessels, Boats, or Carriages of such Country, as well as in *British* Vessels, Boats, or Carriages.

What Vessels shall be deemed British on the Lakes in America.

XLIV. And be it enacted, That no Vessel or Boat shall be admitted to be a *British* Vessel or Boat on any of the Inland Waters or Lakes in *America*, except such as shall have been built at some Place within the *British* Dominions, and shall be wholly owned by *British* Subjects, and shall not have been repaired at any Foreign Place to a greater Extent than in the Proportion of Ten Shillings for every Ton of such Vessel or Boat at any One Time: Provided always, that nothing herein-before contained shall extend to prevent the Employment of any Vessel or Boat as a *British* Vessel or Boat on such Inland Waters or Lakes which shall have wholly belonged to *British* Subjects before the Fifth Day of *July* One thousand eight hundred and twenty-five, and which shall not have been since that Day repaired as aforesaid in any Foreign Place.

Goods must be brought to a Place where there is a Custom House.

Governor may appoint Custom Houses.

XLV. Provided always, and be it enacted, That it shall not be lawful so to bring or import any Goods except into some Port or Place of Entry at which a Custom House now is or hereafter may be lawfully established: Provided also, that it shall be lawful for the Governor, Lieutenant Governor, or Person administering the Government of any of the said Possessions respectively, by and with the Advice and Consent of the Executive Council thereof for the Time being, if any Executive Council be there established, from Time to Time to diminish or increase, by Proclamation, the Number of Ports or Places of Entry which are or hereafter may be appointed in such Province for the Entry of Goods brought or imported as aforesaid.

Duties to be collected in same Manner as on Goods imported by Sea.

XLVI. And be it enacted, That the Duties imposed by this Act shall be ascertained, levied, and recovered for and upon all Goods so brought or imported in the same Manner, and by the same Means, and under the same Rules, Regulations, Restrictions, Penalties, and Forfeitures, as the Duties on the like Goods imported by Sea may and can be ascertained, levied, or recovered, as far as the same are applicable; and if any Goods shall be brought or imported contrary hereto, or if any Goods so brought or imported shall be removed from the Station or Place appointed for the Examination of such Goods by the Officers of the Customs before such Examination shall have been made, and before all Duties payable thereon shall have been paid or satisfied, such Goods shall be forfeited, together with the Vessel, Boat, or Carriage, and the Horses or other Cattle, in or by which such Goods shall have been so imported or brought or so removed.

Duties in Canada on American Boats to be the same as in America on British.

XLVII. And be it enacted, That the same Tonnage Duties shall be paid upon all Vessels or Boats of the United States of *America* importing any Goods into either of the Provinces of *Upper* or *Lower Canada* as are or may be for the Time being payable in the United States of *America* on *British* Vessels or Boats entering the Harbours of the State from whence such Goods shall have been imported.

Ports herein mentioned to be free warehousing Ports.

XLVIII. 'And whereas it is expedient to constitute and appoint some of the Free Ports and other 'Ports in *America* to be free warehousing Ports, or to be warehousing Ports for all or any of the Goods 'which may be legally imported into the said Ports respectively, and it is also expedient to empower 'Her Majesty to constitute and appoint from Time to Time any other Ports in any of the said *British* 'Possessions in *America* to be in like Manner warehousing Ports for such Goods as may be legally 'imported into such Ports respectively; and it is therefore necessary to make Regulations for the

'appointing

'appointing of proper Warehouses at such Ports, and for the lodging and securing of Goods therein;' be it therefore enacted, That the several Ports herein-after mentioned, (that is to say,)

Kingstown	*Jamaica,*	
Montego Bay		
Falmouth		
Bridgetown	*Barbadoes,*	
St. John's	*Antigua,*	
Plymouth	*Montserrat,*	
Basseterre	*St. Kitts,*	
Charlestown	*Nevis,*	
Road Harbour	*Tortola,*	
Castries	*St. Lucia,*	
Roseau	*Dominica,*	
Kingstown	*St. Vincent,*	
St. George's	*Grenada,*	
Port of Spain	*Trinidad,*	
Scarborough	*Tobago,*	
George Town	*Demerara* — *British Guiana,*	
New Amsterdam	*Berbice* — *British Guiana,*	
Nassau	*New Providence* — *Bahamas,*	
Grand Key	*Turk's Island* — *Bahamas,*	
Hamilton	*Bermudas,*	
St. George's		
Halifax	*Nova Scotia,*	
Pictou		
Liverpool		
Yarmouth		
Digby		
Sydney (*Cape Breton*)		
Arichat		
St. John's	*New Brunswick,*	
St. Andrew's		
Welchpool	*Campo Bello,*	
Quebec	*Canada,*	
St. John's	*Newfoundland,*	
Harbour Grâce		
Charlotte Town	*Prince Edward's Island,*	

shall be FREE WAREHOUSING PORTS for all the Purposes of this Act; and that

Kingston,	*in Canada,*
Toronto,	
Hamilton,	
and	
Montreal,	

shall be WAREHOUSING PORTS for the warehousing of Goods brought by Land or Inland Navigation, or imported in *British* Ships; and that it shall be lawful for the several Collectors and Comptrollers of the said Ports respectively, by Notice in Writing under their Hands, to appoint from Time to Time such Warehouses at such Ports respectively as shall be approved of by them for the free warehousing and securing of Goods therein for the Purposes of this Act, and also in such Notice to declare what Sorts of Goods may be so warehoused, and also by like Notice to revoke or alter any such Appointment or Declaration: Provided always, that every such Notice shall be transmitted to the Governor of the Place, and shall be published in such Manner as he shall direct.

Goods may be warehoused without Payment of Duty.

XLIX. And be it enacted, That it shall be lawful for the Importer of any such Goods into the said Ports to warehouse the same in the Warehouses so appointed without Payment of any Duty on the first Entry thereof, subject nevertheless to the Rules, Regulations, Restrictions, and Conditions herein-after contained.

Regulation as to warehousing of Goods on Arrival in Canada.

L. And be it enacted, That upon the Arrival of any Goods at any frontier Port in the *Canadas*, such Goods may be entered with the proper Officer of the Customs at such Port, to be warehoused at some warehousing Port in the *Canadas*, and may be delivered by such Officer to be passed on to such warehousing Port, under Bond, to the Satisfaction of such Officer, for the due Arrival and warehousing of such Goods at such Port.

Stowage of Goods, &c.

Locking, &c. Warehouse.

Carrying Goods to and from Warehouse.

LI. And be it enacted, That all Goods so warehoused shall be stowed in such Parts or Divisions of the Warehouse and in such Manner as the Collector and Comptroller shall direct, and that the Warehouse shall be locked and secured in such Manner, and shall be opened and visited only at such Times, and in the Presence of such Officers, and under such Rules and Regulations, as the Collector and Comptroller shall direct; and that all such Goods shall, after being landed upon Importation, be carried to the Warehouse, or shall, after being taken out of the Warehouse for Exportation, or for Stores, be carried to be shipped under such Rules and Regulations as the Collector and Comptroller shall direct.

Bond upon Entry of Goods to be warehoused.

LII. And be it enacted, That upon the Entry of any Goods to be warehoused, the Importer of such Goods, instead of paying down the Duties due thereon, shall give Bond with Two sufficient Sureties, to be approved of by the Collector or Comptroller, in Treble the Duties payable on such Goods, with Condition for the safe depositing of such Goods in the Warehouse mentioned in such Entry, and for the Payment of all Duties due upon such Goods, or for the Exportation thereof or Shipment thereof as Stores, according to the first Account taken of such Goods upon the landing of the same; and with further Condition, that no Part thereof shall be taken out of such Warehouse until cleared from thence upon due Entry and Payment of Duty, or upon due Entry for Exportation or for Shipment as Stores; and with further Condition, that the whole of such Goods shall be so cleared from such Warehouse, and the Duties, upon any Deficiency of the Quantity according to such first Account, shall be paid within Two Years from the Date of the first Entry thereof; and if after such Bond shall have been given the Goods or any Part thereof shall be sold or disposed of, so that the original Bonder shall be no longer interested in or have any Control over the same, it shall be lawful for the Collector and Comptroller to admit fresh Security to be given by the Bond of the new Proprietor or other Person having Control over such Goods, with his sufficient Sureties, and to cancel the Bond given by the original Bonder of such Goods, or to exonerate him to the Extent of the fresh Security so given.

Purchaser of Goods may give Bond in lieu of original Bond.

Goods not duly warehoused, &c. to be forfeited.

LIII. And be it enacted, That if any Goods which have been entered to be warehoused shall not be duly carried into and deposited in the Warehouse, or shall afterwards be taken out of the Warehouse without due Entry and Clearance, or having been entered and cleared for Exportation, or for Shipment as Stores, from the Warehouse, shall not be duly carried and shipped, or shall afterwards be relanded, except with the Permission of the proper Officer of the Customs, such Goods shall be forfeited.

Account of Goods, &c.

No Goods to be taken out without Entry.

Deficiencies to be ascertained.

LIV. And be it enacted, That upon the Entry and landing of any Goods to be warehoused the proper Officer of the Customs shall take a particular Account of the same, and shall mark the Contents on each Package, and shall enter the same in a Book to be kept for that Purpose; and no Goods which have been so warehoused shall be taken or delivered from the Warehouse, except upon due Entry and under the Care of the proper Officers for Exportation, or for Stores, or upon due Entry and Payment of Duty for Home Use; and whenever the whole of the Goods warehoused under any Entry shall be cleared from the Warehouse, or whenever further Time shall be granted for any such Goods to remain warehoused, an Account shall be made out of the Quantity upon which the Duties have been paid, and of the Quantity exported, and of the Quantity (to be then ascertained) of the Goods still remaining in the Warehouse, as the Case may be, deducting from the whole the Quantity contained in any whole Packages (if any) which may have been abandoned for Duties; and if upon such Account there shall in either Case appear to be any Deficiency of the original Quantity, the Duty payable upon the Amount of such Deficiency shall then be paid.

Duties to be paid upon Deficiencies.

Samples may be taken.

LV. And be it enacted, That it shall be lawful for the Collector and Comptroller, under such Regulations as they shall see fit, to permit moderate Samples to be taken of any Goods so warehoused, without Entry, and without Payment of Duty, except as the same shall eventually become payable, as on a Deficiency of the original Quantity.

Goods may be sorted and repacked.

Duty due on first Quantity.

Whole Packages may be abandoned.

LVI. And be it enacted, That it shall be lawful for the Collector and Comptroller, under such Regulations as they shall see fit, to permit the Proprietor or other Person having Control over the Goods so warehoused to sort, separate, and pack and re-pack any such Goods, and to make such lawful Alterations therein, or Arrangements and Assortments thereof, as may be necessary for the Preservation of such Goods, or in order to the Sale, Shipment, or legal Disposal of the same, and also to permit any Parts of such Goods so separated to be destroyed, but without Prejudice to the Claim for Duty upon the whole original Quantity of such Goods: Provided always, that it shall be lawful for any Person to abandon any whole Packages to the Officers of the Customs for the Duties, without being liable to any Duty upon the same.

Goods warehoused may be delivered without Payment of Duty.

LVII. And be it enacted, That Goods warehoused at any warehousing Port in any of the *British* Possessions in *America*, being first duly entered, may be delivered, under the Authority of the proper Officer of Customs, without Payment of Duty, except any Deficiency thereof, for the Purpose of Removal to another warehousing Port in the same Possession, under Bond, to the Satisfaction of such Officer, for the due Arrival and re-warehousing such Goods at such other Port.

All Goods to be cleared within Two Years, or sold.

Further Time may be granted.

Foreign salted Beef or Pork may be shipped as Stores.

LVIII. And be it enacted, That all Goods which have been so warehoused or re-warehoused shall be duly cleared, either for Exportation or for Home Consumption, within Two Years from the Day of first Entry for the warehousing thereof; and if any such Goods be not so cleared it shall be lawful for the Collector and Comptroller to cause the same to be sold, and the Produce shall be applied first to the Payment of the Duties, next of Warehouse Rent and other Charges, and the Overplus (if any) shall be paid to the Proprietor: Provided always, that it shall be lawful for the Collector and Comptroller to grant further Time for any such Goods to remain warehoused, if they shall see fit so to do: Provided also, that Foreign salted Beef or Pork so warehoused or re-warehoused may be delivered into the Charge of a Searcher or other proper Officer of Customs to be shipped as Stores; and such Beef and Pork shall and may be so shipped without Entry or Payment of any Duty for every Ship of the Burden of Sixty Tons at least bound upon a Voyage to Foreign Parts, the probable Duration of which, out and home, will not be less than Forty Days, and such Foreign Beef or Pork so shipped shall be deemed to be exported: Provided also, that such Foreign Beef and Pork shall be duly borne upon the Ship's Clearance, and shall be shipped in such Quantities, and subject to such Directions and Regulations, as the Collector or other Chief Officer of Customs at the Port of Shipment shall appoint: Provided also, that the surplus Stores of such Foreign Beef or Pork may be delivered into the Charge of the Searcher

Surplus of such Stores may be delivered into

or

or other proper Officer of Customs to be re-shipped as Stores, under such Directions and Regulations as the Collector or other Chief Officer of Customs shall appoint; and any such Beef or Pork shipped as Stores contrary to such Directions and Regulations shall be forfeited. charge of Searcher to be re-shipped.

LIX. And be it enacted, That upon the Entry Outwards of any Goods to be exported from the Warehouse, the Person entering the same shall give Security by Bond in Treble the Duties of Importation on the Quantity of such Goods, or if such Goods are prohibited to be imported for Home Use, in Double the Value of such Goods, with Two sufficient Sureties, to be approved by the Collector or Comptroller, that the same shall be landed at the Place for which they be entered Outwards, or be otherwise accounted for to the Satisfaction of the Collector and Comptroller. Bond on Entry for Exportation.

LX. And be it enacted, That it shall be lawful for Her Majesty by Order in Council, from Time to Time to appoint any Port in Her Majesty's Possessions in *America* to be a free warehousing Port for all or any of the Purposes of this Act; and every such Port so appointed by Her Majesty shall be, for all the Purposes expressed in such Order, a free warehousing Port under this Act, as if appointed by the same. Power to appoint other Ports.

LXI. 'And whereas it is expedient that all Duties and Regulations relating to Importation and 'Exportation into and from Her Majesty's Islands in the *West Indies* should be extended to the Island 'of *Mauritius*;' be it therefore enacted, That all Goods, Wares, and Merchandize, the Growth, Produce, or Manufacture of the Island of *Mauritius*, and all Goods, Wares, and Merchandize which, having been imported into the said Island of *Mauritius*, shall be imported from thence into any Part of the United Kingdom of *Great Britain* and *Ireland*, or into any Possessions of Her Majesty, Her Heirs or Successors, shall be liable, upon such Importation into the United Kingdom, or into any such Possessions respectively, to the Payment of the same Duties, and shall be subject to the same Regulations, as the like Goods, Wares, and Merchandize, being of the Growth, Produce, or Manufacture of Her Majesty's Islands in the *West Indies*, or having been imported into or exported from any of the said Islands, and imported from the same into the said United Kingdom, or into any such Possessions respectively, would on such Importation be liable to the Payment of or would be subject unto; and that upon the Exportation of any Goods, Wares, or Merchandize from the United Kingdom to the Island of *Mauritius* such Goods, Wares, or Merchandize shall be liable to the same Duties, and shall be entitled to the like Drawbacks respectively, as would or ought by Law to be charged or allowed upon the like Goods from the United Kingdom to any of Her Majesty's Islands in the *West Indies;* and that all Goods, Wares, and Merchandize which shall be imported into or exported from the said Island of *Mauritius* from or to any Place whatever other than the United Kingdom shall, upon such Importation or Exportation respectively, be liable to the Payment of the same Duties, and shall be subject to the same Regulations, so far as any such Regulations can or may be applied, as the like Goods, Wares, and Merchandize would be liable to the Payment of or would be subject to upon Importation into or Exportation from any of Her Majesty's Islands in the *West Indies;* and that all Ships and Vessels whatever which shall arrive at or depart from the said Island of *Mauritius* shall be liable to the Payment of the same Duties, and shall be subject to the same Regulations, as such Ships or Vessels would be liable to the Payment of or would be subject to if arriving at or departing from any of Her Majesty's Islands in the *West Indies.* Goods from Mauritius liable to same Duties and Regulations as West India Goods.

LXII. And be it enacted, That in all Trade with the *British* Possessions in *America* and the *Mauritius*, the *Cape of Good Hope*, and the Territories and Dependencies thereof, shall be deemed to be within the Limits of the *East India* Company's Charter. Cape of Good Hope within E. I. Co.'s Charter.

LXIII. And be it enacted, That all Laws, Bye Laws, Usages, or Customs at this Time or which hereafter shall be in practice or endeavoured or pretended to be in force or practice, in any of the *British* Possessions in *America*, which are in anywise repugnant to this Act, or to any Act of Parliament made or hereafter to be made in the United Kingdom, so far as such Act shall relate to and mention the said Possessions, are and shall be null and void to all Intents and Purposes whatsoever. Colonial Laws repugnant to any Act of Parliament to be null and void.

LXIV. Provided always, and be it enacted, That no Exemption from Duty in any of the *British* Possessions abroad, contained in any Act of Parliament, shall extend to any Duty not imposed by Act of Parliament, unless and so far only as any Duty not so imposed is or shall be expressly mentioned in such Exemption. Exemption to extend only to Duties by Act of Parliament.

LXV. And be it enacted, That it shall be lawful for the Officers of Customs to go on board any Ship in any Port in any *British* Possession in *America*, and to rummage and search all Parts of such Ship for prohibited and uncustomed Goods, and also to go on board any Ship hovering within One League of any of the Coasts thereof, and in either Case freely to stay on board such Ship so long as she shall remain in such Port or within such Distance; and if any such Ship be bound elsewhere, and shall continue so hovering for the Space of Twenty-four Hours after the Master shall have been required to depart, it shall be lawful for the Officer of Customs to bring such Ship into Port, and to search and examine her Cargo, and to examine the Master on Oath touching the Cargo and Voyage; and if there be any Goods on board prohibited to be imported into such Possession, such Ship and her Cargo shall be forfeited; and if the Master shall not truly answer the Questions which shall be demanded of him on such Examination he shall forfeit the Sum of One hundred Pounds. Officers may board Ships in Port or hovering on Coasts.

LXVI. And be it enacted, That all Vessels, Boats, Carriages, and Cattle made use of in the Removal of any Goods liable to Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, shall be forfeited; and every Person who shall assist or be otherwise concerned in the unshipping, landing, or Removal, or in the harbouring of such Goods, or into whose Hands or Possession the same shall knowingly come, shall forfeit the Treble Value thereof, or the Penalty of One hundred Pounds, Forfeiture of Vessels, Carriages, &c. receiving Goods liable to Forfeiture.

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at the Election of the Officers of the Customs; and the Averment in any Information or Libel to be exhibited for the Recovery of such Penalty, that the Officer proceeding has elected to sue for the Sum mentioned in the Information, shall be deemed sufficient Proof of such Election, without any other or further Evidence of such Fact.

Goods, Vessels, &c. liable to Forfeiture may be seized by Officers.

LXVII. And be it enacted, That all Goods, and all Ships, Vessels, and Boats, and all Carriages, and all Cattle liable to Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, shall and may be seized and secured by any Officer of the Customs or Navy, or by any Person employed for that Purpose, by or with the Concurrence of the Commissioners of Her Majesty's Customs; and every Person who shall in any way hinder, oppose, molest, or obstruct any Officers of the Customs or Navy, or any Person so employed as aforesaid, in the Exercise of his Office, or any Person acting in his Aid or Assistance, shall for every such Offence forfeit the Sum of Two hundred Pounds.

Officer making collusive Seizures, or taking Bribes, and Persons giving Bribes, subjected to Penalties.

LXVIII. And be it enacted, That if any Officer of Customs, or any Person duly employed for the Prevention of Smuggling, shall make any collusive Seizure, or deliver up, or make any Agreement to deliver up, or not to seize, any Vessel, Boat, or Goods liable to Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, or shall take any Bribe, Gratuity, Recompence, or Reward for the Neglect or Nonperformance of his Duty, every such Officer or other Person shall forfeit for every such Offence the Sum of Five hundred Pounds, and be rendered incapable of serving Her Majesty in any Office whatever; and every Person who shall give or offer, or promise to give or procure to be given, any Bribe, Recompence, or Reward to, or shall make any collusive Agreement with, any such Officer or Person as aforesaid in any of Her Majesty's Possessions abroad, to induce him in any way to neglect his Duty, or to do, conceal, or connive at any thing whereby the Provisions of any such Act may be evaded, shall forfeit the Sum of Two hundred Pounds.

Seized Goods, if unclaimed for a Month, to be condemned and dealt with accordingly.

LXIX. And be it enacted, That all Vessels, Boats, Goods, and other Things which shall have been or shall hereafter be seized as forfeited in or near any of the *British* Possessions abroad, under this or any Act relating to the Customs, or to Trade or Navigation, shall be deemed and taken to be condemned, and may be dealt with in the Manner directed by Law in respect to Vessels, Boats, Goods, and other Things seized and condemned for Breach of any such Act, unless the Person from whom such Vessels, Boats, Goods, and other Things shall have been seized, or the Owner of them, or some Person authorized by him, shall within One Calendar Month from the Day of seizing the same, give Notice in Writing to the Person or Persons seizing the same, or to the Collector, Comptroller, or other Chief Officer of Customs at the nearest Port that he claims the Vessel, Boat, Goods, or other Things, or intends to claim them.

Writ of Assistance to search for and seize Goods liable to Forfeiture.

LXX. And be it enacted, That, under the Authority of a Writ of Assistance granted by the Superior or Supreme Court of Justice or Court of Vice Admiralty having Jurisdiction in the Place (who are hereby authorized and required to grant such Writ of Assistance, upon Application made to them for that Purpose by the principal Officers of Her Majesty's Customs), it shall be lawful for any Officer of the Customs, taking with him a Peace Officer, to enter any Building or other Place in the Daytime, and to search for and seize and secure any Goods liable to Forfeiture under this or any Act relating to the Customs or to Trade or Navigation, and in case of Necessity, to break open any Doors and any Chests or other Packages for that Purpose; and such Writ of Assistance, when issued, shall be deemed to be in force during the whole of the Reign in which the same shall have been granted, and for Twelve Months from the Conclusion of such Reign.

Obstructing Officers by Force.

LXXI. And be it enacted, That if any Person shall, by Force or Violence, assault, resist, oppose, molest, hinder, or obstruct any Officer of the Customs or Navy, or other Person employed as aforesaid, in the Exercise of his Office, or any Person acting in his Aid or Assistance, such Person being thereof convicted shall be adjudged a Felon, and shall be proceeded against as such, and punished at the Discretion of the Court before whom such Person shall be tried.

Goods seized to be secured at the next Custom House, and sold by Auction.

LXXII. And be it enacted, That all Things which shall be seized as being liable to Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, shall be taken forthwith and delivered into the Custody of the Collector and Comptroller of the Customs at the Custom House next to the Place where the same were seized, who shall secure the same by such Means and in such Manner as shall be provided and directed by the Commissioners of Her Majesty's Customs, and after Condemnation thereof the Collector and Comptroller shall cause the same to be sold by public Auction to the best Bidder: Provided always, that it shall be lawful for the said Commissioners to direct in what Manner the Produce of such Sale shall be applied, or, in lieu of such Sale, to direct that any of such Things shall be destroyed, or shall be reserved for the public Service.

Jurisdiction for Prosecution of Seizures and Penalties.

LXXIII. And be it enacted, That all Penalties and Forfeitures which may have been heretofore or may be hereafter incurred under this or any Act relating to the Customs, or to Trade or Navigation, shall and may be prosecuted, sued for, and recovered in any Court of Record or of Vice Admiralty having Jurisdiction in the Colony or Plantation where the Cause of Prosecution arises, and in Cases where there shall happen to be no such Court, then in any Court of Record or of Vice Admiralty having Jurisdiction in some *British* Colony or Plantation near to that where the Cause of Prosecution arises; provided that in Cases where a Seizure is made in any other Colony than that where the Forfeiture accrues, such Seizure may be prosecuted in any Court of Record or of Vice Admiralty having Jurisdiction either in the Colony or Plantation where the Forfeiture accrues, or in the Colony or Plantation where the Seizure is made, at the Election of the Seizor or Prosecutor; and in Cases where there shall happen to be no such Courts in either of the last-mentioned Colonies or Plantations, then in the Court

Court of Record or of Vice Admiralty having Jurisdiction in some *British* Colony or Plantation near to that where the Forfeiture accrues, or to that where the Seizure is made, at the Election of the Seizor or Prosecutor.

Bail may be given for Goods or Ships seized.

LXXIV. And be it enacted, That if any Goods or any Ship or Vessel shall be seized as forfeited under this or any Act relating to the Customs, or to Trade or Navigation, and detained in any of the *British* Possessions in *America*, it shall be lawful for the Judge or Judges of any Court having Jurisdiction to try and determine such Seizures, with the Consent of the Collector and Comptroller of the Customs, to order the Delivery thereof on Security by Bond, with Two sufficient Sureties, to be first approved by such Collector and Comptroller, to answer Double the Value of the same in case of Condemnation; and such Bond shall be taken to the Use of Her Majesty in the Name of the Collector or Officer of the Customs in whose Custody the Goods or the Ship or Vessel may be lodged, and such Bond shall be delivered and kept in the Custody of such Collector or Officer; and in case the Goods or the Ship or Vessel shall be condemned, the Value thereof shall be paid into the Hands of such Collector or Officer, who shall thereupon, with the Consent or Privity of his Comptroller, cancel such Bond.

Suits to be commenced in Name of Officers of Customs or Navy.

LXXV. And be it enacted, That no Suit shall be commenced for the Recovery of any Penalty or Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, except in the Name of some Superior Officer of the Customs or Navy, or other Person employed as herein-before mentioned, or of Her Majesty's Advocate or Attorney General for the Place where such Suit shall be commenced; and if a Question shall arise, whether any Person is an Officer of the Customs or Navy, or such other Person as aforesaid, *vivâ voce* Evidence may be given of such Fact, and shall be deemed legal and sufficient Evidence.

Onus probandi to lie on the Party.

LXXVI. And be it enacted, That if any Goods shall be seized for Nonpayment of Duties, or any other Cause of Forfeiture, and any Dispute shall arise whether the Duties have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the Proof thereof shall lie on the Owner or Claimer of such Goods and not on the Officer who shall seize or stop the same.

Claim to Things seized to be entered in the Name of the Owner.

LXXVII. And be it enacted, That no Claim to any thing seized under this or any Act relating to the Customs, or to Trade or Navigation, and returned into any of Her Majesty's Courts for Adjudication, shall be admitted, unless such Claim be entered in the Name of the Owner, with his Residence and Occupation, nor unless Oath to the Property in such Thing be made by the Owner, or by his Attorney or Agent by whom such Claim shall be entered, to the best of his Knowledge and Belief; and every Person making a false Oath thereto shall be deemed guilty of a Misdemeanor, and shall be liable to the Pains and Penalties to which Persons are liable for a Misdemeanor.

No Person admitted to enter Claim for any thing seized, unless Security first given.

LXXVIII. And be it enacted, That no Person shall be admitted to enter a Claim to any thing seized in pursuance of this or any Act relating to the Customs, or to Trade or Navigation, and prosecuted in any of the *British* Possessions in *America*, until sufficient Security shall have been given in the Court where such Seizure is prosecuted, in a Penalty not exceeding Sixty Pounds, to answer and pay the Costs occasioned by such Claim; and in default of giving such Security such Things shall be adjudged to be forfeited, and shall be condemned.

A Month's Notice to be given to Officers.

LXXIX. And be it enacted, That no Writ shall be sued out against, nor a Copy of any Process served upon, any Officer of the Customs or Navy, or other Person as aforesaid, for any thing done in the Exercise of his Office, until One Calendar Month after Notice in Writing shall have been delivered to him, or left at his usual Place of Abode, by the Attorney or Agent of the Party who intends to sue out such Writ or Process, in which Notice shall be clearly and explicitly contained the Cause of the Action, the Name and Place of Abode of the Person who is to bring such Action, and the Name and Place of Abode of the Attorney or Agent; and no Evidence of the Cause of such Action shall be produced, except of such as shall be contained in such Notice; and no Verdict shall be given for the Plaintiff unless he shall prove on the Trial that such Notice was given; and in default of such Proof the Defendant shall receive in such Action a Verdict and Costs.

Actions to be brought within Three Months of the Cause of them.

LXXX. And be it enacted, That every such Action shall be brought within Three Calendar Months after the Cause thereof, and shall be laid and tried in the Place or District where the Facts were committed; and the Defendant may plead the General Issue and give the special Matter in Evidence; and if the Plaintiff shall become nonsuited, or shall discontinue the Action, or if upon a Verdict or Demurrer Judgment shall be given against the Plaintiff, the Defendant shall receive Treble Costs, and have such Remedy for the same as any Defendant can have in other Cases where Costs are given by Law.

Judge may certify probable Cause of Seizure.

LXXXI. And be it enacted, That in case any Information or Suit shall be brought to Trial on account of any Seizure made under this or any Act relating to the Customs, or to Trade or Navigation, and a Verdict shall be found for the Claimant thereof, and the Judge or Court before whom the Cause shall have been tried shall certify on the Record that there was probable Cause of Seizure, the Claimant shall not be entitled to any Costs of Suit, nor shall the Person who made such Seizure be liable to any Action, Indictment, or other Suit or Prosecution on account of such Seizure; and if any Action, Indictment, or other Suit or Prosecution shall be brought to Trial against any Person on account of such Seizure, wherein a Verdict shall be given against the Defendant, the Plaintiff, besides the Things seized, or the Value thereof, shall not be entitled to more than Two-pence Damages, nor to any Costs of Suit, nor shall the Defendant in such Prosecution be fined more than One Shilling.

Officer may tender Amends.

LXXXII. And be it enacted, That it shall be lawful for such Officer, within One Calendar Month after such Notice, to tender Amends to the Party complaining, or his Agent, and to plead such Tender

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in bar to any Action, together with other Pleas; and if the Jury shall find the Amends sufficient, they shall give a Verdict for the Defendant; and in such Case, or in case the Plaintiff shall become nonsuited, or shall discontinue his Action, or Judgment shall be given for the Defendant upon Demurrer, then such Defendant shall be entitled to the like Costs as he would have been entitled to in case he had pleaded the General Issue only: Provided always, that it shall be lawful for such Defendant, by Leave of the Court where such Action shall be brought, at any Time before Issue joined, to pay Money into Court as in other Actions.

Judge may certify probable Cause of Action.

LXXXIII. And be it enacted, That in any such Action, if the Judge or Court before whom such Action shall be tried shall certify upon the Record that the Defendant or Defendants in such Action acted upon probable Cause, then the Plaintiff in such Action shall not be entitled to more than Twopence Damages, nor to any Costs of Suit.

Recovery and Application of Penalties.

LXXXIV. And be it enacted, That all Penalties and Forfeitures recovered in any of the *British* Possessions in *America* under this or any Act relating to the Customs, or to Trade or Navigation, shall be paid into the Hands of the Collector or Comptroller of the Port or Place of the *British* Possessions in *America* where the same shall have been recovered, and shall be divided, paid, and applied as follows; (that is to say,) after deducting the Charges of Prosecution from the Produce thereof, One Third Part of the net Produce shall be paid into the Hands of the Collector of Her Majesty's Customs at the Port or Place where such Penalties or Forfeitures shall be recovered for the Use of Her Majesty, One Third Part to the Governor or Commander-in-Chief of the said Colony or Plantation, and the other Third Part to the Person who shall seize, inform, and sue for the same; excepting such Seizures as shall be made at Sea by the Commanders or Officers of Her Majesty's Ships of War duly authorized to make Seizures, one Moiety of which Seizure, and of the Penalties and Forfeitures recovered thereon, first deducting the Charges of Prosecution from the gross Produce thereof, shall be paid as aforesaid to the Collector of Her Majesty's Customs, to and for the Use of Her Majesty, and the other Moiety to him or them who shall seize, inform, and sue for the same, any Law, Custom, or Usage to the contrary notwithstanding, subject nevertheless to such Distribution of the Produce of the Seizures so made at Sea, as well with regard to the Moiety herein-before granted to Her Majesty as with regard to the other Moiety given to the Seizor or Prosecutor, as Her Majesty shall think fit to order and direct by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that Purpose.

Limitation of Suits.

LXXXV. And be it enacted, That all Actions or Suits for the Recovery of any of the Penalties or Forfeitures imposed by this or any Act relating to the Customs, or to Trade or Navigation, may be commenced or prosecuted at any Time within Three Years after the Offence committed by reason whereof such Penalty or Forfeiture shall be incurred, any Law, Usage, or Custom to the contrary notwithstanding.

Limitation of Appeals.

LXXXVI. And be it enacted, That no Appeal shall be prosecuted from any Decree or Sentence of any of Her Majesty's Courts in *America* touching any Penalty or Forfeiture imposed by this or any Act relating to the Customs, or to Trade or Navigation, unless the Inhibition shall be applied for and decreed within Twelve Months from the Time when such Decree or Sentence was pronounced.

Security to abide an Appeal from Decree of Vice Admiralty Court.

LXXXVII. Provided always, and be it enacted, That in any Case in which Proceedings shall have been or shall hereafter be instituted in any Court of Vice Admiralty or other competent Court in any of Her Majesty's Possessions abroad against any Ship, Vessel, Boat, Goods, or Effects for the Recovery of any Penalty or Forfeiture under this or any Act relating to the Customs, or to Trade or Navigation, the Execution of any Sentence or Decree restoring such Ship, Vessel, Boat, Goods, or Effects to the Claimant thereof, which shall be pronounced by the said Vice Admiralty Court in which such Proceedings shall have been had, shall not be suspended by reason of any Appeal which shall be prayed and allowed from such Sentence; provided that the Party or Parties appellate shall give sufficient Security, to be approved of by the Court, to render and deliver the Ship, Vessel, Boat, Goods, or Effects concerning which such Sentence or Decree shall be pronounced, or the full Value thereof, to be ascertained either by Agreement between the Parties, or in case the said Parties cannot agree, then by Appraisement under the Authority of the said Court, to the Appellant or Appellants, in case the Sentence or Decree so appealed from shall be reversed, and such Ship, Vessel, Boat, Goods, or Effects be ultimately condemned.

Persons authorized to make Seizures under 5 G. 4. c. 119. to have Benefit of this Act.

LXXXVIII. And be it enacted, That all Persons authorized to make Seizures under an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, shall in making and prosecuting any such Seizures, have the Benefit of all the Provisions granted to Persons authorized to make Seizures under this Act.

Application of Penalties under 5 G. 4. c. 119.

LXXXIX. And be it enacted, That all Penalties and Forfeitures created by the said Act passed in the Fifth Year of His Majesty King *George* the Fourth, whether pecuniary or specific, shall (except in Cases specially provided for by the said Act) go and belong to such Persons as are authorized by that Act to make Seizures in such Shares, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied, in such and the like Manner, and by the same Ways and Means, and subject to the same Rules and Directions, as any Penalties and Forfeitures incurred in *Great Britain* and in the *British* Possessions in *America* respectively now go and belong to, and may be sued, prosecuted, tried, recovered, and distributed respectively in *Great Britain* or in the said Possessions under and by virtue of this Act.

The Queen may regulate the

XC. And be it enacted, That it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, by any Order or Orders in Council to be issued from Time to Time, to give such Directions and

and make such Regulations touching the Trade and Commerce to and from any *British* Possessions on or near the Continent of *Europe*, or within the *Mediterranean Sea*, or in *Africa*, or within the Limits of the *East India* Company's Charter (excepting the Possessions of the said Company), as to Her Majesty in Council shall appear most expedient and salutary, any thing in this Act to the contrary notwithstanding; and if any Goods shall be imported or exported in any Manner contrary to any such Order of Her Majesty in Council, the same shall be forfeited, together with the Ship importing or exporting the same. Trade of certain Colonies.

XCI. And be it enacted, That it shall be lawful for any Person, being the Shipper of any Sugar the Produce of some *British* Possession within the Limits of the *East India* Company's Charter, about to be exported from any Place in such Possession, to go before the Collector or Comptroller or other Chief Officer of the Customs at such Place, or, if there be no such Officer of the Customs, to go before the principal Officer of such Place, or the Judge or Commercial Resident of the District, and make and sign a Declaration before him that such Sugar was really and *bonâ fide* the Produce of such *British* Possession, to the best of his Knowledge and Belief; and such Officer, Judge, or Resident is hereby authorized and required to grant a Certificate thereof, setting forth in such Certificate the Name of the Ship in which the Sugar is to be exported, and the Destination of the same. Certificate of Production of East India Sugar.

XCII. And be it enacted, That all Ships built at any Place within the Limits of the *East India* Company's Charter prior to the First Day of *January* One thousand eight hundred and sixteen, and which then were and have continued ever since to be solely the Property of Her Majesty's Subjects, shall be deemed to be *British* Ships for all the Purposes of Trade within the said Limits, including the *Cape of Good Hope*, any thing in this Act or in any other Act or Acts passed in this present Session of Parliament to the contrary notwithstanding. Ships built prior to 1st January 1816 deemed British Ships within certain Limits.

XCIII. And be it enacted, That it shall be lawful for the Shipper of any Wine the Produce of the *Cape of Good Hope* or of its Dependencies which is to be exported from thence, to go before the Chief Officer of the Customs and make and sign a Declaration before him that such Wine was really and *bonâ fide* the Produce of the *Cape of Good Hope* or of its Dependencies; and such Officer is hereby authorized and required to grant a Certificate thereof, setting forth in such Certificate the Name of the Ship in which the Wine is to be exported, and the Destination of the same. Certificate of Production of Cape Wine.

XCIV. And be it enacted, That it shall be lawful for any Person who is about to export from any of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark* to the United Kingdom, or to any of the *British* Possessions in *America* or the *Mauritius*, any Goods of the Growth or Produce of any of those Islands, or any Goods manufactured from Materials which were the Growth or Produce thereof, or of the United Kingdom, or of Materials Duty-free in the United Kingdom, or whereupon the Duty has been there paid, and not drawn back, to go before any Magistrate of the Island from which the Goods are to be exported, and make and sign before him a Declaration that such Goods, describing the same, are of such Growth or Produce, or of such Manufacture, and such Magistrate shall administer and sign such Declaration; and thereupon the Governor, Lieutenant Governor, or Commander in Chief of the Island from which the Goods are to be exported shall, upon the Delivery to him of such Declaration, grant a Certificate under his Hand of the Proof contained in such Declaration, stating the Ship in which and the Port to which, in the United Kingdom or in any such Possession, the Goods are to be exported; and such Certificate shall be the proper Document to be produced at such Ports respectively in proof that the Goods mentioned therein are of the Growth, Produce, or Manufacture of such Islands respectively. Certificate of Production of Goods in Guernsey, &c.

XCV. And be it enacted, That no Brandy, Geneva, or other Spirits (except Rum of the *British* Plantations) shall be imported into or exported from the Islands of *Jersey*, *Guernsey*, *Alderney*, or *Sark*, or any one of them, or be removed from any one to any other of the said Islands, or be carried Coastwise from any one Part to any other Part of any one of the said Islands, or shall be shipped in order to be so removed or carried, or shall be waterborne for the Purpose of being so shipped in any Vessel of less Burden than Sixty Tons, nor in any Cask or other Vessel capable of containing Liquids not being of the Size or Content of Twenty Gallons at the least; and that all Brandy, Geneva, or other Spirits imported, exported, removed, carried, shipped, or waterborne contrary hereto shall be forfeited, together with the Vessel or Boat importing, exporting, removing, or carrying the same, and all the Guns, Furniture, Ammunition, Tackle, and Apparel thereof: Provided always, that nothing herein contained shall extend to any Spirits imported in Glass Bottles in square-rigged Ships as Part of the Cargo thereof, nor to any Spirits being really intended for the Consumption of the Seamen and Passengers during their Voyage, and not being more in Quantity than is necessary for that Purpose. Spirits not to be imported into or exported from Jersey, Guernsey, Alderney, or Sark, except in Vessels of Sixty Tons and in Casks of Twenty Gallons at the least.

XCVI. Provided also, and be it enacted, That nothing herein contained shall extend or be construed to extend to subject to Forfeiture or Seizure, under any of the Provisions of this Act, any Boat not exceeding the Burden of Ten Tons for having on board at any one Time any Foreign Spirits of the Quantity of Ten Gallons or under, such Boat having a Licence from the proper Officer of Customs at either of the Islands of *Guernsey* or *Jersey* for the Purpose of being employed in carrying Commodities for the Supply of the said Island of *Sark*, which Licence such Officer of Customs is hereby required to grant, without taking any Fee or Reward for the same: Provided also, that every such Boat having on board at any one Time any greater Quantity of Spirits than Ten Gallons, unless such greater Quantity of Spirits shall be in Casks or Packages of the Size and Content herein-before required, shall be forfeited. Not to extend to Vessels of Ten Tons supplying Island of Sark, having Licence so to do.

XCVII. And be it enacted, That every Person who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture under any Act relating to the Revenue of Customs, for being found within One League of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, having on board or in Penalty on Persons found on board Vessels liable to Forfei-

ture within One League of Guernsey, &c.

any Manner attached or affixed thereto, or conveying or having conveyed, in any Manner, such Goods or other Things as subject such Vessel or Boat to Forfeiture, or who shall be found or discovered to have been on board any Vessel or Boat from which any Part of the Cargo shall have been thrown overboard during Chase, or staved or destroyed, shall forfeit the Sum of One hundred Pounds.

Re-exportation of British Coals in Foreign Ships.

XCVIII. And be it enacted, That it shall not be lawful for any Person to re-export from any of Her Majesty's Possessions abroad to any Foreign Place in any Foreign Ship any Coals the Produce of the United Kingdom, except upon Payment of the Duty to which such Coals would be liable upon Exportation from the United Kingdom to such Foreign Place; and that no such Coals shall be so shipped at any of such Possessions to be exported to any *British* Place until the Exporter or the Master of the exporting Vessel shall have given Bond, with One sufficient Surety, in Double the Value of the Coals, that such Coals shall not be landed at any Foreign Place.

Penalty for using Documents counterfeited or falsified.

XCIX. And be it enacted, That if any Person shall, in any of Her Majesty's Possessions abroad, counterfeit or falsify, or wilfully use when counterfeited or falsified, any Entry, Warrant, Cocket, Transire, or other Document for the unlading, lading, entering, reporting, or clearing any Ship or Vessel, or for the landing, shipping, or removing of any Goods, Stores, Baggage, or Article whatever, or shall by any false Statement procure any Writing or Document to be made for any such Purposes, or shall falsely make any Oath or Affirmation required by this Act, or shall forge or counterfeit a Certificate of the said Oath or Affirmation, or shall publish such Certificate knowing the same to be so forged or counterfeited, every Person so offending shall for every such Offence forfeit the Sum of Two hundred Pounds; and such Penalty shall and may be prosecuted, sued for, and recovered in like Manner and by such Ways and Means as any Penalty may be prosecuted, sued for, and recovered under the Provisions and Directions of this Act.

2 & 3 W. 4. c. 78. not repealed by any Act passed in Third and Fourth Years of King William the Fourth.

C. 'And whereas by an Act passed in the Session of Parliament holden in the Second and Third 'Years of the Reign of King *William* the Fourth, intituled *An Act to continue certain Acts relating to 'the Island of* Newfoundland, *and to provide for the Appropriation of all Duties which may hereafter 'be raised within the said Island,* Provision was made for the Appropriation of the net Produce of all 'Duties levied within the said Colony by any Act of Parliament then or thereafter to be in force there, 'and for the Deduction from and out of such net Proceeds in each and every Year of a Sum not exceeding Six thousand five hundred and fifty Pounds, to be applied in the Manner, for the Purposes, and 'under the Authority therein mentioned: And whereas Doubts may arise whether the Provisions aforesaid, or some of them, were not repealed or abrogated by some or one of the Acts passed in a Session 'of Parliament holden in the Third and Fourth Years of the Reign of His said Majesty King *William* 'the Fourth;' for the Removal of such Doubts be it therefore declared and enacted, That nothing contained in any Act passed in that Session of Parliament, or in the present Session of Parliament, did or doth repeal, abrogate, annul, or alter the said recited Act, or any Part thereof, or any of the Provisions therein contained; but that from and out of the net Proceeds of all Duties levied from Year to Year within the said Colony of *Newfoundland* by any Act of the said last-mentioned Session of Parliament, or any Act thereafter passed or to be passed, such Deduction shall be annually made as in the said recited Act is mentioned; and that the Sum of Money so from Year to Year to be deducted shall be applied from Time to Time in such Manner, and for such Purposes, and under such Authority as in the said recited Act is particularly mentioned and set forth.

Alteration of Act.

CI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XCIV.

An Act for the regulating the Trade of the *Isle of Man.* [4th *August* 1845.]

3 & 4 W. 4. c. 60.

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of 'the Reign of King *William* the Fourth, intituled *An Act for regulating the Trade of the* Isle of 'Man, whereby the Laws of Customs in relation to the Trade of the *Isle of Man* were consolidated: And 'whereas since the passing of the said Act divers Acts and Parts of Acts for the further Amendment of 'the Law in that respect have been found necessary, and it will be of advantage to the Trade and 'Commerce of the Country that the said Acts and Parts of Acts should be consolidated into One Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Effect for all the Purposes therein mentioned, except where any other Commencement is herein particularly directed.

Commencement of Act.

Duties in Table to be levied on Goods imported into the Isle of Man, except on Corn, Grain, Meal, or Flour.

II. And be it enacted, That in lieu of all Duties of Customs (except the Duties of Customs on Corn, Grain, Meal, or Flour,) now payable by Law upon the Importation of Goods, Wares, or Merchandize into the *Isle of Man,* there shall be raised, levied, collected, or paid unto Her Majesty, Her Heirs and Successors, the several Duties of Customs as the same are respectively set forth in Figures in the Table herein-after contained, denominated Table of Duties, upon the Importation or bringing into the *Isle of Man* of the several Goods, Wares, or Merchandize in the said Table mentioned, according to the Quantity or Value thereof specified in the said Table, and so in proportion for any greater or less Quantity or Value of the same; (that is to say,)

TABLE

TABLE OF DUTIES.

A TABLE of the DUTIES of CUSTOMS payable on GOODS, WARES, and MERCHANDIZE imported or brought into the ISLE OF MAN.

	£ s. d.
Coals from the United Kingdom	Free.
Coffee, the Import Duties in the United Kingdom not having been there paid thereon, per lb.	0 0 2
Hemp	Free.
Hops from the United Kingdom	Free.
Iron	Free.
Spirits; videlicet, Brandy, Foreign the Gallon	0 4 6
Geneva, Foreign the Gallon	0 2 6
Rum of the British Possessions the Gallon	0 1 6
Such Spirits not exceeding the Strength of Proof by Sykes's Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon.	
Sugar, Muscovado, of the British Possessions, and such other Sugar as if entered for Consumption in the United Kingdom would be subject, under any Act of the present Session of Parliament, to a Duty less than Sixty-three Shillings the Cwt. the Cwt.	0 1 0
Sugar, refined in the United Kingdom from raw Sugar, whereupon the Import Duties have there been paid the Cwt.	0 9 0
Tea; videlicet,	
Bohea the lb.	0 1 0
Green the lb.	0 1 0
Tobacco the lb.	0 1 6
Segars the lb.	0 3 0
Wine the Tun of 252 Gallons	12 0 0
Wood, Foreign; videlicet,	
Timber Eight Inches Square and upwards, per Load of Fifty Cubic Feet	0 8 0
Timber and Wood Goods, the Produce of the British Possessions	Free.
Eau de Cologne, per Flask (30 not containing more than One Gallon)	0 0 4
Or per Gallon	0 10 0
Liqueurs per Gallon	0 10 0
Goods, Wares, and Merchandize brought from the United Kingdom, and entitled to any Bounty or Drawback of Excise on Exportation from thence, and not herein-before enumerated or charged with Duty	Free.
Goods, Wares, and Merchandize the Growth, Produce, or Manufacture of and brought from the United Kingdom, and not herein-before charged with Duty	Free.
Goods, Wares, and Merchandize, not the Growth, Produce, or Manufacture of the United Kingdom, but brought from thence, and having there been entered for Consumption, and the Import Duties having been there paid thereon	Free.
Goods, Wares, and Merchandize imported or brought from any Place from whence such Goods may be lawfully imported into the Isle of Man, and not herein-before charged with Duty, or declared to be free of Duty, for every One hundred Pounds of the Value thereof	15 0 0

Power to the Lords of the Treasury to remit and to re-impose the Duties levied on unenumerated Articles.

III. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them from Time to Time, by any Order or Orders under their Hands, to declare that all or any Articles legally importable into the *Isle of Man* and not enumerated in the said Table, and upon which the said Duty of Fifteen Pounds for every Hundred Pounds Value is hereby imposed, shall and may, from and after a Day to be named in the said Order or Orders, be imported from the Places and in the Manner in the said Order or Orders mentioned into the *Isle of Man* Duty-free, and that such Articles shall be imported Duty-free accordingly so long as such Order or Orders or any Part thereof affecting such Articles shall continue in force: Provided always, that it shall be lawful for the said Commissioners, or any Three or more of them, at any Time and from Time to Time as they shall consider expedient, by any further Order under their Hands to revoke the whole or any Part of such Order or Orders for admitting the aforesaid Articles or any of them into the *Isle of Man* Duty-free, such Order of Revocation to take effect from a Day to be named therein: Provided also, that all Orders of the Commissioners of Her Majesty's Treasury made in pursuance of this Enactment shall be duly published in the *London* and *Dublin* Gazettes, twice at least within Fourteen Days from the Date of such Orders respectively, and that a Copy of every such Order shall be laid before both Houses of Parliament within Six Weeks after the Date of such Order if Parliament be then sitting, and if not then within Six Weeks after the Commencement of the then next Session of Parliament.

Orders to be published in the Gazette, and laid before Parliament.

Certain Goods importable only under Licence.

IV. And be it enacted, That the several Sorts of Goods enumerated or described in the Schedule to this Act annexed, denominated "Schedule of Licence Goods," shall not be brought into the *Isle of Man*, nor laden on board any Vessel to be carried from any Place to the *Isle of Man*, without the Licence of

the Commissioners of Her Majesty's Customs first obtained, nor in greater Quantities in the whole in any One Year than the respective Quantities of such Goods specified in the said Schedule, and that such Goods shall not be so brought into the said *Isle of Man*, except from the respective Places set forth in the said Schedule, and according to the Rule subjoined thereto: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, upon sufficient Cause to them appearing, by any Order under their Hands to permit the Importation into the *Isle of Man* of such additional Quantity of such several Sorts of Goods or any of them, in any One Year, beyond the Quantities named in the said Table as they shall in their Discretion consider expedient.

Lords of the Treasury may permit the Importation of additional Quantities.

Application for Licence to be delivered to Officers at Douglas between 5th May and 5th July.

V. And be it enacted, That every Application for Licence to import any of the Goods aforesaid into the *Isle of Man* shall be made in Writing, and delivered between the Fifth Day of *May* and the Fifth Day of *July* in each Year to the Collector or Comptroller of the Port of *Douglas* in the said Isle; and such Application shall specify the Date thereof, and the Name, Residence, and Occupation of the Person applying, and the Description and Quantity of each Article for which such Licence is required; and all such Applications, with such Particulars, shall be entered in a Book, to be kept at the Custom House at the Port of *Douglas*, and to be there open for public Inspection during the Hours of Business, and on the Fifth Day of *July* in each Year such Book shall be closed, and within Fourteen Days thereafter the Collector and Comptroller shall make out and sign a true Copy of such Entries, specifying the Applicants resident and the Applicants not resident in the said Isle, and deliver or transmit such Copy to the Governor or Lieutenant Governor of the said Isle for the Time being.

Governor to allot Quantities;

and report to Treasury and Commissioners of Customs.

VI. And be it enacted, That within Fourteen Days after the Receipt of such Copy the Governor or Lieutenant Governor of the said Isle shall allot the whole Quantity of each Article in the first place among the Applicants resident in the said Island; and in case the whole Quantity of any Article shall not have been applied for by Residents, he shall then allot the Quantity not so applied for among the non-resident Applicants, in such Proportions in all Cases as he shall judge most fair and equitable; and shall cause a Report thereon to be drawn up in Writing, and sign and transmit the same to the Commissioners of Her Majesty's Treasury, and shall cause a Duplicate of such Report so signed to be transmittted to the Commissioners of Her Majesty's Customs.

Commissioners of Customs to grant Licences according to Report of Governor.

VII. And be it enacted, That upon Receipt of such Duplicate Report the Commissioners of Her Majesty's Customs shall grant Licences, to continue in force for any Period until the Fifth Day of *July* then next ensuing, for the Importation into the *Isle of Man* of the Quantities of such Goods as are allowed by Law to be so imported, with their Licence, according to the Allotments in such Report, and dividing the whole Portion allotted to any one Applicant into several Licences, as they shall be desired and see fit; and such Licences shall be transmitted without Delay to the Collector and Comptroller of *Douglas*, to be by them delivered to the different Applicants, after taking Bond for the same under the Provisions of this Act.

Before Delivery of Licences, Bond to be given.

VIII. And be it enacted, That previous to the Delivery of any such Licences to the Persons to whom they are granted, the Collector and Comptroller of *Douglas* shall take the Bond of such Persons to Her Majesty, Her Heirs and Successors, with sufficient Security, for the Importation or bringing in of the Articles for which the said Licences are respectively granted on or before the Fifth Day of *July* succeeding the Delivery of such Licences, with such Conditions, and for the Forfeiture of such Sums, not exceeding the whole Amount of Duties payable in *Great Britain* on Articles similar to those specified in such Licences, as the Commissioners of Her Majesty's Customs shall think fit: Provided always, that if any Person to whom such Licence shall be granted shall not have given such Bond prior to the Fifth Day of *January* next after the granting such Licence, it shall be lawful for the Governor or Lieutenant Governor of the said Isle, if he shall see fit, to transfer any such Licence to any other Person who shall be desirous to take up the same, and willing and able to give such Bond; and such Transfer shall be notified by Endorsement on the Licence signed by such Governor or Lieutenant Governor.

Licence not taken up may be transferred by Governor.

Certain Parties disqualified from having a Licence.

IX. And be it enacted, That if any Person, having obtained a Licence under this Act, shall not import or bring into the said Island the whole Quantity of Goods permitted to be imported or brought under such Licence, during the Period for which it shall remain in force, such Person shall be thereby disqualified from receiving a Licence in the Year next following that in which his previous Licence shall have been granted.

Counterfeiting or falsifying Licence, Penalty 500*l.*

X. And be it enacted, That if any Person or Persons shall counterfeit or falsify any Licence or other Document required for the Importation into the *Isle of Man* of any Goods which would otherwise be prohibited to be imported into the said Isle, or shall knowingly or wilfully make use of any such Licence or other Document so counterfeited or falsified, such Person or Persons shall for every such Offence forfeit the Sum of Five hundred Pounds.

Licence Goods not to be re-exported, unless in Vessels of 50 Tons.

Wine removed Inland, &c.

XI. And be it enacted, That it shall not be lawful to re-export from the *Isle of Man* any Goods which have been imported into the said Isle with Licence of the Commissioners of Her Majesty's Customs as aforesaid; and that it shall not be lawful to carry any such Goods Coastwise from one Part of the said Isle to another, except in Vessels of Fifty Tons Burden at the least, and in the same Packages in which such Goods were imported into the said Isle; and that it shall not be lawful to remove any Wine from one Part of the said Isle to another, except in such Packages or in Bottles.

Trade with the Isle of Man to be a Coasting Trade.

XII. And be it enacted, That all Trade from any Port of the United Kingdom to the *Isle of Man*, or from the *Isle of Man* to any Port of the United Kingdom, shall be deemed to be a Coasting Trade, and all Ships employed therein shall be deemed to be Coasting Ships, and shall be subject to all the Rules, Regulations, Penalties, and Forfeitures now in force relating to Coasting Ships, and that the *Isle of Man* shall

shall not be deemed in Law with reference to any Part of the United Kingdom to be Parts beyond the Seas in any Matter relating to the Trade or Navigation or Revenue of this Realm: Provided nevertheless, that all Goods subject to Duty under this Act, when brought from the United Kingdom into the *Isle of Man*, and all Vessels bringing the same, shall be liable to the same Rules and Regulations as are required by Law in respect of Goods imported into the said Isle from Foreign Parts, and in respect of the Vessels importing the same; and that all the Penalties and Forfeitures inflicted by Law for any Breach of the said Rules and Regulations shall attach upon all Goods so brought into the said Isle contrary to the said Rules and Regulations, or any of them, and upon all Persons committing any Breach of any such Rule or Regulation; and such Penalties and Forfeitures shall and may be recovered in the same Manner as any Penalty or Forfeiture may be recovered by any Act relating to the Customs.

Goods subject to Duty when brought from the United Kingdom to be so brought subject to the same Law as Goods imported from Foreign Parts.

XIII. 'And whereas an Act was passed in this present Session of Parliament, intituled *An Act for 'the warehousing of Goods:* And whereas it is expedient to extend the Operation of the said Act to the 'Isle of Man, so far as relates to the Privilege of warehousing Foreign Corn, Grain, Meal, and Flour;' be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, by their Warrant, from Time to Time, to appoint any Port or Ports in the *Isle of Man* to be warehousing Ports, for the Purposes herein-after declared, and that it shall be lawful for the Commissioners of Her Majesty's Customs, subject to the Authority and Directions of the Commissioners of Her Majesty's Treasury, by their Order from Time to Time to appoint in what Warehouses or Places of special Security or of ordinary Security, as the Case may require, in such Port or Ports, and in what different Parts or Divisions of such Warehouses or Places, and in what Manner, any Corn, Grain, Meal, or Flour may and may only be warehoused and kept and secured, without Payment of any Duty upon the first Entry thereof, and also in such Order to direct in what Cases (if any) Security by Bond shall be required in respect of any Warehouse so appointed by them.

Corn, Grain, Meal, and Flour may be warehoused in the Island.

XIV. And be it enacted, That all Provisions, Powers, Regulations, and Enactments in the said last-mentioned Act contained shall be construed and taken to extend and be applicable to the *Isle of Man*, so far as relates to the Articles of Corn, Grain, Meal, and Flour: Provided always, that whenever in the said last-mentioned Act any Notice, Order, or Appointment is directed to be published in the *London* or *Dublin* Gazettes respectively, it shall be necessary that any such Notice, Order, or Appointment in respect of any Warehouse in the *Isle of Man* shall be published in the *London* and *Dublin* Gazettes.

Warehousing Act to extend to Isle of Man as to Corn, &c. Publication of Notice.

XV. And be it enacted, That Goods warehoused in the United Kingdom may be removed from such Warehouses into any Port in the *Isle of Man*, under such Security and under such Regulations and Conditions as are set forth in the said last-mentioned Act with respect to the Removal of warehoused Goods from one warehousing Port to another warehousing Port in the United Kingdom, save and except so far as the said last-mentioned Regulations apply to the warehousing such Goods at their Port of Destination.

Warehoused Goods may be removed into Isle of Man, under certain Regulations.

XVI. And be it enacted, That nothing herein contained shall be deemed or construed to affect the Laws and Regulations now in force respecting Duties and Drawbacks of Excise on Goods exported or carried, or to be exported or carried, to the *Isle of Man*.

Act not to affect Regulation as to Drawbacks.

XVII. And be it enacted, That any Sugar upon which any Bounty shall have been allowed under any Act relating to the Customs may be removed to the *Isle of Man*.

Removal of certain Sugar.

XVIII. And be it enacted, That before any such Sugar shall be removed to the *Isle of Man*, the Person removing the same shall give Bond to Her Majesty with One sufficient Surety that the same shall be duly landed in the *Isle of Man*, and shall not be re-landed in any Part of the United Kingdom.

Bond to be given not to reland such Sugar.

XIX. And be it enacted, That it shall not be lawful to carry any Goods not being of the Growth, Produce, or Manufacture of the *Isle of Man* or of the United Kingdom, except Corn, Grain, Meal, or Flour, in any Ship from the *Isle of Man* to any Port or Place in the United Kingdom.

Foreign Goods, except Corn, not to be brought from I. of Man.

XX. And be it enacted, That the several Sorts of Goods enumerated or described in the Schedule herein-after contained, denominated "Schedule of Prohibitions," shall not be imported or brought into the *Isle of Man;* (that is to say,)

Goods prohibited to be imported into the Isle of Man.

SCHEDULE OF PROHIBITIONS.

Goods the Produce or Manufacture of Places within the Limits of the *East India* Company's Charter, except from the United Kingdom:

Cotton Yarn, Cotton Cloth, Linen Cloth, Glass Manufactures, Woollen Manufactures, unless *bonâ fide* laden in and brought directly from the United Kingdom:

British distilled Spirits:

Sugar or Rum other than that enumerated and described in the Table of Duties herein-before contained:

All Goods prohibited to be imported into the United Kingdom to be used or consumed therein on account of the Sort or Description of the same.

XXI. And be it enacted, That if any Goods shall be imported into or exported from the *Isle of Man*, or shall be carried Coastwise from one Part of the said Isle or from the United Kingdom to the said Isle, or from the said Isle to the United Kingdom, or shall be waterborne or brought to any Wharf or Place with Intent to be waterborne, to be so exported or carried, or shall be removed by Land within the said Isle, contrary to any of the Directions or Provisions of this Act, the same and all the Packages containing the same shall be forfeited, together with all Ships, Vessels, or Boats, and all Cattle and Carriages used or employed therein; and every Person offending therein shall forfeit for every such Offence the Sum of

Goods imported, exported, or carried Coastwise, contrary to the Act, forfeited.

Penalty.

One

One hundred Pounds, or the full Amount of all Duties which would be payable in respect of similar Goods the Produce of Foreign Countries if imported into and entered for Home Consumption in the United Kingdom, at the Election of the Commissioners of Her Majesty's Customs.

Limiting Quantity of Spirits, &c. for Seamen in decked Vessels; in open Boats.

XXII. And be it enacted, That if any decked Vessels, bound from the *Isle of Man* to any Port of *Great Britain* or *Ireland*, shall have on board for the Use of the Seamen any Spirits exceeding the Quantity of Half a Gallon for each Seaman, or any Tobacco exceeding One Pound Weight for each Seaman, or any Tea exceeding Two Pounds Weight for the whole of the Seamen on board such Vessel, or if any open Boat, bound from the *Isle of Man* to any Port of *Great Britain* or *Ireland*, shall have on board for the Use of the Seamen any Spirits exceeding One Quart for each Seaman, or any Tobacco exceeding One Half of a Pound Weight for each Seaman, or any Tea exceeding One Pound Weight for the whole of the Seamen on board such Boat, all such Foreign Spirits, Tobacco, and Tea respectively, together with the Casks or Packages containing the same, and also every such Vessel or Boat, together with all the Guns, Furniture, Ammunition, Tackle, and Apparel thereof, shall be forfeited.

Certificate for Goods the Produce of the Isle of Man.

XXIII. And be it enacted, That before any Goods shall be shipped in the *Isle of Man*, to be carried to the United Kingdom as being the Produce or Manufacture of that Island, Proof shall be made by the written Declaration of some competent Person to the Satisfaction of the Collector and Comptroller of the Customs, at the Port of Shipment, that such Goods, describing and identifying the same, are the Produce or the Manufacture, as the Case may be, of the said Island, and in such Declaration shall be stated the Name of the Person by whom such Goods are intended to be shipped; and such Person at the Time of shipping (not being more than One Month after the Date of such Declaration) shall make and subscribe a Declaration before such Collector or Comptroller that the Goods to be shipped are the same as are mentioned in such Declaration; and thereupon the Collector and Comptroller shall, on demand, give to the Master of the Ship in which the Goods are to be exported a Certificate of such Proof of Produce or of Manufacture having been made in respect of such Goods, describing the same, and setting forth the Name of the Party and of the Ship, and of the Master thereof, and the Destination of the Goods; and such Certificate shall be received at the Port in the United Kingdom into which the said Goods shall be brought, instead of the Certificate of the Governor, Lieutenant Governor, or Commander in Chief of the said Island, heretofore required.

Management of Duties.

Duties to be paid into the Exchequer.

XXIV. And be it enacted, That the Duties of Customs herein-before imposed shall be raised, levied, collected, paid, recovered, and accounted for under the Authority and Direction or under the Management and Control of the Commissioners of Her Majesty's Customs; and, except the necessary Charges of raising, collecting, levying, recovering, and accounting for the same, the said Rates and Duties shall from Time to Time (subject to the Deductions herein-after mentioned) be brought and paid into the Receipt of Her Majesty's Exchequer, distinctly and apart from all other Branches of the Public Revenue, and shall go to and make Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland:* Provided always, that any of the Collectors of Customs of the said Isle shall retain, and he and they is and are hereby authorized and required, agreeably to such Directions as shall from Time to Time be given for that Purpose by the Commissioners of Her Majesty's Customs, to retain, such Sum or Sums of Money in his or their Hands as may be sufficient to defray the necessary Expences attending the Government of the said *Isle of Man*, and the Administration of Justice there, and other Charges incurred in the said Isle, which have heretofore been or may hereafter be deemed fit and proper Charges to be deducted from and paid out of the Duties of Customs collected in the said *Isle of Man;* and upon the Amount of the said Expences and Charges being ascertained, the said Commissioners are hereby authorized to direct the same to be paid out of the said Monies so retained to such Person or Persons as may be entitled to receive the same.

Part of Duties may be retained for Expences of the Government.

Annual Sum of 2,300*l.* to be paid from Duties under this Act to Harbour Commissioners.

XXV. 'And whereas by an Act passed in the Fifty-fourth Year of the Reign of King *George* the 'Third, intituled *An Act to repeal the Duties granted by an Act passed in the Eleventh Year of His 'present Majesty, for repairing, amending, and supporting the several Harbours and Sea-ports in the* 'Isle of Man, *and for granting new Duties in lieu thereof, and for giving further Powers to the Commis-'sioners appointed under the said Act*, certain Harbour Duties were imposed on Ships and Vessels, 'Goods, Wares, and Merchandize, arriving at and imported into the said *Isle of Man*, and certain Rates 'were also imposed on Boats and Vessels employed in the Herring Fishery on the Coasts thereof: And 'whereas the said Duties and Rates have subsequently to the passing of the said last-mentioned Act been 'repealed:' Now, be it enacted, That the Collectors of Customs of the said Isle shall, out of the Duties collected under this Act, pay to Her Majesty's Receiver General in the said *Isle of Man*, to be applied as herein-after is mentioned, yearly and every Year, the Sum of Two thousand three hundred Pounds, by Four equal quarterly Payments, on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October*, the First of such Payments to be made on the First Day of *October* One thousand eight hundred and forty-five, and the same shall be applied by the said Harbour Commissioners to the same Purposes to which the Duties imposed by the said last-mentioned Act and since repealed would be lawfully applicable by the said Harbour Commissioners.

Manx Vessels of Fifty Tons Burden entitled to Privileges of Vessels of Sixty Tons.

XXVI. And be it enacted, That all Vessels registered at any Port in the said *Isle of Man*, and *bonâ fide* the Property of Inhabitants thereof, being so registered as of the Burden of Fifty Tons, shall, with regard to Coasting Trade between the *Isle of Man* and the United Kingdom, be entitled to all the Privileges to which Vessels registered in the United Kingdom as of Sixty Tons Burden are by Law entitled.

XXVII. And

XXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Alteration of Act.

SCHEDULE to which the foregoing Act refers.

SCHEDULE OF LICENCE GOODS.

Spirits; (videlicet,)		
Foreign Brandy	Gallons	20,000
— Geneva	Ditto	20,000
Liqueurs	Ditto	50
Eau de Cologne	Ditto	50
From the United Kingdom, or from any Place from which the same might be imported into the United Kingdom, for Consumption therein.		
Rum of the British Plantations	Gallons	70,000
Tobacco	Pounds	55,000
Segars	Ditto	5,000
From the United Kingdom.		

RULES REFERRED TO IN THIS ACT.

1. All such Goods to be imported or brought into the Port of Douglas, and by Her Majesty's Subjects, and in British Ships or Vessels of the Burden of Fifty Tons or upwards.
2. Such Tobacco to be shipped only in Ports in the United Kingdom where Tobacco is allowed to be imported and warehoused without Payment of Duty.
3. Such Rum, Brandy, and Geneva to be imported or brought in Casks containing not less than Twenty Gallons each.
4. That the respective Quantities of such Spirits shall be estimated according to the Strength of Proof by Sykes's Hydrometer.
5. No Drawback of Excise to be allowed on any such Goods until a Certificate of the due Landing of the Goods at the Port of Douglas be produced from the Collector and Comptroller of the Customs at that Port.
6. If any such Goods be laden at any Foreign Port or Place, the Species and Quantity of such Goods, with the Marks, Numbers, and Denominations of the Casks or Packages containing the same, shall be endorsed on the Licence, and signed by the British Consul at the Port of Lading, or if there be no British Consul, by Two known British Merchants.
7. Upon Importation into the Port of Douglas of any such Goods the Licence for the same shall be delivered up to the Collector or Comptroller of that Port.

CAP. XCV.

An Act to exempt *Van Diemen's Land* from the Provisions of an Act, intituled *An Act for regulating the Sale of Waste Land belonging to the Crown in the* Australian *Colonies.*

[4th *August* 1845.]

'WHEREAS an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her Majesty, intituled *An Act for regulating the Sale of Waste Land belonging to the Crown in the* Australian *Colonies:* And whereas the Provisions of the said Act are inapplicable to those Colonies to which Felons and Offenders may be transported by Law from the United Kingdom of *Great Britain* and *Ireland:*' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be suspended and of no Force and Effect in the Colony of *Van Diemen's Land*, as such Colony is now defined and limited, so long as the said Colony shall continue to be a Place to which Felons and other Offenders under Sentence or Order of Transportation may be conveyed from the United Kingdom of *Great Britain* and *Ireland*, by Direction of Her Majesty, given with the Advice of Her Privy Council. 5 & 6 Vict. c. 36. Act not to take effect in the Colony of Van Diemen's Land so long as Felons are transported there.

II. And be it enacted, That this Act shall take effect and have the Force of Law in the said Colony from and after a Day to be specified by the Governor of the said Colonies in some Proclamation to be issued by him for that Purpose. Commencement of Act.

III. And be it enacted, That this Act may be altered or amended during the present Session of Parliament. Alteration of Act.

CAP. XCVI.

An Act to restrict the Powers of selling or leasing Railways contained in certain Acts of Parliament relating to such Railways. [4th *August* 1845.]

'WHEREAS Provisions have been introduced in various Acts of Parliament, during the present Session of Parliament, relating to Railways, giving to Railway Companies general Powers of granting or accepting a Lease, Sale, or Transfer of their own or other Lines of Railway; and it is expedient that such Powers should be restrained:' Be it therefore enacted by the Queen's most Excellent

No Railway Company to grant or accept a Lease or Transfer of any Railway unless under a distinct Provision of an Act specifying the Parties.

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall not be lawful for the Company of Proprietors of any Railway, by virtue of any Powers contained in any Act passed in the present Session, to make or grant, or for any other Railway Company or Party, by virtue of any such Powers, to accept, a Sale, Lease, or other Transfer of any Railway, unless under the Authority of a distinct Provision in some Act of Parliament to that Effect specifying by Name the Railway to be so leased, sold, or transferred, and the Company or Party by whom such Lease, Sale, or Transfer may be respectively made, granted, or accepted.

CAP. XCVII.

An Act to amend the Law respecting Testamentary Dispositions of Property in the Public Funds, and to authorize the Payment of Dividends on Letters of Attorney in certain Cases. [4th *August* 1845.]

1 G. 1. c. 19.

'WHEREAS by an Act passed in the First Year of His late Majesty King *George* the First, intituled *An Act for raising Nine hundred and ten thousand Pounds for public Services, by Sale of Annuities after the Rate of Five Pounds* per Centum per Annum, *redeemable by Parliament, and to authorize a Treaty concerning private Rights claimed by the Proprietors of the Sugar Houses in* Scotland, and by divers Acts since passed for creating Stocks, Funds, and Annuities payable out of the Public Revenue, and for the Consolidation, Regulation, and Management of such Stocks, Funds, and Annuities respectively, it is enacted, that any Person or Persons possessed of any Estate or Interest in the Public Stocks or Funds, and Annuities by the same Acts respectively created, may devise the same by Will in Writing attested by Two or more credible Witnesses, but that no such Devisee shall receive any Payment thereupon until so much of any such Will as shall relate to such Stock or Annuity respectively shall be entered or registered in the Office of the Chief Accountant for the Time being of the Governor and Company of the Bank of *England*, and that in default of any such Devise such Stocks or Funds respectively, and the respective Annuities attending the same, shall go to the Executors or Administrators of the Person or Persons dying entitled thereto: And whereas Doubts have arisen as to the true Construction and Effect of the Provisions aforesaid; and the Registration of specific Devises or Bequests of Property in such Stocks, Funds, and Annuities as aforesaid has been found in Practice to be unnecessary and inconvenient; and it is expedient that such Doubts should be removed, and that the Provisions made by the said Acts respectively for such Registration should be repealed: And whereas it hath been the Practice of the Governor and Company of the Bank of *England* to require that all the Executors of any Person entitled to any Share or Interest in any Stocks, Funds, or Annuities transferable at the Bank of *England* should join in the Transfer thereof, and it is desirable that the same should be confirmed by Law:' Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

All Shares of Public Stocks standing in the Name of any deceased Person may be transferred by the Executors.

all the Share or Interest in any Public Stocks now standing in the Books of the Governor and Company of the Bank of *England* in the Name of any deceased Person, and all the Share and Interest of any Person who shall hereafter die possessed of any such Stocks standing in his Name as aforesaid, shall and may be assigned and transferred by the Executors or Administrators of such Person notwithstanding any specific Bequest or Disposition thereof in the Will of such Person contained: Provided always, that the said Governor and Company of the Bank of *England* shall not be required to permit or allow the Executors or Administrators of any such Person to transfer any such Stocks, or to receive any Dividend thereon, until the Probate of the Will or the Letters of Administration of the Goods, Chattels, and Credits of such Person shall have been first left at the Bank of *England* for Registration thereof; and that it shall be lawful for the said Governor and Company to require all the Executors who shall have proved the Will of any deceased Person in whose Name any such Stocks are now or at any Time hereafter may be standing to join and concur in every Transfer thereof or of any Part thereof.

All the Executors to join in the Transfer of Stock.

Bank not to register specific Bequests.

II. And be it enacted, That so much and such respective Parts of any and every Act now in force as require all or any Part of any Will or Codicil devising or bequeathing or purporting to devise or bequeath any Estate, Property, or Interest in any Public Stocks, or in any Dividends arising therefrom, to be entered or registered in the Office of the Chief Accountant of the Governor and Company of the Bank of *England*, or in any other Office, or in any Book of the Governor and Company of the Bank of *England*, shall be and the same are hereby respectively repealed, and that from and after the passing of this Act it shall be sufficient for the said Governor and Company, before permitting the Transfer of any Stocks, or the Receipt of any Dividends upon any Stocks standing in the Name of any deceased Person, to register the Names of the deceased Party, and of his Executors or Administrators respectively, as the Case may be.

Powers of Attorney to be given for Receipt of Dividends in certain Cases.

III. 'And whereas it frequently happens that Stock is standing in the Names of Infants or Persons of unsound Mind, jointly with Persons not under any legal Disability to act, and such last-mentioned Persons are not able to attend personally to receive the Dividends thereon, and no Power of Attorney can be granted for the Receipt of such Dividends;' be it therefore enacted, That whenever it shall happen that any Stock shall be standing in the Name of any Infant or Person of unsound Mind, jointly with any Person not under any legal Disability to act, it shall be lawful to and for such last-mentioned Person, by Letter of Attorney under his Hand and Seal, attested by Two or more credible Witnesses, to authorize

authorize some other Person to receive the Dividends due and to accrue due on such Stock; and the Payment of any such Dividend to any Person so appointed shall discharge the said Governor and Company of the Bank of *England* in respect thereof: Provided always, that it shall be lawful for the said Governor and Company, before acting on any such Letter of Attorney, to require Proof to the Satisfaction of the said Governor and Company of the Age of such Infant, or of the Unsoundness of Mind of such Person, by the Declaration of competent Persons, to be made in pursuance of the Act passed in the Sixth Year of the Reign of His late Majesty authorizing the Substitution of a Declaration in lieu of an Oath in certain Cases.

Interpretation of Act.

IV. And be it enacted, That the Word "Stocks" in this Act shall extend to any Stocks, Funds, or Annuities which now are or at any Time hereafter shall be transferable at the Bank of *England;* and that the Plural Number in this Act shall be construed to include the Singular; and that the Masculine Gender in this Act shall be construed to include the Feminine.

Alteration of Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. XCVIII.

An Act for facilitating the winding up the Affairs of Joint Stock Companies in *Ireland* unable to meet their pecuniary Engagements. [4th *August* 1845.]

'WHEREAS it is expedient to extend the Remedies of Creditors against the Property of such Joint 'Stock Companies or Bodies as herein-after mentioned when unable to meet their pecuniary 'Engagements, and to facilitate the winding up of their Concerns; and it may also be for the Benefit of 'the Public to make better Provision for Discovery of the Abuses that may have attended the Formation 'or Management of the Affairs of any such Companies or Bodies, and for ascertaining the Causes of 'their Failure:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any commercial or trading Company now or at any Time hereafter incorporated by Charter or Act of Parliament, or any Company or Body of Persons now or at any Time hereafter associated together for any commercial or trading Purposes, and to which any Privilege or Privileges or Power or Powers shall, before or after the passing of this Act, have been granted, under the Authority of the Statute made and passed in the First Year of the Reign of Her present Majesty, intituled *An Act for better enabling Her Majesty to confer certain Powers and Immunities on trading and other Companies*, or by any Act of Parliament, or any commercial or trading Company or Body which by the said Statute made and passed in the First Year of the Reign of Her present Majesty is to be considered as subsisting, and to be subject to the Provisions of the said Statute, in manner therein mentioned, or any Company or Body of Persons now or at any Time hereafter associated together for any commercial or trading Purposes, and registered, either provisionally or completely, under the Provisions of an Act passed in the last Session of Parliament, intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies*, or any Joint Stock Company now existing and comprehended within the Definition therein contained of a Joint Stock Company, shall commit any Act which by this Act is to be deemed an Act of Bankruptcy on the Part of any such Company or Body, a Commission of Bankruptcy may issue against such Company or Body by the Name or Style of the said Company or Body, upon the Petition of any Creditor or Creditors of such Company or Body (whether a Member or Members of such Company or Body or not), to such Amount as is now by Law requisite to support a Commission of Bankruptcy; and the Commissioner authorized to act in the Prosecution of such Commission, and all Persons acting under such Commission, may proceed thereon in like Manner as against other Bankrupts, subject always to the Provisions herein-after made.

If any incorporated commercial or trading Company, &c. shall commit any Act which is hereby deemed an Act of Bankruptcy on the Part of such Company, a Commission of Bankruptcy may issue against the same, and be prosecuted in like Manner as against other Bankrupts, subject to Provisions herein-after made. 7 W. 4. & 1 Vict. c. 73. 7 & 8 Vict. c. 110.

Bankruptcy of Company not that of Member.

II. Provided always, and be it enacted, That the Bankruptcy of any such Company or Body, in its corporate or associated Capacity, (as the Case may be,) shall not be construed to be the Bankruptcy of any Member of such Company or Body in his individual Capacity.

Declaration of Insolvency in pursuance of a Resolution of the Board of Directors under the Common Seal of the Company, or signed by the Chairman, and attested by the Solicitor of the Company, and filed in the Office of the Secretary of Bankrupts, to be an Act of Bankruptcy.

III. And be it enacted, That if any such Company or Body shall, by virtue of a Resolution to be duly passed in that Behalf at a Board of Directors of such Company or Body duly summoned for that Purpose, file or cause to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts a Declaration in Writing, in the Form specified in the Schedule (A.) No. 1. hereunto annexed, that the said Company or Body is unable to meet its Engagements, and also a Minute of such Resolution in the Form specified in the said Schedule (A.) No. 2., such Declaration and Minute of Resolution respectively being under the Common Seal of such Company or Body, and if such Company or Body have no Common Seal then signed by the Chairman of the Board of Directors who was present at the passing of such Resolution, and in either Case such Declaration and Minute of Resolution being respectively attested by the Attorney or Solicitor of the said Company or Body for the Time being, every such Company or Body shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Commission of Bankruptcy shall issue against such Company or Body within Two Calendar Months from the filing of such Declaration; and a Copy of such Declaration and Minute of Resolution respectively, purporting to be certified by the said Secretary or his Clerk as a true Copy, shall be received as Evidence of such Declaration and Minute of Resolution respectively having been filed by such Company or Body, and that upon such Evidence being given, and upon Proof by the attesting Witness of the sealing or Signature, as the Case may be, of the said Declaration and Minute of Resolution, no further Evidence shall be required of the said Act of Bankruptcy.

Company not paying, securing, or compounding for a Judgment Debt, upon which the Plaintiff might sue out Execution within Fourteen Days after Notice requiring Payment, an Act of Bankruptcy.

IV. And be it enacted, That if any Plaintiff shall recover Judgment in any Action personal for the Recovery of any Debt or Money Demand in any of Her Majesty's Courts of Record, against any such Company or Body, or against any Person duly authorized to be sued as the nominal Defendant on behalf of such Company or Body, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off, or which may be legally set off against such Judgment, and such Company or Body shall not, within Fourteen Days after Notice in Writing served upon the said Company or Body, by Service of the same on a Chief Clerk or Secretary or Registrar of the said Company or Body, or (if there be no Officer of such Denomination) on any Director of the said Company or Body personally, or by the same having been left at the Head Office for the Time being of such Company or Body, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, such Company or Body shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Notice: Provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice, but that it shall be lawful, nevertheless, for such Plaintiff, when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner before directed.

Company disobeying Order of any Court of Equity, &c. for Payment of Money after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy.

V. And be it enacted, That if any Decree or Order shall be pronounced in any Cause depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy against any such Company or Body, or against any Person duly authorized to be sued as the nominal Defendant on behalf of such Company or Body, ordering any Sum of Money to be paid by such Company or Body, and such Company or Body shall disobey such Decree or Order, the same having been served upon such Company or Body by Service of the same on a Chief Clerk or Secretary or Registrar of the said Company or Body, or (if there be no Officer of such Denomination) on any Director of the said Company or Body personally, or by the same having been left at the Head Office for the Time being of such Company or Body, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Company or Body, being served in manner aforesaid with such last-mentioned Order Fourteen Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, such Company or Body shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after the Service of such Order.

Creditor filing an Affidavit of Debt in any Superior Court, and issuing a Writ thereon, if the Company do not within a Month satisfy the Creditor, or satisfy a Judge of their Intention to defend on the Merits, and enter an Appearance to the Action, an Act of Bankruptcy.

VI. And be it enacted, That if any Creditor or Creditors of any such Company or Body to such Amount as is now by Law requisite to support a Commission shall file an Affidavit or Affidavits in any of Her Majesty's Superior Courts of Law at *Dublin* that such Debt or Debts is or are justly due to him or them respectively from the said Company or Body, and that such Company or Body, as he or they verily believe, is a commercial or trading Company or Body incorporated or associated as aforesaid (as the Case may be), and shall sue out of the same Court a Writ against such incorporated Company, or against any Person duly authorized to be sued as the nominal Defendant on behalf of such associated Company or Body, as the Case may be, and serve a Chief Clerk or Secretary or Registrar of such incorporated or associated Company or Body, as the Case may be, or (if there be no Officer of such Denomination) any Director of the said Company or Body personally, with a Copy of such Writ, if such Company or Body shall not, within One Calendar Month after Service of such Copy, pay, secure, or compound for such Debt or Debts to the Satisfaction of such Creditor or Creditors, or make it appear to the Satisfaction of One of the Judges of the Court out of which such Writ shall issue that it is the Intention of such Company to defend the Action upon the Merits, and within One Calendar Month next after Service of such Copy cause an Appearance or Appearances to be entered to such Action or Actions in the proper Court or Courts in which the same shall have been brought, every such Company or Body shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Copy.

Assignees may maintain Action for a Debt; and any Person may claim Debt due.

VII. And be it enacted, That it shall be lawful for the Assignees of the Estate and Effects of any such Company or Body to maintain any Action, Suit, or other Proceeding against any Person or Persons (whether a Member or Members of such Company or Body or not), to recover any Debt or Demand on behalf of the said Company or Body against such Person or Persons, and for any Person or Persons to prove or claim under the Commission against such Company or Body such Debt or Demand as may be due to him or them (whether a Member or Members of such Company or Body or not) on the Balance of Accounts between him or them and the said Company or Body.

Member's Share not to be set off against a Demand which the Assignees may have against such Member.

VIII. Provided always, and be it enacted, That no Claim or Demand which any Member of any such Company or Body may have in respect of his Share of the Capital or Joint Stock thereof, or of any Dividends, Interest, Profits, or Bonus payable or apportionable in respect of such Share, shall be capable of being set off, either at Law or in Equity, against any Demand which the Assignees of the Estate and Effects of such Company or Body may have against such Member on account of any other Matter or Thing whatsoever, but all Proceedings in respect of such Matter or Thing may be carried on as if no Claim or Demand existed in respect of such Capital or Joint Stock, or of any Dividends, Interest, Profits, or Bonus payable or apportionable in respect thereof.

No Action, &c. by a Creditor, so far as concerns

IX. And be it enacted, That no Action, Suit, or other Proceeding by any Creditor or Creditors of any such Company or Body shall, so far as concerns or may be necessary for the Recourse of such Creditor

Creditor or Creditors against the Person, Property, or Effects of any Member or Members thereof for the Time being, or any former Member or Members thereof, be deemed to prejudice or in any Manner affect the Right of such Creditor or Creditors to sue out or prosecute a Commission against such Company or Body, or his or their Right to prove or claim, under any Commission against such Company or Body, any Debt or Demand remaining unsatisfied; and that no such Commission, or Proof or Proceeding thereunder, shall be deemed to prejudice or in any Manner affect the Right of any Creditor or Creditors of such Company or Body to institute or maintain any Action, Suit, or other Proceeding, so far as concerns or may be necessary for the Recourse of such Creditor or Creditors against the Person, Property, or Effects of any Member or Members thereof for the Time being, or any former Member or Members thereof: Provided always, that nothing herein contained shall prevent Remedy against Copartners; provided also, that no Execution in respect of any Debt or Demand proveable under the Commission against any such Company or Body adjudged bankrupt shall be issued against the Person, Property, or Effects of any Member or Members for the Time being of such Company or Body, or any former Member or Members thereof, until after such Debt or Demand shall have been proved under such Commission, nor shall any such Execution be issued, after the Appointment of a Receiver in manner herein-after mentioned, without Leave of the High Court of Chancery.

his Recourse against any individual Member, to affect his Right to issue or prove under a Commission against the Company for any Debt remaining unsatisfied; and a Commission, or a *Proof* or Proceeding thereon, not to affect any such Action.

X. And be it enacted, That the Law and Practice in Bankruptcy now in force in *Ireland* shall extend, so far as the same may be applicable, to this Act, and to Commissions in Bankruptcy issued by virtue of this Act, and to all Proceedings under such Commissions, save and except as may be otherwise directed by this Act.

Bankruptcy Law extended to Commissions under this Act.

XI. And be it enacted, That it shall be lawful for the Commissioner authorized to act in the Prosecution of a Commission of Bankruptcy against any such Company or Body, at any Time after the Advertisement of the Bankruptcy in the *Dublin Gazette*, to order that the Persons who were at the Date of such Commission Directors of such Company or Body, or such of them as such Commissioner in his Discretion shall think fit, or if there be no Directors then such Members of the Company as such Commissioner in his Discretion shall think fit, shall prepare such Balance Sheet and Accounts, and in such Form as such Commissioner shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same in such Court, and deliver a Copy thereof to the Assignee Ten Days at least before the last Examination under such Commission; and such Balance Sheet and Accounts, before such last Examination, may be amended from Time to Time as Occasion shall require and such Commissioner shall direct; and such Persons shall make Oath of the Truth of such Balance Sheet and Accounts whenever they shall be duly required so to do; and such Commissioner may from Time to Time make such Allowance out of the Estate of such Company or Body for the Preparation of such Balance Sheet and Accounts, and to such Person or Persons, as such Commissioner shall think fit.

The Commissioner may order the Directors adjudged bankrupt, &c. to prepare and file a Balance Sheet and Accounts, and to make Oath of the Truth thereof; and may make Allowance out of the Estate for the Preparation thereof.

XII. And be it enacted, That every such Person ordered as aforesaid to prepare such Balance Sheet and Accounts shall be under the like Obligation to surrender to the Commissioner authorized to act in the Prosecution of such Commission, at the Hour and upon the Day allowed for finishing the last Examination under such Commission, and to sign and subscribe such Surrender, and to submit to be examined before such Commissioner from Time to Time upon Oath, and to make a full and true Discovery of the Estate and Effects of such Company or Body, and shall incur such Danger or Penalty for not surrendering, or for not signing or subscribing such Surrender, or for not coming before the Commissioner, or for refusing to be sworn and examined, or for not fully answering to the Satisfaction of the Commissioner, or for refusing to sign or subscribe his Examination, or for not delivering up at the last Examination under such Commission all such Part of the Estate of such Company or Body, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power, or for removing, concealing, or embezzling any Part of such Estate to the Value of Ten Pounds or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud the Creditors of such Company or Body, as is now by the Law in force concerning Bankrupts provided as to a Bankrupt for not conforming to the like Requisitions for the Discovery of and in relation to the Estate and Effects of such Bankrupt.

Persons ordered by the Commissioner to prepare the Balance Sheet to be under the like Obligation to surrender at last Examination, and to submit to be examined, &c., and to incur such Danger or Penalty for not conforming, &c. as is now provided against a Bankrupt.

XIII. And be it enacted, That every such Person so ordered as aforesaid to prepare such Balance Sheet and Accounts shall have such Freedom from Arrest and Imprisonment in coming to surrender to such Commission, and such Discharge if arrested in coming to surrender, as a Bankrupt now has or may have under a Commission of Bankruptcy against him; and such Person or Persons, if in Prison, may be brought before such Court by Warrant in like Manner as such Bankrupt now may.

Person ordered to prepare Balance Sheet to have Freedom from Arrest, &c.

XIV. And be it enacted, That it shall be lawful for the Commissioner authorized to act in the Prosecution of a Commission of Bankruptcy issued against any such Company or Body, before Adjudication, to summon before such Commissioner any Person (whether a Member of such Company or Body or not) whom such Commissioner shall believe capable of giving any Information concerning the commercial Dealings or Trading of, or any Act or Acts of Bankruptcy within the Meaning of this Act committed by, such Company or Body, and also to require such Person so summoned to produce any Books, Papers, Deeds, Writings, and other Documents in the Custody, Possession, or Power of such Person which may appear to such Commissioner to be necessary to establish such Dealings, Trading, or Act or Acts of Bankruptcy; and it shall be lawful for such Commissioner to examine every such Person upon Oath, by Word of Mouth or Interrogatories in Writing, concerning the Dealings or Trade of, or any Act or Acts of Bankruptcy within the Meaning of this Act committed by, such Company or Body; and it shall also be lawful for such Commissioner, after Adjudication, to summon before him any Person (whether a Member

The Commissioner, before Adjudication, may summon any Person, whether a Member of the Company or not, to give Evidence as to the Trading and any Act of Bankruptcy; and after Adjudication the Commissioner

may summon and examine any Person who is suspected to have Property of the Company in his Possession, or to be indebted to the Company, &c., and compel him to produce Books, &c.

Member of such Company or Body or not) known or suspected to have any of the Estate of such Company or Body in his Possession, or who is supposed to be indebted to such Estate, or any Person (whether a Member of such Company or Body or not) whom such Commissioner believes capable of giving Information concerning any Person or Persons who was or were a Member or Members of such Company or Body at or before the Date of the Commission, or concerning the Trade, Dealings, or Estate of such Company or Body, or concerning any Act or Acts of Bankruptcy within the Meaning of this Act committed by such Company or Body, or any Information material to the full Disclosure of the Dealings of such Company or Body; and it shall be lawful for such Commissioner to examine in manner aforesaid every such Person so summoned concerning the Person of any such Member, or concerning the Trade, Dealings, or Estate of such Company or Body, and also to require every such Person so summoned to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody, Possession, or Power which may appear to such Commissioner necessary to the Verification of the Deposition of such Person, or to the full Disclosure of any of the Matters which such Commissioner is authorized to inquire into; and every such Person so summoned shall incur such Danger or Penalty for not coming before the Commissioner, or for refusing to be sworn and examined, or for not fully answering to the Satisfaction of such Commissioner, or for refusing to sign or subscribe his Examination, or for refusing to produce or for not producing any such Book, Paper, Deed, Writing, or Document, as is now provided against Persons summoned to be examined under a Commission of Bankruptcy.

As to Costs where a Person summoned was a Member.

XV. And be it enacted, That where any Person who, at or before the Date of a Commission of Bankruptcy issued against any such Company or Body, was a Member of such Company or Body, shall be summoned to attend before the Commissioner authorized to act in the Prosecution of such Commission, every such Person shall have such Costs and Charges only (if any) as such Commissioner in his Discretion shall think fit.

Penalty for wilfully concealing Estate of Company, 100*l.*, and Double the Value of the Estate concealed, and Allowance for making Discovery thereof.

XVI. And be it enacted, That if any Person who, at or before the Date of the Commission against any such Company or Body, was a Member of such Company or Body, but not being a Person so ordered as aforesaid to prepare such Balance Sheet and Accounts, or if any other Person, shall wilfully conceal any Real or Personal Estate of any such Company or Body, and shall not within Thirty Days after the issuing of the Commission against such Company or Body discover such Estate to the Commissioner authorized to act in the Prosecution of such Commission, or to the Assignees, every such Person shall forfeit the Sum of One hundred Pounds, and Double the Value of the Estate so concealed; and any Person, other than a Person having been a Member of such Company or Body, who shall, after the Time allowed for finishing the last Examination under such Commission, voluntarily discover to such Commissioner or the Assignees any Part of the Estate of such Company or Body not before come to the Knowledge of the Assignees, shall be allowed Five Pounds *per Centum* thereupon, and such further Reward as the major Part in Value of the Creditors present at any Meeting called for that Purpose shall think fit, to be paid out of the Estate recovered on such Discovery.

Commissioner may order any Treasurer, &c. to deliver to the Official Assignee, or Bank of Ireland, all Monies, &c. which he is not entitled to retain.

XVII. And be it enacted, That, after the Adjudication of Bankruptcy under any Commission already issued or hereafter to be issued shall have been advertised in the *Dublin Gazette*, it shall be lawful for the Commissioner authorized to act in the Prosecution of such Commission to order any Treasurer or other Officer, or any Attorney or Solicitor or other Agent of the Company or Body, or Person or Persons, adjudged bankrupt under such Commission, to pay and deliver over to the Assignee appointed under such Commission, or to the Bank of *Ireland* or any of the Branches thereof, according to the Rules now or hereafter in force with respect to Payments into the Bank of *Ireland* of Monies due to any Bankrupt's Estate, all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or Bankrupts, or his or their Assignees.

Any Person disobeying any Rule or Order of the Commissioner to be imprisoned until he conform, or until the Commissioner or Lord Chancellor shall otherwise order.

XVIII. And it is hereby declared and enacted, That if any Person shall disobey any Rule or Order of the Commissioner of Bankruptcy authorized to act in the Prosecution of any Commission of Bankruptcy duly made by such Commissioner for enforcing any of the Purposes and Provisions of this Act, or of any other Act relating to Bankruptcy or Insolvency now or hereafter to be in force, or made or entered into by Consent of such Person for carrying into effect any of such Purposes or Provisions, it shall and may be lawful for such Commissioner, by Warrant under Hand and Seal, to commit the Person so offending to the Queen's Prison, or to the Common Gaol of any County, City, or Place where he shall be found or where he shall usually reside, there to remain without Bail or Mainprize until such Person shall have fulfilled the Duty required by such Rule or Order, or until such Commissioner or the Lord Chancellor shall make Order to the contrary.

The Commissioner may direct the Assignees of the Estate of a Company adjudged bankrupt to petition the Court of Chancery for Directions for winding up the Affairs of the

XIX. And be it enacted, That it shall be lawful for the Commissioner authorized to act in the Prosecution of any such Commission of Bankruptcy to direct the Creditors Assignees of the Estate and Effects of any such Company or Body to apply to the High Court of Chancery, by Petition in a summary Way to the Lord Chancellor or the Master of the Rolls, praying that all such Orders and Directions may be given as shall be necessary for the final winding up and settling the Affairs of such Company or Body, and to compel a just Contribution from all the Members of such Company or Body towards the full Payment of all the Debts and Liabilities of such Company or Body, and of the Costs of winding up and finally settling the Affairs of such Company or Body; and that upon the hearing of such Petition it shall be lawful for the said High Court of Chancery to refer it to One of the Masters of the High Court of Chancery to take all such Accounts and make all such Inquiries as shall be required, for the Purpose of ascertaining what Sum of Money in the whole, and what Sums of Money as proportionate Parts of the whole,

whole, or what Sum or Sums of Money from Time to Time on account, will (having regard to the Deed of Settlement of such Company, and the Calls, Contributions, Debts, or Demands actually paid by the several and respective Members thereof, and also having regard to any Proceedings before the Commissioner of Bankruptcy,) be necessary and proper to be raised, by Calls or Contributions from the respective Members of such Company or Body, for the Payment and Satisfaction of all the Debts and Liabilities of such Company or Body, and also of all the Costs of winding up and settling the Affairs of the said Company; and that the High Court of Chancery, upon Confirmation of the Master's Report made upon any such Reference, or upon making such Reference, or otherwise, may order the Payment of the several and respective Sums of Money which by such Report are found necessary and proper to be paid, and may refer it to the Master to appoint a Receiver to collect and receive such Sums of Money, and either to pay the same into the Bank of *Ireland*, in the Name and to the Account of the Accountant General of the High Court of Chancery, to the Credit of such Company or Body, and may, upon the Petition of such Assignees, order such Sums of Money to be paid in or towards Satisfaction of the Debts which by the Proceedings in Bankruptcy shall have been found to be due to the Creditors of such Company or Body, and all Persons having Claims and Demands thereon, and also in satisfaction of Costs, or may order such Receiver to pay such Sums of Money in satisfaction of such Debts, Claims, and Demands, and Costs, in the first instance.

Company, upon which Petition an Order of Reference may be made, and Accounts taken, and upon the Confirmation of the Master's Report a Receiver may be appointed.

XX. And be it enacted, That if it shall appear that any individual Members of such Company or Body have Claims against each other in respect of the Affairs or Transactions of such Company or Body, it shall be lawful for the Court of Chancery, upon the Petition of any Member of such Company or Body, alleging that he hath any such Claim against any other Member of the said Company or Body, to make all such Orders as shall be just for the Purpose of finally settling and determining such Claim, and may order the Payment of such Sum of Money (if any) as shall appear to be due in respect of any such Claim.

Court of Chancery may make Order in individual Claims in respect of Transactions of the Company.

XXI. 'And whereas the Law is defective in the Means of making the Members of Joint Stock 'Companies Contributaries for paying their Debts in full, and in the Means of giving Relief where 'Execution may have been had in respect of a Debt due from any such Company against One or a very 'few Members of such Company, and also in the Means of adjusting the Rights of the Members of any 'such Company amongst themselves, and finally winding up the Affairs of such Company;' be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Consent of the Master of the Rolls, from Time to Time, and as often as Circumstances shall require, to make and prescribe such Rules and Orders touching and concerning the Form and Mode of Proceeding to be had and taken in the Court of Chancery for settling and enforcing the Contribution to be paid by any Member or Members for the Time being of any such Company, or any former Member or Members thereof, or any Real or Personal Representative, or other Persons liable in that Behalf, and the Practice to be observed by such Court in or relating to such Proceeding, or any Matters incident thereto, and the Form and Mode of Proceeding to be had and taken before any One of the Masters of the said Court, primarily or by Reference from the said Court, in any Matter for or relating to Contribution, as shall from Time to Time seem necessary and proper for the Advancement of Justice in such Cases, and for adjusting and determining the Rights and Equities of the Parties concerned, and for suing for and getting in the Assets, and for ascertaining and discharging the Liabilities of such Companies, and requiring the Creditors thereof to claim their Debts, and finally winding up the Affairs thereof, with as little Delay, Expence, and Uncertainty as possible: Provided always, that such Rules and Orders shall be laid before both Houses of Parliament within One Month from the making thereof, if Parliament be then sitting; or, if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament; and every Rule and Order so made shall be binding and obligatory and be of like Force and Effect as if the Provisions contained therein had been expressly enacted by Parliament.

The Lord Chancellor, with the Advice and Consent of the Master of the Rolls, to make Rules and Orders as to the Form and Mode of Proceeding for settling and enforcing Contribution to be made by Members of Company, and the Practice to be observed by the Court of Chancery and the Masters in such Proceeding.

XXII. And be it enacted, That an Act passed in the Forty-first Year of the Reign of King *George* the Third, intituled *An Act for the more speedy and effectual Recovery of Debts due to His Majesty, His Heirs and Successors, in right of the Crown of the United Kingdom of* Great Britain *and* Ireland, *and for the better Administration of Justice within the same*, shall extend to Decrees or Orders made by the said Court of Chancery in any Suit, Proceeding, or Matter under or by virtue of this Act.

41 G. 3. (U.K.) c. 90. to extend to Decrees, &c. made by Court of Chancery.

XXIII. And be it enacted, That, previous to passing the last Examination under a Commission against any such Company or Body adjudged bankrupt, it shall be the Duty of the Commissioner authorized to act in the Prosecution of such Commission, to inquire, by the Examination of such Person or Persons as such Commissioner shall think fit, into the Cause of the Failure of such Company or Body; and after the passing of such last Examination, or after the Time allowed by such Court for that Purpose shall have elapsed, such Court shall cause a Copy of the Balance Sheet filed in the Court under such Commission to be transmitted to the Committee of Privy Council for Trade and Plantations, and such Commissioner shall at the same Time certify in Writing to the said Committee what, in the Opinion of such Commissioner, was the Cause of the Failure of such Company or Body, and shall have Liberty to state any special Circumstances relating to the Formation or Management of the Affairs of such Company or Body, and shall cause to be annexed to such Certificate a Copy of the Examination of any Person or Persons taken under such Commission, and which such Commissioner shall deem material, relating to the Formation or Management of the Affairs of such Company or Body.

Commissioner to inquire into Cause of Failure of a Company, to transmit a Copy of Balance Sheet to Board of Trade, and certify the Cause of Failure, and any special Circumstances, &c.

XXIV. And be it enacted, That after the Commissioner shall have certified to the Committee of Privy Council for Trade and Plantations the Cause of the Failure of any such Company or Body adjudged

After the Commissioner shall have certified to

the Board of Trade the Cause of the Failure of such Company, the Queen may determine the Company.

adjudged bankrupt, it shall and may be lawful for Her Majesty, Her Heirs and Successors, upon the Recommendation of the said Committee, by any Instrument in Writing under Her or their Great Seal of *Ireland*, to signify Her or their Pleasure for revoking and making void, and thereby to revoke and make void, all the Powers, Privileges, and Advantages at any Time by any Charter or Letters Patent or Act of Parliament granted to such Company or Body, and to determine the same, and thereupon the said Powers, Privileges, and Advantages shall accordingly be revoked, and the same Company or Body shall be determined, without any Inquisition, Scire facias, or any Matter or Thing to make void or determine the same, any thing in such Charter or Letters Patent or Act of Parliament contained to the contrary notwithstanding.

Board of Trade may cause the Papers to be laid before the Attorney General, who shall direct as to any Proceedings thereon.

XXV. And be it enacted, That after the Commissioner shall have certified to the Committee of Privy Council for Trade and Plantations the Cause of the Failure of any such Company or Body adjudged bankrupt, the said Committee may, whenever it shall think fit, cause all the Papers relating to such Failure, and to the Formation and Management of such Company or Body, and to the Conduct of any of the Directors or other Officers of the said Company or Body therein, or to any or either of such Matters to be laid before Her Majesty's Attorney General for *Ireland*, who shall direct whether any and what Proceedings shall be taken thereupon against any Person who was a Director or other Officer of such Company or Body, or any other Person; and any Prosecution or other Proceeding which shall be thereupon directed by the Attorney General for *Ireland* shall be conducted by or under the Direction of the Commissioners of Her Majesty's Treasury.

Company, until determined, to be considered as subsisting for original Purposes, and after Determination for winding up.

XXVI. Provided always, and be it enacted, That, until the Determination of such Company or Body by Her Majesty, Her Heirs or Successors, such Company or Body, and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting, and as continuing such Officers as aforesaid, for all the Purposes for which the same was originally constituted, and that, notwithstanding such Determination as aforesaid, the same shall be considered as subsisting and continuing respectively so long and so far as may be necessary for the winding up of the Concerns of such Company or Body under the Commission issued against such Company or Body.

Company, although otherwise determined, considered subsisting if Matters remain unsettled.

XXVII. And be it enacted, That notwithstanding the Determination of any Company or Body incorporated or associated within the Meaning of this Act, as the Case may be, by any other Means than as last aforesaid, such Company or Body, and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting and as continuing such Officers as aforesaid, for all the Purposes of this Act, so long and so far as any Matters relating to such Company or Body shall remain unsettled.

Any Member, with Knowledge of or in contemplation of Bankruptcy, destroying or falsifying Books, &c. of the Company, or making false Entries, &c., guilty of a Misdemeanor.

XXVIII. And be it enacted, That if any Person, being a Member of any such Company or Body which shall be adjudged bankrupt shall, after and with Knowledge of an Act of Bankruptcy within the Meaning of this Act committed by such Company or Body, or in contemplation of the Bankruptcy of such Company or Body, have destroyed, altered, mutilated, or falsified any of the Books, Papers, Writings, or Securities of such Company or Body, or made or been privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud the Creditors of such Company or Body, or to defeat the Object of this or any other Statute relating to Bankrupts, every such Person shall be deemed to be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to be imprisoned in any Common Gaol or House of Correction for any Term not exceeding Three Years, with or without hard Labour.

If Joint Stock Company shall carry on Business in England and Ireland, it shall be deemed an English Company if Head Office shall last have been in England, or an Irish Company if Head Office shall last have been in Ireland.

XXIX. 'And whereas an Act was passed in the last Session of Parliament, intituled *An Act for facilitating the winding up of Joint Stock Companies unable to meet their pecuniary Engagements*, the 'Provisions whereof are applicable to Companies carrying on Business in *England:* And whereas 'several Joint Stock Companies already have and other Joint Stock Companies may hereafter have 'Establishments, and have carried on or may carry on Business, both in *England* and *Ireland;*' be it therefore enacted, That in all Cases in which any such Joint Stock Company as in this Act and the said recited Act respectively is specified, and made subject to the Provisions thereof, shall have had or hereafter shall have an Establishment or Establishments, or shall have carried on or hereafter shall carry on Business, both in *England* and *Ireland*, if the Head Office of such Company be or shall last have been in *England* such Company shall be deemed to be an *English* Company, and within and subject to the Provisions of the said recited Act, and not of this Act, and if the Head Office be or shall last have been in *Ireland* such Company shall be deemed to be an *Irish* Company, and within and subject to the Provisions of this Act, and not of the said recited Act.

Construction of the Act.

XXX. And be it enacted, That in construing this Act all Powers given or Duties directed to be performed by the Lord Chancellor may be performed by the Lord Keeper or Lords Commissioners of the Great Seal of *Ireland;* and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and Bodies Corporate as well as Individuals; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; unless (in the Cases above specified) a different Construction shall be provided, or the Construction be repugnant to the Subject Matter or Context.

Act to extend only to Ireland.

XXXI. And be it enacted, That this Act shall extend only to *Ireland*, except where there is any special Provision to the contrary.

XXXII. And

XXXII. And be it enacted, That this Act shall commence and take effect on the First Day of *November* next. Commencement of Act.

XXXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Alteration of Act.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

No. 1.

Declaration of Insolvency by incorporated or associated commercial or trading Company.

By virtue of a Resolution duly passed in that Behalf on the Day of at a Board of Directors of [*here state the Name or Style of the Company*], duly summoned for that Purpose, it is hereby declared, that the said Company [*or* Society, *&c., as the Case may be,*] is unable to meet its Engagements.

Dated this Day of in the Year

[*Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.*]

Witness *G. H.*, Attorney [*or* Solicitor] of the Court of and Attorney [*or* Solicitor] of the said Company, and attesting Witness to the Execution hereof as such Attorney [*or* Solicitor.]

SCHEDULE (A.)

No. 2.

Minute of Resolution of a Board of Directors of incorporated or associated commercial or trading Company, authorizing a Declaration of Insolvency.

A Resolution was duly passed on the Day of at a Board of Directors of [*here state the Name or Style of the Company*], duly summoned for that Purpose, that the said Company was then unable to meet its Engagements, and that a Declaration of Insolvency should be forthwith filed in the Office of the Lord Chancellor's Secretary of Bankrupts, in the Form directed by the Statute in that Case made and provided.

[*Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.*]

Witness *G. H.*, Attorney [*or* Solicitor] of the Court of and Attorney [*or* Solicitor] of the said Company, and attesting Witness to the Execution hereof as such Attorney [*or* Solicitor].

CAP. XCIX.

An Act to amend an Act of the Tenth Year of His late Majesty King *George* the Fourth, for consolidating and amending the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; and for other Purposes relating to the said Land Revenue. [4th *August* 1845.]

'WHEREAS by an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases, of the Land Revenue of the Crown within the Survey of the Exchequer in* England, *and of the Land Revenue of the Crown in* Ireland; *and for extending certain Provisions relating to the same to the Isles of* Man *and* Alderney, it was (amongst other things) enacted, that it should be lawful for the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, as therein is mentioned, from Time to Time to demise and lease, or to enter into any Contract or Agreement for demising and leasing, any Part or Parts of the Possessions and Land Revenues of the Crown to which the now-reciting Act related, to any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, for any Term not exceeding Ninety-nine Years from the Time of making such Lease or Agreement; (that is to say,) amongst other Hereditaments, of Land or Ground proper for the Erection of any Houses or other Buildings thereupon, with or without Gardens, Yards, Curtilages, and other Appurtenances to be used therewith, and where the Lessee or intended Lessee should covenant or agree to erect a Building or Buildings thereon of greater yearly Value than such Land or Ground; and it was further enacted, that in every Lease to be granted under the Power therein-before given there should be reserved and made payable, during the whole of the Term thereby granted, such clear yearly Rent as to the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues should appear a reasonable Rent or Consideration for such Lease, without taking any Fine for the same, except as therein-before mentioned; and it was further enacted, that in any Lease to be granted, under any of the Powers therein-before given, of any Land or Ground, Tenements, or Hereditaments, where, at the Time of granting such 10 G. 4. c. 50.

Lease,

'Lease, (or, if such Lease should be granted in pursuance of a previous Agreement, at the Time when 'such Agreement should have been made,) there should not be any substantial Building or Buildings 'upon the Land or Ground to be demised, and the Lessee or Lessees should agree to erect on such Land 'or Ground any Building or Buildings of greater yearly Value than the Land or Ground demised or 'agreed to be demised, it should be lawful to reserve, during any Period not exceeding the first Three 'Years of the Term thereby granted, a nominal Rent or such other Rent only as to the said Commis-'sioners for the Time being of His Majesty's Woods, Forests, and Land Revenues should seem fit; and 'it was also further enacted, that before the making or entering into any Agreement for making any 'Lease by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, under the 'Powers therein-before contained, a Survey of the Part or Parts of the Possessions and Land Revenues 'of the Crown proposed to be leased, where the same should be capable of such Survey, and an Estimate 'of the Value thereof, should be taken and made as in the said Act is mentioned: And whereas by an

2&3 W. 4. c. 1. 'Act passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled '*An Act for uniting the Office of Surveyor General of His Majesty's Works and Public Buildings with* '*the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and for other* '*Purposes relating to the Land Revenues*, it was enacted, that the Persons to be appointed as therein 'mentioned, and their Successors, should be called "The Commissioners of His Majesty's Woods, Forests, 'Land Revenues, Works, and Buildings," and that all Acts of Parliament, Deeds, Bonds, Contracts, 'Agreements, and other Instruments in which the Commissioners of His Majesty's Woods, Forests, and 'Land Revenues, or the Surveyor General of His Majesty's Works and Public Buildings, were named or 'mentioned, should apply to the Commissioners for the Time being of His Majesty's Woods, Forests, 'Land Revenues, Works, and Buildings, so to be appointed as therein mentioned, as if such last-men-'tioned Commissioners had been originally named and made Parties to such Acts of Parliament, Deeds, 'Bonds, Contracts, Agreements, and other Instruments, instead of the Commissioners of His Majesty's 'Woods, Forests, and Land Revenues, and the Surveyor General of His Majesty's Works and Public 'Buildings: And whereas an Act was passed in the Third and Fourth Year of the Reign of His late

3&4 W. 4. c. 69. 'Majesty King *William* the Fourth, intituled *An Act to extend and enlarge the Powers of the Commis-*'*sioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings in relation to the* '*Management and Disposition of the Land Revenue of the Crown in* Scotland: And whereas it is 'expedient that the said Powers of leasing contained in the said recited Acts should be altered and 'extended:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, in the Execution of the Powers of leasing or agreeing to lease in the said recited Acts contained of any Land or Ground by the said Acts authorized to be leased for any Term not exceeding Ninety-nine Years, it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for the Time being, to demise and lease, or to enter into any Contract or Agreement for demising and leasing, all the Estate, Right, Title, and Interest of Her Majesty, Her Heirs and Successors, in right of Her Crown, of and in any Portions of the Shore of the Sea or any Arms thereof, or of navigable Rivers or Lands, derelict or gained, or which may hereafter become derelict or be gained, from the Sea or any Arms thereof, or navigable Rivers, as by the said recited Acts is provided with regard to Land or Ground thereby authorized to be leased for any Term not exceeding Ninety-nine Years as aforesaid, except that when the Lessee or Lessees shall covenant and agree to make any Embankments, or do other Acts, in the Opinion of the said Commissioners necessary or expedient for the reclaiming any such Land, or to construct or erect Wharfs, Docks, or other Works thereon, or on any Part thereof, to the Satisfaction of the said Commissioners and for the permanent Improvement of the Value of the said Land, it shall not be necessary that such Lessee or Lessees should agree or enter into any Contract to erect on such Land, or any Part thereof, any Building or Buildings, other than and except as aforesaid.

Commissioners of Woods, &c. may demise or lease any Portion of the Shore of the Sea or navigable Rivers or Lands derelict or gained from the Sea for 99 Years, where Lessee shall covenant to embank or to construct Docks, &c. thereon.

When any Persons have erected Buildings on Crown Lands in Ignorance of Title of the Crown, Commissioners to grant such Leases as by recited Acts is provided.

II. And be it enacted, That when any Leases shall be granted or Agreements entered into after the passing of this Act, in pursuance of the Powers in the said recited Acts or this Act contained, of any Land or Ground, and whereon or on any Part whereof any Person or Persons to whom any such Leases may be granted, or with whom any such Agreements may be entered into, may have erected any Buildings which in the Opinion of the said Commissioners were erected in Ignorance of the Crown's Title to such Land, then such Leases may be granted or Agreements entered into in all respects as by the said recited Acts is provided, but without reference to or taking into consideration the Value of the Buildings so erected, and with reference only to the Value of the Land for Building Ground, either at the Time of the Erection of such Buildings, or at the Time of granting the said Lease, or of entering into the said Agreement, as the said Commissioners may think fit.

Leases heretofore granted of Ground intended to be applied for Building Purposes, reserving different Rents for different Portions of the Term, instead of one

III. 'And whereas, in the Execution of the Powers of granting Leases in the said first-recited Act 'contained, Leases have from Time to Time been granted of certain Parcels of Ground intended to be 'applied for Building Purposes; and by reason that the ultimate Value could only be ascertained and 'realized after a long Period, instead of one uniform Rent having been reserved in respect thereof during 'the whole Term of the Lease so granted as aforesaid, different Rents for different Portions of the Term 'for which such Leases were granted have been reserved therefore, as being the most beneficial Mode 'of disposing of such Ground for Building Purposes; and inasmuch as Doubts may be entertained as 'to the Validity of such Leases, by reason of such varying Amount in the Rents reserved, instead of one 'uniform Rent during the Term granted, it is expedient that such Doubts should be removed;' now therefore

therefore be it enacted, That all such Leases so granted as aforesaid, so far as regards any Doubts which may arise with respect to any such Reservation of Rent as aforesaid, shall be as from the making thereof absolutely confirmed, and shall be taken to have been made within the Powers of the said first-mentioned Act contained, any thing therein to the contrary notwithstanding. uniform Rent, confirmed.

IV. And be it enacted, That from and after the passing of this Act, in the Exercise of the Powers in the said first-recited Act or in this Act contained with regard to Ground authorized to be let or agreed to be let for any Term not exceeding Ninety-nine Years for Building Purposes, where the Lessee or Lessees shall agree to erect Buildings thereon, or otherwise, as herein-before mentioned, or on any Part thereof, the said Commissioners may, if they shall think fit, either reserve one uniform Rent in respect thereof, or may reserve separate Rents for separate Parts of the Term demised or agreed to be demised, varying in such Manner as may be determined on by the said Commissioners for the Time being, instead of one uniform Rent during the said Term; but all and every the Leases or Agreements for Leases by the said Act or this Act authorized to be granted or entered into shall in all respects be made and entered into in the Manner and subject in all respects as by the said first-recited Act is provided, except as far as the Terms and Provisions of the said first-recited Act, as to the granting and making such Leases and Agreements as aforesaid, are hereby altered or extended. Commissioners, in future Exercise of Powers given of granting Leases for 99 Years, to reserve either one uniform Rent, or separate Rents for separate Parts of the Term.

V. And be it enacted, That where any Licence or Waiver of any Forfeiture or Power of Re-entry reserved in any Lease heretofore granted or hereafter to be granted of the Possessions or Land Revenues of the Crown shall at any Time after the passing of this Act be given by the said Commissioners or any Two of them, (which they are hereby authorized to do, by any Memorandum in Writing, without Stamp,) every such Licence or Waiver shall, unless otherwise expressed, only extend to the actual Breach of the particular Covenant or Condition in respect of which the same is given, or to any specific Breach of any Proviso or Covenant made or to be made, but not so as to prevent any Proceeding for any subsequent Breach or Omission (unless otherwise specified in such Licence), or to the actual Assignment, Under-lease, or other Matter thereby specifically authorized to be done; and all Rights under Covenants and Powers of Forfeiture and Re-entry in the Lease contained shall remain in full force and virtue, and shall be available as against any subsequent Breach of Covenant or Condition, Assignment, Under-lease, or other Matter not specifically authorized or made dispunishable by such Licence or Waiver, in the same Manner as if no such Licence or Waiver had been given; and the Condition or Right of Re-entry shall be and remain in all respects as if such Licence or Waiver had not been given, except in respect of the particular Matter waived or authorized to be done or omitted. Where any Licence or Waiver of Forfeiture reserved in any Lease of the Land Revenues of the Crown shall be given by the Commissioners, such Licence, &c. shall extend only to the Breach of the particular Covenant.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, in the Execution of the Powers contained in the said Act passed in the Tenth Year of King *George* the Fourth, to accept a Surrender of any Lease of any of the Possessions or Land Revenues of the Crown, and to grant separate Leases of the Hereditaments so surrendered, for the Residue of the Term for which such surrendered Hereditaments were held, and to apportion the Rent reserved in or by any such surrendered Lease, as they shall think fit; and any Leases which may heretofore have been made on any such Surrender as aforesaid, and which might have been made if this Act had passed, are (so far as relates to any Question as to the Validity of any such Surrender and Re-grant) hereby confirmed. Commissioners may accept a Surrender of any Lease, and grant separate Leases thereof and apportion the Rent reserved by surrendered Lease;

VII. And be it enacted, That whenever a Surrender shall be made of any existing Lease, for the Purpose of taking a new Lease or Leases by virtue of this Act, the new Lease or Leases shall be taken to be a Renewal of the surrendered Lease, within the Scope and Meaning of the Sixth Section of an Act passed in the Fourth Year of the Reign of King *George* the Second, intituled *An Act for the more effectual preventing Frauds committed by Tenants, and for the more easy Recovery of Rents and Renewal of Leases*, so far as to render unnecessary the Surrender of any Under-leases previously to the granting of such new Lease or Leases, and to give full Effect to such new Lease in all respects, notwithstanding any Under-lease or Under-leases may not be surrendered. and if Surrender be made for the Purpose of a new Lease, the new Lease to be a Renewal of the surrendered Lease.

VIII. 'And whereas in many of the Leases of Crown Lands there is contained a Covenant on the 'Part of the Lessee to insure the Buildings therein against Fire in the Names of the Commissioners for 'the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and in many 'Cases such Covenants have not been strictly observed, by reason of the Changes of the said Commis-'sioners, or otherwise; and it is expedient that the Lessees should be relieved from the Forfeiture 'incurred by such Non-observance of Covenants, and that some Provision should be made for facilitating 'the due Observance thereof in future;' be it enacted, That where in any Lease heretofore made, or which shall at any Time hereafter be made, in pursuance of the Powers in the said Act of the Tenth Year of King *George* the Fourth or in this Act contained, there shall be contained a Covenant on the Part of the Lessee to insure against Fire the Buildings erected, or the Hereditaments therein comprised, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, or any Two of them, at their Discretion, to release by Licence or Waiver, as herein-before is provided, the Tenant or Lessee from any such Covenant, whether Default has been made in the same or not, or for any particular Breach thereof; and where any such Insurance is covenanted to be made in the Names of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, or in the joint Names of the same Commissioners and any other Person or Persons, or otherwise, it shall be lawful for the said Commissioners for the Time being, or any Two of them, at their Discretion, to designate in Writing any Person or Persons in whose Name or Names such Insurance is to be made in lieu of the Names of the said Commissioners for the Commissioners may relieve Tenants from Forfeiture by reason of Non-compliance with their Covenants to insure Buildings in Names of the Commissioners for the Time being; and may designate in Writing any Persons in whose Names such Insurance is to be made instead of the

Names of the Commissioners;

or any such Insurance may be made in Name of Commissioners as if they were a Corporation, or jointly with other Names;

and such an Insurance shall be deemed a Compliance with the Covenant.

Time being; and the Name or Names of such Person or Persons shall be in all respects equivalent to the Names of the said Commissioners for the Time being, for the Purposes of any such Insurance and Covenant, and shall so continue until such Designation as aforesaid shall be revoked in Writing, and a new Person or Persons appointed for the Purposes aforesaid by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, or any Two of them; or any such Insurance may be made in the Name of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as if they were a Corporation, or jointly in such Name and in the Name or Names of any other Person or Persons; and the Commissioners aforesaid, from Time to Time, by the Name of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, alone or jointly with any other Person or Persons, as the Case may be, shall sue and recover and receive under any Policy so effected as aforesaid, in all respects by such Name as aforesaid, and as if they were incorporated by such Name; and any Insurance made in the Name or Names of the Person or Persons so nominated as aforesaid, either solely or jointly with any other Person or Persons (as the Case may be), or in the Name of the said Commissioners as aforesaid, and either jointly or solely as aforesaid, and as the said Commissioners for the Time being, or any Two of them, shall direct, shall be and be deemed to all Intents and Purposes a Compliance with and Performance of any Covenant already entered into, or hereafter to be entered into, to insure in the Names of the said Commissioners for the Time being, either solely or jointly with any other Person or Persons, or otherwise.

Where a Tenant of Crown Lands has transferred or may hereafter transfer any Stock for Redemption or Purchase of Land Tax on such Lands in ignorance of the Exception in 38 G. 3., the Commissioners may transfer to such Tenant so much Stock as shall be a Compensation for the Stock transferred by such Tenant.

IX. 'And whereas by the Act of the Thirty-eighth Year of His late Majesty King *George* the Third, 'for the Redemption of the Land Tax, the Tenants of Crown Lands were excepted from the general 'Preference in purchasing or redeeming the Land Tax therein given to Persons having any Estate or 'Interest in Lands or Hereditaments wherein any Land Tax was chargeable: And whereas by the Act 'of the Forty-second Year of the Reign of His said Majesty King *George* the Third, for making further 'Provisions for the Redemption of the Land Tax, after mentioning that it might have happened that 'Tenants or Lessees of Crown Lands had redeemed the Land Tax charged thereon, and had transferred 'the Consideration for the Redemption thereof as if they had been empowered to contract for the same, 'it was by the last-mentioned Act provided that it should be lawful for the Lord High Treasurer, or the 'Commissioners of Her Majesty's Treasury, for the Time being, in all such Cases to cause to be trans-'ferred to any such Lessees or Tenants so much Capital Stock as should be equivalent in Amount to the 'Stock transferred by such Lessees or Tenants for the Redemption of such Land Tax, which ought not 'to have been contracted for, and thereupon His Majesty, His Heirs and Successors, should be entitled 'to the Benefit of such Land Tax: And whereas by the aforesaid Act of the Tenth Year of His late 'Majesty King *George* the Fourth it was enacted, that it should be lawful for the said Commissioners 'for the Time being of His Majesty's Woods, Forests, and Land Revenues to redeem the Land Tax 'charged on any Part of the Possessions of the Crown, and to purchase any Land Tax on any Part 'thereof which might have been redeemed or should be redeemed by any other Person or Persons, but 'such Provision was not to authorize any Person or Persons to purchase or redeem the Land Tax charged 'on any Crown Lands contrary to the Provisions of the said Act of the Forty-second Year of King *George* 'the Third: And whereas Lessees or Tenants of Crown Lands may have entered into, or may hereafter 'enter into, Contracts for the Purchase or Redemption of the Land Tax on such Lands, and may have 'transferred or may transfer to the Commissioners for the Reduction of the National Debt Sums of 'Three *per Centum* Bank Annuities, as the Consideration for the Purchase or Redemption of such Land 'Tax, in ignorance of the Exception in the said Act of the Thirty-eighth Year of the Reign of His said 'Majesty King *George* the Third, herein-before referred to; and it is expedient that the Commissioners 'of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being should be 'empowered to reimburse such Tenants or Lessees, their Executors, Administrators, or Assigns, as after 'mentioned, and that thereupon such Crown Lands as aforesaid should become exempt from Land Tax;' be it therefore enacted, That in any Case where any Tenant or Lessee of any Part of the Possessions of the Crown to which the said Act of the Tenth Year of King *George* the Fourth or this Act relates shall have transferred, or at any Time hereafter shall transfer, any Sum or Sums of Stock into the Names of the Commissioners for the Reduction of the National Debt, for the Purpose of purchasing or redeeming the Land Tax on the Crown Lands of which such Person was or shall be such Tenant or Lessee, and such attempted Purchase or Redemption shall be invalid or doubtful under the aforesaid Provision of the said Act of the Thirty-eighth Year of King *George* the Third, it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, with the Consent in Writing of the Lord High Treasurer for the Time being, or of any Three of the Commissioners of Her Majesty's Treasury for the Time being, by and out of the annual Income of the Land Revenues of the Crown, to purchase and cause to be transferred to any such Lessee or Tenant as aforesaid, his Executors, Administrators, or Assigns, so much Stock as, under all the Circumstances of the Case, shall, in the Judgment of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, be a due Compensation for the Stock so transferred by such Tenant or Lessee; and upon the Execution by the Party to whom such Stock shall be so transferred of an Instrument in Writing acknowledging the Transfer thereof (to be enrolled in the Office of Land Revenue Records and Enrolments), the Lands on which the Land Tax shall have been so attempted to be purchased or redeemed by such Tenant or Lessee as aforesaid shall become and be absolutely freed and discharged of and from the Payment of the Land Tax, and all Arrears thereof: Provided always, that during the Continuance of the Estate of any such Tenant or Lessee, his Executors, Administrators, or Assigns, by whom such

such attempted Purchase or Redemption of Land Tax as aforesaid shall have been made, Her Majesty, Her Heirs and Successors, shall have and be entitled to a Rent-charge to be issuing out of such Lands the Land Tax whereof shall have been so redeemed, equal in Amount to the Land Tax redeemed; and such Rent shall be payable yearly, and shall be recovered by Distress as in case of Rent reserved on Lease.

Such Parts of an Estate near Millbank, Westminster, now vested in Her Majesty, as have not been required for the Penitentiary to be under the Management of Woods, &c.;

X. 'And whereas it is expedient that such Parts of an Estate situate at or near *Millbank* in the City of *Westminster* and County of *Middlesex*, and now vested in Her Majesty, Her Heirs and Successors, as have not been required for the Purposes of the Penitentiary at *Millbank*, should be let on Building Leases, or otherwise advantageously disposed of;' be it therefore enacted, That such Parts of the said Estate and Hereditaments at *Millbank* aforesaid as have not been used for the Purpose of the said Penitentiary shall be under the Management of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, in like Manner in all respects as the Possessions and Land Revenues of the Crown to which the said Act of the Tenth Year of King *George* the Fourth relates are under the Management of the same Commissioners under or by virtue of the last-mentioned Act, or any other Act or Acts now made or hereafter to be made; and the said Hereditaments shall be taken and considered as Part of the Possessions and Land Revenues of the Crown to which the said Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth relates; and every Grant, Lease, or Agreement of such Parts of the said Hereditaments, already made or entered into by the said last-mentioned Commissioners, is hereby confirmed, in all respects as if the same had been made or entered into after the passing of this Act.

and Grants, &c. already made confirmed.

Commissioners of Woods, &c. empowered to purchase the Grapes Tavern at Kensington, for the Purpose of Improvements.

XI. 'And whereas an Act was passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to authorize Her Majesty's Commissioners of Woods to grant Building Leases of the Royal Kitchen Garden at* Kensington, *and to form and improve other Royal Gardens; and to enable the said Commissioners to purchase Lands of Copyhold or Customary Tenure:* And whereas another Act was passed in the Fifth Year of the Reign of Her present Majesty (Session 2), intituled *An Act to empower the Commissioners of Her Majesty's Woods to form a new Opening from the* Knightsbridge *Road into* Hyde Park, *and a new Opening from* High Street, Kensington, *into an intended new Road across the* Palace Green, *and for annexing a Piece of extra-parochial Ground in the Royal Garden to the respective Parishes of* Saint Mary Abbots Kensington *and* Saint Mary Paddington *in several Portions:* And whereas the Opening from *High Street, Kensington*, into the new Road across the *Palace Green*, contemplated by the last-mentioned Act, has been made, but the same being narrow and confined it is desirable and expedient that such Opening should be widened and enlarged;' be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for and on behalf of Her Majesty, and they are hereby empowered, with the Consent and Approbation of the Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer of the United Kingdom, or any Three or more of them, to purchase a certain Piece or Parcel of Ground, Messuage or Tenement, and Buildings, with the Appurtenances, situate on the North Side of *High Street, Kensington*, in the County of *Middlesex*, known as the *Grapes* Tavern, and all subsisting Terms, Estates, Charges, and Interests therein, and to pull down such Buildings when so purchased, and to appropriate the Site thereof, or any Part thereof, towards widening the said Entrance or Approach from *High Street, Kensington*, aforesaid, into the new Road across the *Palace Green* aforesaid.

Powers in 10 G. 4. c. 50. (as far as applicable) to extend to the said Premises.

XII. And be it enacted, That all the Powers and Provisions contained in the herein-before recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth, with reference to Contracts and Sales to be made to and with His Majesty, His Heirs and Successors, or to and with the Commissioners of His Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, shall, so far as the same are applicable, extend and apply to the said Piece or Parcel of Ground, Messuage, and Buildings, with the Appurtenances, known as the *Grapes* Tavern, at *Kensington* aforesaid, and to the Owners or Occupiers thereof, or other Parties in anywise interested therein; and all the Provisions in the said Act as regards Stamps shall apply to this Act: Provided always, that nothing herein contained shall authorize the said Commissioners to take or use the said last-mentioned Premises against the Consent of the Parties interested therein, and by the Act last herein-before mentioned authorized and empowered to convey the same.

Monies paid by the Commissioners for said Premises, and for certain Houses in High Street, Kensington, and Costs of forming Roads, &c., to be recouped to Commissioners before any Surplus shall be applicable for the Purposes of that Act.

XIII. And be it declared and enacted, That all Monies paid or to be paid by the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for or incident to the Purchase of the *Grapes* Tavern, with its Appurtenances, aforesaid, and all Monies paid or to be paid by the said Commissioners for or incident to the Purchase of the Houses and Hereditaments in *High Street, Kensington*, aforesaid, described in the Schedule to the herein-before recited Act of the Fifth Year of the Reign of Her present Majesty (Session 2), and also all the Costs and Expences incurred or to be incurred by the said Commissioners in forming and completing Roads or Sewers upon or across or otherwise in appropriating and adapting for Building Purposes the Ground at or near *Kensington*, mentioned in the Schedule to the herein-before first-recited Act of the Fifth Year of the Reign of Her present Majesty, shall be taken into account, and recouped to the Funds or Property under the Charge of the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, before any Surplus shall be deemed to have arisen or become applicable for the Purposes mentioned in the said last herein-before mentioned Act of the Fifth Year of the Reign of Her present Majesty.

CAP. C.

An Act for the Regulation of the Care and Treatment of Lunatics. [4th *August* 1845.]

The following Acts repealed, except as they repeal other Acts:

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for regulating for Three Years, and from thence until the End of the then next Session of Parliament, the Care and Treatment of Insane Persons in* England; and an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to amend an Act of the Second and Third Year of His present Majesty, for regulating the Care and Treatment of Insane Persons in* England; and an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts of the Second and Third Year and the Third and Fourth Year of His present Majesty, relating to the Care and Treatment of Insane Persons in* England; and an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts relating to the Care and Treatment of Insane Persons in* England; and an Act passed in the Session of Parliament holden in the Fifth Year of the Reign of Her said present Majesty, intituled *An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts relating to the Care and Treatment of Insane Persons in* England; and an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her said present Majesty, intituled *An Act to amend, and continue for Three Years, and from thence to the End of the next Session of Parliament, the Laws relating to Houses licensed by the Metropolitan Commissioners and Justices of the Peace for the Reception of Insane Persons, and for the Inspection of County Asylums and Public Hospitals for the Reception of Insane Persons*, shall be and the same are hereby repealed, save and except so far as they or any of them repeal any other Act: Provided always, that until the Appointment for any Jurisdiction of Visitors and their Clerk under the Provisions of this Act the Visitors and Clerk appointed for such Jurisdiction under the said repealed Acts or any of them shall respectively have and perform the Powers, Authorities, and Duties which they would have respectively had or performed if appointed under this Act: Provided also, that all Licences heretofore granted shall remain in force for the Periods for which they were respectively granted, unless revoked as herein-after provided; and that all Orders, Matters, and Things which have been granted, made, done, or directed to be done in pursuance of the said repealed Acts or any of them shall be and remain as good, valid, and effectual to all Intents and Purposes as if the said repealed Acts had not been repealed, except so far as such Orders, Matters, or Things are expressly made void or affected by this Act; and that all Fees, Charges, and Expences which have become payable under the said repealed Acts or any of them shall be payable in the same Manner and from the same Funds as would have been applicable thereto in case such Acts had not been repealed.

2 & 3 W. 4. c. 107. 3 & 4 W. 4. c. 64. 5 & 6 W. 4. c. 22. 1 & 2 Vict. c. 73. 5 Vict. c. 4. 5 & 6 Vict. c. 87.

Proviso that present Visitors and Clerk shall act under this Act until new ones are appointed; and that Licences heretofore granted shall remain in force, unless, &c.

Commissioners in Lunacy under 5 & 6 Vict. c. 84. to be henceforth called "The Masters in Lunacy."

II. And be it enacted, That the Persons already appointed and hereafter to be appointed under an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to alter and amend the Practice and Course of Proceeding under Commissions in the Nature of Writs De lunatico inquirendo*, whereby the Lord Chancellor is empowered to appoint Two Persons, to be called "The Commissioners in Lunacy," shall henceforth be and be called "The Masters in Lunacy," and shall take the same Rank and Precedence as the Masters in Ordinary of the High Court of Chancery.

Appointment of "The Commissioners in Lunacy."

III. And be it enacted, That the Right Honourable Lord *Ashley*, the Right Honourable Lord *Seymour*, the Right Honourable *Robert Vernon Smith*, *Robert Gordon* of *Lewiston* in the County of *Dorset*, Esquire, *Francis Barlow* of *Montagu Square*, Esquire, *Thomas Turner* of *Curzon Street*, Esquire, *Henry Herbert Southey* of *Harley Street*, Esquire, *John Robert Hume* of *Curzon Street* aforesaid, Esquire, *Bryan Waller Procter* of *Gray's Inn*, Esquire, *James William Mylne* of *Lincoln's Inn*, Esquire, and *John Hancock Hall* of the *Middle Temple*, Esquire, (which said *Thomas Turner*, *Henry Herbert Southey*, and *John Robert Hume*, and no other of the said Persons are Physicians, and which said *Bryan Waller Procter*, *James William Mylne*, and *John Hancock Hall*, and no other of the said Persons, are practising Barristers at Law of Ten Years standing at the Bar and upwards,) and their respective Successors, to be appointed as herein-after provided, shall be Commissioners for the Purposes of this Act, to be called "The Commissioners in Lunacy;" and that such Commissioners for the Time being shall respectively hold their Offices during good Behaviour, and shall not so long as they shall remain such Commissioners, and receive any Salary under this Act, accept, hold, or carry on any other Office or Situation, or any Profession or Employment, from which any Gain or Profit shall be derived; and that there shall be paid to each of the Six Commissioners for the Time being who shall be Physicians, Surgeons, or Barristers of Five Years standing and upwards, out of the Monies or Funds herein-after mentioned, over and above their respective travelling and other Expences whilst employed in visiting any Houses, Hospitals, Asylums, Gaols, Workhouses, or other Places, in pursuance of this Act, the yearly Salary of One thousand and five hundred Pounds, by Four equal quarterly Payments, on the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*, the Twenty-fifth Day of *March*, and the Twenty-fourth Day of *June* in every Year, the first of each such Payments (or a proportionate

Part

Part thereof, to be computed, in the Case of the Commissioners appointed by this Act, from the passing of the Act, and in case of the Commissioners to be appointed as herein-after provided, from the Time of the respective Appointments of such Commissioners,) to be made to such Commissioners respectively on such of the same Days of Payment as shall first happen after the passing of this Act, or after the Dates of their respective Appointments, as the Case may be.

In case of Death, Disqualification, Refusal, or Inability of Commissioners, others to be appointed.

IV. And be it enacted, That as often as any Commissioner appointed by this Act or to be appointed under this present Provision shall die, or be removed for Ill-behaviour, or be disqualified, or resign, or refuse to act, or become unable by Illness or otherwise to perform the Duties or exercise the Powers of this Act, the Lord Chancellor shall appoint a Person to be a Commissioner in the Room of the Commissioner who shall die, or be removed, or be disqualified, or resign, or refuse or become unable to act as aforesaid, but so that every Person so appointed in the Room of a Physician shall be a Physician or Surgeon, and every Person so appointed in the Room of a Barrister of Five Years standing at the Bar and upwards, shall be a practising Barrister of not less than Five Years standing at the Bar, and every Person appointed in the Room of any other Commissioner shall be neither a Physician nor a Surgeon, nor a practising Barrister; and until such Appointment it shall be lawful for the continuing Commissioners or Commissioner to act as if there were no such Vacancy.

Provision for retiring Pension to incapacitated Commissioners. 4 & 5 W. 4. c. 24.

V. And be it enacted, That any Superannuation Allowance to be granted to any Commissioner appointed or to be appointed under this Act shall be granted only in respect of Services performed under this Act, and shall be subject to the Provisions of an Act passed in the Fourth and Fifth Years of His late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensation, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*, so far as such Provisions relate to Officers and Clerks who had entered or might enter the Public Service subsequent to the Fourth Day of *August* One thousand eight hundred and twenty-nine.

Commissioners to take the following Oath.

VI. And be it enacted, That every Person hereby or hereafter appointed a Commissioner under this Act shall, before he acts in the Execution of his Duty as a Commissioner, take an Oath to the following Effect; (that is to say,)

'I *A.B.* do swear, That I will discreetly, impartially, and faithfully execute all the Trusts and Powers 'committed unto me by virtue of an Act of Parliament made in the Ninth Year of the Reign of 'Her Majesty Queen *Victoria*, intituled [*here insert the Title of the Act*]; and that I will keep secret 'all such Matters as shall come to my Knowledge in the Execution of my Office (except when required 'to divulge the same by legal Authority, or so far as I shall feel myself called upon to do so for the 'better Execution of the Duty imposed on me by the said Act). So help me GOD.'

Which Oath it shall be lawful for the Lord Chancellor to administer to every such Commissioner; and any Three of the Commissioners who shall have previously taken the Oath are hereby authorized to administer such Oath to any other Commissioner.

Commissioners to have a Common Seal.

VII. And be it enacted, That the Commissioners shall cause to be made a Seal of the Commission, and shall cause to be sealed or stamped therewith all Licences, Orders, and Instruments granted or made, or issued, or authorized by the Commissioners, in pursuance of this Act, except such Orders or Instruments as are herein-after required or directed to be given or signed and sealed by One Commissioner or Two Commissioners; and all such Licences, Orders, and Instruments, or Copies thereof, purporting to be sealed or stamped with the Seal of the Commission, shall be received as Evidence of the same respectively, and of the same respectively having been granted, made, issued, or authorized by the Commissioners, without any further Proof thereof; and no such Licence, Order, or Instrument, or Copy thereof, shall be valid, or have any Force or Effect, unless the same shall be so sealed or stamped as aforesaid.

Commissioners to elect a permanent Chairman.

VIII. And be it enacted, That the Commissioners or any Five of them shall, as soon as may be after the passing of this Act, meet at the usual Office or Place of Business now occupied or used by the Metropolitan Commissioners in Lunacy, or at such other Place as the Lord Chancellor shall direct, and elect One of the same Commissioners (not being a Physician or a Barrister receiving any Salary by virtue of this Act) to be the permanent Chairman of the Commission; and in case such permanent Chairman, or any other permanent Chairman who shall thereafter be elected in pursuance of this Provision, shall die, or decline or become incapable to act as Chairman, or shall cease to be a Commissioner, then and as often as the same shall happen the Commissioners for the Time being, or any Five of them, at any Meeting to be specially summoned for that Purpose, shall elect another Person to be the permanent Chairman of the Commission in the Place of the Chairman who shall so die, or decline or become incapable to act, or cease to be a Commissioner as aforesaid; and in case the permanent Chairman for the Time being shall be absent from any Meeting it shall be lawful for the Majority of the Commissioners present at any such Meeting to elect a Chairman for that Meeting; and in all Cases every Question shall be decided by a Majority of Voters (the Chairman, whether permanent or temporary, having a Vote), and in the event of an Equality of Votes the Chairman for the Time being shall have an additional or Casting Vote.

Appointment of Secretary.

IX. And be it enacted, That *Robert Wilfred Sheffington Lutwidge* of *Lincoln's Inn*, Esquire, shall be the Secretary to the Commissioners; and that the said *Robert Wilfred Sheffington Lutwidge*, and every Secretary to be hereafter appointed, shall be removable from his Office by the Lord Chancellor, on the Application of the Commissioners; and that as often as the said *Robert Wilfred Sheffington Lutwidge*, or any Secretary to be appointed under this present Provision, shall die, or resign or be removed from

from his Office, the Commissioners, with the Approbation of the Lord Chancellor, shall appoint a Person to be Secretary in the Room of the said *Robert Wilfred Sheffington Lutwidge*, or other the Secretary who shall die or resign or be removed as aforesaid; and that the Secretary for the Time being shall, in the Performance of all his Duties, and in all respects, be subject to the Inspection, Direction, and Control of the Commissioners; and that there shall be paid to the Secretary for the Time being, out of the Monies and Funds herein-after mentioned, the yearly Salary of Eight hundred Pounds, by Four equal quarterly Payments, on the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*, the Twenty-fifth Day of *March*, and the Twenty-fourth Day of *June* in every Year, the first of such Payments (or a proportionate Part thereof, to be computed, in the Case of the said *Robert Wilfred Sheffington Lutwidge*, from the passing of this Act, and in case of every other Secretary from the Time of his Appointment,) to be made to the said *Robert Wilfred Sheffington Lutwidge* on such of the same Days of Payment as shall first happen after the passing of this Act, and to every other Secretary for the Time being on such of the same Days of Payment as shall first happen after his Appointment.

Provision for retiring Pension to Secretary.

4 & 5 W. 4. c. 24.

X. And be it enacted, That any Superannuation Allowance to be granted to any Secretary appointed or to be appointed under this Act shall be granted only in respect of Services performed under this Act, and shall be subject to the Provisions of an Act passed in the Fourth and Fifth Years of His late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensation, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*, so far as such Provisions relate to Officers and Clerks who had entered or might enter the Public Service subsequent to the Fourth Day of *August* One thousand eight hundred and twenty-nine.

Power for the Commissioners to appoint Two Clerks.

XI. And be it enacted, That it shall be lawful for the Commissioners to appoint, during Pleasure, any Two Persons as Clerks to the Commissioners, and to allow to such Two Clerks any such yearly or other Salaries (not exceeding in the whole the yearly Sum of Two hundred Pounds for such Two Clerks) as the Commissioners shall think proper; and further, that it shall be lawful for the Commissioners, at any Time hereafter, in case they shall find it expedient so to do, for the due Performance of the Business of the Commission, with the Consent of the Lord High Treasurer, or of the Commissioners of Her Majesty's Treasury, or of any Three or more of them, to appoint One or Two other Clerks (in addition to the Two Clerks firstly herein-before mentioned), and to allow to such One or Two additional Clerk or Clerks any such yearly or other Salaries as the Commissioners shall think fit (not exceeding in the whole the yearly Sum of Two hundred Pounds); and such Salaries shall be paid out of the Monies or Funds herein-after mentioned.

Secretary and Clerks to take an Oath.

XII. And be it enacted, That every Person appointed to be Secretary or Clerk as aforesaid shall before he shall act as such Secretary or Clerk, take the following Oath, to be administered by any One of the Commissioners:

'I *A. B.* do swear, That I will faithfully execute all such Trusts and Duties as shall be committed to my Charge as Secretary to the Commissioners in Lunacy [*or* as Clerk to the Commissioners in Lunacy, *as the Case may be*]; and that I will keep secret all such Matters as shall come to my Knowledge in the Execution of my Office (except when required to divulge the same by legal Authority).

'So help me GOD.'

Clerk of the Metropolitan Commissioners to deliver all Documents to the Commissioners under this Act.

XIII. And be it enacted, That immediately after the passing of this Act the Clerk to the Metropolitan Commissioners in Lunacy appointed under the said Act of the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, or under any of the other Acts hereby repealed, shall forthwith deliver up every Book, Paper, and Document, and all Goods, Property, and Effects which may be in his Possession by virtue of his said Office, or in consequence thereof, or connected with the Business thereof, to the Commissioners in Lunacy hereby appointed; and every Book, Paper, and Document, and all Goods, Property, and Effects respectively, which shall be so delivered unto or shall hereafter come into the Possession of the Commissioners in Lunacy by virtue of their Office, shall thereupon be vested in and shall be deemed to be the Property of the Commissioners in Lunacy for the Time being.

Jurisdiction within which Commissioners are to grant Licences, and termed their immediate Jurisdiction, defined.

XIV. And be it enacted, That it shall be lawful for the Commissioners (if and when they shall think fit) to grant a Licence to any Person to keep a House for the Reception of Lunatics, or of any Sex or Class of Lunatics, within the Places following; (that is to say,) the Cities of *London* and *Westminster*, the County of *Middlesex*, the Borough of *Southwark*, and the several Parishes and Places herein-after mentioned; (that is to say,) *Brixton, Battersea, Barnes, Saint Mary Magdalen Bermondsey, Christ Church Clapham, Saint Giles Camberwell, Dulwich, Saint Paul Deptford, Gravenay, Kew Green, Kennington, Saint Mary Lambeth, Mortlake, Merton, Mitcham, Saint Mary Newington, Norwood, Putney, Peckham, Saint Mary Rotherhithe, Roehampton, Streatham, Stockwell, Tooting, Wimbledon, Wandsworth*, and *Walworth*, in the County of *Surrey; Blackheath, Charlton, Deptford, Greenwich, Lewisham, Lee, Southend*, and *Woolwich*, in the County of *Kent;* and *East Ham, Layton, Laytonstone, Low Layton, Plaistow, West Ham*, and *Walthamstow*, in the County of *Essex;* and also within every other Place (if any) within the Distance of Seven Miles from any Part of the said Cities of *London* or *Westminster*, or of the said Borough of *Southwark;* all which Cities, County, Borough, Parishes, and Places aforesaid shall be and are hereafter referred to as the immediate Jurisdiction of the Commissioners.

Commissioners to hold quarterly and special Meetings for

XV. And be it enacted, That the Commissioners or some Five of them shall meet at the usual Office or Place of Business which shall for the Time being be occupied or used by the said Commissioners, or at such other Place as the Lord Chancellor may direct, on the First *Wednesday* in the Months of *February, May, July* and *November* in every Year, in order to receive Applications from Persons requiring Houses

to

to be licensed for the Reception of Lunatics within the immediate Jurisdiction of the Commissioners, and (if they shall think fit) to license the same; and in case on any such Occasion Five Commissioners shall not be present the Meeting shall take place on the next succeeding *Wednesday*, and so on weekly until Five Commissioners shall be assembled; and the Commissioners assembled at every such Meeting shall have Power to adjourn such Meeting from Time to Time and to such Place as they shall see fit: Provided always, nevertheless, that it shall be lawful for any Five of the Commissioners at any other Time, at any Meeting duly summoned under the Provisions in that Behalf herein-after contained, to receive Applications from Persons requiring Houses to be licensed as aforesaid, and, if they shall think fit, to license the same. granting Licences.

XVI. And be it enacted, That when and so often as any Commissioner shall by Writing under his Hand require the Secretary to convene a Meeting of the Commissioners for a Purpose or Purposes specified in such Writing, or for the general Despatch of Business, such Secretary is hereby required to convene such Meeting by Summons to the other Commissioners, or such of them as shall be then in *England* and shall have an Address known to the Secretary, and to give them, as far as Circumstances will admit, not less than Twenty-four Hours Notice of the Place, Day, and Hour where and on and at which such Meeting is intended to be held, and also to state in the Summons the Purpose or Purposes of such Meeting, as specified by the Commissioner requiring the same to be convened; and then and in every such Case it shall be lawful for any Three of the Commissioners to assemble themselves to consider, and (if they shall think fit) to execute the Purpose or Purposes of such Meeting: Provided always, nevertheless, that nothing shall be done at any such Meeting, at which less than Five Commissioners shall be present, which by this Act is required to be done by Five Commissioners: Provided also, that every such Meeting shall, as far as Circumstances will admit, be held at the usual Office or Place of Business of the Commissioners. Provision for summoning Special Meetings.

XVII. And be it enacted, That in all Places not being within the immediate Jurisdiction of the Commissioners the Justices for the County or Borough assembled in General or Quarter Sessions shall have the same Authority within their respective Counties or Boroughs to license Houses for the Reception of Lunatics as the Commissioners within their immediate Jurisdiction; and that the said Justices shall, at the *Michaelmas* General or Quarter Sessions in every Year, appoint Three or more Justices, and also One Physician, Surgeon, or Apothecary, or more, to act as Visitors of every or any House or Houses licensed for the Reception of Lunatics within the said Counties or Boroughs respectively; and such Visitors shall at their First Meeting take the Oath required by this Act to be taken by the Commissioners, *mutatis mutandis*, such Oath to be administered by a Justice. Justices of the Peace in all other Parts of England to license Houses for the Reception of Lunatics, and to appoint Visitors.

XVIII. And be it enacted, That in case at any Time of the Death, Inability, Disqualification, Resignation, or Refusal to act of any Person so appointed a Visitor as aforesaid, it shall be lawful for the Justices of the County or Borough, at any General or Quarter Sessions, to appoint a Visitor in the Room of the Person who shall die, or be unable or be disqualified, or resign, or refuse to act as aforesaid. For Appointment of a Visitor in the Place of one dying, &c.

XIX. And be it enacted, That a List of the Names, Places of Abode, Occupations, or Professions of all Visitors appointed as herein-before is directed shall, within Fourteen Days from the Date of their respective Appointments, be published by the Clerk of the Peace of the County or Borough for which they shall be respectively appointed in some Newspaper commonly circulated within the same County or Borough, and shall, within Three Days from the Date of their respective Appointments, be sent by the Clerk of the Peace to the Commissioners; and every Clerk of the Peace making default in either of the respects aforesaid shall for every such Default forfeit a Sum not exceeding Two Pounds. Lists of Visitors to be published in a Newspaper, and to be sent to the Commissioners. Penalty for Default.

XX. And be it enacted, That every such Visitor as aforesaid, being a Physician, Surgeon, or Apothecary, shall be paid out of the Monies or Funds herein-after mentioned for every Day during which he shall be employed in executing the Duties of this Act such Sum as the Justices of the County or Borough shall in General or Quarter Sessions direct. Every Visitor, being a Physician, &c. to be remunerated.

XXI. And be it enacted, That the Clerk of the Peace, or some other Person to be appointed by the Justices for the County or Borough in General or Quarter Sessions, shall act as Clerk to the Visitors so appointed as aforesaid, and such Clerk shall summon the Visitors to meet at such Time and Place, for the Purpose of executing the Duties of this Act, as the said Justices in General or Quarter Sessions shall appoint; and every such Appointment, Summons, and Meeting shall be made and held as privately as may be, and in such Manner that no Proprietor, Superintendent, or Person interested in or employed about or connected with any House to be visited shall have Notice of such intended Visitation; and such Clerk to the Visitors shall, at their First Meeting, take the Oath required by this Act to be taken by the Secretary of the Commissioners, *mutatis mutandis*, such Oath to be administered by One of the Visitors, being a Justice; and the Name, Place of Abode, Occupation, and Profession of the Clerk to the Visitors (whether the same shall be the Clerk of the Peace or any other Person) shall within Fourteen Days after the Appointment be published by the Clerk of the Peace for the County or Borough in some Newspaper commonly circulated therein, and within Three Days from the Date of the Appointment be communicated by the said Clerk of the Peace to the Commissioners; and every Clerk of the Peace making default in either of the respects aforesaid shall for every such Default forfeit a Sum not exceeding Two Pounds; and every such Clerk to the Visitors shall be allowed such Salary or Remuneration for his Services (to be paid out of the Monies or Funds herein-after mentioned) as the Justices for the County or Borough shall in General or Quarter Sessions direct. Clerk of the Peace, or some other Person, to be appointed to be Clerk to Visitors; his Duties and Remuneration.

XXII. And be it enacted, That if the Clerk of any Visitors shall at any Time desire to employ an Assistant in the Execution of the Duties of his Office, such Clerk shall certify such Desire and the Name of Provision for Assistants to the Clerk of the Visitors.

of such Assistant to One of the Visitors, being a Justice; and if such Visitor shall approve thereof he shall administer the following Oath to such Assistant:

Oath of Assistant.

'I *A.B.* do solemnly swear, That I will faithfully keep secret all such Matters and Things as shall come to my Knowledge in consequence of my Employment as Assistant to the Clerk of the Visitors appointed for the County [*or* Borough] of by virtue of an Act of Parliament passed in the Ninth Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of the Act*], unless required to divulge the same by legal Authority. So help me GOD.'

And such Clerk may thereafter, at his own Cost, employ such Assistant.

Persons interested in any licensed House, or being Medical Attendant on any Patient therein, disqualified to act as Commissioner, Visitor, Secretary, Clerk, or Assistant.

XXIII. And be it enacted, That no Person shall be or act as a Commissioner, or Visitor or Secretary, or Clerk to the Commissioners, or Clerk or Assistant Clerk to any Visitors, or act in granting any Licence, who shall then be, or shall within One Year then next preceding have been, directly or indirectly interested in any House licensed for the Reception of Lunatics, or the Profits of such Reception; and no Physician or Surgeon (being a Commissioner), and no Physician, Surgeon, or Apothecary, (being a Visitor,) shall sign any Certificate for the Admission of any Patient into any licensed House or Hospital, or shall professionally attend upon any Patient in any licensed House or Hospital, unless he be directed to visit such Patient by the Person upon whose Order such Patient has been received into such licensed House or Hospital, or by the Lord Chancellor, or Her Majesty's Principal Secretary of State for the Time being for the Home Department, or by a Committee appointed by the Lord Chancellor; and if any such Commissioner, or Visitor, or Secretary or Clerk to the Commissioners, or Clerk or Assistant Clerk to any Visitors, shall after his Appointment be or become so interested in any House licensed for the Reception of Lunatics, or the Profits of such Reception, such Commissioner, Visitor, Secretary, or Clerk, or Assistant Clerk, as the Case may be, shall immediately thereupon be disqualified from acting and shall cease to act in such Capacity; and if any Person, being disqualified as aforesaid, shall take the Office of Commissioner, Visitor, Secretary, Clerk, or Assistant Clerk, or, being a Commissioner, Visitor, Secretary, Clerk, or Assistant Clerk, shall become disqualified as aforesaid, and shall afterwards continue to act in such Capacity, such Person shall be guilty of a Misdemeanor; and if any Physician or Surgeon (being a Commissioner), or any Physician, Surgeon, or Apothecary, (being a Visitor,) shall sign any Certificate for the Admission of any Patient into any licensed House or Hospital, or shall professionally attend any Patient in any licensed House or Hospital (except as aforesaid), such Physician, Surgeon, or Apothecary (as the Case may be) shall for each Offence against this Provision forfeit the Sum of Ten Pounds.

Disqualified Persons acting a Misdemeanor.

Physicians, &c. contravening, Penalty 10*l.*

Fourteen Days previous Notice of intended Application for and Plan of licensed House to be given to the Commissioners or Clerk of the Peace.

XXIV. And be it enacted, That every Person who shall desire to have a House licensed for the Reception of Lunatics shall give a Notice, if such House be situate within the immediate Jurisdiction of the Commissioners, to the Commissioners, and if elsewhere to the Clerk of the Peace for the County or Borough in which such House is situate, Fourteen clear Days at the least prior to some quarterly or other Meeting of the Commissioners, or to some General or Quarter Sessions for such County or Borough, as the Case may be; and such Notice shall contain the true Christian and Surname, Place of Abode, and Occupation of the Person to whom the Licence is desired to be granted, and a true and full Description of his Estate or Interest in such House; and in case the Person to whom the Licence is desired to be granted does not propose to reside himself in the licensed House, the true Christian and Surname and Occupation of the Superintendent who is to reside therein; and such Notice, when given for any House which shall not have been previously licensed, shall be accompanied by a Plan of such House, to be drawn upon a Scale of not less than One Eighth of an Inch to a Foot, with a Description of the Situation thereof, and the Length, Breadth, and Height of and a Reference by a Figure or Letter to every Room and Apartment therein, and a Statement of the Quantity of Land, not covered by any Building, annexed to such House, and appropriated to the exclusive Use, Exercise, and Recreation of the Patients proposed to be received therein, and also a Statement of the Number of Patients proposed to be received into such House, and whether the Licence so applied for is for the Reception of Male or Female Patients, or of both, and if for the Reception of both, of the Number of each Sex proposed to be received into such House, and of the Means by which the one Sex may be kept distinct and apart from the other; and such Notice, Plan, and Statement, when sent to the Clerk of the Peace shall be laid by him before the Justices of the County or Borough at such Time as they shall take into their Consideration the Application for such Licence: Provided always, that it shall be lawful for any Person to whom a Licence shall be granted to remove the Superintendent named in the Notice, and at any Time or Times to appoint another Superintendent, upon giving a Notice containing the true Christian and Surname and Occupation of the new Superintendent to the Commissioners, or the Visitors of the House, as the Case may require: Provided always, that all Plans heretofore delivered shall be deemed sufficient for the Purposes of this Act, if the Commissioners, or Justices, as the Case may be, shall so think fit.

No Licence to include more than One House; but detached Buildings, in certain Cases, to be considered Part of the House.

XXV. And be it enacted, That no One Licence shall include or extend to more than One House; but if there be any Place or Building detached from a House to be licensed, but not separated therefrom by Ground belonging to any other Person, and if such Place or Building be specified, delineated, and described in the Notice, Plan, and Statement herein-before required to be given, in the same Manner in all Particulars as if the same had formed Part of such House, then such detached Place or Building may be included in the Licence for the House, if the Commissioners or Justices, as the Case may be, shall think fit, and if so included shall be considered Part of such House for the Purposes of this Act: Provided always, that no Person hereafter receiving a Licence for the first Time shall receive any Licence for the

the Reception of Lunatics in any Lunatic Asylum who shall not reside on the Premises for which he is licensed.

Notice of all Additions and Alterations to be given to the Commissioners or Clerk of the Peace.

XXVI. And be it enacted, That no Addition or Alteration shall be made to, in, or about any licensed House, or the Appurtenances, unless previous Notice in Writing of such proposed Addition or Alteration, accompanied with a Plan of such Addition or Alteration, to be drawn upon the Scale aforesaid, and to be accompanied by such Description as aforesaid, shall have been given by the Person to whom the Licence shall have been granted to the Commissioners or to the Clerk of the Peace, as the Case may be, and the Consent in Writing of the Commissioners, or of Two of the Visitors, as the Case may be, shall have been previously given.

Untrue Statement a Misdemeanor.

XXVII. And be it enacted, That if any Person shall wilfully give an untrue or incorrect Notice, Plan, Statement, or Description of any of the Things herein-before required to be included in any Notice, Plan, or Statement, he shall be guilty of a Misdemeanor.

A Copy of every Licence granted by Justices to be sent to the Commissioners.

XXVIII. And be it enacted, That in every Case in which a Licence for the Reception of Lunatics shall after the passing of this Act be granted by any Justices the Clerk of the Peace for the County or Borough shall, within Fourteen Days after such Licence shall have been granted, send a Copy thereof to the Commissioners; and any Clerk of the Peace omitting to send such Copy within such Time shall for every such Omission forfeit a Sum not exceeding Two Pounds.

Every Person applying for the Renewal of a Licence to furnish a Statement of the Number and Class of Patients then detained.

XXIX. And be it enacted, That in every Case in which any Person shall apply for the Renewal of a Licence already granted or hereafter to be granted, such Person if applying to the Commissioners, shall with such Application transmit to the Commissioners, and if applying to any Justices shall with such Application transmit to the Clerk of the Peace for the County or Borough, and also at the same Time to the Commissioners a Statement signed by the Person so applying, containing the Names and Number of the Patients of each or either Sex then detained in such House, and distinguishing whether such Patients respectively are private or pauper Patients; and any Person who shall hereafter obtain the Renewal of a Licence without making such Return or Returns shall for every such Offence forfeit the Sum of Ten Pounds; and any Person who shall make any such Return untruly shall be guilty of a Misdemeanor.

Licences to be made out in a given Form, &c., and to be for not more than Thirteen Months.

XXX. And be it enacted, That every Licence shall, as nearly as conveniently may be, be according to the Form in the Schedule (A.) annexed to this Act, and shall be stamped with a Ten Shilling Stamp, and shall be under the Seal of the Commissioners, if granted by them, and if by any Justices under the Hands and Seals of Three or more such Justices in General or Quarter Sessions assembled, and shall be granted for such Period, not exceeding Thirteen Calendar Months, as the Commissioners or Justices, as the Case may be, shall think fit.

Licences, &c. in Boroughs.

XXXI. And be it enacted, That no Licence shall be granted or Visitor or Clerk appointed by the Justices for any Borough without the Consent in Writing of the Recorder of such Borough to such Grant or Appointment.

Charge for Licences to be granted in pursuance of this Act.

XXXII. And be it enacted, That for every Licence to be hereafter granted there shall be paid to the Secretary of the Commissioners, or to the Clerk of the Peace, according as the Licence shall be granted by the Commissioners or Justices (exclusive of the Sum to be paid for the Stamp) the Sum of Ten Shillings and no more for every Patient, not being a Pauper, and the Sum of Two Shillings and Sixpence and no more for every Patient being a Pauper, proposed to be received into such House, and if the total Amount of such Sums of Ten Shillings and Two Shillings and Sixpence shall not amount to Fifteen Pounds, then so much more as shall make up the Sum of Fifteen Pounds; and no such Licence shall be delivered until the Sum payable for the same shall be paid: Provided always, that if the Period for which a Licence shall be granted be less than Thirteen Calendar Months it shall be lawful for the Commissioners or the Justices, as the Case may be, to reduce the Payment to be made on such Licence to any Sum not less than Five Pounds.

Power to reduce the Charge for the Licence in certain Cases.

Application of Monies received for Licences by the Secretary of the Commissioners.

XXXIII. And be it enacted, That all Monies received for Licences granted by the Commissioners, and for Searches made in pursuance of the Provision for that Purpose herein-after contained, shall be retained by the Secretary of the Commissioners, and be applied by him in or towards the Payment of the Salaries and travelling and other Expences of the Commissioners, and of their Secretary and Clerks, and in or towards the Payment or Discharge of all or any Costs, Charges, and Expences incurred by or under the Authority of the Commissioners in the Execution of or under or by virtue of this Act.

Secretary of the Commissioners to make out an annual Account, to be laid before the Lords of the Treasury, of all Receipts and Payments by him under this Act.

XXXIV. And be it enacted, That the Secretary of the Commissioners shall make out an Account of all Monies received and paid by him as aforesaid, and of all Monies otherwise received and paid by him, and of all Charges and Expences incurred under or by virtue of or in the Execution of this Act; and such Account shall be made up to the First Day of *August* in each Year, and shall be signed by Five at least of the Commissioners; and such Account shall specify the several Heads of Charge and Expenditure, and shall be transmitted to the Lord High Treasurer, or to the Commissioners of Her Majesty's Treasury, who shall thereupon audit such Account, and, if he or they shall deem it expedient, direct the Balance (if any) remaining in the Hands of the said Secretary to be paid into the Exchequer to the Account of the Consolidated Fund; and such Accounts shall be laid before Parliament on or before the Twenty-fifth Day of *March* in each Year, if Parliament be then sitting, or if Parliament be not then sitting then within One Month after the then next Sitting of Parliament.

Balance of Payments over Receipts may be paid out of

XXXV. And be it enacted, That it shall be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, and they are hereby directed and empowered, from Time to Time (on an Application to them, agreed to at some quarterly or other Meeting

the Consolidated Fund.

Meeting of the Commissioners, attended by Five at least of the Commissioners, and certified under their Hands,) to cause to be issued and paid out of the Consolidated Fund to the Secretary of the Commissioners such a Sum of Money as the Commissioners shall in such Application have certified to be requisite to pay and discharge so much of the Salaries, Costs, Charges, and Expences herein-before directed to be paid out of the Monies received by the said Secretary for Licences and otherwise as aforesaid as such Monies shall be inadequate to pay, and the said Secretary shall thereupon apply such Money in or towards the Payment or Discharge of such Salaries, Costs, Charges, and Expences respectively; and that it shall be lawful for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time to advance by way of Imprest to the said Secretary such Sum or Sums of Money as to such Lord High Treasurer or Commissioners of Her Majesty's Treasury may appear requisite and reasonable, for or towards the Payment or Discharge of all or any such Salaries, Costs, Charges, or Expences as aforesaid, such Sum or Sums to be accounted for by the said Secretary in his then next Account.

Application of Monies received for Licences by Clerks of the Peace.

XXXVI. And be it enacted, That all Monies to be received for Licences granted by any Justices shall be applied by the Clerk of the Peace for the County or Borough in or towards the Payment of the Salary or Remuneration of the Clerk to the Visitors for such County or Borough, and in or towards the Remuneration of such of the same Visitors as are herein-before directed to be remunerated, and in or towards the Payment or Discharge of all Costs, Charges, and Expences incurred by or under the Authority of the same Justices or Visitors in the Execution of or under or by virtue of this Act.

Clerks of the Peace to make out annual Accounts, to be laid before the Justices in Session, of all Receipts and Payments.

XXXVII. And be it enacted, That the Clerk of the Peace for every County or Borough shall keep an Account of all Monies received and paid by him as aforesaid, and of all Monies otherwise received or paid by him under or by virtue of or in the Execution of this Act; and such Account shall respectively be made up to the First Day of *August* in each Year, and shall be signed by Two at least of the Visitors for the County or Borough; and every such Account shall be laid by the Clerk of the Peace before the Justices at the *Michaelmas* General or Quarter Sessions, who shall thereupon direct the Balance (if any) remaining in the Hands of the Clerk of the Peace to be paid into the Hands of the Treasurer for such County or Borough, in aid and as Part of the County or Borough Rate.

Balance of Payments over Receipts may be paid out of the Funds of the County or Borough.

XXXVIII. And be it enacted, That it shall be lawful for the Justices for any County or Borough in General or Quarter Sessions assembled, if they shall think fit, to order to be paid to the Clerk of the Peace of such County or Borough, out of the Rates or Funds thereof, such Sum or Sums of Money as they shall on Examination deem to be necessary to pay and discharge so much of the Salary, Remuneration, Costs, Charges, and Expences herein-before directed to be paid out of the Monies received by such Clerk of the Peace for Licences and otherwise as aforesaid as such Monies shall be inadequate to pay; and also that it shall be lawful for the Justices in General or Quarter Sessions assembled, if they shall think fit, from Time to Time to order to be advanced out of the Rates or Funds of such County or Borough, to the Clerk of the Peace, such Sum or Sums of Money as to such Justices may appear requisite and reasonable, for or towards the Payment or Discharge of any such Salary, Remuneration, Costs, Charges, or Expences as last aforesaid; and every such Sum of Money as aforesaid shall be paid and advanced out of the Rates or Funds of such County or Borough by the Treasurer thereof, and shall be allowed in his Accounts, on the Authority of the aforesaid Order by the Justices for the Payment or Advance thereof.

Provision in case of the Incapacity or Death of the Person licensed.

XXXIX. And be it enacted, That if any Person to whom a Licence shall have been granted under this Act or under any of the Acts herein-before repealed shall by Sickness or other sufficient Reason become incapable of keeping the licensed House, or shall die before the Expiration of the Licence, it shall be lawful for the Commissioners or for any Three Justices for the County or Borough, as the Case may be, if they shall respectively think fit, by Writing endorsed on such Licence, under the Seal of the Commissioners or under the Hands of such Three Justices, to transfer the said Licence, with all the Privileges and Obligations annexed thereto, for the Term then unexpired, to such Person as shall at the Time of such Incapacity or Death be the Superintendent of such House, or have the Care of the Patients therein, or to such other Person as the Commissioners or such Justices respectively shall approve, and in the meantime such Licence shall remain in force and have the same Effect as if granted to the Superintendent of the House; and in case a Licence has been or shall be granted to Two or more Persons, and before the Expiration thereof any or either of such Persons shall die, leaving the other or others surviving, such Licence shall remain in force and have the same Effect as if granted to such Survivors or Survivor.

In case of a licensed House being taken for public Purposes, or accidentally rendered unfit, or of the Keeper wishing to transfer his Patients to a new House.

XL. And be it enacted, That if any licensed House shall be pulled down or occupied under the Provisions of any Act of Parliament, or shall by Fire, Tempest, or other Accident be rendered unfit for the Accommodation of Lunatics, or if the Person keeping such House shall desire to transfer the Patients to another House, it shall be lawful for the Commissioners (if the new House shall be within their immediate Jurisdiction), at any quarterly or other Meeting, or for any Two or more of the Visiting Justices for the County or Borough within which the new House is situate, as the Case may be, upon the Payment to the Secretary of the Commissioners or the Clerk of the Peace, as the Case may be, of not less than One Pound for the Licence (exclusive of the Sum to be paid for the Stamp), to grant to the Person whose House has been so pulled down, occupied, or so rendered unfit, or who shall desire to transfer his Patients as aforesaid, a Licence to keep such other House for the Reception of Lunatics, for such Time as the Commissioners or the said Justices, as the Case may be, shall think fit: Provided always, that the same Notice of such intended Change of House, and the same Plans and Statements and Descriptions

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of and as to such intended new House, shall be given as are required when Application is first made for a Licence for any House, and shall be accompanied by a Statement in Writing of the Cause of such Change of House; and that, except in Cases in which the Change of House is occasioned by Fire or Tempest, Seven clear Days previous Notice of the intended Removal shall be sent, by the Person to whom the Licence for keeping the original House shall have been granted, to the Person who signed the Order for the Reception of each Patient, not being a Pauper, or the Person by whom the last Payment on account of such Patient shall have been made, and to the Relieving Officer or Overseer of the Union or Parish to which each Patient being a Pauper is chargeable, or the Person by whom the last Payment on account of such Patient shall have been made.

Power of Revocation of Licences granted by Justices.

XLI. And be it enacted, That if a Majority of the Justices of any County or Borough in General or Quarter Sessions assembled shall recommend to the Lord Chancellor that any Licence granted by the Justices for such County or Borough, either before or after the passing of this Act, shall be revoked, it shall be lawful for the Lord Chancellor to revoke the same by an Instrument under his Hand and Seal, such Revocation to take effect at a Period to be named in such Instrument, not exceeding Two Calendar Months from the Time a Copy or Notice thereof shall have been published in the "*London Gazette;*" and a Copy or Notice of such Instrument of Revocation shall be published in the "*London Gazette,*" and shall before such Publication be transmitted to the Person to whom such Licence shall have been granted, or to the resident Superintendent of the licensed House, or be left at the licensed House: Provided always, that in case of any such Revocation being recommended to the Lord Chancellor, Notice thereof in Writing shall, Seven clear Days previously to the Transmission of such Recommendation to the Lord Chancellor, be given to the Person the Revocation of whose Licence shall be recommended, or to the resident Superintendent of the licensed House, or shall be left at the licensed House.

Power of Revocation and of Prohibition of Renewal of Licences granted by the Commissioners or by Justices.

XLII. And be it enacted, That if the Commissioners shall recommend to the Lord Chancellor that any Licence granted either by the Commissioners or by any Justices, either before or after the passing of this Act, shall be revoked or shall not be renewed, it shall be lawful for the Lord Chancellor by an Instrument under his Hand and Seal to revoke or prohibit the Renewal of such Licence; and in the Case of a Revocation the same shall take effect at a Period to be named in such Instrument, not exceeding Two Calendar Months from the Time a Copy or Notice thereof shall have been published in the "*London Gazette;*" and a Copy or Notice of such Instrument of Revocation shall be published in the "*London Gazette,*" and shall before such Publication be transmitted to the Person to whom such Licence shall have been granted, or to the resident Superintendent of the licensed House, or shall be left at the licensed House: Provided always, that in case of any such Revocation or Prohibition to renew being recommended to the Lord Chancellor, Notice thereof in Writing shall, Seven clear Days previously to the Transmission of such Recommendation to the Lord Chancellor, be given to the Person the Revocation or Prohibition of Renewal of whose Licence shall be recommended, or to the resident Superintendent of the licensed House, or shall be left at the licensed House.

Hospitals receiving Lunatics to have their Regulations printed, and a resident Medical Attendant, and to be registered.

XLIII. And be it enacted, That the Regulations as to Lunatics of every Hospital in which Lunatics are or shall be received shall be printed, and complete Copies thereof shall be sent to the Commissioners, and also kept hung up in the Visitors Room of such Hospital; and that every such Hospital shall have a Physician, Surgeon, or Apothecary resident therein, as the Superintendent and Medical Attendant thereof; and such Superintendent shall immediately after the passing of this Act (or immediately after the Establishment of such Hospital, as the Case may be,) apply to the Commissioners to have such Hospital registered, and thereupon such Hospital shall be registered in a Book to be kept for that Purpose by the Commissioners; and in case the Superintendent of any such Hospital shall at any Time omit to have Copies of such Regulations sent or hung up as aforesaid, or to apply to have such Hospital registered as aforesaid, he shall for every such Omission forfeit a Sum not exceeding Twenty Pounds.

No House to be kept for the Reception of Two or more Lunatics without a Licence.

XLIV. And be it enacted, That after the passing of this Act it shall not be lawful for any Person to receive Two or more Lunatics into any House, unless such House shall be an Asylum or an Hospital registered under this Act, or a House for the Time being duly licensed under this Act, or one of the Acts herein-before repealed; and any Person who shall receive Two or more Lunatics into any House other than a House for the Time being duly licensed as aforesaid, or an Asylum or an Hospital duly registered under this Act, shall be guilty of a Misdemeanor.

No Person (not a Pauper) to be received without an Order and Medical Certificate.

XLV. And be it enacted, That no Person (not a Pauper), whether being or represented to be a Lunatic, or only a Boarder or Lodger, in respect of whom any Money shall be received or agreed to be received for Board, Lodging, or any other Accommodation, shall be received into or detained in any licensed House, and no Person (not a Pauper) shall be received into or detained as a Lunatic in any Hospital, without an Order under the Hand of some Person according to the Form and stating the Particulars required in Schedule (B.) annexed to this Act, nor without the Medical Certificates, according to the Form in Schedule (C.) annexed to this Act, of Two Physicians, Surgeons, or Apothecaries who shall not be in Partnership, and each of whom shall separately from the other have personally examined the Person to whom it relates, not more than Seven clear Days previously to the Reception of such Person into such House or Hospital, and shall have signed and dated the same on the Day on which such Person shall have been so examined; and every Person who shall receive or detain any such Person as aforesaid in any such House or Hospital as aforesaid without such Order and Medical Certificates as aforesaid, and any Physician, Surgeon, or Apothecary who shall knowingly sign any such Medical Certificate as aforesaid which shall untruly state any of the Particulars required by this Act, shall be guilty of a Misdemeanor.

Medical Practitioner to specify Facts upon which Opinion formed.

XLVI. Provided always, and be it enacted, That every Physician, Surgeon, or Apothecary signing such Certificate shall specify therein any Fact or Facts (whether arising from his own Observation or from the Information of any other Person) upon which he has formed his Opinion that the Person to whom such Certificate relates is a Lunatic or an Insane Person, or an Idiot, or a Person of unsound Mind.

Proviso that in certain Cases a Person may be received on a Certificate signed by One Medical Practitioner only.

XLVII. Provided always, nevertheless, and be it enacted, That any Person (not a Pauper) may, under special Circumstances, be received into any such House or Hospital as aforesaid, upon such Order as aforesaid, with the Certificate of One Physician, Surgeon, or Apothecary alone, provided that such Order state the special Circumstances which have prevented the Person from being examined by Two Medical Practitioners; but in every such Case another such Certificate shall be signed by some other Physician, Surgeon, or Apothecary, not being connected with any such House or Hospital, who shall have especially examined such Person within Three Days after his Reception into such House or Hospital; and every Person who, having received any Person into any House or Hospital as aforesaid upon the Certificate of One Medical Practitioner alone, as aforesaid, shall keep or permit such Person to remain in such House or Hospital beyond the said Period of Three Days without such further Certificate as aforesaid, shall be guilty of a Misdemeanor.

No Pauper to be received into any House or Hospital for Lunatics without a certain Order and Certificate.

XLVIII. And be it enacted, That no Pauper shall be received into or detained in any licensed House, or any Hospital, without an Order and Statement according to the Form and stating the Particulars required in Schedule (D.) annexed to this Act, under the Hands of One Justice or an officiating Clergyman, with the Relieving Officer or One of the Overseers of the Union or Parish from which such Pauper shall be sent, (which said Justice or which said Clergyman and Relieving Officer or Overseer, as the Case may be, shall have personally examined such Pauper previously to signing such Order,) nor without a Medical Certificate according to the Form in the said Schedule (D.) annexed to this Act, and dated not more than Seven clear Days previously to the Reception of such Pauper into such House or Hospital; and every such Certificate shall be signed by a Physician, Surgeon, or Apothecary (not being the Medical Officer of such Parish or Union) on the Day whereon he shall examine such Pauper; and every Person who shall receive any Pauper into any such House or Hospital as aforesaid without such Order and Medical Certificate as last aforesaid shall be guilty of a Misdemeanor.

No Medical Practitioner who is interested in or attends a licensed House or Hospital to sign a Certificate for Admission of a Patient into such Place.

XLIX. And be it enacted, That no Physician, Surgeon, or Apothecary who, or whose Father, Brother, Son, or Partner, is wholly or partly the Proprietor of or a regular professional Attendant in a licensed House or an Hospital, shall sign any Certificate for the Reception of a Patient into such House or Hospital; and no Physician, Surgeon, or Apothecary who, or whose Father, Brother, Son, or Partner, shall sign the Order herein-before required for the Reception of a Patient, shall sign any Certificate for the Reception of the same Patient; and any Physician, Surgeon, or Apothecary who shall sign any Certificate contrary to any of the Provisions herein-before contained, or without having complied with all the Provisions hereby required in the Case of the Patient to whom the same shall relate, or who shall in such Certificate describe his Medical Qualification untruly, or shall untruly state any thing therein, shall be guilty of a Misdemeanor.

Every Person receiving a Person as a Lunatic into any House or Hospital to make an Entry thereof in a certain Form.

L. And be it enacted, That every Proprietor or Superintendent who shall receive any Patient into any licensed House or any Hospital shall, within Two Days after the Reception of such Patient, make an Entry with respect to such Patient in a Book to be kept for that Purpose to be called "The Book of Admissions," according to the Form and containing the Particulars required in Schedule (E.) annexed to this Act, so far as he can ascertain the same, except as to the Form of the mental Disorder, and except also as to the Discharge or Death of the Patient, which shall be made when the same shall happen; and every Person who shall so receive any such Patient, and shall not within Two Days thereafter make such Entry as aforesaid (except as aforesaid), shall forfeit a Sum not exceeding Two Pounds; and every Person who shall knowingly and willingly in any such Entry untruly set forth any of the Particulars shall be guilty of a Misdemeanor.

Form of Patient's Disorder to be entered in "The Book of Admissions."

LI. And be it enacted, That the Form of the mental Disorder of every Patient received into any licensed House or any Hospital shall within Seven Days after his Reception be entered in the said Book of Admissions by the Medical Attendant of such House or Hospital; and every such Medical Attendant who shall omit to make any such Entry within the Time aforesaid shall for every such Offence forfeit a Sum not exceeding Two Pounds.

Every Person receiving a Patient into any House or Hospital to transmit a Notice thereof to the Commissioners, and if within the Jurisdiction of any Visitors, then also to the Clerk of such Visitors.

LII. And be it enacted, That the Proprietor or resident Superintendent of every licensed House (whether licensed by the Commissioners or by any Justices), and the Superintendent of every Hospital, shall after Two clear Days, and before the Expiration of Seven clear Days from the Day on which any Patient shall have been received into such House or Hospital, transmit a Copy of the Order and Medical Certificates or Certificate on which such Person shall have been received, and also a Notice and Statement according to the Form in Schedule (F.) annexed to this Act, to the Commissioners; and the Proprietor or resident Superintendent of every House licensed within the Jurisdiction of any Visitors shall also within the same Period transmit another Copy of such Order and Certificates or Certificate, and a Duplicate of such Notice and Statement, to the Clerk of the Visitors; and every Proprietor or Superintendent of any such House or Hospital who shall neglect to transmit such Copy, Notice, or Statement to the Commissioners, or (where the same is required) to the Clerk of the Visitors, shall be guilty of a Misdemeanor.

Notices to be given in case of

LIII. And be it enacted, That whenever any Patient shall escape from any licensed House or any registered Hospital the Proprietor or Superintendent of such House or Hospital shall within Two clear Days

Days next after such Escape transmit a written Notice thereof to the Commissioners, and if such House be within the Jurisdiction of any Visitors then also to the Clerk of such Visitors; and such Notice shall state the Christian and Surname of the Patient who has so escaped, and his then State of Mind, and also the Circumstances connected with such Escape; and if such Patient shall be brought back to such House or Hospital such Proprietor or resident Superintendent shall, within Two clear Days next after such Person shall be so brought back transmit a written Notice thereof to the Commissioners, and also, if such House be within the Jurisdiction of any Visitors, to the Clerk of such Visitors; and such Notice shall state when such Person was so brought back, and the Circumstances connected therewith, and whether with or without a fresh Order and Certificates or Certificate; and every Proprietor or resident Superintendent omitting to transmit such Notice, whether of Escape or of Return, shall for every such Omission forfeit a Sum not exceeding Ten Pounds.

the Escape of any Patient, and of his being brought back.

LIV. And be it enacted, That whenever any Patient shall be removed or discharged from any licensed House or any Hospital, or shall die therein, the Proprietor or Superintendent of such House or Hospital shall, within Two clear Days next after such Removal, Discharge, or Death, make an Entry thereof in a Book to be kept for that Purpose according to the Form and stating the Particulars in Schedule (G. 1.) annexed to this Act, and shall also within the same Two Days transmit a written Notice thereof, and also of the Cause of his Death, to the Commissioners, and also, if such House shall be within the Jurisdiction of any Visitors, to the Clerk of such Visitors, according to the Form and containing the Particulars in Schedule (G. 2.) annexed to this Act; and every Proprietor or Superintendent of any such House or Hospital who shall neglect to make such Entry or transmit such Notice or Notices, or shall therein set forth any thing untruly, shall be guilty of a Misdemeanor.

Entry to be made, and Notice given, in case of the Death, Discharge, or Removal of any Patient.

LV. And be it enacted, That in case of the Death of any Patient in any licensed House or any Hospital, a Statement of the Cause of the Death of such Patient, with the Name of any Person present at the Death, shall be drawn up and signed by the Medical Attendant of such House or Hospital, and a Copy thereof, duly certified by the Proprietor or Superintendent of such House or Hospital, shall by him be transmitted to the Commissioners, and also to the Person signing the Order for such Patient's Confinement, and to the Registrar of Deaths for the District, and if such House be within the Jurisdiction of any Visitors, then also to the Clerk of such Visitors, within Forty-eight Hours after the Death of such Patient; and every Medical Attendant, Proprietor, or Superintendent who shall neglect or omit to draw up, sign, certify, or transmit such Statement as aforesaid shall for every such Neglect or Omission forfeit and pay a Sum not exceeding Fifty Pounds.

On Death of a Patient, the Cause of Death to be transmitted to the Commissioners, and, if within the Jurisdiction of any Visitors, to Clerk of the Visitors also.

LVI. And be it enacted, That if any Superintendent, Officer, Nurse, Attendant, Servant, or other Person employed in any licensed House or registered Hospital shall in any way abuse or ill-treat any Patient confined therein, or shall wilfully neglect any such Patient, he shall be deemed guilty of a Misdemeanor; and that in the event of the Release of any Person from Confinement in any Asylum or private House who shall consider himself to have been unjustly confined, a Copy of the Certificates and Order upon which he has been confined shall at his Request be furnished to him or to his Attorney by the Clerk to the Commissioners, without any Fee or Reward for the same; and it shall be lawful for the Home Secretary, on the Report of the Commissioners or Visitors of any Asylums, to direct Her Majesty's Attorney General to prosecute on the Part of the Crown any Person who shall have been concerned in the unlawful taking or Confinement of any of Her Majesty's Subjects as an insane Patient, and likewise any Person who shall have been concerned in the Neglect or Ill-treatment of any Patient or Person so confined.

Abuse or Ill-treatment or (in certain Cases) Neglect of a Patient to be a Misdemeanor.

LVII. And be it enacted, That in every House licensed for One hundred Patients or more there shall be a Physician, Surgeon, or Apothecary resident as the Superintendent or Medical Attendant thereof; and that every House licensed for less than One hundred and more than Fifty Patients (in case such House shall not be kept by or have a resident Physician, Surgeon, or Apothecary,) shall be visited daily by a Physician, Surgeon, or Apothecary; and that every House licensed for less than Fifty Patients (in case such House shall not be kept by or have a resident Physician, Surgeon, or Apothecary,) shall be visited twice in every Week by a Physician, Surgeon, or Apothecary: Provided always, that it shall be lawful for the Visitors of any licensed House to direct that such House, and for the Commissioners to direct that any licensed House, shall be visited by a Physician, Surgeon, or Apothecary at any other Time or Times, not being oftener than once in every Day.

Houses having 100 Patients to have a resident Medical Attendant, and Houses having less to be visited by a Medical Attendant.

LVIII. Provided always, and be it enacted, That when any House is licensed to receive less than Eleven Lunatics it shall be lawful for any Two of the Commissioners or any Two of the Visitors of such House, if they shall respectively so think fit, by any Writing under their Hands, to permit that such House shall be visited by a Physician, Surgeon, or Apothecary at such Intervals more distant than twice in every Week as such Commissioners or Visitors shall appoint, but not at a greater Interval than once in every Two Weeks.

Number of Medical Visits may be reduced in Houses licensed for less than 11 Persons.

LIX. And be it enacted, That every Physician, Surgeon, or Apothecary, where there shall be only One, keeping or residing in or visiting any licensed House or any Hospital, and where there shall be Two or more Physicians, Surgeons, or Apothecaries keeping or residing in or visiting any licensed House or any Hospital, then One at least of such Physicians, Surgeons, or Apothecaries, shall once in every Week (or, in the Case of any House at which Visits at more distant Intervals than once a Week are permitted, on every Visit,) enter and sign in a Book to be kept at such House or Hospital for that Purpose, to be called "The Medical Visitation Book," a Report, showing the Date thereof, and also the Number, Sex, and State of Health of all the Patients then in such House or Hospital, the Christian and

A Book to be kept, to be called "The Medical Visitation Book," in which a weekly Entry is to be made, showing the Condition of the

House and of the Patients.

and Surname of every Patient who shall have been under Restraint, or in Seclusion, or under Medical Treatment, since the Date of the last preceding Report, the Condition of the House or Hospital, and every Death, Injury, and Act of Violence which shall have happened to or affected any Patient since the then last preceding Report, according to the Form in Schedule (H.) annexed to this Act; and every such Physician, Surgeon, or Apothecary who shall omit to enter or sign such Report as aforesaid shall for every such Omission forfeit and pay the Sum of Twenty Pounds; and every such Physician, Surgeon, or Apothecary who shall in any such Report as aforesaid enter any thing untruly shall be guilty of a Misdemeanor.

A Medical Case Book to be kept.

LX. And be it enacted, That there shall be kept in every licensed House and in every Hospital a Book to be called "The Case Book," in which the Physician, Surgeon, or Apothecary keeping or residing in or visiting such House or Hospital shall from Time to Time make Entries of the mental State and bodily Condition of each Patient, together with a correct Description of the Medicine and other Remedies prescribed for the Treatment of his Disorder; and that it shall be lawful for the Commissioners from Time to Time, by any Order under their Common Seal, to direct the Form in which such Case Book shall be kept by such Physician, Surgeon, or Apothecary; and immediately after a Copy of such Order shall have been transmitted by the Secretary of the Commissioners to such Physician, Surgeon, or Apothecary, such Physician, Surgeon, or Apothecary shall thereupon keep such Case Book in the Form which shall be directed by such Order; and that it shall be lawful for the Commissioners (whenever they shall see fit) to require, by an Order in Writing under their Common Seal, such Physician, Surgeon, or Apothecary to transmit to the Commissioners a correct Copy of the Entries or Entry in any Case Book kept under the Provisions of this Act, relative to the Case of any Lunatic who is or may have been confined in any such licensed House or Hospital; and every such Physician, Surgeon, or Apothecary who shall neglect to keep the said Case Book, or to keep the same according to the Form directed by the Commissioners, or to transmit a Copy of the said Entry or Entries, pursuant to such Order or Orders as aforesaid, shall for every such Neglect forfeit any Sum not exceeding Ten Pounds.

All licensed Houses and Hospitals to be visited by the Commissioners.

LXI. And be it enacted, That every licensed House shall, without any previous Notice, be visited by Two at least of the Commissioners (one of whom shall be a Physician or Surgeon, and the other a Barrister,) Four Times at the least in every Year, if such House shall be within the immediate Jurisdiction of the Commissioners, and if not, twice at least in every Year; and every Hospital in which Lunatics shall be received shall, without any previous Notice, be visited by Two at least of the said Commissioners (one of whom shall be a Physician or Surgeon, and the other a Barrister,) once at least in every Year; and every such Visit shall be made on such Day or Days, and at such Hours of the Day, and for such Length of Time, as the Visiting Commissioners shall think fit, and also at such other Times (if any) as the said Commissioners in Lunacy shall direct; and such Visiting Commissioners, when visiting such House or Hospital, may and shall inspect every Part of such House or Hospital, and every Outhouse, Place, and Building communicating with such House or Hospital, or detached therefrom, but not separated by Ground belonging to any other Person, and every Part of the Ground or Appurtenances held, used, or occupied therewith, and see every Patient then confined in such House or Hospital, and inquire whether any Patient is under Restraint, and why, and inspect the Order and Certificates or Certificate for the Reception of every Patient who shall have been received into such House or Hospital since the last Visit of the Commissioners, and in the Case of any House licensed by Justices shall consider the Observations made in the Visitors Book for such House by the Visitors appointed by the Justices, and enter in the Visitors Book of such House or Hospital a Minute of the then Condition of the House or Hospital, and of the Patients therein, and the Number of Patients under Restraint, with the Reasons thereof, as stated, and such Irregularity (if any) as may exist in any such Order or Certificates as aforesaid, and also whether the previous Suggestions (if any) of the Visiting Commissioners or Visitors have or have not been attended to, and any Observations which they may deem proper as to any of the Matters aforesaid or otherwise, and also, if such Visit be the first after the granting a Licence to the House, shall examine such Licence, and, if the same be in conformity with the Provisions of this Act, sign the same, but if it be informal enter in such Visitors Book in what respect such Licence is informal: Provided also, that it shall be lawful for the Lord Chancellor, on a Representation by the Commissioners setting forth the Expediency of such Alteration, by any Writing under his Hand, to direct that any House licensed by Justices shall (during such Period as he shall therein specify, or until such his Direction shall be revoked,) be visited by the Commissioners once only in the Year, and also to direct that any House licensed by the Commissioners, and not receiving any Pauper Patients therein, shall (during such Period as he shall therein specify, or until such his Direction shall be revoked,) be visited by the Commissioners twice only in the Year.

Licensed Houses not within the immediate Jurisdiction of the Commissioners to be inspected Four Times a Year at least by the Visitors.

LXII. And be it enacted, That every licensed House within the Jurisdiction of any Visitors appointed by Justices shall be visited by Two at least of the said Visitors (one of whom shall be a Physician, Surgeon, or Apothecary,) Four Times at the least in every Year, on such Days, and at such Hours in the Day, and for such Length of Time as the said Visitors shall think fit, and also at such other Times (if any) as the Justices by whom such House shall have been licensed shall direct; and such Visitors when visiting any such House may and shall inspect every Part of such House, and every House, Outhouse, Place, and Building communicating therewith, or detached therefrom, but not separated by Ground belonging to any other Person, and every Part of the Ground or Appurtenances held, used, or occupied therewith, and see every Patient then confined therein, and inquire whether any Patient is under Restraint, and why, and inspect the Order and Certificates or Certificate for the Reception of every Patient who shall

shall have been received into such House since the last Visit of the Visitors, and enter in the Visitors Book a Minute of the then Condition of the House, of the Patients therein, and the Number of Patients under Restraint, with the Reasons thereof as stated, and such Irregularity (if any) as may exist in any such Order or Certificates as aforesaid, and also whether the previous Suggestions (if any) of the Visitors or Visiting Commissioners have or have not been attended to, and any Observations which they may deem proper as to any of the Matters aforesaid or otherwise.

The Proprietor or Superintendent of every House and Hospital to show every Part and every Patient to the Visiting Commissioners and Visitors.

LXIII. And be it enacted, That the Proprietor or Superintendent of every licensed House or Hospital shall show to the Commissioners and Visitors respectively visiting the same every Part thereof respectively, and every Person detained therein as a Lunatic; and every Proprietor or Superintendent of any licensed House or any Hospital who shall conceal or attempt to conceal, or shall refuse or wilfully neglect to show, any Part of such House or Hospital, or any House, Outhouse, Place, or Building communicating therewith, or detached therefrom, but not separated as aforesaid, or any Part of the Ground or Appurtenances held, used, or occupied therewith, or any Person detained or being therein, from any Visiting Commissioners or Visitors, or from any Person authorized under any Power or Provision of this Act to visit and inspect such House or Hospital, or the Patients confined therein or any of them, shall be guilty of a Misdemeanor.

Inquiries to be made by the Commissioners and Visitors on their several Visitations.

LXIV. And be it enacted, That the Visiting Commissioners and Visitors respectively, upon their several Visitations to every licensed House and to every Hospital, shall inquire when Divine Service is performed, and to what Number of the Patients, and the Effect thereof; and also what Occupations or Amusements are provided for the Patients, and the Result thereof; and whether there has been adopted any System of Non-coercion, and, if so, the Result thereof; and also as to the Classification of Patients; and also as to the Condition of the Pauper Patients (if any) when first received; and also as to the Dietary of the Pauper Patients (if any); and shall also make such other Inquiries as to such Visiting Commissioners or Visitors shall seem expedient; and every Proprietor or Superintendent of a licensed House or an Hospital who shall not give full and true Answers to the best of his Knowledge to all Questions which the Visiting Commissioners and Visitors respectively shall ask in reference to the Matters aforesaid shall be guilty of a Misdemeanor.

Books and Documents to be produced to Visiting Commissioners and Visitors.

LXV. And be it enacted, That upon every Visit of the Visiting Commissioners to any licensed House or to any Hospital, and upon every Visit of the Visitors to any licensed House, there shall be laid before such Visiting Commissioners or Visitors (as the Case may be), by the Proprietor or Superintendent of such licensed House or of such Hospital, a List of all the Patients then in such House or Hospital (distinguishing Pauper Patients from other Patients, and Males from Females, and specifying such as are deemed curable), and also the several Books by this Act required to be kept by the Proprietor or Superintendent and by the Medical Attendant of a licensed House or an Hospital, and also all Orders and Certificates relating to Patients admitted since the last Visitation of the Commissioners or Visitors (as the Case may be), and also, in the Case of a licensed House, the Licence then in force for such House, and also all such other Orders, Certificates, Documents, and Papers relating to any of the Patients at any Time received into such licensed House or Hospital as the Visiting Commissioners or Visitors shall from Time to Time require to be produced to them; and the said Visiting Commissioners or Visitors, as the Case may be, shall sign the said Books as having been produced to them.

A Book to be kept called "The Visitor's Book," for the Result of Inspection and Inquiries; and a Book called "The Patient's Book," for Observations.

LXVI. And be it enacted, That there shall be hung up in some conspicuous Part of every licensed House a Copy of the Plan given to the Commissioners or Justices on applying for the Licence for such House; and that there shall be kept in every licensed House and in every Hospital in which Lunatics shall be received a Queen's Printer's Copy of this Act, bound up in a Book to be called "The Visitors Book," and that the said Visiting Commissioners and Visitors respectively shall at the Time of their respective Visitations enter therein the Result of the Inspections and Inquiries herein-before directed or authorized to be made by them respectively, with such Observations (if any) as they shall think proper; and that there shall also be kept in every such House and Hospital a Book to be called "The Patients Book," and that the said Visiting Commissioners and Visitors respectively shall at the Times of their respective Visitations enter therein such Observations as they may think fit respecting the State of Mind or Body of any Patient in such House or Hospital.

Proprietor or resident Superintendent to transmit all Entries by Visitors and Visiting Commissioners to the Clerk of the Visitors and to the Commissioners.

LXVII. And be it enacted, That the Proprietor or resident Superintendent of every licensed House and of every Hospital shall, within Three Days after every such Visit by the Visiting Commissioners as aforesaid, transmit a true and perfect Copy of the Entries made by them in "The Visitors Book," "The Patients Book," and "The Medical Visitation Book" respectively (distinguishing the Entries in the several Books) to the Commissioners, and shall, within Three Days after every such Visitation by the Visitors, transmit a true and perfect Copy of the Entries made by them as aforesaid (distinguishing as aforesaid) to the Commissioners and also to the Clerk of the Visitors; and the Copies so transmitted to the Clerk of the Visitors of all such Entries relating to any licensed House, and made since the Grant or last Renewal of the Licence thereof, shall be laid before the Justices on taking into consideration the Renewal of the Licence to the House to which such Entries shall relate; and every such Proprietor or Superintendent as aforesaid who shall omit to transmit, as herein-before directed, a true and perfect Copy of every or any such Entry as aforesaid, shall for every such Omission forfeit a Sum not exceeding Ten Pounds.

Commissioners visiting a House licensed by Justices to make an Entry in the

LXVIII. And be it enacted, That the Commissioners visiting any House licensed by Justices shall carefully consider and give special Attention to the State of Mind of any Patient therein confined, as to the Propriety of whose Detention they shall doubt (or as to whose Sanity their Attention shall be specially called),

Patients Book as to the State of Mind of any doubtful Patient, and the same to be sent to the Clerk of the Visitors, who are thereupon to visit such Patient.

called), and shall, if they shall think that the State of Mind of such Patient is doubtful, and that the Propriety of his Detention requires further Consideration, make and sign a Minute thereof in the Patients Book of such House; and a true and perfect Copy of every such Minute shall, within Two clear Days after the same shall have been made, be sent by the Proprietor or Superintendent of such House to the Clerk of the Visitors of such House, and such Clerk shall forthwith communicate the same to the said Visitors, or some Two of them (of whom a Physician, Surgeon, or Apothecary shall be One), and such Visitors shall thereupon immediately visit such Patient, and act as they shall see fit; and every such Proprietor or Superintendent who shall omit to send a true and perfect Copy, as herein-before directed, of every or any such last-mentioned Minute, and every Clerk who shall neglect to communicate the same to Two of the Visitors as aforesaid, shall be guilty of a Misdemeanor.

Visiting Commissioners to report on every Hospital, &c. out of their Jurisdiction.

LXIX. And be it enacted, That the Visiting Commissioners shall, after every Visitation by them to every licensed House not being within their immediate Jurisdiction, and to every Hospital, report in Writing the general Result of their Inspection thereof (together with such special Circumstances, if any, as they may deem proper to notice,) to the Commissioners, and the Secretary of the Commissioners shall thereupon enter the same in a Book to be kept for that Purpose.

Power for the Commissioners or any Five of them to make Rules.

LXX. And be it enacted, That it shall be lawful for the Commissioners or any Five of them, at any quarterly or Special Meeting, by any Resolution or Resolutions under their Common Seal, or to be entered in a Book to be kept for that Purpose, and signed by Five at least of the Commissioners present at such Meeting, from Time to Time to make such Orders and Rules as they shall think fit for regulating the Duties of the Commissioners or any of them, or of their Secretary, Clerks, and Servants, or for the due or better Performance of the Business of the Commission: Provided nevertheless, that the Secretary of the Commissioners shall give to every Commissioner, so far as Circumstances will admit, not less than Seven Days Notice of every such Special Meeting, and shall in the Summons for such Special Meeting state the Purposes for which the same is intended to be held.

Power in certain Cases to visit by Night.

LXXI. And be it enacted, That it shall be lawful for any Two or more of the Commissioners, or any Two Visitors, to visit and to inspect any licensed House or Hospital at such Hour of the Night as they shall think fit: Provided nevertheless, that no such Visitor shall make any such Visitation or Inspection except of a licensed House within their Jurisdiction.

Discharge of private Patient by Person who ordered his Reception.

LXXII. And be it enacted, That if and when any Person who signed the Order on which any Patient (not being a Pauper) was received into any licensed House or into any Hospital shall by Writing under his Hand direct that such Patient shall be discharged or removed, then and in such Case such Patient shall forthwith be discharged or removed, as the Person who signed the Order for his Reception shall direct.

Provision for the Discharge of a private Patient when the Person who signed the Order for his Reception is incapable.

LXXIII. And be it enacted, That if the Person who signed the Order on which any Patient (not being a Pauper) was received into any licensed House or into any Hospital be incapable by reason of Insanity or Absence from *England*, or otherwise, of giving an Order for the Discharge or Removal of such Patient, or if such Person be dead, then and in any of such Cases the Husband or Wife of such Patient, or if there be no such Husband or Wife, the Father of such Patient, or if there be no Father, the Mother of such Patient, or if there be no Mother, then any one of the nearest of Kin for the Time being of such Patient, or the Person who made the last Payment on account of such Patient, may by any Writing under his or her Hand give such Direction as aforesaid for the Discharge or Removal of such Patient, and thereupon such Patient shall be forthwith discharged or removed as the Person giving such Direction shall direct.

Mode of Removal or Discharge of Pauper Patients.

LXXIV. And be it enacted, That the Guardians of any Parish or Union may by a Minute of their Board, or an officiating Clergyman of any Parish not under a Board of Guardians, and One of the Overseers thereof, or any Two Justices of the County or Borough in which such last-mentioned Parish is situate, may by Writing under the Hands respectively of such Clergyman and Overseer or of such Justices direct that any Pauper Patient belonging to such Parish or Union, and detained in any licensed House or any Hospital, shall be discharged or removed therefrom, and may direct the Mode of such Discharge or Removal; and if a Copy of such Minute or such Writing be produced to the Proprietor or Superintendent of such licensed House or such Hospital, he shall forthwith discharge or remove such Patient, or cause or suffer such Patient to be discharged or removed accordingly.

No Patient to be removed under any of the preceding Powers, if certified to be dangerous, unless the Commissioners or Visitors consent, or for the Purpose of Transfer to some other Asylum.

LXXV. Provided always, nevertheless, and be it enacted, That no Patient shall be discharged or removed, under any of the Powers herein-before contained, from any licensed House or any Hospital, if the Physician, Surgeon, or Apothecary by whom the same shall be kept, or who shall be the regular Medical Attendant thereof, shall by Writing under his Hand certify that in his Opinion such Patient is dangerous and unfit to be at large, together with the Grounds on which such Opinion is founded, unless the Commissioners visiting such House or the Visitors of such House shall, after such Certificate shall have been produced to them, give their Consent in Writing that such Patient shall be discharged or removed; provided that nothing herein contained shall prevent any Patient from being transferred from any licensed House or any Hospital to any other licensed House or any other Hospital, or to any Asylum, but in such Case every such Patient shall be placed under the Control of an Attendant belonging to the licensed House, Hospital, or Asylum to or from which he shall be about to be removed for the Purpose of such Removal, and shall remain under such Control until such Time as such Removal shall be duly effected.

Commissioners may discharge any Patient confined in a

LXXVI. And be it enacted, That it shall be lawful for any Two or more of the Commissioners to make Visits to any Patient detained in any House licensed by the Commissioners, on such Days and at such Hours at they shall think fit; and if after Two distinct and separate Visits so made (Seven Days at least to intervene between such Visits) it shall appear to such Visiting Commissioners that such Patient is detained

detained without sufficient Cause, it shall be lawful for the Commissioners, if they shall think fit, to make such Order as to the Commissioners shall seem meet for the Discharge of such Patient, and such Patient shall be discharged accordingly.

House licensed by themselves.

LXXVII. And be it enacted, That it shall be lawful for any Two or more of the Commissioners, of whom One shall be a Physician and One a Barrister, to make special Visits to any Patient detained in any House licensed by the Justices or in any Hospital, on such Days and at such Hours as they shall think fit; and if after Two distinct and separate Visits so made it shall appear to such Visiting Commissioners that such Patient is detained without sufficient Cause, they may make such Order as to them shall seem meet for the Discharge of such Patient, and such Patient shall be discharged accordingly.

Special Visits for Discharge of any Patient in a House licensed by Justices or in an Hospital.

LXXVIII. And be it enacted, That it shall be lawful for any Two or more of the Visitors of any licensed House, of whom One shall be a Physician, Surgeon, or Apothecary, to make special Visits to any Patient detained in such House, on such Days and at such Hours as they shall think fit; and if after Two distinct and separate Visits so made it shall appear to such Visitors that such Patient is detained without sufficient Cause, they may make such Order as to them shall seem meet for the Discharge of such Patient, and such Patient shall be discharged accordingly.

Similar Powers for Two Visitors as to Houses within their Jurisdiction.

LXXIX. Provided always, and be it enacted, That every such Order by any Commissioners or Visitors for the Discharge of a Patient from any House licensed by Justices, or from any Hospital, shall be signed by them, and that each of such special Visits shall be by the same Commissioners or Visitors; and that it shall not be lawful for such Commissioners or Visitors to order the Discharge of any Patient from any such last-mentioned House or Hospital without having previously, if the Medical Attendant of such House or Hospital shall have tendered himself for that Purpose, examined him as to his Opinion respecting the Fitness of such Patient to be discharged; and if such Commissioners or Visitors shall, after so examining such Medical Attendant, discharge such Patient, and such Medical Attendant shall furnish them with any Statement in Writing containing his Reasons against the Discharge of such Patient, they shall forthwith transmit such Statement to the Commissioners or to the Clerk of the Visitors, as the Case may require, to be kept and registered in a Book for that Purpose.

Every Order for the Discharge of a Patient under the last preceding Powers to be signed by the Persons exercising them, and to be subject to certain Restrictions.

LXXX. Provided also, and be it enacted, That not less than Seven Days shall intervene between the First and Second of such special Visits; and that such Commissioners or Visitors shall, Seven Days previously to the Second of such special Visits, give Notice thereof, either by Post or by an Entry in the Patients Book, to the Proprietor or Superintendent of the House licensed by Justices or of the Hospital in which the Patient intended to be visited is detained; and that such Proprietor or Superintendent shall forthwith, if possible, transmit by Post a Copy of such Notice, in the Case of a Patient not being a Pauper, to the Person by whose Authority such Patient was received into such House, or by whom the last Payment on account of such Patient was made, and in the Case of a Pauper, to the Guardians of his Parish or Union, or if there be no such Guardians, to One of the Overseers for the Time being of his Parish, and also in the Case of any Patient detained in a House licensed by Justices to the Clerk of the Visitors of such House.

The last preceding Powers to be exercised under certain other Restrictions.

LXXXI. Provided always, nevertheless, and be it enacted, That none of the Powers of Discharge herein-before contained shall extend to any Person who shall have been found lunatic by Inquisition or under any Inquiry directed by the Lord Chancellor, in pursuance of the Powers in that Behalf hereinafter given to him, nor to any Lunatic confined under any Order or Authority of Her Majesty's Principal Secretary of State for the Home Department, or under the Order of any Court of Criminal Jurisdiction.

Preceding Powers not to extend to Persons found lunatic by Inquisition, &c.

LXXXII. And be it enacted, That it shall be lawful for the Visitors of any licensed House at any Time to determine and regulate the Dietary of the Pauper Patients therein; and that it shall be lawful for the Visiting Commissioners at any Time to determine and regulate the Dietary of the Pauper Patients in any licensed House or in any Hospital; and that if such Determination and Regulation of any Visitors and of the Visiting Commissioners shall not agree with each other, then the Determination and Regulation of the Visiting Commissioners shall be followed: Provided always, nevertheless, that every such Regulation shall be made to take effect only from such Time as not to affect any Contract existing on the First Day of *June* last for the Maintenance of Pauper Patients before the First Day of *June* One thousand eight hundred and forty-six, or the Expiration of such Contract, whichever shall first happen.

Power for Visitors and Visiting Commissioners to regulate the Dietary of Pauper Patients.

LXXXIII. And be it enacted, That if any Person shall apply to any Visitor in order to be informed whether any particular Person is confined in any licensed House within the Jurisdiction of such Visitor, the said Visitor, if he shall think it reasonable to permit such Inquiry to be made, shall sign an Order to the Clerk of the Visitors, and the said Clerk shall, on Receipt of such Order, and on Payment to him of a Sum not exceeding Seven Shillings for his Trouble, make search amongst the Returns made to him in pursuance of this Act whether the Person inquired after is or has been within the then last Twelve Calendar Months confined in any licensed House within the Jurisdiction of such Visitor; and if it shall appear that such Person is or has been so confined the said Clerk shall deliver to the Person so applying a Statement in Writing, specifying the Situation of the House in which the Person so inquired after appears to be or to have been confined, and of the Name of the Proprietor or resident Superintendent thereof, and also the Date of the Admission of such Person into such licensed House, and (in case of his having been removed or discharged) the Date of his Removal or Discharge therefrom.

Power for any Visitor to give an Order to the Clerk of the Visitors to search and give Information.

LXXXIV. And be it enacted, That if any Person shall apply to any Commissioner in order to be informed whether any particular Person is confined in any licensed House, or in any Hospital, Asylum, or

Power for any Commissioner to give an Order

to the Secretary of the Commissioners to search and give Information whether any particular Person is or has been within Twelve Months confined in any House or Hospital.

or other Place by this Act made subject to the Visitation of the Commissioners, such Commissioner, if he shall think it reasonable to permit such Inquiry to be made, shall sign an Order to the Secretary of the Commissioners, and the Secretary shall, on the Receipt of such Order, and on Payment to him of a Sum not exceeding Seven Shillings (to be applied as herein-before provided), make search amongst the Returns made in pursuance of this Act, or of any of the Acts hereby repealed, whether the Person inquired after is or has been within the last Twelve Calendar Months confined in any House, Hospital, Asylum, or Place by this Act made subject to the Visitation of the Commissioners; and if it shall appear that such Person is or has been so confined the Secretary shall deliver to the Person so applying a Statement in Writing, specifying the Situation of the House, Hospital, Asylum, or Place in which the Person so inquired after appears to be or to have been confined, and also (so far as the said Secretary can ascertain the same from any Register or Return in his Possession) the Name of the Proprietor, Superintendent, or principal Officer of such House, Hospital, Asylum, or Place, and also the Date of the Admission of such Person into such licensed House, Hospital, Asylum, or other Place, and (in case of his having been removed or discharged) the Date of his Removal or Discharge therefrom.

Any One Commissioner or Visitor may give an Order for the Admission to any Patient of any Friend or Relation, or any Person named by a Friend or Relation.

LXXXV. And be it enacted, That it shall be lawful for any One of the Commissioners, as to Patients confined in any House, Hospital, or other Place (not being a Gaol) hereby authorized to be visited by the Commissioners, and also for any One of the Visitors of any licensed House as to Patients confined in such House, at any Time to give an Order in Writing under the Hand of such One Commissioner or Visitor for the Admission to any Patient of any Relation or Friend of such Patient (or of any medical or other Person whom any Relation or Friend of such Patient shall desire to be admitted to him), and such Order of Admission may be either for a single Admission, or for an Admission for any limited Number of Times, or for Admission generally at all reasonable Times, and either with or without any Restriction as to such Admission or Admissions being in the Presence of a Keeper or not, or otherwise; and if the Proprietor or Superintendent of any such House, Hospital, or Place shall refuse Admission to, or shall prevent or obstruct the Admission to any Patient of, any Relation, Friend, or other Person who shall produce such Order of Admission as aforesaid, he shall for every such Refusal, Prevention, or Obstruction forfeit a Sum not exceeding Twenty Pounds.

Proprietor or Superintendent, with Consent of Two Commissioners or Visitors, may take or send a Patient to any Place for his Health.

LXXXVI. And be it enacted, That it shall be lawful for the Proprietor or Superintendent of any licensed House or of any Hospital, with the Consent in Writing of any Two of the Commissioners, or in the Case of a House licensed by Justices of any Two of the Visitors of such House, to send or take, under proper Control, any Patient to any specified Place for any definite Time for the Benefit of his Health: Provided always, nevertheless, that before any such Consent as aforesaid shall be given by any Commissioners or Visitors the Approval in Writing of the Person who signed the Order for the Reception of such Patient, or by whom the past Payment on account of such Patient was made, shall be produced to such Commissioners or Visitors, unless they shall, on cause being shown, dispense with the same.

In case of Removal of a Patient, or of his Escape and Recapture within 14 Days, the original Order for his Reception to remain in force.

LXXXVII. And be it enacted, That in every Case in which any Patient shall, under any of the Powers or Provisions of this Act, be removed temporarily from the House or Hospital into which the Order for his Reception was given, or be transferred from such House or Hospital into any new House, and also in every Case in which any Patient shall escape from any House or Hospital, and shall be retaken within Fourteen Days next after such Escape, the Certificate or Certificates relating to and the original Order for the Reception of such Patient shall respectively remain in force, in the same Manner as the same would have done if such Patient had not been so removed or transferred, or had not so escaped and been retaken.

Commissioners to report to the Lord Chancellor periodically.

LXXXVIII. And be it enacted, That the Commissioners shall, at the Expiration of every Six Calendar Months, report to the Lord Chancellor the Number of Visits which they shall have made, the Number of Patients whom they shall have seen, and the Number of Miles which they shall have travelled during such Months, and shall on the First Day of *January* in each Year make a Return to the Lord Chancellor of all Sums received by them for travelling Expences, or upon any other and what Account, and shall also in the Month of *June* in every Year make to the Lord Chancellor a Report of the State and Condition of the several Houses, Hospitals, Asylums, and other Places visited by them under this Act, and of the Care of the Patients therein, and of such other Particulars as they shall think deserving of Notice; and a true Copy of such Reports, showing the Number of Visits made, the Number of Patients seen, and the Number of Miles travelled, and also a Copy of such Return of Sums received for travelling Expences, or on any other and what Account, shall be laid before Parliament within Twenty-one Days next after the Commencement of every Session of Parliament.

Constitution of the Private Committee.

LXXXIX. And be it enacted, That the permanent Chairman for the Time being of the Commissioners, and Two other of the Commissioners to be appointed by the Lord Chancellor from Time to Time as Occasion may require (one of whom shall be a Physician or Surgeon, and the other a Barrister), shall be a Committee, to be called "The Private Committee," for the Purposes herein-after mentioned.

No Person (except a Person deriving no Profit, or a Committee,) to take charge of

XC. And be it enacted, That no Person (unless he be a Person who derives no Profit from the Charge, or a Committee appointed by the Lord Chancellor) shall receive to board or lodge in any House, other than an Hospital registered under this Act, or an Asylum, or a House licensed under this Act, or under one of the Acts herein-before repealed, or take the Care or Charge of any One Patient as a Lunatic or alleged Lunatic, without the like Order and Medical Certificates in respect of such Patient as

as are herein-before required on the Reception of a Patient (not being a Pauper) into a licensed House; and that every Person (except a Person deriving no Profit from the Charge, or a Committee appointed by the Lord Chancellor,) who shall receive to board or lodge in any unlicensed House, not being a registered Hospital or an Asylum, or take the Care or Charge of any One Patient as a Lunatic or alleged Lunatic, shall, within Seven clear Days after so receiving or taking such Patient, transmit to the Secretary of the Commissioners a true and perfect Copy of the Order and Medical Certificates on which such Patient has been so received, and a Statement of the Date of such Reception, and of the Situation of the House into which such Patient has been received, and of the Christian and Surname and Occupation of the Occupier thereof and of the Person by whom the Care and Charge of such Patient has been taken; and every such Patient shall at least Once in every Two Weeks be visited by a Physician, Surgeon, or Apothecary not deriving, and not having a Partner, Father, Son, or Brother who derives, any Profit from the Care or Charge of such Patient; and such Physician, Surgeon, or Apothecary shall enter in a Book, to be kept at the House or Hospital for that Purpose, to be called "The Medical Visitation Book," the Date of each of his Visits, and a Statement of the Condition of the Patient's Health, both mental and bodily, and of the Condition of the House in which such Patient is, and such Book shall be produced to the Visiting Commissioner on every Visit, and shall be signed by him as having been so produced; and the Person by whom the Care or Charge of such Patient has been taken, or into whose House he has been received as aforesaid, shall transmit to the Secretary of the Commissioners the same Notices and Statements of the Death, Removal, Escape, and Re-capture of such Lunatic, and within the same Periods, as are herein-before required in the Case of the Death, Removal, Escape, and Re-capture of a Patient (not being a Pauper) received into a licensed House; and that every Person who shall receive into an unlicensed House, not being a registered Hospital nor an Asylum, or take the Care or Charge of any Person therein as a Lunatic, without first having such Order and Medical Certificates as aforesaid, or who, having received any such Patient, shall not within the several Periods aforesaid transmit to the Secretary of the Commissioners such Copy, Statement, and Notices as aforesaid, or shall fail to cause such Patient to be so visited by a Medical Attendant as aforesaid, and every such Medical Attendant who shall make an untrue Entry in the said Medical Visitation Book, shall be guilty of a Misdemeanor.

a single Lunatic, except upon such Order and Medical Certificates as aforesaid, and under certain Obligations.

XCI. And be it enacted, That the Secretary to the Commissioners shall preserve every Copy transmitted as aforesaid of the Order and Certificates for the Reception of any Patient as a Lunatic into an unlicensed House, and every Statement and Notice which may be transmitted to such Secretary with respect to any such Patient as aforesaid, and shall enter the same (in such Form as the private Committee shall direct) in a Book to be kept for that Purpose, to be called "The Private Register," and such Private Register shall be kept by such Secretary in his own Custody, and shall be inspected only by the Members for the Time being of the said Private Committee, and by such other Persons as the Lord Chancellor shall by Writing under his Hand appoint.

Copy of Order, &c. with respect to Lunatics received into an unlicensed House to be entered in a private Register.

XCII. And be it enacted, That it shall be lawful for any One Member of the said Private Committee, on the Direction of such Committee, or of any Two Members thereof (of whom the One Member aforesaid may be One), at all reasonable Times to visit every or any unlicensed House in which One Patient only is received as a Lunatic (unless such Patient be so received by a Person deriving no Profit from the Charge, or by a Committee appointed by the Lord Chancellor), and to inquire and report to the said Private Committee on the Treatment and State of Health, both bodily and mental, of such Patient; and a Copy of every or any such Report shall be entered in a Private Register, to be kept for that Purpose, by the Secretary of the Commissioners, and another Copy thereof shall, if such Private Committee think it expedient, be laid before the Lord Chancellor.

Members of the Private Committee to visit unlicensed Houses receiving a single Patient, and report.

XCIII. And be it enacted, That it shall be lawful for the Lord Chancellor, on the Representation of the said Private Committee, accompanied with a Copy of a Report made as last aforesaid as to any Patient received or detained as a Lunatic in an unlicensed House as aforesaid, to make an Order that such Patient shall be removed from such House, and from the Care and Charge of the Person under whose Care and Charge such Lunatic may be; and any Person detaining such Lunatic in such House, or in such Care or Charge, for the Space of Three Days after a Copy of such Order shall have been left at such House or served on such Person, shall be guilty of a Misdemeanor.

The Lord Chancellor on such Report, and the Representation of Private Committee, may order a Lunatic to be removed.

XCIV. And be it enacted, That whenever the Commissioners shall have Reason to suppose that the Property of any Person detained or taken charge of as a Lunatic is not duly protected, or that the Income thereof is not duly applied for his Maintenance, such Commissioners shall make such Inquires relative thereto as they shall think proper, and report thereon to the Lord Chancellor.

Commissioners to report if Property of Lunatics be not duly protected, &c.

XCV. And be it enacted, That when any Person shall have been received or taken charge of as a Lunatic upon an Order and Certificates, or an Order and Certificate in pursuance of the Provisions of this Act, or of any Act herein-before repealed, and shall either have been detained as a Lunatic for the Twelve Months then last past, or shall have been the Subject of a Report by the Commissioners in pursuance of the Provision lastly herein-before contained, it shall be lawful for the Lord Chancellor to direct that One of the said Masters in Lunacy shall, and thereupon One of the said Masters shall personally examine such Person, and shall take such Evidence and call for such Information as to such Master shall seem necessary to satisfy him whether such Person is a Lunatic, and shall report thereon to the Lord Chancellor, and such Report shall be filed with the Secretary of Lunatics; and it shall be lawful

The Lord Chancellor to direct the Master in Lunacy to report as to the Lunacy of any Person detained as a Lunatic, and to appoint Guardians of his Person and

Estate, and direct the Application of his Income.

lawful for the Lord Chancellor from Time to Time to make Orders for the Appointment of a Guardian, or otherwise, for the Protection, Care, and Management of the Person of any Person who shall by any such Report as last aforesaid be found to be a Lunatic, and such Guardian shall have the same Powers and Authorities as a Committee of the Person of a Lunatic found such by Inquisition now has, and also to make Orders for the Appointment of a Receiver, or otherwise, for the Protection, Care, and Management of the Estate of such Lunatic, and such Receiver shall have the same Powers and Authorities as a Receiver of the Estate of a Lunatic found such by Inquisition now has, and also to make Orders for the Application of the Income of such Lunatic, or a sufficient Part thereof, for his Maintenance and Support, and in Payment of the Costs, Charges, and Expences attending the Protection, Care, and Management of the Person and Estate of such Lunatic, and also as to the Investment or other Application for the Purpose of Accumulation of the Overplus, if any, of such Income for the Use of such Lunatic, as to the Lord Chancellor shall from Time to Time in each Case seem fit: Provided always, that such Protection, Care, and Management shall continue only during such Time as such Lunatic shall continue to be detained as a Lunatic upon an Order and Certificates or Certificate as aforesaid, and for such further Time not exceeding Six Months as the Lord Chancellor may fix: Provided also, that it shall be lawful for the Lord Chancellor in any such Case, either before or after directing such Inquiry by such Master as aforesaid, and whether such Master shall have made a Report as aforesaid or not, to direct a Commission in the Nature of a Writ De lunatico inquirendo to issue, to inquire of the Lunacy of such Person.

Masters in Lunacy to have all necessary Powers of Inquiry, and to make Inquiries referred to them.

XCVI. And be it enacted, That such Masters shall have Power, in the Prosecution of all Inquiries and Matters which may be referred to them as aforesaid or otherwise under this Act, to summon Persons before them, and to administer Oaths, and take Evidence either *vivâ voce* or on Affidavit, and to require the Production of Books, Papers, Accounts, and Documents; and that the Lord Chancellor may by any Order (either general or particular) refer to the said Masters any Inquiries under the Provisions of this Act relating to the Person and Estate of any Lunatic as to whom a Report shall be made by a Master as aforesaid, in like Manner as Inquiries relating to the Persons and Estates of Lunatics found such by Inquisition are now referred to them.

Lord Chancellor to make Orders and Regulations, and fix Fees.

XCVII. And be it enacted, That it shall be lawful for the Lord Chancellor from Time to Time to make such Orders as shall to him seem fit for regulating the Form and Mode of Proceeding before the Lord Chancellor and before the said Masters, and of any other Proceedings pursuant to the Provisions of this Act, for the due Protection, Care, and Management of the Persons and Estates of Lunatics as to whom such Reports shall be made by the said Masters as aforesaid, and also for fixing, altering, and discontinuing the Fees to be received and taken in respect of such Proceedings, as to the Lord Chancellor shall from Time to Time seem fit: Provided nevertheless, that all Fees to be so received and taken shall be paid into the Bank of *England*, and placed to the Credit of the Accountant General of the Court of Chancery, to the Account intituled "The Suitors Fee Fund Account," in like Manner as and together with the Fees payable under the Act passed in the Fifth and Sixth Years of Her present Majesty, intituled *An Act to alter and amend the Practice and Course of Proceeding under Commissions in the Nature of Writs de lunatico inquirendo*, and be applied in like Manner as such last-mentioned Fees.

5 & 6 Vict. c. 84.

Masters Expences how to be paid.

XCVIII. And be it enacted, That the travelling and other Expences of the said Masters and their Clerks shall be paid to them, by virtue of any Order or Orders of the Court of Chancery, out of the said Fund, intituled "The Suitors Fee Fund Account," in the same Manner as their Expences under the said last-mentioned Act.

Proprietors, Superintendents, and other authorized Persons, may plead the Order and Certificates for receiving any Lunatic in bar of all Proceedings at Law.

XCIX. And be it enacted, That every Proprietor and Superintendent of a licensed House or registered Hospital, and every other Person hereby or by any of the Acts herein-before repealed authorized to receive or take charge of a Lunatic upon an Order, and who shall receive or has received a proper Order, in pursuance of this Act or any of the said repealed Acts, accompanied with the required Medical Certificates or Certificate, for the Reception or taking charge of any Person as a Lunatic, and the Assistants and Servants of such Proprietor, Superintendent, or other Person, shall have Power and Authority to take charge of, receive, and detain such Patient until he shall die or be removed or discharged by due Authority, and in case of the Escape at any Time or Times of such Patient to retake him at any Time within Fourteen Days after such Escape, and again to detain him as aforesaid; and in every Writ, Indictment, Information, Action, and other Proceeding which shall be preferred or brought against any such Proprietor, Superintendent, or other Person authorized as aforesaid, or against any Assistant or Servant of any such Proprietor, Superintendent, or authorized Person, for taking, confining, detaining, or retaking any Person as a Lunatic, the Party complained of may plead such Order and Certificates or Certificate in defence to any such Writ, Indictment, Information, Action, or other Proceeding as aforesaid, and such Order and Certificates or Certificate shall, as respects such Party, be a Justification for taking, confining, detaining, or retaking such Lunatic or alleged Lunatic.

Commissioners and Visitors may summon Witnesses to give Evidence, with a Penalty

C. And be it enacted, That it shall be lawful for the Commissioners, or any Two of them, and also for the Visitors of any licensed House, or any Two of such Visitors, from Time to Time as they shall see Occasion, to require, by Summons under the Common Seal of the Commission, if by the Commissioners, and if by Two only of the Commissioners or by Two Visitors, then under the Hands and Seals of such Two Commissioners or Two Visitors, as the Case may be, (according to the Form in Schedule (I.) annexed

annexed to this Act, or as near thereto as the Case will permit,) any Person to appear before them to testify on Oath the Truth touching any Matters respecting which such Commissioners and Visitors respectively are by this Act authorized to inquire (which Oath such Commissioners or Visitors are hereby empowered to administer); and every Person who shall not appear before such Commissioners or Visitors, pursuant to such Summons, or shall not assign some reasonable Excuse for not so appearing, or shall appear and refuse to be sworn or examined, shall, on being convicted thereof before One of Her Majesty's Justices for the County or Borough within which the Place at which such Person shall have been by such Summons required to appear and give Evidence is situate, shall for every such Neglect or Refusal forfeit a Sum not exceeding Fifty Pounds. for Noncompliance.

CI. And be it enacted, That it shall be lawful for any Commissioners or Visitors who shall summon any Person to appear and give Evidence as aforesaid to direct the Secretary of the Commissioners or the Clerk of such Visitors, as the Case may be, to pay to such Person all reasonable Expences of his Appearance and Attendance in pursuance of such Summons, the same to be considered as Expences incurred by such Commissioners and Visitors respectively in the Execution of this Act, and to be taken into account and paid accordingly. Provision for the Payment of Witnesses Expences.

CII. And be it enacted, That every Complaint or Information of or for any Offence against this Act, where any pecuniary Penalty is hereby imposed, (except when hereby otherwise provided for,) may be made before One Justice; and when any Person shall be charged upon Oath before a Justice for any such Offence against this Act, such Justice may summon the Person charged to appear at a Time and Place to be named in such Summons, and if he shall not appear accordingly, and upon Proof of the due Service of the Summons (either personally or by leaving the same at his last or usual Place of Abode) any Two Justices may either proceed to hear and determine the Case, or may issue their Warrant for apprehending such Person, and bringing him before any Two Justices; and any Two Justices shall and may, upon the appearing of such Person pursuant to such Summons, or upon such Person being apprehended with such Warrant, or upon the Non-appearance of such Person, hear the Matter of every such Complaint or Information, and make any such Determination thereon as such Justices shall think proper; and upon Conviction of any Person such Justices may, if they shall think fit, reduce the Amount of the Penalty by this Act imposed for such Offence to any Sum not less than One Fourth of the Amount thereof, and shall and may issue a Warrant under their Hands and Seals for levying such Penalty or reduced Penalty, and all Costs and Charges of such Summons, Warrant, and Hearing and all incidental Costs and Charges by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall be lawful for any such Two Justices to order any Person so convicted to be detained and kept in the Custody of any Constable or other Peace Officer until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give Security, to the Satisfaction of such Justices, by way of Recognizance or otherwise, for his Appearance before such Justices, on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Time of taking any such Security; but if upon the Return of such Warrant of Distress it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty, and such Costs and Charges as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereupon the said Penalty, Costs, and Charges may be levied, such Justices shall and may, by Warrant under their Hands and Seals, commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty, and all such Costs and Charges as aforesaid, shall be sooner paid; and all such Penalties when recovered, shall be paid, when the Complaint or Information shall be laid or brought by or by the Direction of the Commissioners, to the Secretary of the Commissioners, to be by him applied and accounted for as herein-before directed with respect to Monies received for Licences granted by the Commissioners, and when the Complaint or Information shall be laid or brought by the Direction of any Visitors to the Clerk of the Peace for the County or Borough, to be by him applied and accounted for as herein-before directed with respect to Monies received for Licences granted by the Justices of such County or Borough; and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty and all Costs and Charges as aforesaid, shall be paid, upon demand, to the Owner of the Goods and Chattels so distrained. Upon Complaint made of any Offence against this Act, Justices to require the Attendance of the Person charged, and adjudicate thereon. Recovery of Penalties, and Application thereof.

CIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act for which a pecuniary Penalty is imposed may cause the Conviction to be drawn up in the following Form, or in any other Form to the same Effect, as the Case may require; and that no Conviction under this Act shall be void through Want of Form: Form of Conviction before Justices.

'BE it remembered, That on the Day of in the Year of our Lord
' at in the County [*or* Borough] of *A.B.* was
' convicted before us of Her Majesty's Justices of the Peace for the said County [*or* Borough],
' for that he the said did and we the said adjudge
' the said for his Offence to pay the Sum of .'

CIV. Provided always, and be it enacted, That any Person who shall think himself aggrieved by any Order or Determination of any Justices under this Act may, within Four Calendar Months after such Order made or given, appeal to the Justices at General or Quarter Sessions, the Person appealing having first Appeal to Quarter Sessions.

first given at least Fourteen clear Days Notice in Writing of such Appeal, and the Nature and Matter thereof, to the Person appealed against, and forthwith after such Notice entering into a Recognizance before some Justice, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices at General or Quarter Sessions, upon the Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Appeal, or, if they think proper, adjourn the hearing thereof until the next General or Quarter Sessions, and, if they see Cause, may mitigate any Penalty to not less than One Fourth of the Amount imposed by this Act, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices at General or Quarter Sessions shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Actions to be commenced within Twelve Calendar Months.

Act may be given in Evidence.

CV. And be it enacted, That if any Action or Suit shall be brought against any Person for any thing done in pursuance of this Act or of any of the Acts hereby repealed, the same shall be commenced within Twelve Calendar Months next after the Release of the Party bringing the Action, and shall be laid or brought in the County or Borough where the Cause of Action shall have arisen, and not elsewhere; and the Defendant in every such Action or Suit may, at his Election, plead specially or the General Issue Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought in any other County or Borough than as aforesaid, or shall not have been commenced within the Time before limited for bringing the same, then the Jury shall find a Verdict for the Defendant; and upon a Verdict being so found, or if the Plaintiff shall be nonsuited, or discontinue his Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, then the Defendant shall recover Double Costs, and have such Remedy for recovering the same as any Defendant hath or may have in any other Cases by Law.

Offenders to be prosecuted, and Penalties sued for by the Secretary of the Commissioners and the Clerk of any Visitors, and by no Person without the Authority of the Commissioners or Visitors.

CVI. And be it enacted, That it shall be lawful for the Secretary of the Commissioners, on their Order, to prosecute any Person for any Offence against the Provisions of this Act, and to sue for and recover any Penalty to which any Person is made liable by this Act; and all Penalties sued for and recovered by such Secretary shall be paid to him, and be by him applied and accounted for as herein-before directed with respect to Monies received for Licences granted by the Commissioners; and that it shall be lawful for the Clerk of any Visitors, on their Order, to prosecute any Person for any Offence against the Provisions of this Act committed within the Jurisdiction of such Visitors, and to sue for and recover any Penalty to which any Person within the Jurisdiction of such Visitors is made liable by this Act; and all Penalties sued for and recovered by any such Clerk shall be paid to him, and be by him paid to the Clerk of the Peace for such County or Borough, and be by such Clerk of the Peace applied and accounted for as herein-before directed with respect to Monies received for Licences by such Clerk of the Peace; and it shall not be lawful for any one to prosecute any Person for any Offence against the Provisions of this Act, or to sue for any Penalty to which any Person is made liable by this Act, except by Order of the Commissioners or of Visitors having Jurisdiction in the Place where the Cause of Prosecution has arisen or the Penalty been incurred, or with the Consent of Her Majesty's Attorney General or Solicitor General for *England* for the Time being.

Offenders against the Provisions of any of the repealed Acts may be prosecuted under this Act.

CVII. And be it enacted, That, notwithstanding the repeal of the several Acts herein-before repealed, every Offence heretofore committed against any of the Provisions of any of the same Acts may be prosecuted, and every Penalty heretofore incurred by any Person for any Offence against the Provisions of any of the same Acts may be sued for and recovered, by the Secretary of the Commissioners, in the same Manner and with all the same Powers and Rights as if such Offence had been committed or such Penalty incurred for an Offence against the Provisions of this Act; and every Penalty so recovered shall be applied in the same Manner as a Penalty recovered for an Offence against the Provisions of this Act.

No Person to be punishable for omitting to send any Copy, &c., if proved to have been put in the Post, or left at the proper Office.

CVIII. And be it enacted, That when any Person shall be proceeded against, under the Provisions of this Act, for omitting to transmit or send any Copy, List, Notice, Statement, or other Document herein-before required to be transmitted or sent by such Person, and such Person shall prove by the Testimony of One Witness upon Oath that the Copy, List, Notice, Statement, or Document in respect of which such Proceeding is taken was put into the Post in due Time, or (in case of Documents required to be transmitted or sent to the Commissioners or a Clerk of the Peace) left at the Office of the Commissioners or of the Clerk of the Peace, and shall have been properly addressed, such Proof shall be a Bar to all further Proceeding in respect of such Omission.

Costs of Commissioners to be paid by their Secretary, and Costs of Visitors by Clerk of the Peace.

CIX. And be it enacted, That the Costs, Charges, and Expences incurred by or under the Authority or Order of the Commissioners in Proceedings under this Act shall be paid by the Secretary of the Commissioners, and included by him in the Account of Receipts and Payments herein-before directed to be kept by him; and that the Costs, Charges, and Expences incurred by or under the Order of any Visitors in Proceedings under this Act shall be paid by the Clerk of the Peace of their County or Borough, and included by him in the Account of Receipts and Payments herein-before directed to be kept by him.

Commissioners to visit Asylums and Gaols.

CX. And be it enacted, That Two or more of the Commissioners, One at least of whom shall be a Physician or Surgeon, and One at least a Barrister, shall and may, once or oftener in each Year, on such Day or Days, and at such Hours of the Day, and for such Length of Time as they shall think fit, visit every Asylum for Lunatics, and every Gaol in which there shall be or alleged to be any Lunatic, and shall

shall inquire whether the Provisions of the Law have been carried out as to the Construction of each Asylum visited, and as to its Visitation and Management, and also as to the Regularity of the Admissions and Discharges of Patients therein and therefrom; and whether Divine Service is performed therein; and whether any System of Coercion is in practice therein, and the Result thereof; and as to the Classification or Nonclassification of Patients therein, and the Number of Attendants on each Class; and as to the Occupations and Amusements of the Patients, and the Effects thereof; and as to the Condition, as well mental as bodily, of the Pauper Patients when first received; and also as to the Dietary of the Pauper Patients; and shall also make such other Inquiries as to every or any such Asylum, and all such Inquiries as to the Lunatics in any Gaol, as to such Visiting Commissioners shall seem meet.

Commissioners to visit Workhouses.

CXI. And be it enacted, That Two or more of the Commissioners, One at least of whom shall be a Physician or Surgeon, and One at least a Barrister, shall and may, once or oftener in each Year, on such Day or Days, and such Hours in the Day, and for such Length of Time as they shall think fit, visit every Parish and Union Workhouse in which there shall be or alleged to be any Lunatic, and shall inquire whether the Provisions of the Law as to Lunatics have been carried out as to the Arrangements, Visitation, and Management of such Workhouse, and as to the Dietary, Accommodation, and Treatment of the Lunatics in such Workhouse, and shall report in Writing thereon to the Poor Law Commissioners for *England* and *Wales*.

Provision for the Visitation of Lunatics under the Care of Committees, and also of State and Criminal Lunatics, and other Lunatics not comprised in the preceding Provisions.

CXII. And be it enacted, That it shall be lawful for the Lord Chancellor, in the Case of any Lunatic under the Care of a Committee appointed by the Lord Chancellor, and for the Lord Chancellor, or Her Majesty's Principal Secretary of State for the Home Department, in the Case of any Lunatic under the Care of any Person receiving or taking the Charge of such One Lunatic only, and deriving no Profit from the Charge, and in the Case of any Person confined as a State Lunatic, or as a Lunatic under the Order of any Criminal Court of Justice, and in the Case of every other Person detained or taken Charge of as a Lunatic, or represented to be a Lunatic, or to be under any Restraint as a Lunatic, at any Time, by an Order in Writing under the Hand of the Lord Chancellor or the said Secretary of State, as the Case may be, directed to the Commissioners or any of them, or to any other Person, to require the Persons or Person to whom such Order shall be directed, or any of them, to visit and examine such Lunatic or supposed Lunatic, and to make a Report to the Lord Chancellor, or to Her Majesty's Principal Secretary of State for the Home Department, of such Matters as in such Order shall be directed to be inquired into.

Power for the Lord Chancellor and Secretary of State for the Home Department to authorize a special Visitation of any Place where a Lunatic is represented to be confined.

CXIII. And be it enacted, That it shall be lawful for the Lord Chancellor or Her Majesty's Principal Secretary of State for the Home Department to employ any Commissioner appointed under this Act, or other Person, to inspect or inquire into the State of any Asylum, Hospital, Gaol, House, or Place wherein any Lunatic, or Person represented to be lunatic, shall be confined or alleged to be confined, and to report to him the Result of such Inspection and Inquiry; and every such Person so employed, and not being a Commissioner, may be paid such Sum of Money for his Attendance and Trouble as to the Lord Chancellor or Her Majesty's Principal Secretary of State for the Home Department shall seem reasonable; and every such Person so employed, whether a Commissioner or not, shall be allowed his reasonable travelling or other Expences while so employed; and such Sum of Money for Attendance and Trouble, and such Expences, shall be charged on and shall be paid out of the Contingency Fund of the Home Office.

Interpretation Clause.

CXIV. And be it enacted, That in this Act and the Schedules thereto the Words and Expressions following shall have the several Meanings hereby assigned to them, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

"Borough" shall mean every Borough, Town, and City Corporate having a separate Quarter Sessions, Recorder, and Clerk of the Peace:

"County" shall mean every County, Riding, Division of a County, County of a City, County of a Town, Liberty, and other Place having a separate Commission of the Peace, and not being a "Borough" within the Meaning aforesaid:

"The Lord Chancellor" shall mean the Lord High Chancellor, the Lord Keeper or Commissioners of the Great Seal of *Great Britain*, and other the Person or Persons for the Time being intrusted, by virtue of the Queen's Sign Manual, with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind:

"Barrister" shall mean a Barrister and a Serjeant at Law; and a Serjeant at Law who shall have been called to the Bar Five Years or more before his Appointment to be a Commissioner shall be considered as a Barrister of Five Years standing:

"Lunatic" shall mean every Insane Person, and every Person being an Idiot or Lunatic or of unsound Mind:

"Parish" shall mean any Parish, Township, Hamlet, Vill, Tithing, extra-parochial Place, or Place maintaining its own Poor:

"Officiating Clergyman of a [*or* the] Parish" shall mean a Clergyman regularly officiating and acting as the Minister or One of the Ministers of a Parish, Chapelry, or Ecclesiastical District:

"Borough Rate" shall mean a Borough Rate, and any Funds assessed upon or raised in or belonging to any Borough in the Nature of a Borough Rate, and applicable to the Purposes to which Borough Rates are applicable:

"County Rate" shall mean a County Rate, and any Funds assessed upon or raised in or belonging to any County in the Nature of a County Rate, and applicable to the Purposes to which County Rates are applicable:

"Pauper" shall mean every Person maintained wholly or in part at the Expence of any Parish, Union, County, or Borough:

"Patient" shall mean every Person received or detained as a Lunatic, or taken care or charge of as a Lunatic:

"Private Patient" shall mean every Patient who is not a Pauper:

"Proprietor" shall mean every Person to whom any Licence has been granted under the Provisions of any Act hereby repealed, or shall be granted under the Provisions of this Act, and every Person keeping, owning, having any Interest or exercising any Duties or Powers of a Proprietor in any licensed House:

"Clerk of the Peace" shall mean every Clerk of the Peace and Person acting as such, and every Deputy duly appointed:

"Medical Attendant" shall mean every Physician, Surgeon, and Apothecary who shall keep any licensed House, or shall in his Medical Capacity attend any licensed House, or any Asylum, Hospital, or other Place where any Lunatic shall be confined:

"Justice" shall mean a Justice of the Peace:

"Asylum" shall mean any Lunatic Asylum already erected and established under an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in* England, or erected and established, or hereafter to be erected and established, or which have been made subject or liable to any of the Provisions of an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics in* England, or hereafter to be erected and established under the Provisions of any Act for the Erection or Regulation of County or Borough Lunatic Asylums:

48 G. 3. c. 96.

9 G. 4. c. 40.

"Hospital" shall mean any Hospital or Part of an Hospital or other House or Institution (not being an Asylum) wherein Lunatics are received, and supported wholly or partly by voluntary Contributions, or by any charitable Bequest or Gift, or by applying the Excess of Payments of some Patients for or towards the Support, Provision, or Benefit of other Patients:

"Licensed House" shall mean a House licensed under the Provisions of this Act, or of some Act hereby repealed, for the Reception of Lunatics:

"Oath" shall mean an Oath, and every Affirmation or other Declaration or Solemnity lawfully substituted for an "Oath" in the Case of Quakers or other Persons exempted by Law from the Necessity of taking an Oath:

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing the Masculine Gender shall include Females.

Boroughs and Counties to comprise all Places therein not having separate Commission of the Peace.

CXV. And be it enacted, That for the Purposes of this Act every Borough and County shall include every Place situate within the Limits of such Borough or County, and not having a separate Commission of the Peace; and for the Purposes of this Act every Place situate within the Limits of any Borough or County, and not having a separate Commission of the Peace, shall be within the Jurisdiction of the Justices of such Borough or County; and that the Justices of every Borough shall, for the Purposes of this Act, assemble in Special Sessions at such Times as the Quarter Sessions for such Borough shall be holden; and that all Acts herein-before required to be done by the Justices of Counties in General or Quarter Sessions assembled may be done by the Justices of Boroughs at such Special Sessions.

Act not to extend to Bethlehem Hospital.

CXVI. And be it enacted, That nothing in this Act contained shall extend to the Royal Hospital of *Bethlehem*, or any Building adjacent thereto and used therewith: Provided always, that it shall be lawful for any Commissioner or other Person whom the Lord Chancellor or any One of Her Majesty's Principal Secretaries of State shall at any Time, by an Order in Writing under the Hand of the said Lord Chancellor or Secretary of State, direct, to visit and examine the Royal Hospital of *Bethlehem*, and every or any Building adjacent thereto as aforesaid, and every or any Person confined therein.

Extent of Act.

CXVII. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Alteration of Act.

CXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.) Section 30.

FORM OF LICENCE.

KNOW ALL MEN, that We, the Commissioners in Lunacy, [*or* we the undersigned Justices of the Peace, acting in and for in General [*or* Quarter *or* Special] Sessions assembled,] do hereby certify, That *A.B.* of in the Parish of in the County of hath delivered to us [*or* the Clerk of the Peace,] a Plan and Description of a House

House and Premises proposed to be licensed for the Reception of Lunatics, situate at in the County of [*or, in the Case of a renewed Licence,* hath delivered to us [*or* the Clerk of the Peace] a List of the Number of Patients now detained in a House and Premises licensed on the Day of last, for the Reception of Lunatics, situate at in the County of], and we, having considered and approved the same, do hereby authorize and empower the said *A.B.*, (he intending [*or* not intending] to reside therein) to use and employ the said House and Premises for the Reception of Male [*or* Female, *or* Male and Female] Lunatics, of whom not more than shall be private Patients, for the Space of Calendar Months from this Date.

Sealed with our Common Seal [*or* given under our Hands and Seals], this Day of in the Year of our Lord 18 .

Witness,
Y.Z., Secretary to the Commissioners of Lunacy,
[*or* Clerk of the Peace.]

SCHEDULE (B.) Section 45.

ORDER FOR THE RECEPTION OF A PRIVATE PATIENT.

I, the undersigned, hereby request you to receive *A.B.* a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind], as a Patient into your House [*or* Hospital]. Subjoined is a Statement respecting the said *A.B.*

(Signed) *Name.*
Occupation (if any).
Place of Abode.
Degree of Relationship (if any), or other Circumstances of Connexion with the Patient.

Name of Patient, with Christian Name at Length.
Sex and Age.
Married, single, or widowed.
Condition of Life, and previous Occupation (if any).
Previous Place of Abode.
Religious Persuasion, so far as known.
Duration of existing Attack.
Whether First Attack.
Age (if known) on First Attack.
Whether subject to Epilepsy.
Whether suicidal or dangerous to others.
Previous Place of Confinement (if any).
Whether found lunatic by Inquisition, and Date of Commission.
Special Circumstances (if any) preventing the Patient being examined, before Admission, separately, by Two Medical Practitioners.
Special Circumstances (if any) preventing the Insertion of any of above Particulars.

(Signed) *Name.*

Dated this Day of One thousand eight hundred and .

To Proprietor [*or* Superintendent] of [*describing the House or Hospital by Situation and Name, if any*].

SCHEDULE (C.) Section 45.

FORM of MEDICAL CERTIFICATE in the Case of PRIVATE PATIENTS.

I being a Physician *or* Surgeon, *or* an Apothecary, duly authorized to practise as such, hereby certify, that I have this Day, separately from any other medical Practitioner, visited and personally examined *A.B.*, the Person named in the accompanying Statement and Order, and that the said *A.B.* is a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind], and a proper Person to be confined, and that I have formed this Opinion from the following Fact or Facts; viz.

(Signed) *Name.*
Place of Abode.

Dated this Day of One thousand eight hundred and .

SCHEDULE (D.) Section 48.

ORDER for the RECEPTION of a PAUPER PATIENT.

WE, the undersigned, having called to our Assistance a Physician [*or* Surgeon, *or* Apothecary, *as the Case may be*], not being the Medical Officer of the Parish or Union to which the said *A.B.* belongs, and having personally examined *A.B.*, a Pauper, and being satisfied that the said *A.B.* is a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind], and a proper Person to be confined, hereby request you to receive the said *A.B.* as a Patient into your House or Hospital.

Subjoined is a Statement respecting the said *A.B.*

(Signed) *Name.*
A Justice of the Peace for the City or Borough of [*or* an *or* the Officiating Clergyman of the Parish of].

Name.
With the Relieving Officer of the Union or Parish of [*or* with an Overseer of the Parish of].

STATEMENT.

Name of Patient, and Christian Name at Length.
Sex and Age.
Married, single, or widowed.
Condition of Life, and previous Occupation (if any).
Previous Place of Abode.
Religious Persuasion, so far as known.
Length of Time insane.
Whether First Attack.
Age (if known) on First Attack.
Whether subject to Epilepsy.
Whether suicidal or dangerous to others.
Previous Places of Confinement (if any).

I certify that to the best of my Knowledge the above Particulars are correctly stated.

(Signed)
[*To be signed by the Relieving Officer or Overseer signing the Order.*]

Dated this Day of One thousand eight hundred

To Proprietor [*or* Superintendent] of *describing the House or Hospital by Situation and Name, if any*].

MEDICAL CERTIFICATE.

I, being a Physician, *or* Surgeon, *or* an Apothecary, duly authorized to practise as such, hereby certify, That I have this Day personally examined *A.B.*, the Person named in the Statement and Order, and that the said *A.B.* is a Lunatic [*or*, an insane Person, *or* an Idiot, *or* a Person of an unsound Mind], and a proper Person to be confined.

(Signed) *Name.*
Place of Abode.

Dated this Day of One thousand eight hundred and

SCHE-

SCHEDULE (E.) Section 50.

REGISTRY OF ADMISSIONS.

REGISTER OF PATIENTS.

Date of last previous Admission (if any).	No. in Order of Admission.	Date of Admission.	Christian and Surname at Length.	Sex and Class. Private. M.	Private. F.	Pauper. M.	Pauper. F.	Age.	Condition as to Marriage. Married.	Single.	Widowed.	Condition of Life, and previous Occupation.	Previous Place of Abode.	County, Union, or Parish to which chargeable.	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Bodily Condition.	Name of Disorder (if any).	Form of Mental Disorder.	Supposed Cause of Insanity.	Epilepties.	Congenital Idiots.	Duration of existing Attacks. Years.	Months.	Weeks.	Number of previous Attacks.	Age on First Attack.	Date of Discharge or Death.	Discharged. Recovered.	Relieved.	Not improved.	Died.	Observations.
	1	1846: Jan. 3	William Johnson	–	–	1	–	23	–	1	–	Carpenter	–	–	–	–	–	–	Melancholia	–	–	–	–	4	–	2	17	1846: Sept. 1	1				
	2																															
	3																															
	4	1848: June 9	William Johnson	–	–	1	–	25	–	1	–	–	–	–	–	–	–	–	–	–	–	–	7	–	–	3	–	1848: Dec. 2	1				
	5																															
	6																															
	7	1852: May 6	William Johnson	–	–	1	–	29	1	–	–	–	–	–	–	–	–	–	–	–	–	–	3	–	–	4	–	1853: June 8					
	8																															

SCHEDULE (F.) Section 52.

NOTICE of ADMISSION.

I HEREBY give you Notice, That *A. B.* was received into this House [*or* Hospital] as a Private [*or* Pauper] Patient on the Day of and I hereby transmit a Copy of the Order and Medical Certificates [*or* Certificate] on which he was received.

Subjoined is a Statement with respect to the mental and bodily Condition of the above-named Patient.

(Signed)
Superintendent
[*or* Proprietor] of

Dated this Day of One thousand eight hundred and

STATEMENT.

I HAVE this day seen and personally examined the Patient named in the above Notice, and hereby certify that with respect to mental State he [*or* she] and that with respect to bodily Health and Condition he [*or* she]

(Signed)
Medical Proprietor [*or* Superintendent, *or* Attendant].

Dated this Day of One thousand eight hundred and

SCHEDULE (G. 1.) Section 54.

REGISTER OF DISCHARGES AND DEATHS.

Date of Discharge or Death.	Date of last Admission.	No. in Register of Patients.	Christian and Surname at Length.	Sex and Class.				Discharged.						Died.		Assigned Cause of Death.	Age at Death.		Observations.
				Private.		Pauper.		Recovered.		Relieved.		Not improved.							
				M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		M.	F.	
1846: Sept. 1	1846: Jan. 3	1	William Johnson	–	–	1	–	1											
1848: Dec. 2	1848: June 9	4	William Johnson	–	–	1	–	1											
1853: June 8	1852: May 6	7	William Johnson	–	–	1	–	–	–	–	–	–	–	1	–	Phthisis	27		

SCHEDULE (G. 2.) SECTION 54.

FORM of NOTICE of DISCHARGE or DEATH.

I HEREBY give you Notice, That a Private [*or* Pauper] Patient, received into this House [*or* Hospital] on the Day of was discharged therefrom recovered [*or* relieved, *or* not improved,] by the Authority of [*or* died therein, on the Day of].

(Signed)
Superintendent [*or* Proprietor] of House [*or* Hospital] at .

Dated this Day of One thousand eight hundred and .

In case of Death, add "and I further certify, that *A. B.* was present at the Death of the said ; and that the apparent Cause of Death of the said [ascertained by post mortem Examination (*if so*)] was ."

SCHE-

SCHEDULE (H.) Section 59.

FORM of MEDICAL JOURNAL and WEEKLY REPORT.

Date.	Number of Patients.				Names of Patients under Restraint (and by what Means) or in Seclusion.		Names of Patients under Medical Treatment.		Report on State of Health of Patients and Condition of House or Hospital.	Deaths, Injuries, and Violences to Patients.
	Private.		Pauper.							
	M.	F.	M.	F.	Males.	Females.	Males.	Females.		

SCHEDULE (I.) Section 100.

FORM OF SUMMONS.

WE, the Commissioners in Lunacy [*or* we whose Names are hereunto set and Seals affixed, being Two of the Commissioners in Lunacy, *or* Visitors] appointed under or by virtue of an Act passed in the Year of the Reign of Her present Majesty, intituled [*here insert the Title of the Act*], do hereby summon and require you personally to appear before us at in the Parish of in the County of on next the Day of at the Hour of in the noon of the same Day, and then and there to be examined, and to testify the Truth touching certain Matters relating to the Execution of the said Act.

Sealed with the Common Seal of "The Commissioners in Lunacy" [*or* given under our Hands and Seals], this Day of in the Year of our Lord One thousand eight hundred and

CAP. CI.

An Act to continue until the Fifth Day of *July* One thousand eight hundred and sixty-two the Acts for regulating the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties; and to alter and amend the said Acts. [4th *August* 1845.]

'WHEREAS an Act was passed in the First and Second Years of the Reign of King *William* the Fourth, intituled *An Act for regulating the Vend and Delivery of Coals in the Cities of* London *and* Westminster, *and in certain Parts of the Counties of* Middlesex, Surrey, Kent, Essex, Hertfordshire, Buckinghamshire, *and* Berkshire, whereby the Provisions of the said Act were directed to be in force for Seven Years from and after the Thirty-first Day of *December* next after the passing thereof: And whereas an Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to continue for Seven Years an Act for regulating the Vend and Delivery of Coals in* London *and* Westminster, *and in certain Parts of the adjacent Counties:* And whereas the last-mentioned Term of Seven Years, during which the Provisions contained in the said Acts were directed to continue in force, will expire on the Thirty-first Day of *December* One thousand eight hundred and forty-five, and it is expedient that the same should be continued, and that in the respects herein-after mentioned the said Acts should be altered and amended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts of the First and Second Years of the Reign of King *William* the Fourth, and the First and Second Years of the Reign of Her present Majesty, and all the Powers, Authorities, Directions, Provisions, Penalties, Forfeitures, Regulations, Clauses, Matters, and Things therein contained, (except such of them, or such Parts thereof respectively, as are repealed, altered, or otherwise provided for,) shall be and the same are hereby continued until the Fifth Day of *July* One thousand eight hundred and sixty-two; and all the Provisions, Regulations, Clauses, Matters, and Things in the said first-mentioned Act contained, to take effect at the End of the Term of Seven Years therein mentioned, or at any other Time or Times, shall take effect in the same Manner to all Intents and Purposes as if the Fifth Day of *July* One thousand eight hundred and sixty-two had been inserted in the said Act of the First and Second Years of the Reign of King *William* the Fourth, instead of the said Term of Seven Years.

1 & 2 W. 4. c. lxxvi.

1 & 2 Vict. c. ci.

Recited Acts continued, except as altered.

II. And

Duties extended to Coals brought by Railway.

II. And be it enacted, That all and singular the Duties by the said Acts authorized to be levied upon Coals, Culm, and Cinders contained in any Ship or Vessel arriving at her Moorings within any Part of the Port of *London* at or to the Westward of *Gravesend*, or brought near *London* by the Grand Junction or *Paddington* Canals, or by the River *Thames*, and by other Acts now in force authorized to be levied upon Coals, Culm, and Cinders brought near *London* by certain Railways in the same Acts particularly mentioned, shall be extended, and the same are hereby imposed and authorized to be levied, until the said Fifth Day of *July* One thousand eight hundred and sixty-two, upon all Coals, Culm, and Cinders brought to any Place within the Port of *London*, or within the Cities of *London* and *Westminster* and the Borough of *Southwark*, or to any Place within the Distance of Twenty Miles from the General Post Office in the City of *London*, by any Railway already constructed or hereafter to be constructed, or by Inland Navigation, or by any other Mode of Conveyance; and the same Duties shall be payable to such Person or Persons, at such Place or Places, in such Manner, and under such Regulations, as the Lord Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, shall from Time to Time direct or appoint, with the same Powers and Authorities for giving Receipts for and enforcing or recovering Payment of the same as are given by the said recited Acts in respect of the like Duty on Coals, Culm, and Cinders by the same Acts authorized to be levied; and all and singular the Duties hereby extended and imposed as aforesaid shall be applied to the same Purposes to which the like Duties authorized to be levied by the said recited Acts shall from Time to Time by Law be applicable: Provided always, that nothing herein contained shall extend to prevent any Railway Company, their Workmen and Agents, or other Persons using their Railways, from bringing by such Railways to any Points of the said Railways nearer to *London* than the aforesaid Distance all such Quantities of Coal and Coke from Time to Time as shall be required to be used, and shall be *bonâ fide* used, for the Purposes of the Engines of the said Company, not exceeding Five hundred Tons in any One Year, without any Duty being payable in respect of such Coals or Coke: Provided always, nevertheless, that if any Coals or Coke brought nearer to *London* than the aforesaid Distance, without the Duty being paid in respect thereof according to the Provisions herein-before contained, shall be used otherwise than for the Purposes of the Engines of the said Company, or more than Five hundred Tons of such Coals or Coke shall be so brought in any One Year without the Duty being paid in respect thereof as aforesaid, every such Company shall in either of such Cases, for every Ton of such Coals or Coke so brought and otherwise used, or for every Ton of such Coals or Coke exceeding Five hundred Tons in any One Year (as the Case may be), forfeit and pay to the said Mayor and Commonalty and Citizens the Sum of One hundred Pounds to be recovered by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record at *Westminster*.

Application of Duty of One Penny per Ton on Coals, &c. after 31st Dec. 1845.

III. And in order to provide a Fund for the opening of poor and densely populated Districts in the Metropolis, or for keeping open Spaces in the immediate Vicinity of the same, as a Means of promoting the public Convenience, Recreation, and Health, be it enacted, That the Duty of One Penny *per* Ton on Coals, Cinders, or Culm contained in any Ship or Vessel laden with Coals, Cinders, or Culm arriving at her Moorings within any Part of the Port of *London* at or to the Westward of *Gravesend*, and also the like Duty of One Penny *per* Ton on Coals, Culm, and Cinders brought near *London* by the Grand Junction or *Paddington* Canals, or by the River *Thames*, created and imposed by the said Act of the First and Second Years of the Reign of King *William* the Fourth, and by this and other Acts extended to Coals, Culm, and Cinders bronght near *London* by Railway, Inland Navigation, or other Mode of Conveyance, shall from and after the Thirty-first Day of *December* One thousand eight hundred and forty-five be applied to the Creation of a Fund for the Execution of such Improvements in the Metropolis as Parliament may hereafter direct or sanction; and the Public Stocks or Funds in which the Residue or Overplus of the Produce of the said Duty of One Penny *per* Ton on Coals, Cinders, or Culm has been from Time to Time invested in the Names of the Chamberlain, Town Clerk, and Comptroller of the Chamber of the said City, in pursuance of the said Act of the First and Second Years of the Reign of King *William* the Fourth, and the Dividends and Interest thereof, and also the Rents and Profits to be derived from the Coal Market, shall from Time to Time be applied to the same Purposes as the said Duty of One Penny *per* Ton on Coals, Cinders, or Culm is now applicable by virtue of the said Act.

Duty to be laid out and form an accumulating Fund for Improvements till appropriated by Parliament.

IV. And be it enacted, That from and after the said Thirty-first Day of *December* One thousand eight hundred and forty-five the said Duty of One Penny *per* Ton on Coals, Cinders, and Culm so created, imposed, and extended as aforesaid, shall from Time to Time, when and as received, be laid out and invested in the Purchase of Stock in some of the Public Stocks or Funds, or upon Government or Real Securities, at Interest, in the Names of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to an Account to be intituled "The Metropolis Improvement Fund Account;" and the said Commissioners shall from Time to Time lay out or invest the yearly Dividends or Interest of the Stocks, Funds, and Securities so to be purchased in their Names on the Account aforesaid, in like Manner, for the Purpose of Accumulation in the meantime, and until the said Fund shall be required for and appropriated by Parliament to the Execution of Improvements in the Metropolis.

The Corporation and Board of Trade may agree upon a Sum to be paid

V. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, and the Committee of Her Majesty's Privy Council for managing the Affairs of Trade, to agree upon a Sum of Money to be paid to the said Mayor, Aldermen, and Commons, in Common Council assembled, for the Redemption of the Sums of Money, Annuities, and other Compensation

sation to which the principal and labouring Land Coal Meters, and the Clerks, Officers, and other Persons who were employed in the Land Metage of Coals, and also the Clerks of the Coal Market, are now entitled, in respect of the Abolition of their respective Offices, under and by virtue of the said Act of the First and Second Years of the Reign of King *William* the Fourth; and thereupon the Chamberlain shall receive, out of the said Stocks or Funds in which the said Residue or Overplus of the said Duty of One Penny *per* Ton on Coals, Cinders, or Culm has been invested as aforesaid, the Sum of Money so to be certified as aforesaid, to the Use of the Mayor and Commonalty and Citizens of the City of *London*; and when such Money shall have been paid to the said Chamberlain as aforesaid, the said Mayor and Commonalty and Citizens shall be and are hereby made liable to the Payment of the said Sums of Money, Annuities, and other Compensation as aforesaid, and the Charge thereof upon the said Stocks or Funds shall cease and determine. to the Corporation for Redemption of Annuities.

VI. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, with the Approbation and in the Manner mentioned in the said Act of the First and Second Years of the Reign of Her present Majesty, to make from Time to Time such Bye Laws as shall appear to them to be necessary for regulating and removing Vessels laden or partly laden with Coals, and from Time to Time to amend, alter, vary, or repeal such Bye Laws, and to make others. Power to make Bye Laws.

VII. And be it enacted, That a printed or written Copy of the Bye Laws made in pursuance of this Act, or of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for altering and amending the Powers of an Act of the Thirty-ninth Year of the Reign of King* George *the Third, for rendering more commodious and for better regulating the Port of* London, or of the said Act of the First and Second Years of the Reign of King *William* the Fourth, or of the said Act of the First and Second Years of the Reign of Her present Majesty, signed by the Town Clerk of the City of *London*, shall, without any other Proof, be admitted as Evidence of such Bye Laws, and of the making, Submission, Allowance, and Publication thereof, unless the contrary shall be proved. Authentication of Bye Laws. 10 G. 4. c. cxxiv.

VIII. And be it enacted, That in all Cases in which by the said Acts or either of them, or this Act, or any Bye Laws made or to be made in pursuance thereof, any Penalty or Forfeiture is made recoverable before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against the said Acts or either of them, or this Act, or such Bye Laws as aforesaid, to summon the Party complained against before any Justice, who on such Summons shall hear and determine the Matter of such Complaint, and on Proof of the Offence convict the Offender, and adjudge him to pay the Penalty or Forfeiture incurred, and proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before any Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited. Justices may proceed by Summons in the Recovery of Penalties.

IX. And be it enacted, That the Costs, Charges, and Expences incident to and incurred in obtaining and passing this Act shall be paid and discharged by and out of the Produce of the said Duty of One Penny *per* Ton. Expences of Act.

X. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

CAP. CII.

An Act to continue until the First Day of *January* One thousand eight hundred and fifty-one an Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury. [4th *August* 1845.]

[2 & 3 *Vict. c.* 37. *continued as in Title.*]

CAP. CIII.

An Act to continue until the Thirty-first Day of *August* One thousand eight hundred and forty-eight, and to the End of the next Session of Parliament, and to amend, an Act of the Fifth and Sixth Years of Her present Majesty, for permitting Wheat to be delivered from the Warehouse or the Vessel Duty-free, upon the previous Substitution of an equivalent Quantity of Flour or Biscuit in the Warehouse. [4th *August* 1845.]

'WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of 'the Reign of Her present Majesty, intituled *An Act to permit, until the Thirty-first Day of* 'August *One thousand eight hundred and forty-five, Wheat to be delivered from the Warehouse or the* 'Vessel Duty-free, upon the previous Substitution of an equivalent Quantity of Flour or Biscuit in the 'Warehouse: And whereas it is expedient that the said Act should be further continued for the Term 'herein-after specified; but it is necessary that the same should be amended in certain respects:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act, except so far as the same or any Part thereof is hereby altered or repealed, shall continue in force until the Thirty-first Day of *August* One thousand eight hundred and forty-eight, and from thence until the End of the next Session of Parliament. 5 & 6 Vict. c. 92. Recited Act (except as altered or repealed by this Act) continued for Three Years.

II. 'And

Same Period allowed for entering Wheat from a Vessel as from the Warehouse.

II. 'And whereas it is enacted by the said Act that Persons having deposited in any Warehouse in the 'Manner required by the said Act any Quantity of Fine Wheat Flour or Biscuit, or being Holders of 'certain Certificates in the said Act mentioned, shall be entitled to enter Duty-free from any Vessel 'certain Quantities of Wheat: And whereas Doubts have arisen as to the Period within which such 'Entry ought to be made; and it is expedient that such Doubts should be removed, and that the same 'Period should be allowed for entering Wheat Duty-free from any Vessel as is now allowed for entering 'Wheat from the Warehouse;' be it therefore enacted, That any Person, being entitled under the Provisions of the said Act to enter any Wheat Duty-free from any Vessel, may enter such Wheat Duty-free from such Vessel at any Time or Times, and at such Time or Times only, at which it would be lawful under the Provisions of the said Act for such Person to enter such Wheat if the same were in any Warehouse.

Commissioners of Customs to provide Standard Samples of Biscuit.

III. And be it enacted, That the Commissioners of Her Majesty's Customs shall forthwith provide Samples of the several Kinds of Biscuit in the said Act mentioned, and such Samples shall be deemed Standard Samples, for the Purpose of comparing therewith any Biscuit tendered to be deposited as being Captains Biscuit, or Biscuit of the Standard supplied to Her Majesty's Navy, or common Ship's Biscuit; and the said Commissioners shall from Time to Time renew such Standard Samples as they may deem it expedient.

Repeal of certain Penalties imposed by the said Act.

IV. And be it enacted, That so much of the said Act as relates to the Forfeiture in certain Cases of Parcels or Packages tendered to be deposited under the Provisions thereof, and to the Imposition of Penalties upon Persons tendering the same for the Purpose of being deposited, shall be repealed.

Penalties for depositing Articles of inferior Quality.

V. And be it enacted, That if any Parcel or Package, being or containing any other Article than Flour, or any other Flour than fine Wheat Flour in sound Condition, is tendered to be deposited under the Provisions of the said Act as being or containing Flour, or if any Parcel or Package being or containing any other Article than Biscuit is tendered to be deposited under the Provisions of the said Act as being or containing Biscuit, or if any Parcel or Package being or containing Biscuit of an inferior Quality to the Standard Sample of any One of the several Kinds of Biscuits in the said Act mentioned, or being or containing Biscuit not in sound Condition, is tendered to be deposited under the Provisions of the said Act as being or containing Biscuit of that Kind, such Parcel or Package and the Contents thereof shall be forfeited; and any Person so tendering any such Parcel or Package to be deposited as aforesaid shall forfeit and pay the Sum of Five Pounds for every Hundred Pounds Weight of the Wheat for which such Parcel or Package was tendered to be substituted; and such Forfeitures and Penalties, and any other Forfeitures imposed by the said Act, shall be recovered and dealt with in all respects as Forfeitures and Penalties under any Law relating to the Customs are recovered and dealt with.

Flour not to be taken out of Bond for Four Weeks.

VI. And be it enacted, That no Flour deposited in the Warehouse under the Provisions of the said Act shall be entered from the Warehouse for Home Consumption until Four Weeks after the Day on which it was deposited.

Alteration of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. CIV.

An Act to empower the Commissioners of Her Majesty's Woods to appropriate to Building Purposes the Area of *Darby Court*, in the Parish of *Saint James Westminster*.

[4th *August* 1845.]

'WHEREAS the Queen's most Excellent Majesty, in right of Her Crown, is seised to Her Majesty, 'Her Heirs and Successors, of a Plot of Ground, with the Messuages or Tenements standing 'thereon, situate in the Parish of *Saint James Westminster* in the County of *Middlesex*, abutting North-'ward on *Piccadilly*, and Southward on *Jermyn Street*, and including the open Area of a Court or 'Passage leading from *Jermyn Street* to *Piccadilly* aforesaid, subject nevertheless, as to the last-men-'tioned Area, to the Power and Superintendence of the paving, repairing, cleansing, and lighting the 'same, vested in the Commissioners for paving and improving the Parish of *Saint James Westminster*, 'and subject, as respects Two Messuages or Tenements, numbered respectively 6 and 7 in *Darby Court* 'aforesaid, to a certain Indenture of Lease whereby the said Two Messuages or Tenements were, together 'with other Property of the Crown, demised to *Samuel Rickards*, his Executors, Administrators, and 'Assigns, for a Term which will expire on the Tenth Day of *October* One thousand eight hundred and 'eighty-four: And whereas all the Houses and Buildings now standing in or abutting upon *Darby Court* 'aforesaid (with the Exception of Numbers 6 and 7 aforesaid) are about to be pulled down with the 'view of a substantial public Building being erected on the Site thereof, and also on the Site of the said 'Court, or of some Part thereof respectively:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Ground and open Area of the said Court called *Darby Court* shall be and the same is hereby vested in the Queen's most Excellent Majesty, Her Heirs and Successors, freed and discharged from all Rights of Way and other Rights and Easements whatsoever, into, through, or over the same, and freed and discharged of and from the Power and Superintendence of the paving, repairing, cleansing, lighting, watering, and improving the said Court, and preventing Nuisances and Obstructions therein, now vested in the Commissioners for paving and improving

The Area of Darby Court vested in Her Majesty, discharged of Rights of Way.

improving the Parish of *Saint James Westminster*, all which said Rights of Way, and other Rights and Easements, Power and Superintendence, shall be and the same are hereby extinguished; and it shall and may be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to take and use or demise the said Ground and Premises so freed and discharged as aforesaid for building or other Purposes, and either together with the adjoining Ground and Premises, the Property of Her Majesty, and as Part or Parcel thereof, or separately therefrom, in as full and ample Manner as they are by Law authorized and empowered to take, use, or demise any Part or Parts of the Possessions and Land Revenues of the Crown under their Care and Management.

Saving the Rights of the Lessee.

II. Provided always, and be it enacted, That nothing herein contained shall extend to prejudice or affect the Term, Estate, and Interest of the said *Samuel Rickards*, his Executors, Administrators, Under-tenants, or Assigns, under the herein-before mentioned Indenture of Lease; and such Term, Estate, and Interest shall remain whole and unimpaired as if this Act had not been passed.

Saving the Jurisdiction of the Paving Commissioners as to rating.

III. And be it enacted, That the Exclusion herein-before contained of the Area of the said Court from the Jurisdiction of the said Commissioners for paving and improving the Parish of *Saint James Westminster*, as to paving, cleansing, and lighting the same, shall not extend to exclude the same from the Jurisdiction of the said Commissioners as to rating, but the Jurisdiction of the said Commissioners as to rating all and every the Persons and Person who shall inhabit, use, or occupy all or any of the Houses or Buildings to be erected on the said Area, Ground, and Premises, shall remain whole and unimpaired as if this Act had not been passed.

Public Act.

IV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

CAP. CV.

An Act for amending certain Acts of the Fourth and Fifth Years of the Reign of Her Majesty, for facilitating the Administration of Justice in the Court of Chancery; and for providing for the Discharge of the Duties of the Subpœna Office after the Death, Resignation, or Removal of the present Patentee of that Office. [4th *August* 1845.]

'WHEREAS an Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for facilitating the Administration of Justice in the Court of Chancery*, whereby Power 3&4 Vict. c.94.
'was given to the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and the
'Vice Chancellor, or One of them, to make, from Time to Time, and at any Time within Five Years
'from the passing of the said Act, any Rules, Orders, and Regulations for the Purposes in the said Act
'mentioned; and it was thereby enacted, that all such Rules, Orders, and Regulations should be laid
'before both Houses of Parliament, if Parliament should be then sitting, immediately upon the making
'or issuing of the same, or if Parliament should not then be sitting, then within Five Days after the
'next Meeting thereof: And whereas another Act was passed in the Fifth Year of the Reign of Her 4&5 Vict. c.52.
'present Majesty, whereby it was enacted, that every such Rule, Order, or Regulation made in pursuance
'of the said recited Act should, from and after the Time in that Behalf to be appointed by the Lord
'Chancellor, with such Advice and Consent as aforesaid, and if no Time should be so appointed, then
'from and after the making thereof, be binding and obligatory on the said Court, and be of like Force
'and Effect as if the Provisions therein contained had been expressly enacted by Parliament; and it was
'thereby provided, that if either of the Houses of Parliament should, by any Resolution passed at any
'Time before such House of Parliament should have actually sat Thirty-six Days after such Rules,
'Orders, and Regulations should have been laid before such House of Parliament, resolve that the whole
'or any Part of such Rules, Orders, or Regulations ought not to continue in force, in such Case the
'whole, or such Part thereof as should be so included in such Resolution, should from and after such
'Resolution cease to be binding and obligatory on the said Court; and it was thereby also provided,
'that no such Rule, Order, or Regulation as aforesaid should by virtue of the said Act be of the like
'Force and Effect as if the Provisions therein contained had been expressly made by Parliament, unless
'the same should be expressed to be made in pursuance of the said Act and of the now-reciting Act;
'and that every such Rule, Order, or Regulation so expressed to be made in pursuance of the said Act and
'of the now-reciting Act, which should not be laid before both Houses of Parliament within the Time by
'the said recited Act limited for that Purpose, should from and after the Expiration of such Time be
'absolutely void and of no Effect: And whereas an Act was passed in the Fifth Year of the Reign
'of Her present Majesty, intituled *An Act to make further Provision for the Administration of Justice*, 5 Vict. c.5.
'under the Authority of which Two additional Vice Chancellors have been appointed; and it was
'thereby enacted, that from and after the Appointment of the Vice Chancellors, under the said now-
'reciting Act, it should be lawful for the Lord Chancellor, with the Advice or Consent of the Master
'of the Rolls and Vice Chancellors for the Time being, or any Two of them, and he was thereby
'authorized and empowered, to do all such Acts, and to make and issue all such Rules and Orders, as
'by any Act or Acts of Parliament then in force the Lord Chancellor, with the Advice or Consent of
'the Master of the Rolls and the Vice Chancellor for the Time being, or One of them, was empowered
'to do, make, or issue: And whereas Rules, Orders, or Regulations have from Time to Time been made
'in pursuance of the said Two first-recited Acts, but it is expedient to extend the Time limited by the The Term of
'said first-recited Act for the making thereof in manner herein-after mentioned:' Be it therefore Five Years,
enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords within which
Spiritual certain Rules,

Orders, &c. were directed by the first-recited Act to be made, extended to Ten Years.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Term of Five Years, which under and by virtue of the said first-recited Act now stands limited as the Time within which any Rules, Orders, or Regulations thereby or by the said Two other Acts authorized and required to be made must be so made, shall be and the same is hereby extended to Ten Years from the passing of the said first-recited Act, as if such Term of Ten Years had been originally contained in that Act.

All Rules, &c. to be deemed general Rules, &c.

II. And be it enacted, That all Rules, Orders, and Regulations made and to be hereafter made under the Provisions of the said recited Acts and this Act, or any of them, shall for all Purposes be deemed and taken to be general Rules and Orders of the High Court of Chancery.

3 & 4 W. 4. c. 94.

III. 'And whereas by another Act passed in the Fourth Year of the Reign of His late Majesty King 'William the Fourth, intituled *An Act for the Regulation of the Proceedings and Practice of certain 'Offices of the High Court of Chancery in* England, it was enacted, that from and after the Death, 'Resignation, or Removal from his Office of the present Patentee of the Subpœna Office all the Duties 'of such Office should be performed by the Clerk of the Affidavits, who should thereupon receive and 'account for, in manner therein-after mentioned, all the Fees then receivable by the said Patentee: 'And whereas since the passing of the last-mentioned Act Four Clerks of Records and Writs have been 'appointed, by whom the Business of issuing Writs on the Equity Side of the Court of Chancery, other 'than such Writs as are issuable by the Patentee of the Subpœna Office, is now discharged: And 'whereas it is expedient that the Duties of the Patentee of the Subpœna Office should be performed and 'the Fees payable to him should be received by the said Clerks of Records and Writs;' be it therefore enacted, That so much of the said Act of the Fourth Year of the Reign of His said late Majesty as provides for the Execution of the Duties and the Receipt of the Fees of the Subpœna Office by the Clerk of the Affidavits shall be and the same is hereby repealed; and that after the Death, Resignation, or Removal from his Office of the present Patentee of the Subpœna Office the said Clerks of Records and Writs, or any one of them, shall, in place and instead of the said Clerk of the Affidavits, perform all the Duties of the Subpœna Office, and shall receive all the Fees now receivable by the said Patentee of that Office, and shall pay such Parts thereof as the said Patentee is now by the said last-mentioned Act required to pay to the several Officers named in that Act for that Purpose, and shall pay the Residue of such Fees into the Bank of *England*, to be placed to the Account there standing in the Name of the Accountant General of the High Court of Chancery, intituled "The Suitors Fee Fund Account," at such Times and under such Regulations as the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, shall by any Order direct: Provided always, that it shall be lawful for the Lord Chancellor, with such Advice and Consent as last aforesaid, by any Rule or Order to be made under the Provisions of the said Two first-recited Acts, to fix such earlier Time for transferring the Execution of the Duties of the Subpœna Office to the Clerks of Records and Writs as he shall think fit.

Recited Act in part repealed; and after Removal of Patentee of Subpœna Office Duties of that Office to be discharged and Fees received by Clerks of Records and Writs.

Application of the Fees.

Lord Chancellor may fix an earlier Time for transferring the Duties.

Alteration of Act.

IV. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

CAP. CVI.

An Act to amend the Law of Real Property. [4th *August* 1845.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Repeal of so much of 7 & 8 Vict. c. 76. as abolishes contingent Remainders as from the Commencement;

I. That so much of an Act passed in the last Session of Parliament, intituled *An Act to simplify the Transfer of Property*, as enacted that, after the Time at which that Act should come into operation, no Estate in Land should be created by way of contingent Remainder; but that every Estate which, before that Time, would have taken effect as a contingent Remainder should take effect (if in a Will or Codicil) as an executory Devise, and (if in a Deed) as an executory Estate of the same Nature, and having the same Properties, as an executory Devise; and that contingent Remainders existing under Deeds, Wills, or Instruments, executed or made before the Time when that Act should come into operation, should not fail, or be destroyed or barred, merely by reason of the Destruction or Merger of any preceding Estate, or its Determination by any other Means than the natural Effluxion of the Time of such preceding Estate, or some Event on which it was in its Creation limited to determine, shall be and is hereby repealed, as from the Time of the Commencement and taking effect thereof; and that the Residue of the said Act shall be and is hereby repealed, as from the First Day of *October* One thousand eight hundred and forty-five.

Residue from 1st Oct. 1845.

Freehold of corporeal Tenements to lie in Grant, &c.

Stamp Duty on Grants thereof.

II. That, after the said First Day of *October* One thousand eight hundred and forty-five, all corporeal Tenements and Hereditaments shall, as regards the Conveyance of the immediate Freehold thereof, be deemed to lie in Grant as well as in Livery; and that every Deed which, by force only of this Enactment, shall be effectual as a Grant, shall be chargeable with the Stamp Duty with which the same Deed would have been chargeable in case the same had been a Release, founded on a Lease or Bargain and Sale for a Year, and also with the same Stamp Duty (exclusive of progressive Duty) with which such Lease or Bargain and Sale for a Year would have been chargeable.

Feoffments, Partitions, Exchanges, Leases, Assignments,

III. That a Feoffment, made after the said First Day of *October* One thousand eight hundred and forty-five, other than a Feoffment made under a Custom by an Infant, shall be void at Law, unless evidenced by Deed; and that a Partition, and an Exchange, of any Tenements or Hereditaments, not being

being Copyhold, and a Lease, required by Law to be in Writing, of any Tenements or Hereditaments, and an Assignment of a Chattel Interest, not being Copyhold, in any Tenements or Hereditaments, and a Surrender in Writing of an Interest in any Tenements or Hereditaments, not being a Copyhold Interest, and not being an Interest which might by Law have been created without Writing, made after the said First Day of *October* One thousand eight hundred and forty-five, shall also be void at Law, unless made by Deed: Provided always, that the said Enactment so far as the same relates to a Release or a Surrender shall not extend to *Ireland*. and Surrenders required (subject to certain Exceptions) to be by Deed.

IV. That a Feoffment, made after the said First Day of *October* One thousand eight hundred and forty-five, shall not have any tortious Operation; and that an Exchange, or a Partition, of any Tenements or Hereditaments, made by Deed, executed after the said First Day of *October* One thousand eight hundred and forty-five, shall not imply any Condition in Law; and that the Word "give" or the Word "grant," in a Deed, executed after the same Day, shall not imply any Covenant in Law, in respect of any Tenements or Hereditaments, except so far as the Word "give" or the Word "grant" may, by force of any Act of Parliament, imply a Covenant. Feoffments not to operate by Wrong, nor Exchanges, &c. to imply any Condition, or "give" and "grant" any Covenant.

V. That, under an Indenture, executed after the First Day of *October* One thousand eight hundred and forty-five, an immediate Estate or Interest, in any Tenements or Hereditaments, and the Benefit of a Condition or Covenant, respecting any Tenements or Hereditaments, may be taken, although the Taker thereof be not named a Party to the same Indenture; also, that a Deed, executed after the said First Day of *October* One thousand eight hundred and forty-five, purporting to be an Indenture, shall have the Effect of an Indenture although not actually indented. Strangers may take immediately under an Indenture, &c.

VI. That, after the First Day of *October* One thousand eight hundred and forty-five, a contingent, an executory, and a future Interest, and a Possibility coupled with an Interest, in any Tenements or Hereditaments of any Tenure, whether the Object of the Gift or Limitation of such Interest or Possibility be or be not ascertained, also a Right of Entry, whether immediate or future, and whether vested or contingent, into or upon any Tenements or Hereditaments in *England*, of any Tenure, may be disposed of by Deed; but that no such Disposition shall, by force only of this Act, defeat or enlarge an Estate Tail; and that every such Disposition by a married Woman shall be made conformably to the Provisions, relative to Dispositions by married Women, of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*, or in *Ireland* of an Act passed in the Fourth and Fifth Years of the Reign of His said late Majesty, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance, in* Ireland. Contingent and other like Interests, also Rights of Entry, made alienable by Deed, saving Estates in Tail; and as regards married Women enjoining Conformity to 3 & 4 W. 4. c. 74, 4 & 5 W. 4. c. 92.

VII. That, after the First Day of *October* One thousand eight hundred and forty-five, an Estate or Interest in any Tenements or Hereditaments in *England*, of any Tenure, may be disclaimed by a married Woman by Deed; and that every such Disclaimer shall be made conformably to the said Provisions of the said Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance. Capacity of married Women to disclaim Estates by Deed extended to England.

VIII. That a contingent Remainder, existing at any Time after the Thirty-first Day of *December* One thousand eight hundred and forty-four, shall be, and, if created before the passing of this Act, shall be deemed to have been, capable of taking effect, notwithstanding the Determination, by Forfeiture, Surrender, or Merger, of any preceding Estate of Freehold, in the same Manner, in all respects, as if such Determination had not happened. Contingent Remainders protected as from 31st Dec. 1844, &c.

IX. That when the Reversion expectant on a Lease, made either before or after the passing of this Act, of any Tenements or Hereditaments, of any Tenure, shall, after the said First Day of *October* One thousand eight hundred and forty-five, be surrendered or merge, the Estate which shall for the Time being confer as against the Tenant under the same Lease the next vested Right to the same Tenements or Hereditaments, shall, to the Extent and for the Purpose of preserving such Incidents to, and Obligations on, the same Reversion, as, but for the Surrender or Merger thereof, would have subsisted, be deemed the Reversion expectant on the same Lease. When the Reversion on a Lease is gone the next Estate to be deemed the Reversion.

X. That this Act shall not extend to *Scotland*. Extent of Act.

CAP. CVII.

An Act for the Establishment of a Central Asylum for Insane Persons charged with Offences in *Ireland;* and to amend the Act relating to the Prevention of Offences by Insane Persons, and the Acts respecting Asylums for the Insane Poor, in *Ireland;* and for appropriating the Lunatic Asylum in the City of *Cork* to the Purposes of a District Lunatic Asylum.

[8th *August* 1845.]

'WHEREAS it is expedient that One Central Asylum in or near the City of *Dublin* should be provided for the Custody and Care of Criminal Lunatics:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners of Public Works in *Ireland* for the Time being shall be Trustees for the Purpose of purchasing or providing, as herein-after mentioned, any Buildings, Lands, Tenements, or Hereditaments that may be necessary for the said Central Asylum, and the Site thereof, and the Premises to be occupied therewith, and for erecting thereon suitable Buildings, and for repairing, enlarging, improving, upholding, and furnishing the same from Time to Time. Commissioners of Public Works to be Trustees for providing Buildings and Lands for a Central Asylum for Criminal Lunatics.

Commissioners of Public Works to be a Corporation for the Purposes of this Act.

II. And be it enacted, That for the Purposes of this Act the said Commissioners of Public Works in *Ireland* for the Time being, and their Successors, shall be a Corporation, by the Name or Style of "The Commissioners of Public Works in *Ireland*," and by that Name, for the Purposes of this Act, shall have perpetual Succession and a Common Seal, to be by them made and from Time to Time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all Courts, and before all Justices and others, and in that Capacity shall be deemed Promoters of the Undertaking authorized to be executed by this Act.

Power to Commissioners of Public Works to purchase or rent Buildings, Lands, &c. which may be required for such Central Asylum.

III. And be it enacted, That in order to enable the said Commissioners of Public Works in *Ireland* to purchase and provide the Buildings, Lands, Tenements, and Hereditaments which may be required for the said Central Asylum and the Site thereof, it shall be lawful for the said Commissioners, with the Approval of the Commissioners of Her Majesty's Treasury, to contract and agree with any Person or Persons, or Body or Bodies Corporate, for the Purchase or renting of any Buildings, Lands, Tenements, or Hereditaments required for such Central Asylum, or the Site thereof, and the Premises to be occupied therewith, and also for the Purchase of any subsisting Leases, Terms, Estates, or Interests therein or Charges thereon; and the Buildings, Lands, Tenements, or Hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to or in trust for Her Majesty, Her Heirs and Successors, in such Manner and Form as the said Commissioners of Her Majesty's Treasury shall direct.

Consolidation of this Act with Lands Clauses Consolidation Act.

IV. And be it enacted, That in order to enable the said Commissioners of Public Works to purchase and provide the said Buildings, Lands, Tenements, and Hereditaments, the "Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act, except the Clauses with respect to the Purchase and taking of Lands otherwise than by Agreement: Provided always, that all Things by the said Act required or authorized to be done by the Promoters of the Undertaking may be done by any Two of the Commissioners of Public Works in *Ireland*, subject to the Approval of the Commissioners of Her Majesty's Treasury, in the Cases provided by this Act.

Commissioners of Public Works to obtain Surveys, Plans, and Specifications, and submit same to the Treasury.

V. And be it enacted, That it shall be lawful for the said Commissioners of Public Works, if they shall be so directed by the Commissioners of Her Majesty's Treasury, to employ any competent Surveyor or Architect to make a Survey and Estimate of the said proposed Work, and to prepare such Plan, Section, or Specification thereof as may be necessary, and send the same to the Commissioners of Her Majesty's Treasury, for their Approval; and if the said Commissioners of Her Majesty's Treasury shall think fit to authorize the Work in any such Plan, Section, or Specification, or any Modification thereof which they may think proper, to be undertaken, they shall, by Warrant under their Hands, direct the said Commissioners of Public Works to execute such Work, at and for an Amount not exceeding a Sum to be specified in such Warrant; and the said Commissioners of Public Works shall upon Receipt of such Warrant forthwith cause the Construction of the Work mentioned therein to be proceeded with.

Commissioners of Public Works to lay Accounts before the Commissioners of the Treasury.

VI. And be it enacted, That the said Commissioners of Public Works shall cause Accounts in Writing of the several Sums received by them as such Commissioners for the Purposes of this Act, and the Sums expended by them for such Purposes, and the Mode of such Expenditure, to be made up to the Thirty-first Day of *December* in each Year, or to such Period as the Commissioners of Her Majesty's Treasury shall direct; and the said Commissioners shall, as often as they shall be required so to do by the Commissioners of Her Majesty's Treasury, transmit to the said Commissioners of the Treasury the said Accounts; and it shall be lawful for the said Commissioners of Her Majesty's Treasury to give such Directions as they shall think proper, defining the Duties of the said Commissioners of Public Works in the Execution of this Act; and the said Commissioners of Public Works shall observe all such Directions as aforesaid which shall from Time to Time be signified to them by the said Commissioners of Her Majesty's Treasury.

Proceedings in Actions by and against the Commissioners of Public Works.

1 & 2 W. 4. c. 33.

VII. And be it enacted, That the several Enactments contained in an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, which affect or relate to any Action or Suit to be commenced against the Commissioners for the Execution of the last-recited Act, or their Secretary, or any Person or Persons, for any thing done by virtue of or in pursuance of the last-recited Act, or in any Proceedings in any such Action or Suit, or any Limitation of Time for the Commencement thereof, or any Costs thereof, or any Evidence to be given therein, or any Notice of Action or Suit, or Satisfaction, or Tender thereof, or any Action or Suit to be commenced by the said Commissioners, or any Proceedings therein, or the said Commissioners suing or being sued in the Name of their Secretary, or any Abatement or Discontinuance of any such Action or Suit, or to the Court in which, or to the Terms or Conditions on which, any such Action or Suit shall be brought against the said Commissioners, collectively or individually, or their Secretary, shall be held to apply to and extend to any Action or Suit to be commenced against the Commissioners of Public Works in *Ireland*, or their Secretary, or any Person or Persons, for any thing done by virtue of or in pursuance of this Act, or to any Proceedings in any such Action or Suit, or to the Limitation of Time for the commencing thereof, or to any Costs thereof, or to any Notice of any such Action or Suit, or to any Evidence to be given therein, or to any Action or Suit to be commenced by the said Commissioners of Public Works in the Execution of this Act, or on account of or in pursuance of this Act, or to any Proceedings in any such Action or Suit, or to the said Commissioners suing or being sued in the Name of their Secretary for the Time being, or to any Abatement or Discontinuance of any such Action or Suit, or to the Court in which, or to the Terms or Conditions on which, any such Action or Suit shall be

be brought against the said Commissioners of Public Works collectively or individually, or against their Secretary.

When Central Asylum established, the Lord Lieutenant empowered to order the Removal of Criminal Lunatics to such Asylum. 1 & 2 G.4. c. 33.

VIII. 'And whereas by an Act passed in the Session of Parliament holden in the First and Second 'Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make more 'effectual Provision for the Establishment of Asylums for the Lunatic Poor, and for the Custody of 'Insane Persons charged with Offences, in* Ireland, it is amongst other things enacted, that it should be 'lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being 'to give such Order for the safe Custody and Care of Criminals found insane as in the said Act 'mentioned, during the Pleasure of the Lord Lieutenant or other Chief Governor or Governors of 'Ireland for the Time being, in such Place and in such Manner as should seem fit; and it is by said 'Act further provided and enacted, that whenever and as soon as there should be a Lunatic Asylum 'built or maintained, either wholly or in part, in any County, County of a City or County of a Town, 'wherein such Prisoner as therein mentioned should be tried or found insane as therein mentioned, 'then and from thenceforth such Insane Person should without Delay be removed to such Asylum as 'therein mentioned, and should be kept therein so long as such Prisoner should be detained in Custody;' be it enacted, That whenever and as soon as the said Central Asylum shall be erected, and fit for the Reception of Criminal Lunatics, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to order and direct that all Criminal Lunatics then in Custody in any Lunatic Asylum or Gaol, or who shall thereafter be in Custody, shall be removed without Delay to such Central Asylum, and shall be kept therein so long as such Criminal Lunatics respectively shall be detained in Custody.

Lord Lieutenant to appoint the Officers and Servants of Central Asylum, and Lord Lieutenant and Council to make Rules, &c.

IX. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to nominate and appoint such Persons as he or they shall think fit and proper to be Governor, Physician, Surgeon, Apothecary, Matron, Keepers, Officers, and Servants of said Central Asylum, and also that it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of Her Majesty's Privy Council in *Ireland*, from Time to Time to make, frame, and establish any Rules and Regulations which may be necessary or proper for the good Conduct and Management of the said Central Asylum, and from Time to Time to revoke, alter, or make new such Rules and Regulations.

Persons not to be committed as dangerous Lunatics, unless upon Information upon Oath. 1 Vict. c. 27.

X. 'And whereas by an Act passed in the First Year of the Reign of Her present Majesty, intituled '*An Act to make more effectual Provision for the Prevention of Offences by Insane Persons in* Ireland, 'it is amongst other things enacted, that if any Person should be discovered and apprehended in *Ireland* 'under Circumstances denoting a Derangement of Mind, and a Purpose of committing some Crime for 'which, if committed, such Person would be liable to be indicted, it should be lawful for any Two 'Justices of the Peace of the County, County of a City, County of a Town, City, or Town and Liberties, 'before whom such Person might be brought, to call to their Assistance any legally qualified Physician, 'Surgeon, or Apothecary; and if upon View and Examination of the said Person so apprehended, or 'from other Proof, the said Justices should be satisfied that such Person was a dangerous Lunatic or a 'dangerous Idiot, it should be lawful for the said Justices, by Warrant under their Hands and Seals, to 'commit such Person to the Gaol of such County, County of a Town, City, or Town and Liberties, 'there to be kept in strict Custody until or unless such Person should be discharged in manner by the 'said Act provided;' be it enacted, That it shall not be lawful for the said Justices to commit such Person to Gaol unless Information on the Oath of One or more credible Witness or Witnesses shall have been made before the said Justices, stating Facts from which it shall appear that such Person was discovered and apprehended under Circumstances denoting a Derangement of Mind, and a Purpose of committing some Crime for which, if committed, such Person would be liable to be indicted, and that such Person is a dangerous Lunatic or a dangerous Idiot; and such Justices shall, if they shall so think fit, bind the Person or Persons swearing such Information to appear at the next Commission or Assizes, or General or Quarter Sessions of the Peace, whichever may first occur, which Information shall be returned to the Clerk of Crown or Peace; and the Judges presiding at such Commission, or the Judge of Assize, or Assistant Barrister or Recorder, as the Case may be, shall, if they shall consider it necessary so to do, examine into the Case, and report to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being whether such Person appears to him or them to be a dangerous Lunatic or dangerous Idiot.

Lord Lieutenant may discharge a Person committed as a dangerous Lunatic who is duly certified to him to have become of sound Mind, or to have ceased to be a dangerous Lunatic. 1 Vict. c. 27.

XI. 'And whereas by the said Act it is also amongst other things enacted, that it should be lawful for 'the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, if he or they 'should so think fit, to direct, by Warrant under his or their Hand or Hands, that any Person who might 'be detained in Custody in any Gaol by virtue of any such Warrant as aforesaid should be removed to 'the Lunatic Asylum established either wholly or in part for the County, County of a City or County 'of a Town, in which such Person should be in Custody; and every such Person so removed should 'remain under Confinement in every Asylum to which such Person might be removed until it should be 'duly certified to the said Lord Lieutenant or other Chief Governor or Governors, by Two Physicians 'or Surgeons, or a Surgeon and Physician, that such Person had become of sound Mind, whereupon the 'said Lord Lieutenant or other Chief Governor or Governors was thereby authorized to issue his or their 'Warrant to the Keeper or other Person having the Care of any such Asylum, directing that such 'Person should be discharged;' be it enacted, That whenever it shall be duly certified to the said Lord Lieutenant or other Chief Governor or Governors, in manner aforesaid, that any such Person has become of sound

sound Mind, or has ceased to be or is not a dangerous Lunatic or a dangerous Idiot, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors and he and they is and are hereby authorized to issue his or their Warrant to the Keeper or other Person having the Care of any such Asylum, directing that such Person shall be discharged.

Lord Lieutenant may direct Persons under Sentence of Imprisonment or Transportation, who become insane, to be removed to Central Asylum. 1 Vict. c. 27.

XII. And be it enacted, That whenever and as soon as the said Central Asylum shall be erected and fit for the Reception of Lunatics it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to direct, by Warrant under his or their Hand or Hands, that any Person who may be under any Sentence of Imprisonment or Transportation in any Gaol or Place of Confinement, or in any District Asylum, and in respect of whom it shall be certified by Two Physicians or Surgeons, or a Surgeon and Physician, that such Person is or has become insane, shall be removed to the said Central Asylum; and every such Person so removed shall remain under Confinement in said Asylum so long as such Person shall remain subject to be continued in Custody, or until it shall be duly certified to the said Lord Lieutenant or other Chief Governor or Governors, by Two Physicians or Surgeons, or a Surgeon and Physician, that such Person has become of sound Mind, whereupon the said Lord Lieutenant or other Chief Governor or Governors is hereby authorized, if such Person shall remain subject to be continued in Custody, to issue his or their Warrant to the Keeper or other Person having the Care of any such Asylum, directing that such Person shall be remitted to the Prison or other Place of Confinement from which he or she shall have been taken, or, if such Person shall be entitled to his or her Discharge, to direct the Discharge accordingly.

The District Lunatic Asylums may receive as many Patients as they can accommodate, the Care and Maintenance of whom shall be provided for as heretofore. 1 & 2 G. 4. c. 33. 7 G. 4. c. 14. 1 W. 4. c. 13.

XIII. 'And whereas by the said Act passed in the Session of Parliament holden in the First and 'Second Years of the Reign of His late Majesty King *George* the Fourth it is amongst other things 'enacted, that at any Time after the passing of the said Act it should and might be lawful for the Lord 'Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of His 'Majesty's Privy Council in *Ireland*, to direct and order that any Number of Asylums for the Lunatic 'Poor in *Ireland* should be erected and established in and for such Districts in *Ireland* as to the said 'Lord Lieutenant or other Chief Governor or Governors and Privy Council should seem expedient; and 'that every such District should and might consist either of the whole of Two or more Counties, or of 'One or more County or Counties and One or more County or Counties of Cities or Towns, or of One 'County or County of a City or County of a Town only, and no more, but should not in any Case include 'Part only of any County, County of a City or Town; and that all Lunatic Poor within every such 'District respectively should be maintained and taken care of in the Asylum belonging to such District; 'and that every such Asylum established or to be established for any District consisting of more than 'One County, or One County of a City or County of a Town, should be sufficient to contain such 'Number of Lunatic Poor, not being less than One hundred nor more than One hundred and fifty in 'any One Asylum, as should seem expedient to such Lord Lieutenant or other Chief Governor or 'Governors and Privy Council; and that where any such District should consist of only One County 'or County of a City or County of a Town, and no more, every such Asylum should be sufficient to 'contain such Number of Lunatic Poor, not being less than Fifty, as should seem expedient to such 'Lord Lieutenant or other Chief Governor or Governors and Privy Council: And whereas the said Act 'was amended by an Act passed in the Seventh Year of the Reign of His said late Majesty, intituled *An 'Act for the further Amendment of an Act of the First and Second Years of His present Majesty, for 'the Establishment of Asylums for the Lunatic Poor in* Ireland: And whereas several such Asylums 'have been erected and established, and the said Asylums are capable of affording Accommodation for a 'larger Number of Lunatic Poor than the Number limited by the said Two last-recited Acts as the 'Number which it is lawful under the Provisions of such Acts to maintain and take care of within any 'One Lunatic Asylum: And whereas by an Act passed in the First Year of the Reign of His late 'Majesty King *William* the Fourth, intituled *An Act to amend an Act passed in the Eleventh Year of 'the Reign of His late Majesty King* George *the Fourth, intituled 'An Act for appropriating the* Rich-'mond *Lunatic Asylum in* Dublin *for the Purposes of a District Lunatic Asylum,*' the said *Richmond* 'Lunatic Asylum was empowered to receive, maintain, and take care of within the said Asylum any 'Number of Lunatic Poor for the Reception and Accommodation of whom the said Asylum should or 'might afford Space or Capacity: And whereas it is expedient to remove the Limitation as to the 'Number of Lunatic Poor which other District Lunatic Asylums now erected and established, or here-'after to be erected and established, may respectively receive, maintain, and take care of, and to extend 'the Provisions of the said last-recited Act to the said other District Lunatic Asylums;' be it enacted, That from and after the passing of this Act any Enactment or Provision contained in the said recited Act of the Session holden in the First and Second Years of His late Majesty King *George* the Fourth, or in any other Act or Acts, whereby the Number of Lunatic Poor to be maintained and taken care of in a District Lunatic Asylum is in any Manner limited or restricted, shall be and the same is accordingly hereby repealed; and that notwithstanding any thing in the said last-mentioned Act, or in any other Act or Acts to the contrary, it shall and may be lawful to receive, maintain, and take care of, within every such District Lunatic Asylum, any Number of Lunatic Poor whatsoever, for the Reception and Accommodation of whom such Asylum shall or may afford Space and Capacity, and that the Care, Maintenance, Superintendence, and Expenditure which shall be or become requisite for or in respect of all such Lunatic Poor shall be defrayed, raised, and provided for in all respects as the Care, Maintenance, Superintendence, and Expenditure requisite for or in respect of such limited Number of Lunatic Poor as before the passing of this Act it was or might have been lawful to maintain and take care of in such Lunatic Asylum might

might or ought to have been defrayed, raised, and provided for: Provided, nevertheless, that the maximum Number of Lunatics admissible into such Asylums respectively shall first be fixed and determined from Time to Time by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Lord Lieutenant authorized to make Orders in Council for the Enlargement of District Lunatic Asylums.

XIV. ' And whereas by the said Act passed in the Seventh Year of the Reign of His late Majesty ' King *George* the Fourth it was amongst other things enacted, that it should and might be lawful for ' the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and ' Consent of His Majesty's Privy Council in *Ireland*, from Time to Time and at all Times, whenever and ' so often as should seem expedient to him or them so to do, to direct and order that any Asylum or ' Asylums for the Lunatic Poor in *Ireland* should be erected and established in any Place or in and for ' any District in *Ireland*, in lieu of or in addition to any Asylum or Asylums erected under the Authority ' of the therein and herein-before recited Act of the First and Second Years of King *George* the Fourth, ' and from Time to Time to alter or change the District or Places in or for which any such Asylum or ' Asylums shall have been or shall be erected under the Authority of the said recited Act or the Act ' now in recital: And whereas the said Act does not provide for the Enlargement or Extension of said ' District Asylums: And whereas the present Accommodation in District Asylums for Pauper Lunatics ' is insufficient, and it is expedient that further Accommodation should be provided, so as to enable ' Pauper Lunatics to be received into said Asylums as soon as may be after they are afflicted with ' Insanity, without which it is frequently found impossible to cure the Disorder;' be it enacted, That if it shall be deemed necessary, at any Time hereafter, to enlarge or extend the Buildings of any District Asylum for the Lunatic Poor in *Ireland*, or the Out-offices thereof, or to procure more Ground fit or necessary to be enjoyed therewith, then and in every such Case it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of Her Majesty's Privy Council in *Ireland*, from Time to Time, and whenever it shall seem expedient to him or them so to do, to direct and order that such Enlargement or Extension shall be made, or such additional Ground as may be required shall be obtained, or, where it shall be inconvenient or impracticable to erect or obtain additional Buildings adjoining to any such District Asylum or Asylums, then that additional Buildings, with the Ground fit or necessary to be enjoyed therewith, shall be erected, established, rented, or purchased within the same District, and as near as conveniently may be to such Asylums respectively; and such additional Buildings and Ground shall be held in connexion with and as Part of the Asylum for the District in which said additional Buildings or Ground shall be situate; and every Order in Council to be made for any such Purposes shall be published in the *Dublin Gazette*.

Asylums may be appropriated for the exclusive Reception of particular Classes as to Disease of Pauper Lunatics.

XV. And be it enacted, That in order to provide for the more effectual Treatment of Pauper Lunatics, by a better Classification of the same, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of Her Majesty's Privy Council in *Ireland*, from Time to Time and at all Times, whenever and so often as shall seem expedient to him or them so to do, to direct and order that any existing Asylum or additional Buildings which may be made to existing Asylums under the Provisions of this Act shall and may be exclusively appropriated for the sole and exclusive Reception, Custody, and Treatment of a particular Class of the said Pauper Lunatics distinguishable by the Nature and Character of the Disease, and whether recent in its Origin or chronic, or whether considered curable or incurable, or to direct and order that a Provincial Asylum for the Lunatic Poor shall be erected, established, and maintained in and for any or each of the Provinces of *Ireland* to be so appropriated to any particular Class or Classes of Lunatic Poor of such Province as aforesaid, such Provincial Asylums to be in addition to any District Asylum or Asylums erected or to be erected under said recited Acts or any of them, and from Time to Time to make Rules and Orders for the Government and Control thereof, and for the Admission of Lunatics thereto; and with the view to make Room in any such District Lunatic Asylum appropriated for the Treatment and Reception of recent and curable Cases for Patients deemed capable of Cure, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* from Time to Time to cause to be removed from such District Lunatic Asylum, to such other Asylum connected with such District, and appropriated specially for chronic Cases or Cases apprehended to be incurable, any Lunatics who shall be certified by the Committee of Management, the Manager, and by the Medical Officer of such first-mentioned District Asylum, as a proper Patient to be removed to an Asylum for chronic Lunatics for such District, or connected therewith.

Powers of recited Acts to apply to this Act.

XVI. And be it enacted, That all Enactments contained in the said Acts of the First and Second Years of the Reign of His late Majesty King *George* the Fourth, and of the Seventh Year of the Reign of His said late Majesty, and of the Eleventh Year of the Reign of His said late Majesty, and in any Act or Acts amending the same or any of them, shall and may from Time to Time and as Occasion may require, so far as the same are applicable, and not repugnant to the Provisions hereof, be extended, applied, used, exercised, and enforced to and in respect of any Asylums, Buildings, or Ground which may be erected, purchased, or rented under the Provisions of this Act, save and except as to such Central Asylum first herein mentioned; and that the Expence of erecting, establishing, and maintaining every District Asylum for the Lunatic Poor in *Ireland*, and every Asylum which under the Provisions of this Act shall be so exclusively appropriated for the Reception of a particular Class or Description of Pauper Lunatics, together with the Ground so rented or purchased, or the Buildings so to be erected or obtained, adjoining to or in connexion therewith respectively, shall be raised in such Manner as is directed by said Acts or any of them; and that every such Asylum shall be subject to all such Rules and Regulations as are contained in the said recited Acts; and that the said Acts and this Act shall be construed together as One Act; and in any Case of a Provincial Asylum erected and established for any Province as aforesaid, such Province, and the several Counties, Counties of Cities and Counties of Towns, situate therein,

therein, shall be deemed and taken as a District attached to such Asylum: Provided always, that the Erection and Establishment of any such Provincial Asylum shall not be deemed in any respect to prejudice or interfere with any District Lunatic Asylum situate therein, or any District assigned or attached to the same, or any Provisions relating thereto.

Manner of proceeding where any County, &c. shall be taken out of any District and removed to any new District. 7 G. 4. c. 14.

XVII. 'And whereas by the said recited Act of the Seventh Year of His late Majesty King *George* 'the Fourth it is amongst other things enacted, that if it shall at any Time happen that any Money 'shall have been raised off any County, County of a City or County of a Town, or any Part thereof, 'towards defraying the Expences of erecting, establishing, maintaining, or supporting of any Lunatic 'Asylum, and that by reason of any Change of the District or Place in or for which such Asylum shall 'have been established such County, County of a City or County of a Town, or any Part thereof, shall 'be taken out of the District liable to be assessed for such Expences, then and in such Case any Sum 'or Sums of Money which shall have been raised off such County, County of a City or County of a 'Town, or such Part thereof as aforesaid, shall be raised off any and every County, County of a 'City or County of a Town, or any Part or Parts thereof, which shall remain within such District; and 'all and every Sum and Sums which shall be so raised shall be repaid to the Treasurer of the County, 'County of a City or County of a Town, which shall have been removed from such District; and that 'whenever any County, County of a City or County of a Town, or any Part or Parts thereof, which 'shall have been comprised in any former District, shall by reason of any such Change as aforesaid be 'comprised in or shall form Part of any new District, such County, County of a City or County of a 'Town, or such Part thereof, shall be and is hereby declared to be subject and liable towards the 'defraying the Expences of any Asylum in or for such new District, in like Manner as is directed 'by the said recited Acts or either of them, and as if such County, County of a City or County of a 'Town, or such Part thereof, had been originally comprised in or formed Part of such new District: 'And whereas it is expedient that in case of any Change of any such District as aforesaid no Sum of 'Money should be repaid to the Treasurer of any such County, County of a City or County of a Town, 'which shall be removed from such District, save and except for defraying the Expence of erecting or 'establishing such Lunatic Asylum, but not for the Expence of maintaining or supporting the same;' be it enacted, That when any Change of the District of any District Asylum shall be made as aforesaid no Sum of Money for defraying the Expences of maintaining or supporting any such District Asylum (after the same shall have been erected and established) shall from and after the passing of this Act be raised off any County, County of a City or County of a Town, or any Part thereof, which shall remain (or be) within such District, or be repaid to the Treasurer of the County, County of a City or County of a Town, which shall have been removed from such District, or be raised off any County, County of a City or County of a Town, or Part thereof, which shall have been comprised in any former District, and shall by reason of any such Change be comprised in or form Part of any new District for any such Asylum, any thing in the said recited Enactment to the contrary notwithstanding.

Lunatic Wards, &c. connected with Houses of Industry. 6 & 7 W. 4. c. 116.

XVIII. 'And whereas by an Act passed in the Session of Parliament holden in the Sixth and Seventh 'Years of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the 'Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, it is enacted, that 'when a Lunatic Asylum, or any Ward or Wards for the Reception and Support of Idiots and Insane 'Persons, is connected with or under the Direction of any House of Industry in any County, it shall 'and may be lawful for the Grand Jury at any Summer Assizes to present such Sum or Sums, not 'exceeding the Sum of One hundred Pounds, as shall appear to be necessary for the Support of such 'Asylum or Ward connected with such House of Industry, and such Sum shall be raised off the County 'at large, and levied and applied accordingly: And whereas it is expedient that such Places should not 'be used for the Support, Reception, or Custody of Insane Persons, when sufficient Accommodation for 'them shall be provided in District Asylums;' be it therefore enacted, That whenever and as soon as such Enlargement and Extension of any such District Lunatic Asylum shall have been made as aforesaid, or any such additional Asylum in connexion with any such District Lunatic Asylum for any such District shall have been erected, or whenever any existing District or Provincial Lunatic Asylum shall be sufficient for the Purpose, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* from Time to Time in any such Cases to order and direct that all such Idiots or insane poor Persons as shall be at the Time of such Order kept, supported, or detained in any such House of Industry, or in any Lunatic Asylum, or Ward or Wards for the Reception or Support of Idiots or Insane Persons connected with or under the Direction of any House of Industry, shall be forthwith removed to the District or Provincial Lunatic Asylum established for the District or Province within which such House of Industry shall be situate; and from and after the making of such Order, and the Publication of the same in the *Dublin Gazette*, such last-mentioned Idiots and Insane Persons shall be accordingly without Delay removed to such District or Provincial Lunatic Asylum; and after the making and Publication of such Order it shall not be lawful to receive into, or support, keep, or detain any Idiot or insane poor Person in any such House of Industry or Asylum, or Ward connected therewith; and from thenceforth no Presentment shall be made by any Grand Jury for the Support of such Asylum or Ward in or connected with such House of Industry.

Cork Lunatic Asylum shall become a District Lunatic Asylum for the County and the

XIX. And be it enacted, That from and after the First Day of *September* next the *Cork* Lunatic Asylum shall and may be and become a District Lunatic Asylum for the County of *Cork* and the County of the City of *Cork*, and for such other County or Counties, if any, as from Time to Time may, under the Provisions of the said Act of the First and Second Years of His late Majesty King *George* the Fourth, or any Act amending same, be constituted, together with the said County of *Cork* and County

of

of the City of *Cork*, a District for a Lunatic Asylum; and that all Rules, Orders, Regulations, Rights, Powers, Authorities, Privileges, Liabilities, Provisoes, and Enactments contained in the said Act of the First and Second Years of King *George* the Fourth, and of any Act or Acts amending same, and of this Act, shall and may, from Time to Time as occasion may require, be extended, applied, used, exercised, and enforced to and in respect of the District so constituted, in like Manner to all Intents and Purposes as in the Case of any District Lunatic Asylum created or established by or subject to the Provisions of the said recited Act, or any Act amending same, or this Act.

City of Cork, and of such other County, if any, as shall be added thereto.

XX. And be it enacted, That from and after the said Day it shall and may be lawful for the Grand Juries of the County of the City of *Cork* and of the County of *Cork*, and of each other County, if any, which may or shall from Time to Time constitute Part of or be included in the District belonging to the said Asylum, and such Grand Juries are hereby respectively required, to present, to be raised off the said City and each such County respectively, any Sum or Sums of Money requisite to pay the Expences of the said Asylum, as well those of any Building, Alteration, or Reparation thereof, or of the Purchase of any Ground or Property for the Purposes thereof, as those of the Maintenance, Clothing, and other Charges of the Patients therein, in like Manner, with the same Authorities, and under the same Regulations and Restrictions, as are provided in and by the said Act of the First and Second Years of His late Majesty's Reign with respect to any District Lunatic Asylum, or any Act or Acts amending same, or in and by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland.

Grand Juries of Cork, &c. shall make Presentments for Support of such Asylum.

6 & 7 W. 4. c. 116.

XXI. And be it enacted, That from and after the said First Day of *September* the said Asylum, and the Ground and Soil where the same stands, and the several Materials and Appurtenances, shall be and become vested in such Commissioners as have been or shall, pursuant to the Provisions of the said recited Act of the First and Second Years of His Majesty, be nominated and appointed for the District to which the said Asylum shall belong, or any Three of them, and to their Heirs and Successors, in trust for and to the Uses and Purposes of the said Asylum as such District Lunatic Asylum.

Asylum vested in Commissioners under 1 & 2 G. 4. c. 33.

XXII. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of Her Majesty's Privy Council in *Ireland*, to make and found such Rules and Regulations for the holding of Lectures by the Medical Attendant or Attendants of the said Central Asylum, or said Provincial or District Asylums, or any of them, as to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Advice of said Privy Council aforesaid, may seem fit.

Lord Lieutenant may make Rules and Regulations for the holding of Lectures.

XXIII. 'Whereas it is expedient that more adequate Provision be made for the Inspection of all 'Lunatic Asylums under this and the herein-before recited Acts;' now be it enacted, That the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall be and he or they are hereby empowered, if they shall so think fit, to appoint One or Two duly qualified and experienced Persons to act as Inspectors of Lunatics in *Ireland;* and on such Appointments the Functions of the Inspectors General of Prisons in *Ireland*, so far as they relate to the Inspection of Lunatic Asylums or other Establishments for Lunatics, shall be transferred to such Inspectors of Lunatics so to be appointed under this Act, and such Inspectors of Lunatics shall thereon undertake and perform all the Duties in respect to Lunatic Asylums which heretofore have been undertaken and performed by the Inspector General of Prisons, under the Provisions of any previous Act and under this Act.

Lord Lieutenant to appoint Inspectors of Lunatics, and Functions of Inspectors General of Prisons vested in them.

XXIV. And be it enacted, That One of the said Inspectors shall once or oftener in each Year, on such Day or Days, and at such Hours of the Day and for such Length of Time as they shall think fit, visit every Asylum for Lunatics or House for the Reception of the same, and every Gaol, Union Workhouse, or House of Industry in which there shall be or alleged to be any Lunatic, and shall inquire whether the Provisions of the Law have been carried out in the Management of such Establishments respectively, and also as to the Regularity of the Admissions and Discharges of Patients therein and therefrom, and whether Divine Service is performed therein, and whether any System of Coercion is in practice therein, and the Result thereof, and as to the Classification or Non-classification of Patients therein, and the Number of Attendants on each Class, and as to the Occupations and Amusement of the Patients and the Effects thereof, and as to the Condition as well mental as bodily of the Patients when first received, and also as to the Dietary of the Patients, and shall also make such other Inquiries as to every or any such Asylum, and all such Inquiries as to the Lunatics as aforesaid, as to such Inspectors shall seem meet.

Inspectors to visit Asylums and inquire into the Management thereof.

XXV. And be it enacted, That from and after the First Day of *January* next ensuing the passing of this Act there shall be kept in each District Asylum for the Lunatic Poor which is or may be hereafter established in *Ireland* a Registry of Admissions, a Registry of Discharges and Deaths, and a Medical Journal, in the Forms set forth in the Schedule to this Act annexed, which Forms shall be adopted and used hereafter in the Place of the Forms for similar Purposes now in use in such Asylums respectively.

Registry of Admissions, of Discharges and Deaths, and Medical Journal, to be kept.

XXVI. And be it enacted, That the Term "Criminal Lunatic" in this Act shall be construed to mean any Person acquitted on the Ground of Insanity, or found to have been insane under the Provisions of the said Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *George* the Fourth; and the Term "Lunatic" shall be construed to mean any Insane Person.

Interpretation Clause.

XXVII. And be it enacted, That this Act shall extend only to *Ireland*.

Extent of Act.

XXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Alteration of Act.

SCHEDULE No. 1.

REGISTRY OF ADMISSIONS.

REGISTER OF PATIENTS.*

No. in Order of Admission.	Date of Admission.	Christian and Surname at Length.	Sex. M.	Sex. F.	Age.	Condition as to Marriage. Married.	Condition as to Marriage. Single.	Condition as to Marriage. Widowed.	Condition of Life, and previous Occupation.	Previous Place of Abode.	County, Union, or Parish to which belonging.	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Form of mental Disorder.	Supposed Cause of Insanity.	Bodily Condition, and Name of Disease, if any.	Epilepties.	Congenital Idiots.	Duration of existing Attacks. Years.	Duration of existing Attacks. Months.	Duration of existing Attacks. Weeks.	Number of previous Attacks.	Age on first Attack.	Date of Discharge or Death.	Discharged. Recovered.	Discharged. Relieved.	Discharged. Not improved.	Died.	Observations.
Dec. 4, 1844. 1	1846: Jan. 3	William Johnson	1	–	23	–	1	–	Carpenter	–	–	–	–	Melancholia	–	–	–	–	–	4	–	2	17	1846: Sept. 1	1	–	–	–	–
2									–					–															
3									–					–															
1	1848: June 9	William Johnson	1	–	25	–	1	–	–	–	–	–	–	–	–	–	–	–	7	–	–	3	–	1848: Dec. 2	1	–	–	–	–
4									–					–															
5									–					–															
6									–					–															
4	1852: May 6	William Johnson	1	–	29	1	–	–	–	–	–	–	–	–	–	–	–	–	3	–	–	4	–	1853: June 8	–	–	–	–	–
7									–					–															
8									–					–															

* In the Case of an Asylum receiving both private and pauper Patients, a separate Register in the above Form to be kept for each Class.

SCHEDULE No. 2.

REGISTER OF DISCHARGES AND DEATHS.*

Date of Discharge or Death.	Date of last Admission.	No. in Register of Patients.	Christian and Surname at Length.	Sex.		Discharged.						Died.		Assigned Cause of Death.	Age at Death.		Observations.
						Recovered.		Relieved.		Not improved.							
				M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		M.	F.	
1846: Sept. 1 -	1846: Jan. 3 -	1	William Johnson	1	–	1											
1848: Dec. 2 -	1848: June 9 -	4	William Johnson	1	–	1											
1853: June 8 -	1852: May 6 -	7	William Johnson	1	–	–	–	–	–	–	–	1	–	Phthisis	27		

* In the Case of an Asylum receiving both private and pauper Patients, a separate Register in the above Form to be kept for each Class.

SCHEDULE No. 3.

FORM OF MEDICAL JOURNAL.*

Date.	Number of Patients.		Names of Patients under Restraint, and by what Means; and under Seclusion, and for what Period.		Names of Patients under Medical Treatment.		Report on State of Health of Patients, and Condition of Asylum.
	M.	F.	Males.	Females.	Males.	Females.	

* In the Case of an Asylum receiving both pauper and private Patients, a separate Journal to be kept in the above Form for each Class.

CAP. CVIII.

An Act for the further Amendment of an Act of the Sixth Year of Her present Majesty, for regulating the *Irish* Fisheries. [8th *August* 1845.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to regulate the* Irish *Fisheries:* And whereas one other Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to amend an Act of the Sixth Year of Her present Majesty, intituled 'An Act to regulate the* Irish *Fisheries;' and to empower the Constabulary Force to enforce certain Provisions respecting the* Irish *Fisheries:* And whereas it is expedient, for the better Regulation and Improvement of the said Fisheries to give further Power and additional Means for the Purpose of more effectually carrying out the Provisions of the said Acts, and to amend the said recited Acts in the several Particulars herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, 5 & 6 Vict. c. 106. 7 & 8 Vict. c. 108.

Treasury may appoint an additional Commissioner for Fisheries;

and allow him a Salary.

Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, by Warrant under the Hands of any Three or more of them, if they shall so think fit, to appoint One Person to be a Commissioner of Fisheries, to be associated with the Commissioners of Public Works in *Ireland* for the Time being, and with them be a Commissioner for the Execution of the said recited Acts and this Act during Pleasure, and to remove such Commissioner, and to appoint another in the Stead of the Person so removed or dying or resigning; and it shall be lawful for the said Commissioners of Her Majesty's Treasury to pay to such Person to be so appointed such Sum by way of annual Salary as the said Commissioners of Her Majesty's Treasury shall think fit; and such Commissioner of Fisheries, when so appointed, shall and may for the Purposes of said recited Acts and this Act, have, use, and exercise all and every the like Powers and Authorities and have like Privileges as are by said recited Acts or any of them vested in or given to the said Commissioners of Public Works or any of them; and all and every the Powers and Authorities in and by the said recited Acts and this Act given to or vested in the said Commissioners of Public Works, or which under the Provisions of this Act may be used by or be vested in such new Commissioner, may be exercised by the said Commissioners of Public Works, or by such new Commissioner appointed under this Act, or by any One or more of them.

The Use of illegal Weirs and Nets to be subject to the same Penalties as for Erection.

II. And be it enacted, That if any Person shall, after the Twentieth Day of *August* One thousand eight hundred and forty-five, fish with or use any Stake Weir, Stake Net, Bag Net, fixed Net, or any Contrivance for placing or erecting any Net or Engines, which under the Provisions of the said first-recited Act are prohibited to be placed or erected in any Part of any Estuary or the Mouth or tidal Part of any River where the Breadth of the Channel at Low Water of Spring Tides is less than Three Quarters of a Mile Statute Measure, or which are prohibited to be placed or erected within the Space of One Statute Mile Seaward, Coastwards, or Inwards from or on either Side of the Mouth or Entrance of any River into the Sea, the inland Portion of which River is frequented by Salmon, and the Breadth of which Mouth, as now or hereafter to be defined by the said Commissioners is less than Half a Mile Statute Measure at Low Water of Spring Tides, any Person so offending shall be subject and liable to such and the same Penalty and Penalties as by said first-mentioned Act the Person or Persons erecting or placing such Weirs, Nets, or Contrivance for placing or erecting Nets, are subject and liable to; and upon Proof that any such Weir, Net, or Contrivance has been so used or fished it shall be lawful for the Justices at Petty Sessions, or other the Persons having Jurisdiction to enforce the Provisions of the said recited Acts or this Act, to direct the same to be forfeited and removed, and the Materials thereof to be disposed of and dealt with in such and the same Manner as by said first-recited Act is provided and directed in Cases of the Seizure of illegal Nets, or legal Nets when used contrary to Law.

Commissioners empowered to suspend the Use of and remove illegal Weirs and Nets in Places prohibited.

III. 'And whereas, notwithstanding the Provisions of the said first-recited Act with regard to the 'Erection and Use of Stake Weirs, Stake Nets, Bag Nets, fixed Nets, and Contrivances for fixing or 'placing Nets, the same or some Parts thereof are in many Instances erected and used in Places prohibited 'by the said recited Act by Parties who have no Title so to do; and it is expedient, for the Protection 'of public Rights, and to prevent Disputes, that the said Commissioners should have Power to suspend 'the Use of such Weirs, Nets, and Contrivances, and remove the same, in all Cases where it shall appear 'to them that the same or any Part thereof are illegally erected, placed, or used; and that the said 'Commissioners should for such Purposes have and use the same Powers and Authorities with respect 'to such Weirs, Nets, and Contrivances, or any Part thereof, as they are now authorized under the said 'first-recited Act to use and exercise in Cases of Weirs or Nets and Contrivances erected in such Manner 'as in their Judgment to be injurious and detrimental to Navigation;' be it therefore enacted, That it shall be lawful for the said Commissioners, upon and after Complaint being made to them in Writing, signed by the Party making the same, and setting forth the Circumstances under which any such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance, or any Part of the same, is or shall be so erected or used contrary to the Provisions of the said recited Acts or this Act, to summon before them the Party or Parties complained of to attend at some Place near or convenient to that in which any such Weir, Net, or Contrivance may be so erected and used; and the said Commissioners shall accordingly, at the Time and Place mentioned in any such Summons, upon Proof of the personal Service of such Summons, or upon Proof of such Summons having been left at or on board the Vessel, or at or posted on the known Residence of the Party or Parties complained of, proceed to hear all such pertinent Evidence as may be adduced before them by or on behalf of the Party making such Complaint, as well as the Party or Parties complained of; and if after hearing all such Evidence the said Commissioners shall so think fit and right it shall and may be lawful to and for the said Commissioners to make an Order or Decision in Writing under their Hands and Seals, declaring that such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance, or any Part thereof, is a Nuisance, and shall be abated and removed; and the said Commissioners are hereby empowered, by Warrant under their Hands and Seals, to authorize any Person to abate and remove any such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance, or any Part thereof, at the Expence of the Party or Parties appearing to the said Commissioners to have erected or used the same; and, subject to the Appeal herein-after provided for, it shall be lawful to and for the said Commissioners to order and direct that the Materials of any such Weir, Net, or Contrivance, or any Part thereof, be forfeited and sold, and the Produce arising from such Sale applied in such Manner as is by the said first-mentioned Act provided in Cases of illegal Nets used, or legal Nets illegally used, for fishing; provided always, that nothing herein contained shall extend to any Case where the Party who erected or

used

used such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance acted under a fair and reasonable Supposition that he had a Right to do the Act complained of, and shall, if so required by the said Commissioners, give Security, in such Manner and in such Amount not exceeding One hundred Pounds as the said Commissioners shall think fit, conditioned to appeal to the Judges of Assize within such Time and in such Manner and subject to such Regulations as are herein-after provided in Cases of Appeals against any Order or Decision of the said Commissioners as last aforesaid, and upon such Appeal to establish or prove before such Judges that he had a Right or Title to erect or use such Weir, Net, or Contrivance, or any Part thereof, at the Time or in the Place where the same may have been so erected or used; and it shall be lawful for such Judges or one of them to hear and decide such Matter as aforesaid as if the same were an Appeal from an Order or Decision made by the said Commissioners for the Abatement as a Nuisance of such Weir, Net, or Contrivance, or any Part thereof, and thereupon to certify under their or his Hands or Hand their or his Decision whether such Party had or had not established or proved before them or him such Right or Title as aforesaid.

Appeal to Judge of Assize.

IV. Provided always, and be it enacted, That if any Person shall think himself aggrieved by any such Order or Decision of the said Commissioners such Person may appeal to the next going Judges of Assize at the Assizes to be held for the County, County of the City or Town, in which or on the Shore or Boundary of which any such Weir, Net, or Contrivance shall have been so erected or used, provided such Assizes shall be held at any Time not less than Thirty-one Days after the Time the said Commissioners shall have made any such Order or Decision; and in case such Assizes shall be held within Thirty-one Days from the Time of such Order or Decision, such Appeal shall be made to the Assizes to be held in and for such County, County of a City or Town, next after such First Assizes; and that no such Appeal shall be allowed, received, heard, or determined, unless the Party appealing shall, within Twenty-one Days from the Date of such Order or Decision of the said Commissioners, give Notice in Writing to the said Commissioners of his Intention to try such Appeal; and it shall be lawful to and for the said Judges of Assize or one of them to try the Subject Matter of the said Appeal, and decide whether the Party appealing had a Right to erect or use such Weir, Net, or Contrivance, or any Part thereof, at the Time or in the Place where the same may have been so erected or used: Provided always, that in case of such Appeal being made, and Notice given as aforesaid, the Materials of such Weir, Net, or Contrivance, or any Part thereof, as the Case may be, shall be deposited in the Custody of such Officer or Men of the Coast Guard or Constabulary, or with such other Party or Person as the said Commissioners may direct or appoint for the Purpose, there to remain and be kept until the Matter of such Appeal shall be decided as aforesaid, or until the Time for prosecuting the same shall have expired, and if such Decision shall be in favour of the Appellant such Materials shall thereupon be returned to such Appellant.

No Persons other than those entitled under 5 & 6 Vict. c. 106. to use Nets, &c. on the Coast of Ireland.

Penalty.

V. 'And whereas under the Provisions of the said first-recited Act the Right to use Stake Weirs, Stake 'Nets, Bag Nets, and other fixed Nets in the Sea and Tide-ways along the Coast of *Ireland* is defined 'and declared, and certain Persons are therein mentioned and specified as the Persons entitled to exercise 'such Right as aforesaid;' be it therefore enacted, That if any Person or Persons, other than the Persons entitled to exercise such Right as aforesaid under the Provisions of the said first-recited Act, shall erect, use, or fish with any Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance for placing or erecting Nets on any Parts of the Coast of *Ireland*, or in the Sea or Tide-ways adjoining the same, he or they shall for each Offence forfeit and pay a Sum not exceeding Ten Pounds, and such Weir, Net, or Contrivance shall also be forfeited, and ordered by the Magistrate before whom such Person or Persons may be convicted to be removed, at the Expence of the Offender, and the Materials thereof disposed of in like Manner as by said first-recited Act is directed in Cases of illegal Nets used, or legal Nets used illegally, for fishing.

Persons re-erecting or using Weirs decided to be illegal subject to a Penalty for each Day the same may remain, 5 & 6 Vict. c. 106. s. 22.

VI. And be it enacted, That if, after any such Order or Decision of the said Commissioners as is in this Act herein-before authorized to be made, unless and until the same shall be reversed on Appeal, any Person shall again erect or use any such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance, or any Part thereof, as aforesaid, in or adjoining or contiguous to any Place where it may have been ordered and decided by the said Commissioners that any such Weir, Net, or Contrivance, or any Part thereof, should be abated and removed, or if, contrary to the Provisions of the said first-recited Act, any Person shall erect, re-erect, or use any such Weir, Net, or Contrivance, or any Part thereof, after Conviction under the said Act of any Person for erecting, or under this Act for using or fishing with, any such Weir, Net, or Contrivance, or any Part thereof, in the same Place, or in, adjoining, or contiguous to the same, every such Person shall, in addition to the Penalties in and by the said Act or this Act prescribed, forfeit and pay a Sum not exceeding Twenty Pounds for every Day such Weir, Net, or Contrivance, or any Part thereof as aforesaid, shall remain so erected or used; and it shall be lawful to and for the said Commissioners, by Warrant under their Hands and Seals, from Time to Time and as often as any such Weir, Net, or Contrivance, or any Part thereof, as aforesaid, shall be so erected or used, to abate and remove the same.

Application to Presentment Sessions for Compensation for malicious Injury to legal Fishing Weirs. 6 & 7 W. 4. c. 116.

VII. And be it enacted, That in all Cases of maliciously or wantonly injuring or destroying any Weir, Net, or other Contrivance legally erected or used for taking Fish, any Person injured by any such Offence, and intending to apply for Compensation for any Loss or Damage sustained thereby, on serving the like Notices, lodging the like Application, and taking like Proceedings (as nearly as the Nature of the Case will admit) as in and by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, are respectively required

required in Cases of Applications for Compensation for malicious Injuries under the said last-mentioned Act, shall be entitled to make Application at Presentment Sessions as in and by the said Act provided as to Cases of malicious Injuries; and such Application having been considered and dealt with at such Presentment Sessions in the Manner in the said Act directed with regard to Applications for Compensation for malicious Injuries, it shall and may be lawful for the Grand Jury of the County, County of a City or County of a Town, in or on the Shores or Boundary of which or adjacent whereto such Injury shall have been sustained, and such Grand Jury are hereby required, either to disallow such Application altogether, or present such Sum or Sums of Money as the Person or Persons so injured ought to receive for such Injury or Damage, to be levied off such County, or such Barony, Parish, District, Townland, or Sub-denomination thereof, as the Grand Jury shall direct: Provided always, that such Application and Presentment shall be subject and liable to the like Traverse and all other Proceedings, and be subject to the like Regulations and Provisions, as by the said Act of the Sixth and Seventh Years of King *William* the Fourth any Application or Presentment for Compensation for malicious Injuries is subject and liable to under the said Act, and as if such Regulations and Provisions were herein repeated.

Grand Jury to adjudicate.

Traverse.

In case of Injury done on the Verge of Two or more Counties, the Amount may be apportioned thereon.

VIII. And be it enacted, That in case such malicious Injury as aforesaid shall be committed on the Verge or within the Distance of One Mile of the Boundary of any Two or more Counties, the Person or Persons who shall sustain such Injury may apply for Compensation in the Manner herein-before directed in either or any one of such neighbouring Counties, and all Proceedings shall be taken thereupon as herein-before provided, and in and by the said Act of the Sixth and Seventh Years of King *William* the Fourth directed; and in case any Sum or Sums of Money shall be presented by the Grand Jury of the County where such Application shall be made, or shall be finally awarded by the Verdict of any Jury, as and for Compensation to the Person or Persons applying as aforesaid, the Judge at the Assizes of such County shall have Power and Authority to apportion the Amount of such Compensation amongst such neighbouring Counties, and to direct the Proportion of the same which shall be paid by such Counties respectively, and shall certify the same accordingly, and such Presentment shall thereupon be diminished or Presentment made according to the Proportion which the said Judge shall direct to be paid by such County; and the Grand Jury or Grand Juries of the said other neighbouring County or Counties respectively shall and they are hereby required, on the Production of the Certificate of such Judge declaring the Proportion to be paid by such County or Counties, to present such Proportion to be raised in the Manner mentioned in the said Act of the Sixth and Seventh Years of King *William* the Fourth, and paid to the Person so applying: Provided always, that no such Presentment as aforesaid shall be considered as conferring or confirming any Title in or upon the Party making such Application as aforesaid.

Commissioners to define Distances from Mouths of Rivers.

IX. And be it enacted, That in all Cases where the said Commissioners, under the Provisions of the said first-recited Act, have heretofore defined or may hereafter define the Mouth or Entrance into the Sea of any River, it shall and may be lawful for the said Commissioners, in addition to such Definition and Determination as aforesaid, to define and determine the Points of Termination of the respective Distances prescribed by the said first-recited Act, and to illustrate and show by a Map or Plan, or otherwise as they may consider best, the said Points of Termination, and the Space or Spaces within which it is by the Provisions of the said first-recited Act prohibited to erect or use certain Fishing Weirs, Nets, or Engines, or to use or practise certain Modes of Fishing.

Additional Powers to enforce Observance of the weekly and other Close Times.

X. 'And whereas it is found expedient to give additional Powers to enforce the strict Observance of 'the weekly and other Close Times and Seasons in and by the said first-recited Act required to be 'observed and kept;' be it therefore enacted, That it shall and may be lawful for all Officers and Men of the Navy or Coast Guard Service, and of the Constabulary, and for any Person appointed by or acting under the Authority of the said Commissioners, when and as often as they or any of them shall, in any Fishing Weir, Net, or Contrivance, during the weekly or other Close Time or Season (as fixed under the Provisions of the said first-recited Act), find any Passage shut, closed, or obstructed, or during such Close Time in any Place find any Net or other Contrivance placed or used where the same are now by Law or may hereafter be prohibited by the said Commissioners, in pursuance of the Powers in them vested, or shall at any Time find any Obstruction in the Queen's Share or free Gap through or over any Fishing or other Weir, or in the Sluice Passages appurtenant to any Mill or Factory at any Time when the Sluice Gate of same shall be open, then and so often to open such Passages and remove all such Obstructions, doing no unnecessary Damage, and to seize and remove all Nets or Parts of Nets which may be found so as aforesaid placed or used contrary to the Provisions of the said first-recited Act or this Act: Provided always, that nothing herein contained or done in pursuance of the same shall exempt any Person from the Penalties and Forfeitures in and by the said first-recited Act prescribed in respect to any of the Matters aforesaid; and provided also, that none of the Parties or Persons hereby authorized to open such Passages or remove such Nets or Obstructions shall be liable for any Damage caused by the opening of such Passages, or Removal of such Nets or Obstructions, unless the same shall be unnecessarily, wantonly, or maliciously done.

Size of the Meshes of the Nets.

XI. 'And whereas it has been found that the Size of the Meshes of Nets (not made of Wood, Iron, 'or other rigid Materials,) for the taking of Salmon and Trout in the Sea and Tideways, and the Size of 'the Meshes of all Nets to be used in the inland and fresh-water Portions of Rivers, as fixed and 'prescribed by said first-recited Act, is too large, and permits the Escape of great Quantities of valuable 'Fish, as well as diminishes the Value of much of the Fish that may be taken;' be it therefore enacted, That so much of the said first-recited Act as fixes or prescribes the Size of the Meshes of any such Nets as aforesaid shall be and is hereby repealed, and that from and after the passing of this Act no Net, save

save as herein-after provided, for the taking of Salmon or Trout in the Sea, Estuaries, or Tideways, or for the taking of any Fish in the inland and fresh-water Portions of Rivers and Lakes, shall be used with a Mesh of less Size than One and three-quarter Inches from Knot to Knot, to be measured along the Side of the Square, or Seven Inches, to be measured all round each such Mesh, such Measurements being taken in the clear, when the Net is wet; and that if any Person shall use any Net contrary to this Provision, such Person shall be liable and subject to the Penalties and Forfeitures by said first-recited Act mentioned and prescribed in Cases of any Person using Nets with Meshes of less Size than the Size in the said Act prescribed and limited.

Commissioners may alter the Size of the Meshes in certain Localities.

XII. Provided always, and be it enacted, That it shall and may be lawful for the said Commissioners, by any Bye Law to be made in accordance with the Provisions of said first-recited Act, and for such Time as to them shall seem fit, to alter, in and for any particular District or Locality, the Size of the Meshes of the Nets as herein prescribed, and to permit the Use of Meshes of such other Size in the said District or Locality as the said Commissioners shall prescribe; and all Parties using Nets with Meshes of a less Size in such District or Locality than such as shall be so permitted and prescribed by the said Commissioners shall be subject and liable to like Penalties and Forfeitures as by said first-recited Act mentioned and prescribed in Cases of any Person using Nets with Meshes of a less Size than the Size prescribed by said first-recited Act.

Stamp Duty in Appointment of Water Bailiff.

XIII. And be it enacted, That the Appointment of each Water Bailiff under the Provisions of the said first-recited Act or this Act shall be subject to a Stamp Duty of Five Shillings, and to no higher Duty; any thing in any other Act or Acts to the contrary notwithstanding.

Power to prohibit the Use of Engines injurious to Fisheries.

XIV. And be it enacted, That it shall and may be lawful for the said Commissioners, from Time to Time, by any Bye Law made in pursuance of the Provisions of said first-recited Act (subject to such Penalties and Forfeitures as by the said first-recited Act they are empowered to impose for the Breach of any Bye Law), to prohibit the Use, at any Time or Season, of any Engine or Device for the Capture of Fish which, upon Inquiry had, the said Commissioners shall deem to be injurious to the Fisheries.

Commissioners may permit the Use of Trammel or other Nets during the Daytime.

XV. And be it enacted, That it shall and may be lawful for the said Commissioners (any thing in the said first-recited Act to the contrary notwithstanding) to make and ordain, in the Manner and under the Regulations in the said first-recited Act mentioned, any Bye Law authorizing the Use between Sunrise and Sunset of any Trammel or other Net on any Part of the Coasts of *Ireland*, or the Islands lying off the same, where such Trammel or other Nets may, in the Opinion of the said Commissioners, be used during the Daytime without Injury to the Fisheries.

Oyster Beds *below lowest Water of Spring Tide not to be deemed private Property, unless held by Charter or Prescription.*

XVI. And be it enacted and declared, That nothing in the said first-recited Act shall be construed to protect, as an exclusive Right or private Property, any Oyster Bed or Oyster Fishery lying below the Level of the lowest Water of Spring Tides, or to subject any Person to be deemed guilty of or to be indicted for Larceny for taking Oysters from any such Oyster Bed or Fishery, unless such Oyster Bed or Fishery shall be legally possessed and enjoyed by some Person by virtue of Charter, Grant, Patent, or Act of Parliament, in and by which such Oyster Bed or Fishery is specially granted, and the Limits thereof accurately described, or unless the same has been held and enjoyed by Prescription as an exclusive Right and private Property, within Limits clearly defined.

Power to make Oyster Beds.

XVII. 'And whereas the Cultivation and Improvement of the Oyster Fisheries may be greatly promoted by the Formation and Protection of artificial Oyster Beds or Layings of Oysters on the Shore, above the Level of the lowest Water of Spring Tides, and for this Purpose it is expedient to permit the Formation and Cultivation of such Oyster Beds, and to provide for the Protection of the same in such and the same Manner as by the said first-recited Act is provided for the making and Protection of Bait Beds;' be it therefore enacted, That it shall and may be lawful for the Owner or Occupier of any Land bordering on the Sea, or any Estuary, with the Permission in Writing of the said Commissioners, or for any Person or Persons, with the Consent of such Owner or Occupier, and with the Permission in Writing of the said Commissioners, to form or plant any Oyster Bed or Laying on the Shore adjacent to such Lands, and between high and lowest Water Mark of Spring Tides, and it shall be lawful for the several Persons forming or planting any such Oyster Bed or Laying to hold the same as private Property, and to exercise an exclusive Control over the same, and such Oyster Beds shall be entitled to the like Protection as by said Act is provided in case of any other Oyster Beds or Layings being the exclusive Property of any Person: Provided always, that the forming and planting of such Oyster Beds as aforesaid shall not give any exclusive Right or Title to the Occupancy of the said Shore, except for the Purpose aforesaid, or to the Appropriation of any public Banks or Beds at present resorted to for Oysters, but that the Rights herein-before granted and conferred are to be considered as exclusively applying to Places where no such public Oyster Beds at present exist; saving to the Queen's most Excellent Majesty, and all the Subjects of this Realm, the free and full Exercise and Enjoyment of all other Rights of Fishing or other Rights whatsoever in or along the said Shore, subject to the Provisions herein and in said recited Acts or any of them contained.

Persons stealing from such Beds guilty of Larceny.

XVIII. Provided also, and be it enacted, That if after the Formation and laying of such Oyster Beds as aforesaid any Person shall interfere with or take away any of the Oysters from such Bed, without the Consent of the Owners or Occupiers of such Bed, every Person so offending shall be deemed guilty of Larceny, and being convicted thereof shall be punished accordingly.

Power to dredge during Part of Close Time for Oysters to supply Beds.

XIX. And be it enacted, That for the Purpose of replenishing and supplying such artificial Oyster Beds or Layings, or other Beds and Layings the exclusive Property of any Person or Persons, but for no other Purpose whatsoever, it shall and may be lawful for any Person to dredge for and take Oysters from

from any natural public Bed lying below the Level of the lowest Water of Spring Tides, during such Part only of the Close Season as now fixed or hereafter to be fixed under the Provisions of said first-recited Act, as the said Commissioners shall upon Inquiry think fit to appoint for such Purpose, for or in any District or Place: Provided always, that if any Oysters dredged or taken during such Part of the Close Season shall be brought to Shore, or sold or offered for Sale, or be found in the Possession of any Person on Land, or be used for any other Purpose than the replenishing or supplying any such artificial or other Bed as aforesaid, every Person so offending shall forfeit all such Oysters, and be subject and liable to the same Penalties and Forfeitures as by said first-recited Act prescribed in Cases of Offences against the Provisions of the said first-recited Act for the Observance of the Close Season in respect to Oysters.

Commissioners to make Bye Laws for Improvement of Oyster Fisheries.

XX. And be it enacted, That it shall and may be lawful for the said Commissioners from Time to Time to make and ordain, in the Manner and with and under the Powers and Regulations in the said first-recited Act mentioned, such Bye Laws, Rules, and Regulations as to them the said Commissioners shall seem expedient, to prevent the Destruction or Removal from the natural Beds of small unsizable Oysters, and to fix by any such Bye Laws, Rules, or Regulations the Size or Dimensions of the smallest Oysters which may be removed from such Beds, and to appoint such Means to be adopted in the dredging and culling of the Oysters on the Fishing Grounds as will secure the Return to the Sea of all Oysters of less Dimensions than those to be so fixed, and during any Part of the Close Time, or in Places where in pursuance of said second-recited Act dredging for Oysters shall be prohibited for a certain Period, to prohibit, if they shall so think fit, that any Boat shall have on board a Dredge or other Implements for the taking of Oysters, and to make such other Rules and Regulations as to them shall seem fit for the Increase, Improvement, and Protection of the Oyster Fisheries.

Proprietors of Oyster Beds may appoint Water Bailiffs.

XXI. And be it enacted, That it shall and may be lawful for any Proprietor or Tenant of any Oyster Bed or Laying, or for any associated Body of Persons interested in the Protection and Improvement of any Oyster Fishery, to appoint, in the same Manner and subject to the same Restrictions and Provisions as in and by the said first-recited Act and this Act are provided for the Appointment of Water Bailiffs, any Person or Persons to be a Water Bailiff or Water Bailiffs for the Protection of any such Oyster Fishery, and for the due Enforcement of the Provisions of the said recited Acts and this Act in respect of the same, and of the Bye Laws, Rules, and Regulations now or hereafter to be made by said Commissioners in relation thereto; and the Water Bailiffs so to be appointed shall have and may exercise and use all and every the same Powers and Authorities, and have the same Privileges as by the said recited Acts or this Act are vested in or given to the Water Bailiffs appointed or to be appointed thereunder, so far as the same may be necessary for the Purposes aforesaid.

Decisions and Judgments of Commissioners to be recorded, and Copies to be Evidence.

XXII. And be it enacted, That all Orders and Decisions, Judgments and Definitions, which shall be made, pronounced, or given by the said Commissioners under the Provisions of the said recited Acts or this Act, shall be recorded in the Office of the said Commissioners, and a Copy of each such Order, Decision, Judgment, or Definition (as the Case may be) shall be deposited with the Clerk or Clerks of the Peace for the County or Counties to any Part of which, or the Sea bordering on which or any Part of which, the same shall relate or apply; and in all Cases where it shall hereafter become necessary to prove any such Order, Decision, Judgment, or Definition in any Court of Law or Justice, or elsewhere, a Copy obtained from the Office of any Clerk of the Peace with whom the same may be lodged, and certified by him to be a true Copy thereof, shall be received and taken as full and sufficient Evidence of the Existence of any such Order, Decision, Judgment, or Definition; and any such Order or Decision, Judgment or Definition, shall not be quashed, set aside, or adjudged void or insufficient for Want of Form only, and shall not be liable to be removed by Certiorari or otherwise into Her Majesty's Court of Queen's Bench, or any other of Her Majesty's Courts of Record in *Dublin*.

Penalties and Forfeitures to be recovered and applied as directed by 5 & 6 Vict. c. 106.

XXIII. And be it enacted, That the several Penalties, Forfeitures, and Expences directed or empowered to be imposed, levied, recovered, or enforced under the Provisions of the said recited Act of the Seventh and Eighth Years of the Reign of Her present Majesty or this Act, or by any Bye Law, Rule, or Regulation made or to be made by the said Commissioners in pursuance of the said recited Acts or this Act, may be recovered, levied, enforced, and applied in like Manner and by such Ways and Means as are provided by the said first-recited Act of the Fifth and Sixth Years of the Reign of Her present Majesty as to the Penalties, Forfeitures, and Expences imposed or provided thereby.

Commissioners to have same Powers, &c. under this Act as under 5 & 6 Vict. c. 106.

XXIV. And be it enacted, That the said Commissioners shall, as to all Matters and Things done or to be done under the Provisions of the said Act of the Seventh and Eighth Years of Her Majesty, or this Act, have, use, and exercise the like Powers and Authorities and have the like Privileges as are by the said first-recited Act of the Fifth and Sixth Years of Her Majesty vested in or given to the Commissioners of Public Works, or any of them, under the said first-recited Act.

Interpretation of Words in this Act.

XXV. And be it enacted, That the said herein-recited Acts of the Fifth and Sixth Years of Her Majesty's Reign and of the Seventh and Eighth Years of Her Majesty's Reign shall continue and be in full Force and Effect, save and except so far as the same are or either of them is altered by or inconsistent with any of the Provisions of this Act, and that the said Acts and this Act shall be construed together as One Act; and that in the Construction of this Act, except where the Nature of the Provisions or the Context of this Act shall exclude such Construction, the Words "Net," "Salmon," "Vessel," "River," "Person," "Proprietor," "County," and "Estuary," shall be construed to have the Meaning and extend and be applied as in the said first herein-recited Act is directed and provided; and the Words "said Commissioners," in the said recited Acts or this Act, shall be construed and mean and extend

extend and be applied to the Commissioners of Public Works for the Time being and any Commissioner to be appointed under this Act, or any One or more of them; and the Expression "Judge of Assize" shall, as to Cases arising in the County of *Dublin* or County of the City of *Dublin*, mean and include a Judge of any of Her Majesty's Superior Law Courts of Record in *Dublin* at Nisi Prius at the Sittings next after the pronouncing of any Order or Decision appealed from, or if such Sittings shall commence within Twenty-one Days after the pronouncing of any such Order or Decision, then at the Sittings next but one from the pronouncing of such Order or Decision; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Words "Close Time" or "Close Season" shall, when used in the said Acts or this Act, be construed to mean the Time or Season within which it is or may be prohibited to fish for, take, or destroy, by certain specified Means, or by any Means whatsoever, as the Case may be, any of the particular Kinds of Fish prohibited to be fished for or taken by such specified Means, or by any Means, as the Case may be, during such Time or Season.

"Salmon" to include Pollen or Fresh-water Herring.

XXVI. And be it enacted, That the Word "Salmon" in the said recited Acts and this Act shall also mean and be construed to extend to and include the Fish called Pollen or Fresh-water Herring, and the Fry and Spawn thereof; and all the Provisions of the said recited Acts and this Act for the Protection and Regulation of the Salmon Fisheries shall extend to and include such Pollen, save and except that the Close Season for said Pollen shall be the same as that fixed by said first-recited Act for Trout, unless such Close Season for Pollen shall be altered by the said Commissioners in pursuance of the Powers vested in them for altering the Close Time of any District, Lake, or River; and during the open fishing Time for such Pollen it shall be lawful that the same may be fished for or taken by such Nets or other Means as the said Commissioners shall authorize, sanction, or direct.

Alteration of Act.

XXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

C A P. CIX.

An Act to amend the Law concerning Games and Wagers. [8th *August* 1845.]

'WHEREAS the Laws heretofore made in restraint of unlawful Gaming have been found of no 'Avail to prevent the Mischiefs which may happen therefrom, and also apply to sundry Games 'of Skill from which the like Mischiefs cannot arise:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act passed in the Thirty-third Year of the Reign of King *Henry* the Eighth, intituled *The Bill for maintaining Artillery, and the debarring of unlawful Games*, whereby any Game of mere Skill, such as Bowling, Coyting, Cloyshcayls, Half Bowl, Tennis, or the like, is declared an unlawful Game, or which enacts any Penalty for playing at any such Game of Skill as aforesaid, or which enacts any Penalty for lacking Bows or Arrows, or for not making and continuing Butts, or which regulates the making, selling, or using of Bows and Arrows, and also so much of the said Act as requires the Mayors, Sheriffs, Bailiffs, Constables, and other head Officers within every City, Borough, and Town within this Realm, to make search weekly, or at the farthest Once a Month, in all Places where Houses, Alleys, Plays, or Places of Dicing, Carding, or Gaming shall be suspected to be had, kept, and maintained, shall be repealed, and also so much of the said Act as makes it lawful for every Master to license his or their Servants, and for every Nobleman and other having Manors, Lands, Tenements, or other yearly Profits for Term of Life, in his own Right or in his Wife's Right, to the yearly Value of an Hundred Pounds or above, to command, appoint, or license, by his or their Discretion, his or their Servants or Family of his or their House or Houses to play at Cards, Dice, or Tables, or any unlawful Game, as therein more fully set forth, shall be repealed; and that no such Commandment, Appointment, or Licence shall avail any Person to exempt him from the Danger or Penalty of playing at any unlawful Game or in any common Gaming House.

Repeal of Part of 33 H. 8. c. 9.

What shall be sufficient Evidence that a House is a common Gaming House.

II. 'And whereas Doubts have arisen whether certain Houses, alleged or reputed to be opened for 'the Use of the Subscribers only, or not open to all Persons desirous of using the same, are to be 'deemed common Gaming Houses;' be it declared and enacted, That, in default of other Evidence proving any House or Place to be a common Gaming House, it shall be sufficient, in support of the Allegation in any Indictment or Information that any House or Place is a common Gaming House, to prove that such House or Place is kept or used for playing therein at any unlawful Game, and that a Bank is kept there by One or more of the Players exclusively of the others, or that the Chances of any Game played therein are not alike favourable to all the Players, including among the Players the Banker or other Person by whom the Game is managed, or against whom the other Players stake, play, or bet; and every such House or Place shall be deemed a common Gaming House such as is contrary to Law and forbidden to be kept by the said Act of King *Henry* the Eighth, and by all other Acts containing any Provision against unlawful Games or Gaming Houses.

Power of Justices may be exercised under Warrant.

III. And be it enacted, That in every Case (except within the Metropolitan Police District) in which the Justices of Peace in every Shire, and Mayors, Sheriffs, Bailiffs, and other head Officers within every City, Town, and Borough, within this Realm, now have by Law Authority to enter into any House, Room,

Room, or Place where unlawful Games shall be suspected to be holden, it shall be lawful for any Justice of the Peace, upon Complaint made before him on Oath that there is Reason to suspect any House, Room, or Place to be kept or used as a common Gaming House, to give Authority, by special Warrant under his Hand, when in his Discretion he shall think fit, to any Constable, to enter, with such Assistance as may be found necessary, into such House, Room, or Place, in like Manner as might have been done by such Justices, Mayors, Sheriffs, Bailiffs, or other head Officers, and, if necessary, to use Force for making such Entry, whether by breaking open Doors or otherwise, and to arrest, search, and bring before a Justice of Peace all such Persons found therein as might have been arrested therein by such Justice of Peace had he been personally present; and all such Persons shall be dealt with according to Law, as if they had been arrested in such House, Room, or Place by the Justice before whom they shall be so brought; and any such Warrant may be in the Form given in the First Schedule annexed to this Act.

Penalties on Gaming House Keepers, &c.

IV. And be it enacted, That the Owner or Keeper of any common Gaming House, and every Person having the Care or Management thereof, and also every Banker, Croupier, and other Person who shall act in any Manner in conducting the Business of any common Gaming House, shall, on Conviction thereof, by his own Confession, or by the Oath of One or more credible Witnesses, before any Two Justices of the Peace, beside any Penalty or Punishment to which he may be liable under the Provisions of the said Act of King *Henry* the Eighth, be liable to forfeit and pay such Penalty, not more than One hundred Pounds, as shall be adjudged by the Justices before whom he shall be convicted, or, in the Discretion of the Justices before whom he shall be convicted, may be committed to the House of Correction, with or without hard Labour, for any Time not more than Six Calendar Months; and on Nonpayment of any Penalty so adjudged, and of the reasonable Costs and Charges attending the Conviction, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of One of the convicting Justices: Provided always, that nothing herein contained shall prevent any Proceeding by Indictment against the Owner or Keeper or other Person having the Care or Management of a common Gaming House; but no Person who shall have been summarily convicted of any such Offence shall be liable to be proceeded against by Indictment for the same Offence.

Proof of Gaming for Money, &c. not necessary for Informations.

V. And be it enacted, That it shall not be necessary, in support of any Information for Gaming in, or suffering any Games or Gaming in, or for keeping or using, or being concerned in the Management or Conduct of a common Gaming House, to prove that any Person found playing at any Game was playing for any Money, Wager, or Stake.

Commissioners of Police may authorize Superintendent, &c. to enter Gaming Houses and seize all Instruments of Gaming and take into Custody all Persons found therein.

VI. And be it enacted, That if any Superintendent belonging to the Metropolitan Police Force shall report in Writing to the Commissioners of Police of the Metropolis that there are good Grounds for believing, and that he does believe, that any House, Room, or Place within the Metropolitan Police District is kept or used as a common Gaming House, it shall be lawful for either of the said Commissioners, by Order in Writing, to authorize the Superintendent to enter any such House, Room, or Place, with such Constables as shall be directed by the Commissioner to accompany him, and, if necessary, to use Force for the Purpose of effecting such Entry, whether by breaking open Doors or otherwise, and to take into Custody all Persons who shall be found therein, and to seize all Tables and Instruments of Gaming found in such House or Premises, and also to seize all Monies and Securities for Money found therein.

Police Superintendent may search for Instruments of Gaming.

VII. And be it enacted, That it shall be lawful for the Police Superintendent making such Entry as aforesaid in obedience to any such Order of One of the Commissioners of Police of the Metropolis, with the Assistance of any Constable or Constables accompanying him, to search all Parts of the House, Room, or Place which he shall have so entered where he shall suspect that Tables or Instruments of Gaming are concealed, and all Persons whom he shall find therein, and to seize all Tables and Instruments of Gaming which he shall so find.

What shall be deemed Evidence of Gaming.

VIII. And be it enacted, That where any Cards, Dice, Balls, Counters, Tables, or other Instruments of Gaming used in playing any unlawful Game shall be found in any House, Room, or Place suspected to be used as a common Gaming House, and entered under a Warrant or Order issued under the Provisions of this Act, or about the Person of any of those who shall be found therein, it shall be Evidence, until the contrary be made to appear, that such House, Room, or Place is used as a common Gaming House, and that the Persons found in the Room or Place where such Tables or Instruments of Gaming shall have been found were playing therein, although no Play was actually going on in the Presence of the Superintendent or Constable entering the same, under a Warrant or Order issued under the Provisions of this Act, or in the Presence of those Persons by whom he shall be accompanied as aforesaid; and it shall be lawful for the Police Magistrate or Justices before whom any Person shall be taken by virtue of the Warrant or Order to direct all such Tables and Instruments of Gaming to be forthwith destroyed.

Indemnity of Witnesses.

IX. And for the more effectual Prosecution of the Keepers of common Gaming Houses, be it enacted, That every Person who shall have been concerned in any unlawful Gaming, and who shall be examined as a Witness by or before any Police Magistrate or Justice of the Peace, or on the Trial of any Indictment or Information against the Owner or Keeper or other Person having the Care or Management of any common Gaming House, touching such unlawful Gaming, and who upon such Examination shall make true and faithful Discovery to the best of his or her Knowledge of all Things as to which he or she shall be so examined, and shall thereupon receive from the Magistrate or Justice of the Peace or Judge of the Court by or before whom he or she shall be so examined a Certificate in Writing to

that

that Effect, shall be freed from all Criminal Prosecutions, and from all Forfeitures, Punishments, and Disabilities, to which he or she may have become liable for any thing done before that Time in respect of such unlawful Gaming.

Justices may grant Billiard Licences at Licensing Sessions.

X. And be it enacted, That the Justices in every Division, District, and Place in *England* for which a Special Session of the Justices of the Peace (called the General Annual Licensing Meeting) is holden annually for granting Licences to Persons keeping or being about to keep Inns, Alehouses, and Victualling Houses to sell exciseable Liquors by Retail, to be drunk or consumed on the Premises therein specified, shall have Authority at such General Annual Licensing Meeting, or at any Adjournment thereof, to grant Billiard Licences to such Persons as the said Justices shall in their Discretion deem fit and proper to keep public Billiard Tables and Bagatelle Boards, or Instruments used in any Game of the like Kind, and at the Special Sessions holden for transferring Licences to keep Inns shall have Authority to transfer such Billiard Licences to such other Persons as they in their Discretion shall deem fit and proper to continue to hold the same, and who in each Case shall be required to give the like Notice of their Intention to apply for such Billiard Licence, and entitled to receive the like Notice of the Licensing Days as is required in the Case of Persons intending to apply for a Licence or the Transfer of a Licence to sell exciseable Liquors by Retail to be drunk or consumed on the Premises, or as near thereto as the Case will allow; and every such Billiard Licence shall be in the Form given in the Third Schedule annexed to this Act, and shall continue in force in the Counties of *Middlesex* and *Surrey* from the Fifth Day of *April*, and elsewhere from the Tenth Day of *October*, after the granting thereof, for One whole Year thence respectively next ensuing, and no longer; and the Clerk of the Justices shall be entitled to demand and receive from every Person licensed under this Act, for the Petty Constable or other Peace Officer, for serving Notices and other Services required of him, the Sum of One Shilling, and for the Clerk of the Justices, for the Licence, the Sum of Five Shillings; and every Clerk who shall demand or receive from any Person for such Fees more than the said Sums, being together Six Shillings, shall for every such Offence, on Conviction before One Justice, forfeit and pay the Sum of Five Pounds.

Places kept for public Billiard Tables to be licensed.

9 G. 4. c. 61.

Notice that such Places are licensed for Billiards to be put up.

XI. And be it enacted, That after the Fifth Day of *April* in the Year One thousand eight hundred and forty-six, in the Counties of *Middlesex* and *Surrey*, and elsewhere after the Tenth Day of *October* next after the passing of this Act, every House, Room, or Place kept for public Billiard Playing, or where a public Billiard Table or Bagatelle Board, or Instrument used in any Game of the like Kind, is kept, at which Persons are admitted to play, except in Houses or Premises specified in any Licence granted under an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in* England, herein-after called a Victualler's Licence, shall be licensed under this Act; and after the said Fifth Day of *April* in *Middlesex* and *Surrey*, and elsewhere after the said Tenth Day of *October*, every Person keeping any such public Billiard Table or Bagatelle Board, or Instrument used in any Game of the like Kind for public Use, without being duly licensed so to do, and not holding a Victualler's Licence for the House or Premises where such Billiard Table, Bagatelle Board, or other Instrument as aforesaid is kept or used, and also every Person licensed under this Act who shall not during the Continuance of such Billiard Licence put and keep up the Words "Licensed for Billiards," legibly printed in some conspicuous Place near the Door and on the Outside of the House specified in the Licence, shall be liable to be proceeded against as the Keeper of a common Gaming House, and, beside any Penalty or Punishment to which he may be liable if convicted of keeping a common Gaming House, shall, on Conviction of keeping such unlicensed Billiard Table, Bagatelle Board, or other Instrument as aforesaid, by his own Confession, or by the Oath of One or more credible Witnesses before any Police Magistrate or any Two Justices of the Peace, be liable to pay such Penalty, not more than Ten Pounds for every Day on which such Billiard Table, Bagatelle Board, or Instrument as aforesaid shall be used, as shall be adjudged by the Magistrate or Justices before whom he shall be convicted, or, in the Discretion of the Magistrate or Justices, may be committed to the House of Correction with or without hard Labour, for any Time not more than One Calendar Month; and on Nonpayment of any Penalty so adjudged, and of the reasonable Costs and Charges of the Conviction, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of the Magistrate or One of the convicting Justices; but no Person who shall have been summarily convicted of any such Offence shall be liable to be further proceeded against by Indictment for the same Offence.

Penalties for Offences against Tenor of Licences.

XII. And be it enacted, That every Person licensed under this Act who shall be convicted before a Police Magistrate or Two Justices acting in and for the Division or Place in which shall be situated the House kept or theretofore kept by such Person of any Offence against the Tenor of the Licence to him granted, shall be liable to the same Penalties and Punishments in the Case of a First, Second, or Third Offence respectively to which Persons licensed under an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in* England, are respectively liable on Conviction of a First, Second, or Third Offence against the Tenor of the Licence granted to them under the last-recited Act, or as near thereunto as the Nature of the Case will allow; and all the Provisions of the last-recited Act with respect to Convictions and Penalties for Offences against the last-recited Act, and the Proceedings for enforcing the same, and to the Expences of Prosecution and Penalties on Witnesses for not attending, and the Recovery and Application of Penalties, and the Proceedings on Appeals against Convictions, and the Award of Costs on Appeals, and in Actions against Justices, Constables, or other Persons for any thing done in execution of the last-recited Act, shall be deemed to apply, so far as they are applicable, to Convictions

victions for Offences against the Tenor of the Licences granted under this Act, and to the Proceedings consequent thereupon or connected therewith, as if they were herein re-enacted.

When Billiard Playing shall not be allowed.

XIII. And be it enacted, That every Person keeping any public Billiard Table or Bagatelle Board, or Instrument used in any Game of the like Kind, whether he be the Holder of a Victualler's Licence or licensed under this Act, who shall allow any Person to play at such Table, Board, or Instrument after One and before Eight of the Clock in the Morning of any Day, or at any Time on *Sundays*, *Christmas Day*, or *Good Friday*, or any Day appointed to be kept as a Public Fast or Thanksgiving; and every Person holding a Victualler's Licence who shall allow any Person to play at such Table, Board, or Instrument kept on the Premises specified in such Victualler's Licence at any Time when such Premises are not by Law allowed to be open for the Sale of Wine, Spirits, or Beer, or other fermented or distilled Liquors, shall be liable to the Penalties herein provided in the Case of Persons keeping such public Billiard Table, Bagatelle Board, or Instrument as aforesaid for public Use without Licence; and during those Times when Play at such Table, Board, or Instrument is not allowed by this Act every House licensed under this Act, and every Billiard Room in every House specified in any Victualler's Licence, shall be closed, and the keeping of the same open, or allowing any Person to play therein or thereat, at any of the Times or on any of the Days during which such Play is not allowed by this Act shall be deemed in each Case an Offence against the Tenor of the Licence of the Person so offending.

Empowering Constables to visit licensed Houses.

XIV. And be it enacted, That it shall be lawful for all Constables and Officers of Police to enter into any House, Room, or Place where any public Table or Board is kept for playing at Billiards, Bagatelle, or any Game of the like Kind, when and so often as such Constables and Officers shall think proper; and every Person licensed under the said Act of the Ninth Year of the Reign of King *George* the Fourth, or under this Act, who shall refuse to admit or who shall not admit any such Constable or Officer of Police into such House, Room, or Place shall, on Conviction thereof before a Police Magistrate or any Two Justices of the Peace, be deemed guilty of an Offence against the Tenor of his Licence, whether the same be a Billiard Licence or a Victualler's Licence, and in the Case of a First, Second, Third, or subsequent Offence shall be punished accordingly.

Repeal of 16 Car. 2. c. 7. 10 W. 3. (I.) 9 Anne, c. 14. 11 Anne, (I.) 5 & 6 W. 4. c. 41. and Part of 18 G. 2. c. 34.

XV. And be it enacted, That an Act passed in the Sixteenth Year of the Reign of King *Charles* the Second, and an Act passed by the Parliament of *Ireland* in the Tenth Year of the Reign of King *William* the Third, each of such Acts being intituled *An Act against deceitful, disorderly, and excessive Gaming*, and so much of an Act passed in the Ninth Year of the Reign of Queen *Anne*, and of an Act passed by the Parliament of *Ireland* in the Eleventh Year of the same Reign, each of such Acts being intituled *An Act for the better preventing of excessive and deceitful Gaming*, as was not altered by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and certain other illegal Transactions*, and so much of an Act passed in the Eighteenth Year of the Reign of King *George* the Second, intituled *An Act to explain, amend, and make more effectual the Laws in being to prevent excessive and deceitful Gaming, and to restrain and prevent the excessive Increase of Horse Races*, as relates to the first-recited Act of Queen *Anne*, or as renders any Person liable to be indicted and punished for winning or losing, at Play or by Betting, at any One Time, the Sum or Value of Ten Pounds, or within the Space of Twenty-four Hours the Sum or Value of Twenty Pounds, shall be repealed, except as to any Penalties incurred on or before the Fifth Day of *March* in the Year One thousand eight hundred and forty-four, for recovering which any Suit shall have been commenced before the said Fifth Day of *March*, and the Proceedings for Recovery and Application of the same.

Pending Actions and Informations to be discontinued.

XVI. And be it enacted, That after the passing of this Act it shall be lawful for any Person or Persons against whom any Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, for the Recovery of any pecuniary Penalty or Penalties incurred on or before the Day of the passing of this Act, under the Provisions of any Act herein-before amended or repealed, to apply to the Court in which such Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, or to any Judge of any of the Superior Courts at *Westminster*, for an Order that such Action, Bill, Plaint, or Information shall be discontinued, upon Payment of the Costs thereof which were incurred on or before the Fifth Day of *March* in the Year One thousand eight hundred and forty-four, such Costs to be taxed according to the Form of such Court; and every such Court or Judge, upon such Application, shall make such Order as aforesaid; and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Action, Bill, Plaint, or Information shall be forthwith discontinued.

Cheating at Play to be punished as obtaining Money by false Pretences.

XVII. And be it enacted, That every Person who shall, by any Fraud, or unlawful Device or ill Practice in playing at or with Cards, Dice, Tables, or other Game, or in bearing a Part in the Stakes, Wagers, or Adventures, or in betting on the Sides or Hands of them that do play, or in wagering on the Event of any Game, Sport, Pastime, or Exercise, win from any other Person to himself, or any other or others, any Sum of Money or valuable Thing, shall be deemed guilty of obtaining such Money or valuable Thing from such other Person by a false Pretence, with Intent to cheat or defraud such Person of the same, and, being convicted thereof, shall be punished accordingly.

Wagers not recoverable at Law.

XVIII. And be it enacted, That all Contracts or Agreements, whether by Parole or in Writing, by way of gaming or wagering, shall be null and void; and that no Suit shall be brought or maintained in any Court of Law or Equity for recovering any Sum of Money or valuable Thing alleged to be won upon any Wager, or which shall have been deposited in the Hands of any Person to abide the Event on which any Wager shall have been made: Provided always, that this Enactment shall not be deemed to apply to any Subscription or Contribution, or Agreement to subscribe or contribute, for or toward any Plate,

Plate, Prize, or Sum of Money to be awarded to the Winner or Winners of any lawful Game, Sport, Pastime, or Exercise.

Proceedings under feigned Issues abolished.

XIX. 'And whereas many important Questions are now tried in the Form of feigned Issues, by 'stating that a Wager was laid between Two Parties interested in respectively maintaining the Affirma- 'tive and the Negative of certain Propositions; but such Questions may be as satisfactorily tried without 'such Form;' be it therefore enacted, That in every Case where any Court of Law or Equity may desire to have any Question of Fact decided by a Jury it shall be lawful for such Court to direct a Writ of Summons to be sued out, by such Person or Persons as such Court shall think ought to be Plaintiff or Plaintiffs, against such Person or Persons as such Court shall think ought to be Defendant or Defendants therein, in the Form set forth in the Second Schedule to this Act annexed, with such Alterations or Additions as such Court may think proper; and thereupon all the Proceedings shall go on and be brought to a close in the same Manner as is now practised in Proceedings under a feigned Issue.

Appeal to Quarter Sessions.

XX. And be it enacted, That any Person who shall be summarily convicted under this Act may appeal to the next General or Quarter Session of the Peace to be holden for the County or Place wherein the Cause of Complaint shall have arisen, provided that such Person at the Time of the Conviction, or within Forty-eight Hours thereafter, shall enter into a Recognizance, with Two sufficient Securities, conditioned personally to appear at the said Session to try such Appeal, and to abide the further Judgment of the Court at such Session, and to pay such Costs as shall be by the last-mentioned Court awarded; and it shall be lawful for the Magistrate or Justices by whom such Conviction shall have been made to bind over the Witnesses who shall have been examined in sufficient Recognizances to attend and be examined at the hearing of such Appeal; and that every such Witness, on producing a Certificate of being so bound, under the Hand of the said Magistrate or Justices, shall be allowed Compensation for his or her Time, Trouble, and Expences in attending the Appeal, which Compensation shall be paid in the first instance by the Treasurer of the County or Place, in like Manner as in Cases of Misdemeanor, under the Provisions of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in* England, and in case the Appeal shall be dismissed, and the Order or Conviction affirmed, the reasonable Expences of all such Witnesses attending as aforesaid, to be ascertained by the Court, shall be repaid to the said Treasurer by the Appellant. 7 G. 4. c. 64.

Distress not unlawful for Want of Form.

XXI. And be it enacted, That when any Distress shall be made for any Money to be levied by virtue of the Warrant of any Justice under this Act, the Distress shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Warrant of Apprehension, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser from the Beginning on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action on the Case in any of Her Majesty's Courts of Record.

Plaintiff not to recover after Tender of Amends.

XXII. And be it enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Authority hereby given, if Tender of sufficient Amends shall have been made, by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit; whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Limitation of Actions.

XXIII. And be it enacted, That no Action, Suit, or Information, or any other Proceeding, of what Nature soever, shall be brought against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Authorities under this Act, unless Notice in Writing shall be given by the Party intending to prosecute such Suit, Information, or other Proceeding to the intended Defendant, One Calendar Month at least before prosecuting the same, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Three Calendar Months next after the Act or Omission complained of, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing such Damage shall have ceased.

Construction of Terms.

XXIV. And be it enacted, That in *Ireland* the Term "Metropolitan Police Force," and the Terms "Commissioners of the Police of the Metropolis," and the Terms "Metropolitan Police District," shall mean and include respectively the *Dublin* Metropolitan Police Force, the Commissioners of Police of *Dublin* Metropolis, and the Police District of *Dublin* Metropolis.

Conviction, &c. not to be quashed for Informality, &c.

XXV. And be it enacted, That no Information, Conviction, or other Proceeding before or by any Justice or Justices under this Act shall be quashed or set aside, or adjudged void or insufficient, for Want of Form, or be removed by Certiorari into Her Majesty's Court of Queen's Bench.

Alteration of Act.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

The

The FIRST SCHEDULE to which the foregoing Act refers.

Form of Warrant.

County of } To the Constable

WHEREAS it appears to me, *J.P.*, One of the Justices of our Lady the Queen, assigned to keep the Peace in the said County, by the Information on Oath of *A. B.* of in the County of , Yeoman, that the House [Room *or* Place] known as [*here insert a Description of the House, Room, or Place by which it may be readily known and found*], is kept and used as a common Gaming House within the Meaning of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*]:

This is, therefore, in the Name of our Lady the Queen, to require you, with such Assistants as you may find necessary, to enter into the said House [Room *or* Place], and, if necessary, to use Force for making such Entry, whether by breaking open Doors or otherwise, and there diligently to search for all Instruments of unlawful Gaming which may be therein, and to arrest, search, and bring before me, or some other of the Justices of our Lady the Queen assigned to keep the Peace within the County of as well the Keepers of the same as also the Persons there haunting, resorting, and playing, to be dealt with according to Law; and for so doing this shall be your Warrant.

J.P. (L.S.)

Given under my Hand and Seal at in the County of this Day of in the Year of the Reign of

The SECOND SCHEDULE to which the foregoing Act refers.

In the Court of Queen's Bench [Common Pleas, *or* Exchequer, *or in any inferior Court, as the Case may be*].

Middlesex to wit [*or such other County as may be directed*].

WHEREAS *A. B.* affirms, and *C. D.* denies [*here state fully the Fact or Facts in issue*] and the Lord Chancellor [*or such other Court, &c.*] is desirous of ascertaining the Truth by the Verdict of a Jury, and both Parties pray that the same may be inquired of by the Country. Now let a Jury, *&c.*

The THIRD SCHEDULE to which the foregoing Act refers.

Form of Licence.

AT the General Licensing Annual Meeting [*or* an Adjournment of the General Annual Licensing Meeting, *or* at a Special Petty Session] of Her Majesty's Justices of the Peace acting for the Division [*or* Liberty, *&c., as the Case may be,*] of in the County of holden at on the Day of in the Year for the Purpose of granting Billiard Licences, we being of Her Majesty's Justices of the Peace acting for the said County [*or* Liberty, *&c., as the Case may be*], and being the Majority of those assembled at the said Session, do hereby authorize and empower *A. L.* now dwelling at in the Parish of to keep a House for public Billiard playing at [*here specify the House*], provided that he [*or* she] put and keep up the Words "Licensed for Billiards" legibly printed in some conspicuous Place near the Door and on the Outside of the said House, and do not wilfully or knowingly permit Drunkenness or other disorderly Conduct in the said House, and do not knowingly allow the Consumption of exciseable Liquors therein by the Persons resorting thereto, and do not knowingly suffer any unlawful Games therein, and do not knowingly suffer Persons of notoriously bad Character to assemble and meet together therein, and do not open the said House for Play or allow any Play therein after One and before Eight of the Clock in the Morning, or keep it open or allow any Play therein on Sundays, Christmas Day, or Good Friday, or on any Day appointed for a public Fast or Thanksgiving, but do maintain good Order and Rule therein: And this Licence shall continue in force from the Day of next, until the Day of then next following, and no longer.

Given under our Hands and Seals on the Day and at the Place first written.

CAP. CX.

An Act for the better collecting Borough and Watch Rates in certain Places.

[8th *August* 1845.]

5 & 6 W. 4. c. 76.

'WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, Authority was given to the Councils of Boroughs in certain Cases to levy Borough Rates, and also Watch Rates, for the Purposes of the said Act: And whereas the Powers and Directions given by the said Act, and certain other Acts relating thereto, for the levying, assessing, and collecting such Borough Rates and Watch Rates, are found to be insufficient for that Purpose:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case in which any Parish or Place liable to support its own Poor, or any extra-parochial Place, shall lie partly within and

Overseers for Parts of Parishes and Places

and partly without any such Borough, and the Council of such Borough hath appointed or hereafter shall appoint One or more Persons to act as Overseer or Overseers within that Part of such Parish or Place, or those Parts of such Parishes or Places, which is or are within the same Borough, for making, levying, and collecting Borough Rates or Watch Rates made or hereafter to be made therein, the Person or Persons so appointed shall be empowered to levy and raise, by an equal Rate or Assessment upon all the Property within each of the Parts of Parishes or Places respectively for which he or they shall be so appointed, which, if such Part were a Parish maintaining its own Poor, would be rateable to the Relief of the Poor, such Sums of Money as shall be required in order to raise the several Sums assessed upon such Parts of Parishes or Places respectively, or to reimburse such Person or Persons as aforesaid such Sums of Money as he or they shall have paid for any Borough Rate or Watch Rate made or hereafter to be made by the Council of the Borough wherein such Part of a Parish or Place, or Parts of Parishes and Places, respectively, shall be situated; such Rate or Assessment, or respective Rates or Assessments, to be paid by the Occupier or Occupiers for the Time being of such rateable Property as aforesaid; and that the Person or Persons so appointed or to be appointed to act as such Overseer or Overseers for the Purposes aforesaid shall have and exercise, in and for the Purpose of making, levying, and collecting every such Rate or Assessment as aforesaid, all the Powers which by the Laws now or hereafter to be in force Overseers of the Poor have or may have for making, assessing, collecting, and recovering Rates for the Relief of the Poor within their several Parishes; and every such Rate or Assessment made or to be made by any Person or Persons appointed or to be appointed to act as Overseer or Overseers of the Part of any Parish or Place within any such Borough shall, for the Purposes of this Act, be called a District Rate.

within Boroughs to raise District Rates.

II. And be it enacted, That no such District Rate, nor any separate Rate made by Overseers of the Poor for raising a Watch Rate as herein-after is mentioned, shall be demanded, collected, or payable, until the same shall have been allowed by Two or more Justices of the Peace usually acting in and for such Borough, and shall also have been published in like Manner as Rates for Relief of the Poor are by Law required to be allowed and published.

District Rates to be allowed and published.

III. Provided always, and be it enacted, That any Person who shall think himself aggrieved by any such District Rate as aforesaid, or by any separate Rate to be made by any Overseers of the Poor for raising a Watch Rate as herein-after is mentioned, may appeal to the Recorder of the Borough in which such Rate has been made, at the next Quarter Session for the same Borough, or, in case there shall be no Recorder in such Borough, to the Justices at the next Court of Quarter Sessions for the County within which such Borough is situated, or whereunto it is adjacent; and such Recorder or Justices respectively shall hear and determine the same, and shall award Relief in the Premises as in the Case of an Appeal against any Rate made for the Relief of the Poor.

Persons aggrieved may appeal.

IV. And be it enacted, That every such District Rate as aforesaid made for the Purpose of raising Money to pay or reimburse any Borough Rate or Watch Rate charged by the Council of the Borough upon such Part of a Parish or Place, and every separate Rate to be made by Overseers of the Poor for raising a Watch Rate as herein-after mentioned, may be at such Amount or Rate in the Pound as may be necessary for raising the Sum or respective Sums so charged by such Council, so that no such District Rate, or Rate for raising a Watch Rate, exceed Two-pence in the Pound of the annual Value of Property rateable thereunto, beyond the Rate in the Pound at which the Council of the same Borough shall have computed the General Borough Rate or Watch Rate so laid or charged by them; and that the Person or Persons collecting such District Rate shall be liable to account as an Officer appointed by the Council of the Borough in or for any Part of which he shall act, and shall be liable to the same Penalties, Remedies, and Proceedings in all respects, for refusing or neglecting to account and pay over the Monies from Time to Time remaining in his Hands, to which other Officers appointed by the Council are liable; and in case of there being a Surplus in the Hands of such Person or Persons arising from any District Rate, above the Amount for raising which such District Rate was made, then such Surplus shall be paid to the Treasurer of the Borough Fund, to the Credit of the Place within and for which such District Rate was made, and go in part of the next Rate of the like Denomination to be made and laid on such Place by the Council of such Borough; and in regard to separate Rates made by Overseers of the Poor for raising Watch Rates as is herein-after mentioned, such Overseers shall account for the Money collected under or by virtue of such separate Rates in like Manner as for Money collected under Rates made for the Relief of the Poor; and in case of there being a Surplus in the Hands of such Overseer, arising from any such separate Rate made for raising a Watch Rate, above the Amount to raise which such separate Rate was made, then such Surplus shall be paid to the Treasurer of the Borough Fund, to the Credit of the Place within and for which such separate Rate was made, and go in part of the next Watch Rate to be made and laid on such Place by the Council of such Borough.

District Rates to be sufficient to raise the Amount required.

Collectors to account.

Surplus of District Rate to be paid to the Treasurer.

Separate Rate made by Overseers to be accounted for, and Surplus paid to the Treasurer.

V. And be it enacted, That it shall be lawful for the Council of the Borough in which any District Rate, or any separate Rate to be made by Overseers of the Poor for raising a Watch Rate as herein-after mentioned, shall be made, or for any Committee of the Council appointed for that Purpose, on Application by or on behalf of any Person rated in any such District Rate, or Rate for raising a Watch Rate, to be discharged therefrom, and on Proof of his or her Inability, through Poverty, to pay the Amount charged upon him or her by such District Rate, or Rate for raising a Watch Rate, to order that such Person shall be excused from the Payment of such District Rate, or Rate for raising a Watch Rate, and to strike out his or her Name therefrom; and the Sum at which such Person was so rated in such District Rate, or Rate for raising a Watch Rate, shall not thereafter be collected, nor shall any Person be charged therewith,

Persons rated may be excused on account of Poverty.

with, or in any Manner called or liable to account for the same, or for omitting to collect or receive the same.

Watch Rates to be charged only upon Persons liable thereto.

VI. And be it enacted, That in every Case in which a Part only of any Parish or Place liable to maintain its own Poor, and situated within any Borough, shall be liable to Watch Rate, the Overseers of the Poor of such Parish or Place shall not pay the Amount of any Watch Rate charged by the Council of such Borough upon such Parish or Place out of Money collected from any Rate or Rates for the Relief of the Poor, but shall make a separate Rate or Assessment upon the Part or Parts only of such Parish or Place liable to Watch Rates for raising and paying the same Watch Rate, which Rate shall be made in like Manner, and under like Regulations, and with like Means and Remedies for Recovery thereof, as are herein contained in relation to District Rates.

For Recovery of Rates.

VII. And be it enacted, That it shall be lawful for the Person or Persons appointed or to be appointed to act as Overseer or Overseers for making, levying, and collecting Borough Rates and Watch Rates in the Parts of Parishes or Places situate within the Limits and Jurisdiction of any City or Borough as aforesaid, or any of them, and for the Overseers of the Poor making any separate Rate or Assessment for the Purpose of raising the Amount of any Watch Rate, by Warrant from any Two Justices of the Peace usually acting in and for the Borough wherein the Parishes, Parts of Parishes or Places, in or for which any District Rate, or Rate for raising a Watch Rate, may be made, shall be situated, to levy upon every Person who shall refuse to pay the Amount assessed or charged upon him or her by any such District Rate, or Rate for raising a Watch Rate, according as they shall be assessed, the Amount so assessed or charged upon him, her, or them, together with the Costs and Charges of recovering and enforcing Payment of the same, to be ascertained by such Justices, by Distress and Sale of the Offender's Goods, rendering to the Parties the Overplus; and in default of such Distress it shall be lawful for any Two such Justices of the Peace to commit him or them to the Common Gaol of or used for the same Borough, there to remain, without Bail or Mainprize, until Payment of the said Amount and Arrearages.

Overseer may be appointed for Two or more Parts of Parishes.

VIII. And be it enacted, That whenever there shall be within any Borough Two or more Parishes or Places, each separately maintaining its own Poor, or Two or more extra-parochial Places, and each of them partly within and partly without the Limits and Jurisdiction of such Borough, it shall be lawful for the Council of such Borough to appoint some One Person or some Two Persons to act as Overseer or Overseers for making, levying, and assessing District Rates and Watch Rates within any Two or more of the Parts of Parishes or Places, or within all the Parts of Parishes or Places, lying within the Limits and Jurisdiction of such Borough, without regard to the Residence of the Person or Persons so to be appointed; and every Person appointed to act as an Overseer for the making, levying, and collecting District or Watch Rates under the Provisions of this Act, and the Acts herein recited, shall be allowed and paid out of the Borough Fund such Allowances or Remuneration for his Services as the Council shall direct.

Alteration of Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. CXI.

An Act to amend the Laws relating to the assessing of County Rates. [8th *August* 1845.]

'WHEREAS it is expedient to amend the Laws in being relating to the assessing of County Rates:' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for Her Majesty's Justices of the Peace of every County in *England*, assembled at their General or Quarter Sessions of the Peace, or at any Adjournment thereof, from Time to Time, as often as they may deem it necessary, to appoint any Number of Justices, not exceeding Eleven in Number nor less than Five, to be a Committee for the Purpose of preparing fair and equal County Rates, or of altering and amending such Rates from Time to Time as Circumstances may require.

Justices at Sessions to appoint Committees for assessing County Rates.

Meetings of Committee.

II. And be it enacted, That the Committee so appointed shall hold their First Meeting after their Appointment at such Time and Place as shall be fixed by the said Court of Quarter Sessions, and their subsequent Meetings at such Times and Places as they shall themselves appoint for carrying this Act into execution; and at every Meeting of the said Committee, if Three or more Members thereof are present, they shall be competent to act as fully and effectually as if all the Members of the said Committee were present.

Committee may appoint a Clerk.

III. And be it enacted, That such Committee may from Time to Time, as they may see fit, appoint a Clerk to assist them in the Execution of their Duties under the Provisions of this Act, and may at any Time remove such Clerk, and appoint another in his Stead.

Committee may require Returns of the annual Value of the Property in any Parish liable to be assessed, with the Date of the last Valuation.

IV. And be it enacted, That for the Purpose of preparing such fair and equal County Rates the said Committee, by their Order in Writing, to be signed by their Clerk, may from Time to Time as often as they may deem it necessary, direct the Overseers of the Poor, Constables, Assessors, and Collectors of public Rates of or for any Parish, Township or Place within the County, and all other Persons having the Custody or Management of any public or parochial Rates or Valuations of any such Parish, Township, or Place, to make Returns in Writing to the said Committee, at such Times and Places as they may appoint, of the Amount of the full and fair annual Value of the whole or of any Part of the Property within the Parish, Township, or Place liable to be assessed toward the County Rate, together with the Date of the last Valuation for the Assessment of such Parish, and the Name of the Surveyor by whom the Valuation was made; and the Overseers of the Poor required to make any such Return in respect of any

Such Returns to be laid before

Parish,

Parish, Township, or Place maintaining its own Poor, and the Constable or other Person required to make any such Return in respect of any Place not maintaining its own Poor, shall, before they present the same to the said Committee, lay the same before a Vestry Meeting of the Parish, Township, or Place for which they act, or where no Vestry Meeting is held before some other Meeting of the Inhabitants of such Place if any such there be, at which the public Business of such Place is commonly transacted. a Vestry Meeting previous to their being presented to the Committee.

V. And be it declared and enacted, That the Property liable to be assessed towards the County Rate shall be taken to be the Property which in any Parish or Place maintaining its own Poor is liable to be rated to the Relief of the Poor, or which in any Place not maintaining its Poor would be liable to be rated for the Relief of the Poor if such Place were a Parish. Declaration of the Property liable to the County Rate.

VI. And be it declared and enacted, That for the Purposes of assessing any County Rate the Words "full and fair annual Value" shall be taken to mean the net annual Value of any Property as the same is or may be required by Law to be estimated for the Purpose of assessing the Rates for the Relief of the Poor. Meaning of "full and fair annual Value."

VII. And be it enacted, That the said Committee may from Time to Time, as often as they may deem it necessary, by their Order in Writing, signed as aforesaid, require the said Overseers of the Poor, Constables, Assessors, Collectors, and any other Persons whomsoever, to appear before them when and where and as often as the said Committee may deem expedient, and to produce all parochial and other Rates, Assessments, Valuations, Apportionments, and other Documents in their Custody or Power relating to the Value of or Assessment on all or any of the Property within the several Parishes and Places aforesaid which may be liable to be assessed toward the County Rate, and to be examined on Oath, and answer such Questions as the said Committee may put to them respectively touching the said Rates, Assessments, Valuations, or Apportionments, or the Value of the Property aforesaid; and the said Committee shall be authorized and empowered to administer such Oath, and to examine the Parties upon Oath as aforesaid. Committees empowered to inspect Rates, Assessments, Valuations, &c.

VIII. And be it enacted, That every Overseer of the Poor, Constable, Assessor, Collector, or other Person so required to make Returns, or to appear as aforesaid, who shall, without any reasonable Excuse, neglect to make such Returns in Writing as aforesaid, or wilfully make any false Return, and every Person who shall neglect or refuse to appear when required so to do as aforesaid, or to be sworn or examined, or to produce such Documents as herein-before provided, shall forfeit a Sum not exceeding Twenty Pounds, to be prosecuted and recovered by Order of the said Committee before any Two of Her Majesty's Justices of the Peace. Penalty on Overseers or others refusing to attend or produce Documents.

IX. And be it enacted, That the said Committee may from Time to Time, and so often as they may think fit, by their Order in Writing, to be signed as aforesaid, direct that the whole or any Part of any Parish, Township, or Place within the County shall be valued, and may appoint One or more Person or Persons to make such Valuation; and the Person or Persons so appointed may at all reasonable Times, and with or without Assistants, enter upon, view, examine, survey, and measure all and any Lands, Houses, or other Property within such Parish, Township, or Place liable to be assessed toward the County Rate, in order to ascertain the Value at which the same ought respectively to be charged. Committees may cause new Valuations to be made.

X. And be it enacted, That the said Committee from Time to Time may make such Allowances and Compensations to their Clerk, and to the Overseers, Constables, Collectors, Surveyors, or other Persons employed in the Execution of this Act, as to them shall appear reasonable and proper, which, together with the Costs of Printing and other Expences necessarily incurred by the said Committee in or about the preparing or amending any Rate, shall be paid, by an Order of the Court of General or Quarter Sessions of the Peace, out of the County Stock. Allowances and Compensation to Persons employed in the Execution of this Act.

XI. And be it enacted, That if any Overseers neglect to make any such Return in Writing as aforesaid, or wilfully make any false Return or Statement of the Amount of the full and fair annual Value of the Property within the Parish, Township, or Place liable to be assessed towards the County Rate, any Court of General or Quarter Sessions of the Peace, upon the Report of the said Committee, may order that the whole of the Expences incurred by the said Committee in ascertaining the Amount of the full and fair annual Value of the same shall be charged upon the Parish, Township, or Place of which the Overseers have been guilty of such Neglect or Misconduct as aforesaid, in addition to the Proportion of the County Rate to be paid by such Parish, Township, or Place; and such Expences shall be raised, levied, and collected by such and the like Ways and Means as County Rate can or may be raised, levied, and collected, and shall be paid therewith, due Distinction being made, in the Case of every such additional Assessment, between the Sum or Sums charged for any such Expences and the Sum or Sums assessed for the County Rate. If Parish Officers neglect or make false Returns, Expences of Valuations to be paid by Parishes.

XII. And be it enacted, That when and so soon as the Committee appointed as aforesaid have prepared any County Rate in which the total Amount of the annual Value of the Property in any Parish or Place within the County is estimated at a greater or less Amount than in the last preceding County Rate, they shall cause such Rate to be printed in such Form as they may think proper, and shall forthwith cause to be sent by the General Post or otherwise One Copy of the same to every acting Justice of the Peace for the County, and to the Overseers of the Poor, Constables, or other Persons charged with the Collection or Levy of the County Rate in every Parish and Place within such County; and such Overseers of the Poor, Constables, or other Persons shall within Twenty-one Days after the Receipt of such Rate, call a Vestry Meeting of such Parish or Place, and shall submit the said Copy of the said Rate to such Vestry Meeting; and any Person rated to the Relief of the Poor or liable to contribute to the County Rate in such Parish or Place may at all reasonable Times inspect and examine the said Copy of When a County Rate differing from the preceding is prepared, it shall be printed and distributed. Overseers to submit the Rate to a Vestry Meeting.

the said Rate, whilst the same remains in the Custody of any such Overseer, Constable, or other Person, and take Extracts or Copies therefrom, without the Payment of any Fee for the same.

Notice of the Time within which Objections may be made to the proposed Rate to be sent to the Overseers.

XIII. And be it enacted, That, together with the Copy of such proposed Rate, there shall also be sent by the said Committee to the Overseers of the Poor or Constable of every such Parish or Place, or other Person as aforesaid, a Notification of a reasonable Time, not less than One Calendar Month, within which any Objections to the proposed Rate may be forwarded to the said Committee by such Overseers or Constable or other Person as aforesaid, or by any Person affected by such Rate; and the said Committee shall fix a Time and Place when and where such Objections will be taken into consideration by the said Committee, and for hearing the Parties making such Objections.

Notice to be given when Rate will be taken into consideration by Court of General or Quarter Sessions.

XIV. And be it enacted, That when any proposed Rate has been finally corrected and approved of by the said Committee they shall lay the same before the Court of General or Quarter Sessions holden next thereafter, and such Court shall thereupon order public Notice to be given in One or more of the Newspapers usually circulated within the County, that such Rate will be taken into consideration at the then next General or Quarter Session of the Peace to be held for the said County; and at such General or Quarter Session of the Peace the Court shall proceed to take the same into consideration, and to alter and amend the same as to them may seem proper, and, if they think fit, to allow and confirm the said Rate, or, instead of making any Alteration in the said Rate, or allowing and confirming the same, to refer back the said Rate for Amendment to the said Committee, and to adjourn the Consideration thereof to some future General or Quarter Session of the Peace; and in such last-mentioned Case the said Committee shall have the same Powers and Authorities for requiring Returns and ascertaining the Value of Property liable to be assessed toward the County Rate, in order to the revising or amending of the said Rate, as are herein-before given to them for preparing the same; and all the Clauses and Provisions herein-before contained for preparing any Rate shall be applicable in every respect to the Revision or Amendment of the same; and any Amendment or Alteration of such Rate by the said Committee shall be reported and taken into consideration at the General or Quarter Session of the Peace to which the Consideration thereof was adjourned; but before any Alteration or Amendment of the said Rate made by the said Committee be allowed or confirmed by the Court of General or Quarter Session of the Peace the said Committee shall send at least Fourteen Days previous Notice thereof, by Post or otherwise, to every Parish and Place with respect to which such Alteration or Amendment is made.

Rate to be deemed valid after Confirmation by Court of General or Quarter Sessions.

XV. And be it enacted, That when the Court of General or Quarter Sessions of the Peace have so allowed and confirmed any Rate, the same shall be taken to be made, and shall be valid, legal, and effectual, to all Intents and Purposes, notwithstanding any Irregularity may have arisen in the making thereof, and notwithstanding the Officers of any Parish or Place may have omitted to make the Returns herein-before mentioned, subject nevertheless at all Times to Appeals against the same as herein-after provided; and the said Court shall cause Copies of the said Rate to be printed, and shall direct One of such Copies to be sent to every acting Justice of the Peace for the County, and One Copy to the Overseers of the Poor, Constable, or other Person charged with the Collection and Levy of the County Rate in every Parish and Place within the said County.

Appeal.

XVI. And be it enacted, That if at any Time after the said Rate has been made as aforesaid any Overseer or Overseers of the Poor, Constable, or other Person charged with the Collection and Levy of County Rate in any Parish or Place, or other Inhabitant or Inhabitants thereof, have reason to think that such Parish, Township, or Place is aggrieved by any such Rate, whether it be on account of some One or more of them being without sufficient Cause omitted altogether from the Rate, or on account of such Parish, Township, or Place being rated on a Sum beyond the full and fair annual Value of the Property therein liable to be assessed toward the County Rate, or on account of some other Parish or Parishes, Township or Townships, Place or Places, being rated on a Sum less than the full and fair annual Value of the Property therein liable to be assessed toward the County Rate, such Overseer or Overseers of the Poor, Constable, or other Person, or Inhabitant or Inhabitants may appeal to the Justices of the Peace for the County, at the General or Quarter Session to be holden next after the Session at which such Rate was allowed and confirmed, against such Part of the Rate only as may affect the Parish or Parishes, Township or Townships, Place or Places which appear to be over-rated or under-rated, or omitted altogether from the Rate as aforesaid (subject to the Provisions herein-after contained); and if in any Case where any Overseer or Overseers, Constable, or other Person as aforesaid, of one Parish or Place, appeals against the Rate on any other Parish or Place, on account of the same being altogether omitted from such Rate, or on account of the same being rated at less than the full and fair annual Value thereof as aforesaid, such Overseer or Overseers, Constable, or other Person shall give Twenty-one Days previous Notice in Writing of the Intention to appeal, and of the Cause and Matter thereof, to the Overseers of the Poor, or where there are no such Overseers to the Constable or other Person charged with the Collection and Levy of County Rate in such other Parish or Place, and if in any Case where any such Overseer or Overseers, Constable, or other Person appeal against the Rate on the ground that any Parish, Township, or Place is rated on a Sum beyond the full and fair annual Value of the rateable Property therein, such Overseer or Overseers, Constable, or other Person shall give Twenty-one Days Notice thereof in Writing, with the Cause and Matter thereof, to the Clerk of the Peace of the County, the said Justices shall be empowered to hear and determine such Appeal in manner by this Act directed, and either to confirm such Parts of the Rate as have been appealed against, or to correct such Inequalities or Omissions as shall be proved to exist therein, in such Manner as to them the said Justices may appear

Notice of Appeal.

fair,

fair, just, and equitable; but no such Rate shall upon any Appeal be quashed or destroyed, in regard to any other Parish, Township, or Place, unless in Cases where the Justices of the Peace in General or Quarter Session assembled, or the major Part of them, deem it necessary to proceed to the making of an entire new Rate, and where they proceed therein according to the Provisions of this Act.

Hearing and determining Appeals.

XVII. And be it enacted, That it shall be lawful for the Court of General or Quarter Session of the Peace, upon any such Appeal, instead of hearing the said Appeal, to order, upon the Application of the Appellant or Respondent in such Appeal, a Survey and Valuation of their respective Parishes, Townships, or Places, and shall fix the next or some subsequent Session for receiving such Survey and Valuation, and for hearing and determining the said Appeal, and such Court shall also thereupon appoint a proper Person or Persons to make such Survey and Valuation; and the Person or Persons so appointed shall for that Purpose have full Power, with or without Assistants, to enter upon, view, and examine, survey, measure, and value, all and any Lands, Houses, and Property liable to be assessed toward the County Rate within the Parishes, Townships, and Places mentioned in such Order; and such Survey and Valuation shall be reported to the General or Quarter Session fixed as aforesaid for receiving the same; and the Court then and there assembled shall hear and determine the said Appeal in the Manner herein-before set forth.

Penalty on Persons obstructing Overseers, &c.

XVIII. And be it enacted, That every Person who in any Manner wilfully resists or obstructs any Overseer, Collector, Surveyor, or other Person in the Execution of his or their Duty under this Act shall forfeit and pay any Sum not exceeding Five Pounds, to be prosecuted and recovered before any Two or more of Her Majesty's Justices of the Peace for the County wherein the Offence is committed.

Penalties and Forfeitures, Costs and Charges, may be levied by Distress and Sale of Offenders Goods.

XIX. And be it enacted, That all Penalties and Forfeitures by this Act authorized to be imposed for any Offence against the same shall, upon Proof and Conviction of the Offences respectively before any Two Justices, as herein-before directed, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justices are hereby authorized to administer), be levied, together with the Costs attending the Information, Summons, and Conviction, by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hands of the Justices before whom the Party may have been convicted, or, on Proof of such Conviction, by a Warrant under the Hands of any Two Justices (which Warrant such Justices are hereby empowered and required to grant), and the Overplus (if any), after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, upon demand, unto the Owner of such Goods and Chattels; and if upon the Return of such Warrant it appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justices as aforesaid, by Warrant under their Hands, to cause such Offender to be committed to the Common Gaol or House of Correction of the County where the Offender may be or reside, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, be sooner paid and satisfied; and the said Penalties and Forfeitures, when recovered, shall be paid to the Treasurer of the County in which such Offence may have been committed or Forfeiture incurred, to be applied in aid of the Rates of the said County.

Committal.

Application of Penalties.

Sessions to determine Costs of Appeal and of Valuation ordered by Sessions.

XX. And be it enacted, That the Charges and Expences of and attending any Survey and Valuation ordered to be made by any Court of Quarter Sessions in such Appeal as aforesaid shall be deemed Costs in such Appeal, and abide the Event thereof; and the Court before which any such Appeal is heard and determined may order the Costs in and about such Appeal to be paid by either Party, Appellant or Respondent, as they in their Discretion may think fit; but where any Appeal is made on the ground that any Parish, Township, or Place is rated on a Sum beyond the full and fair annual Value of the Property therein, if the Court before which such Appeal is heard determine in favour of the Appellants such Court shall ascertain the Costs and Charges incurred by such Appellants in and about such Appeal, and shall order the Treasurer of the County Rates to pay the same to such Appellants out of the public Stock of the County in his Hands.

Costs of Valuations directed by Committee.

XXI. And be it enacted, That in any Case where any Committee appointed as aforesaid have directed the whole or any Part of any Parish, Township, or Place to be valued, and where in the Rate afterwards allowed and confirmed by any Court of Quarter Session upon the Report of such Committee, such Parish, Township, or Place is rated on a Sum greater than the Sum set forth in the Returns made to such Committee by the Overseers of the Poor, Constable, or other Person required to make such Return in any Place not maintaining its own Poor, if there be no Appeal against the Rate on such Parish, Township, or Place at the General or Quarter Session holden next after such Confirmation or Allowance thereof, the Justices of the Peace at such Session shall order the Overseers, Constable, or other Person as aforesaid of such Parish, Township, or Place to pay the Amount of the Expences incurred in making such Valuation; and in any such Case as aforesaid, if there be an Appeal to the Justices of the Peace at any General or Quarter Session against the Rate, on the ground that such Parish, Township, or Place is rated on a Sum beyond the fair annual Value of the Property therein, and if on such Appeal such Rate is confirmed as to such Parish, Township, or Place, or if it be not reduced to or below the Sums set forth in the Returns made to such Committee as aforesaid, the Justices of the Peace at such Session shall order the Overseers, Constable, or other Person as aforesaid of such Parish, Township, or Place to pay the Amount of the Expences incurred in making the Valuation under the Direction of the Committee; and such Expences shall be raised, levied, and collected by such and the like Ways and Means as County Rate can or may be raised, levied, and collected, and shall be paid therewith, due Distinction being made,

in the Case of every such additional Assessment, between the Sums charged for or on account of any such Expences and the Sum or Sums assessed as and for the County Rate.

Applying Provisions of former Acts to this Act.

XXII. And be it enacted, That all the Powers, Authorities, Provisions, Clauses, and Regulations contained in any former Act or Acts relating to the Assessment, Collection, and levying of County Rates (save and except such Parts thereof respectively as are hereby varied, altered, or repealed,) shall be good, valid, and effectual for the Purposes of assessing, levying, collecting, and enforcing the Payment of the Rate or Rates hereafter to be made in pursuance of this Act, and for carrying this Act into execution.

County Rate not to be assessed otherwise than as directed by 5 & 6 W. 4. c. 76.

XXIII. 'And whereas by an Act passed in the Session of Parliament holden in the Fifth and Sixth 'Years of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal 'Corporations in* England *and* Wales, it is enacted, that after the Grant of a separate Court of Quarter 'Sessions of the Peace to any Borough it shall not be lawful to assess any Messuages, Lands, Tenements, 'or Hereditaments within such Borough to any County Rate thereafter to be made, but every Part of every 'such Borough shall thenceforward be wholly free and discharged from contributing otherwise than as 'therein-after provided to any Rate or Assessment of any Kind of and for the County in which any 'Part of such Borough is situated;' be it therefore enacted, That nothing in this Act contained shall extend to render any such Borough, or any Property situated therein, liable to be assessed or to contribute to County Rate, save as in the said recited Act is mentioned and contained.

The Act extended to all Places having separate Commission of the Peace, and to all Rates of the Nature of County Rates.

XXIV. And be it enacted, That in the Construction of this Act the Word "County" shall mean and include any Riding or Division having a separate Commission of the Peace, and any Liberty, Franchise, or other Place in which Rates in the Nature of County Rates may be levied, having a separate Commission of the Peace, and not subject to the Jurisdiction of the County or Counties at large in which such Liberty, Franchise, or Place may lie, nor contributing or paying to the County Rates made for such County or Counties at large; and that the Words "County Rate" shall mean and include every Rate or Tax assessed in any County for all or any of the Purposes to which County Rate or Stock is or may hereafter be made liable.

Alteration of Act.

XXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. CXII.

An Act to render the Assignment of satisfied Terms unnecessary. [8th *August* 1845.]

'WHEREAS the Assignment of satisfied Terms has been found to be attended with great Difficulty, Delay, and Expence, and to operate in many Cases to the Prejudice of the Persons justly entitled 'to the Lands to which they relate:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every satisfied Term of Years which, either by express Declaration or by Construction of Law, shall upon the Thirty-first Day of *December* One thousand eight hundred and forty-five be attendant upon the Inheritance or Reversion of any Lands, shall on that Day absolutely cease and determine as to the Land upon the Inheritance or Reversion whereof such Term shall be attendant as aforesaid, except that every such Term of Years which shall be so attendant as aforesaid by express Declaration, although hereby made to cease and determine, shall afford to every Person the same Protection against every Incumbrance, Charge, Estate, Right, Action, Suit, Claim, and Demand as it would have afforded to him if it had continued to subsist, but had not been assigned or dealt with, after the said Thirty-first Day of *December* One thousand eight hundred and forty-five, and shall for the Purpose of such Protection be considered in every Court of Law and of Equity to be a subsisting Term.

On 31st Dec. 1845 satisfied Terms of Years attendant on Inheritance, &c. of Land, to cease, except, &c.

Satisfied Terms now subsisting, &c. to cease on becoming attendant upon Inheritance, &c. of Lands.

II. And be it enacted, That every Term of Years now subsisting or hereafter to be created, becoming satisfied after the said Thirty-first Day of *December* One thousand eight hundred and forty-five, and which, either by express Declaration or by Construction of Law, shall after that Day become attendant upon the Inheritance or Reversion of any Lands, shall immediately upon the same becoming so attendant absolutely cease and determine as to the Land upon the Inheritance or Reversion whereof such Term shall become attendant as aforesaid.

Construction of Act.

III. And be it enacted, That in the Construction and for the Purposes of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "Lands" shall extend to all Freehold Tenements and Hereditaments, whether corporeal or incorporeal, and to all such Customary Land as will pass by Deed, or Deed and Admittance, and not by Surrender, or any undivided Part or Share thereof respectively; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Extent of Act.

IV. And be it enacted, That this Act shall not extend to *Scotland*.

CAP. CXIII.

An Act to facilitate the Admission in Evidence of certain official and other Documents.

[8th *August* 1845.]

'WHEREAS it is provided by many Statutes that various Certificates, official and public Documents, Documents and Proceedings of Corporations and of Joint Stock and other Companies, and certified Copies of Documents, Bye Laws, Entries in Registers and other Books, shall be receivable in Evidence of certain Particulars in Courts of Justice, provided they be respectively authenticated in the Manner prescribed by such Statutes: And whereas the beneficial Effect of these Provisions has been found by Experience to be greatly diminished by the Difficulty of proving that the said Documents are genuine; and it is expedient to facilitate the Admission in Evidence of such and the like Documents:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever by any Act now in force or hereafter to be in force any Certificate, official or public Document, or Document or Proceeding of any Corporation or Joint Stock or other Company, or any certified Copy of any Document, Bye Law, Entry in any Register or other Book, or of any other Proceeding, shall be receivable in Evidence of any Particular in any Court of Justice, or before any legal Tribunal, or either House of Parliament, or any Committee of either House, or in any judicial Proceeding, the same shall respectively be admitted in Evidence, provided they respectively purport to be sealed or impressed with a Stamp, or sealed and signed, or signed alone, as required, or impressed with a Stamp and signed, as directed by the respective Acts made or to be hereafter made, without any Proof of the Seal or Stamp, where a Seal or Stamp is necessary, or of the Signature or of the official Character of the Person appearing to have signed the same, and without any further Proof thereof in every Case in which the original Record could have been received in Evidence.

Certain Documents to be received in Evidence without Proof of Seal or Signature, &c. of Person signing the same.

II. And be it enacted, That all Courts, Judges, Justices, Masters in Chancery, Masters of Courts, Commissioners judicially acting, and other judicial Officers shall henceforth take judicial Notice of the Signature of any of the Equity or Common Law Judges of the Superior Courts at *Westminster*, provided such Signature be attached or appended to any Decree, Order, Certificate, or other judicial or official Document.

Courts, &c. to take judicial Notice of Signature of Equity or Common Law Judges, &c.

III. And be it enacted, That all Copies of Private and Local and Personal Acts of Parliament not Public Acts, if purporting to be printed by the Queen's Printers, and all Copies of the Journals of either House of Parliament, and of Royal Proclamations, purporting to be printed by the Printers to the Crown or by the Printers to either House of Parliament, or by any or either of them, shall be admitted as Evidence thereof by all Courts, Judges, Justices, and others, without any Proof being given that such Copies were so printed.

Private Acts, printed by Queen's Printer, Journals of Parliament, &c. admissible as Evidence.

IV. Provided always, and be it enacted, That if any Person shall forge the Seal, Stamp, or Signature of any such Certificate, official or public Document, or Document or Proceeding of any Corporation or Joint Stock or other Company, or of any certified Copy of any Document, Bye Law, Entry in any Register or other Book, or other Proceeding as aforesaid, or shall tender in Evidence any such Certificate, official or public Document, or Document or Proceeding of any Corporation or Joint Stock or other Company, or any certified Copy of any Document, Bye Law, Entry in any Register or other Book, or of any other Proceeding, with a false or counterfeit Seal, Stamp, or Signature thereto, knowing the same to be false or counterfeit, whether such Seal, Stamp, or Signature be those of or relating to any Corporation or Company already established, or to any Corporation or Company to be hereafter established, or if any Person shall forge the Signature of any such Judge as aforesaid to any Order, Decree, Certificate, or other judicial or official Document, or shall tender in Evidence any Order, Decree, Certificate, or other judicial or official Document with a false or counterfeit Signature of any such Judge as aforesaid thereto, knowing the same to be false or counterfeit, or if any Person shall print any Copy of any Private Act or of the Journals of either House of Parliament, which Copy shall falsely purport to have been printed by the Printers to the Crown, or by the Printers to either House of Parliament, or by any or either of them, or if any Person shall tender in Evidence any such Copy, knowing that the same was not printed by the Person or Persons by whom it so purports to have been printed, every such Person shall be guilty of Felony, and shall upon Conviction be liable to Transportation for Seven Years, or to Imprisonment for any Term not more than Three nor less than One Year, with hard Labour: Provided also, that whenever any such Document as before mentioned shall have been received in Evidence by virtue of this Act, the Court, Judge, Commissioner, or other Person officiating judicially who shall have admitted the same, shall, on the Request of any Party against whom the same is so received, be authorized, at its or at his own Discretion, to direct that the same shall be impounded, and be kept in the Custody of some Officer of the Court or other proper Person, until further Order touching the same shall be given, either by such Court, or the Court to which such Master or other Officer belonged, or by the Persons or Person who constituted such Court, or by some One of the Equity or Common Law Judges of the Superior Courts at *Westminster* on Application being made for that Purpose.

Persons forging Seal, Stamp, or Signature of certain Documents, or printing any Private Act with false Purport, guilty of Felony.

V. And be it enacted, That this Act shall not extend to *Scotland*.

Extent of Act.

VI. And be it enacted, That this Act may be repealed, altered, or amended during this present Session of Parliament.

Alteration of Act.

VII. And be it enacted, That this Act shall take effect from the First Day of *November* next after the passing thereof.

Commencement of Act.

CAP.

CAP. CXIV.

An Act for the Abolition of certain Fees in Criminal Proceedings. [8th *August* 1845.]

55 G. 3. c. 50.

'WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of King *George* the Third, 'intituled *An Act for the Abolition of Gaol and other Fees connected with the Gaols in* England, 'and Doubts have been entertained as to the Extent and Meaning of the said Act, and it is expedient 'that the same be explained and amended:' Be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of the said Act respecting the Discharge of certain Prisoners without Payment of any Fee do and shall extend to all Persons who now are or hereafter shall be charged with or indicted for any Felony, or as an Accessory thereto, or with or for any Misdemeanor, before any Court of Criminal Jurisdiction in *England*, against whom no Bill of Indictment shall be found by the Grand Jury, or who on his, her, or their Trial shall be acquitted, or who shall be discharged by Proclamation for Want of Prosecution; and that it is not and shall not be lawful to demand or take from any such Persons any Fee for their Appearance to the Indictment or Information, or for allowing them to plead thereto, or for recording their Appearance or Plea, or for discharging any Recognizance taken from any such Persons, or any Surety or Sureties for them.

Extending the Provisions of the recited Act respecting the Discharge of certain Prisoners without Payment of Fees.

II. 'And whereas by the said Act it was provided that the Clerks of Assize, Clerks of the Peace, or 'Clerks of the Court, and their Deputies, should receive the Amount of the Fees theretofore payable 'to them respectively, which were abolished by the said Act, out of the Rates of the County, District, 'Hundred, Riding, or Division, or out of the Public Stock of the City, Town Corporate, Cinque Port, 'Liberty, Franchise, or Place of which they were severally the Officers;' be it enacted, That no such Payment shall be made out of any such Rate or Stock, in satisfaction of any of the Fees abolished by the said Act, to any Clerk of Assize, Clerk of the Peace, or Clerk of the Court appointed after the passing of this Act, or to their or any of their Deputies.

Certain Fees heretofore payable to Clerks of Assize, &c. out of the County Rates to cease.

CAP. CXV.

An Act for the Appointment of a Taxing Master for the High Court of Chancery in *Ireland*. [8th *August* 1845.]

'WHEREAS it is expedient to appoint a new Officer for the Taxation of Costs in the High Court of 'Chancery in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *November* One thousand eight hundred and forty-five the taxing of Costs in the High Court of Chancery in *Ireland* shall be conducted by an Officer to be denominated "The Taxing Master," who shall hold his Office during his good Behaviour, and shall discharge his Duties in Person, except where otherwise provided by this Act, and may be removed from his Office by the Lord Chancellor of *Ireland* for Misconduct; and the Business to be transacted by such Taxing Master shall be the taxing of Costs as aforesaid, and also such other Business (if any) connected with the Court of Chancery in *Ireland* as the Lord Chancellor, with the Advice and Consent of the Master of the Rolls in *Ireland* for the Time being, shall from Time to Time by any Order direct; and the Places, Times, and Manner in which the same shall be conducted shall be such as the Lord Chancellor shall from Time to Time by any Order direct; and from and after the Commencement of this Act no such Costs shall be taxed by any other Officer or Person whomsoever.

The Taxation of Costs in the Court of Chancery, Ireland, to be conducted by One Taxing Master, who shall discharge the Duties in Person.

II. And be it enacted, That the Lord Chancellor shall have Power to appoint some fit and competent Person to be the first Taxing Master under this Act, being a Barrister at Law of not less than Ten Years standing at the Bar, or being a Solicitor, who shall for not less than Ten Years have practised as a Solicitor of the said Court; and that as often as the said Taxing Master so to be appointed, or any of his Successors, shall die or resign or be removed from his Office, the Lord Chancellor shall have Power to appoint a Taxing Master, qualified as aforesaid, in the Room of the Taxing Master who shall so die, resign, or be removed.

Lord Chancellor to appoint the Taxing Master.

III. And be it enacted, That in case of Absence from Illness or other reasonable Cause it shall be lawful for any Taxing Master under this Act to appoint a Deputy, such Deputy, and also the Occasion for such Appointment, being first approved by the Lord Chancellor; and that in case any Taxing Master under this Act, being absent as aforesaid, shall neglect to appoint such Deputy, or to renew the Appointment of a Deputy, the Lord Chancellor may appoint a Deputy; and every Deputy to be appointed as aforesaid shall have all the Powers and Authorities of his Principal, and shall be paid such Sum out of the Salary of his Principal as the Lord Chancellor shall direct.

Appointment of Deputy in case of Absence.

IV. And be it enacted, That it shall be lawful for every such Taxing Master under this Act to administer the Oaths and take the Affirmations and Attestations of Honour which he may from Time to Time be required to administer and take by any Order made by the Lord Chancellor, with the Advice and Consent of the Master of the Rolls for the Time being.

Taxing Master may administer Oaths and take Affirmations.

V. And be it enacted, That all Persons swearing, affirming, or attesting before any Taxing Master under this Act shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false Swearing or Perjury as if the Matters sworn, affirmed, or attested had been sworn, affirmed, or attested before the High Court of Chancery, or any of the Masters in Ordinary thereof.

Persons swearing before Taxing Master subject to Penalties for Perjury.

VI. And

Salary of Taxing Master.

VI. And be it enacted, That every Taxing Master under this Act shall be entitled to receive such annual Salary, not exceeding One thousand Pounds, as the Commissioners of Her Majesty's Treasury shall direct; and such Taxing Master may appoint, to assist him in his Business, Two Clerks, and as many more as the Lord Chancellor, with the Consent of the said Commissioners of Her Majesty's Treasury, shall from Time to Time by any Order direct; and every such Taxing Master may from Time to Time remove such Clerk or Clerks, and fill up all Vacancies in the Office of such Clerks, whether occasioned by Death, Resignation, or Removal; and the said Clerks shall respectively receive such Salaries as may be directed by the Commissioners of Her Majesty's Treasury: Provided always, that no Clerk shall be appointed by a Taxing Master to fill up a Vacancy while he shall have a Clerk or Clerks, unless the Lord Chancellor shall by any Order declare such Appointment to be necessary.

Taxing Master may appoint and remove Clerks and fill up Vacancies.

Taxing Master and Clerks not to take Gratuities.

VII. And be it enacted, That if any such Taxing Master, or any Clerk of any Taxing Master, shall, for any thing done or pretended to be done relating to his Office or Employment under this Act, or under colour of doing any thing relating to his said Office or Employment, wilfully demand or accept, or appoint or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, any Fee, Gift, Gratuity, or Emolument, or any thing of Value, other than what is allowed or directed to be taken by him under this Act, or any Order made under this Act, the Person so offending may, upon Complaint made to the Lord Chancellor, be removed by him from any Office or Employment he may hold under this Act.

Officers not to practise as Barristers, &c.

Solicitors, &c. accepting Office to be struck off the Rolls.

VIII. And be it enacted, That from and after the Thirtieth Day of *November* next after the passing of this Act no Person while he holds any Office or Employment under this Act shall practise as a Barrister or as a Solicitor or as an Attorney; and that from and after the said Thirtieth Day of *November* every Solicitor or Attorney who shall accept any Office or Employment under this Act shall be struck off the Roll of Solicitors of the High Court of Chancery, and off the Roll of Attornies of any of Her Majesty's Courts of Record at *Dublin* on which his Name may be.

Orders may be made for carrying Act into execution.

IX. And be it enacted, That it shall be lawful for the Lord Chancellor, with such Advice and Consent as aforesaid, to make and issue such Orders as he shall think fit for carrying the Provisions of this Act into execution, and also to make and issue such other Rules and Orders, not being inconsistent with the Enactments and Provisions of this Act, as he shall think fit, for establishing and settling the Practice of the Office hereby created, and the Hours of Attendance and Holidays.

Orders under this Act may be varied.

X. And be it enacted, That any Order or Orders for the Time being made under this Act may from Time to Time be annulled, altered, or varied by the like Authority by which any such Order or Orders shall have been made, and new Orders may from Time to Time be made for any of the Purposes of this Act by the respective Authorities by which Orders are hereby authorized to be made.

Act not to affect Powers of Lord Chancellor.

XI. Provided always, and be it enacted, That nothing in this Act contained shall be construed to affect the general Powers vested in the Lord Chancellor, either solely or otherwise, under any former Act.

Offices to be procured for the Taxing Master in the King's Inns, or to be rented or hired.

XII. And be it enacted, That it shall be lawful for the Lord Chancellor to procure and provide a suitable Office or Offices for the Business of such Taxing Master in the Buildings of the *Four Courts* or *King's Inns, Dublin*, if the same can be conveniently procured therein; and if the same cannot be conveniently procured therein it shall be lawful for the Lord Chancellor to cause suitable Offices to be rented or hired for carrying on the Business of such Taxing Master.

The Stamp Duties imposed by 4 G. 4. c. 78. in respect of Taxation of Costs in Chancery to be paid as heretofore.

XIII. ‘ And whereas by an Act passed in the Fourth Year of the Reign of His late Majesty King ‘ *George* the Fourth, intituled *An Act to grant additional Stamp Duties on certain Proceedings in the* ‘ *Court of Chancery and in the Equity Side of the Court of Exchequer in* Ireland, certain Stamp ‘ Duties were, amongst others, imposed and are payable for and in respect of several Proceedings in the ‘ Offices of the Masters in Ordinary of the Court of Chancery in *Ireland*, and, among others, for and in ‘ respect of Certificates at the Foot of Bills of Costs upon the Taxation thereof, which said Stamp ‘ Duties are carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* ‘ and *Ireland:* And whereas it is expedient that the same Stamp Duties should be continued, and be ‘ payable and carried to the Consolidated Fund, in respect of the Taxation of Costs by the Taxing Master ‘ appointed under this Act, as were payable in respect of the Taxation of Costs in the said Court before ‘ the passing of this Act, and that the Salaries of such Taxing Master and his Clerks, and the Expences ‘ of his Office, should be paid out of the Consolidated Fund;’ be it therefore enacted, That the several and respective Duties of Stamps payable by virtue of the said recited Act for and in respect of every Certificate at the Foot of any Bill of Costs shall continue to be paid and payable for and in respect of and shall be applicable to every Certificate at the Foot of any Bill of Costs upon, for, or in respect of any Taxation of Costs by any Taxing Master to be appointed by virtue of this Act, and shall be subject to the same Rules, Regulations, and Provisions as the said Stamp Duties in the said recited Act mentioned, so far as the same shall be respectively applicable.

Salaries, &c., to grow due from Day to Day, but to be payable quarterly out of the Consolidated Fund.

XIV. And be it enacted, That all Salaries under this Act shall grow due from Day to Day, but shall be payable on the Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and the Tenth Day of *October* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, by the Commissioners of Her Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Expence necessarily incurred for hiring suitable Offices for the Business of such Taxing Master shall likewise be paid out of the said Consolidated Fund.

XV. And

Interpretation of "Lord Chancellor."

XV. And be it enacted, That in the Construction of this Act the Expression "the Lord Chancellor" shall mean and include the Lord Chancellor of *Ireland*, the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of *Ireland*, for the Time being.

Alteration of Act.

XVI. And be it enacted, That this Act may be amended or repealed by any Act passed in this present Session of Parliament.

CAP. CXVI.

An Act for the Protection of Seamen entering on board Merchant Ships. [8th *August* 1845.]

'WHEREAS the Seamen of this Kingdom have been for several Years past subjected to grievous 'Impositions and great Injustice by certain Persons who undertake to procure Seamen to enter 'on board Merchant Ships who have no Interest in the said Ships: And whereas it is required that 'further Protection should be afforded to Seamen against the Arts of such Persons:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *September* next the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations shall be and they are hereby empowered to license such Persons as they may deem to be requisite and fit, and who may be desirous to take out such Licences, to hire, engage, supply, or provide Seamen to be entered on board Merchant Ships; and every such Licence shall be granted for such Period, upon such Terms, and upon such Security being given, and shall be revocable upon such Conditions, as the Lords of the said Committee may at any Time or Times appoint.

The Board of Trade may license Persons to procure Seamen for Merchant Ships.

Manner of granting and revoking Licence.

II. And be it enacted, That every such Licence shall be granted, and every Revocation thereof shall be made, by Minute or Resolution of the Lords of the said Committee, and a Copy of any such Minute or Resolution, certified and signed by One of the Secretaries or Assistant Secretaries of the said Committee, shall be received as Evidence of such Licence or Revocation, without further Proof thereof.

No Person not duly licensed or interested in the Ship to be concerned in procuring Seamen to be entered.

III. And be it enacted, That no Person not licensed as aforesaid, or not being the Owner, Part Owner, Master, or Person in charge of a Merchant Ship, or the Ship's Husband, shall hire, engage, supply, or provide a Seaman to be entered on board any Merchant Ship; and no Person, whether licensed or not, other than the Owner, Part Owner, Master, or Person in charge of a Merchant Ship, or the Ship's Husband, shall demand or obtain the Register Ticket of any Seaman for the Purpose or under the Pretence of engaging him on board of any Merchant Ship.

Interested Persons not to receive Seamen hired contrary hereto.

IV. And be it enacted, That no Owner, Part Owner, Master, or Person in charge of any Merchant Ship, or Ship's Husband, shall knowingly receive or accept to be entered on board the said Ship any Seaman who has been hired, engaged, supplied, or provided to be entered on board thereof contrary to the Provisions of this Act.

Penalty on every Person guilty of any of the Offences above described.

V. And be it enacted, That every Person guilty of any of the Offences above described shall forfeit and pay for each and every Seaman hired, engaged, supplied, or provided to be entered on board, and for every Register Ticket demanded or obtained contrary to the Provisions of this Act, or for every Seaman knowingly received or accepted to be entered on board contrary to the Provisions of this Act, any Sum of Money not exceeding Twenty Pounds upon Conviction thereof for each Offence, although several Seamen may be included in the same Contract, or several Tickets may be obtained or several Seamen may be received or permitted to remain at the same Time.

Unlicensed Persons not to be employed for the Purpose of engaging Seamen.

VI. And be it enacted, That it shall be unlawful for any Person to employ any unlicensed Person or Persons for the Purpose of engaging or providing Seamen to be entered on board Merchant Ships; and that any licensed Person knowingly employing any unlicensed Person for the Purposes aforesaid shall forfeit and pay a Sum not exceeding Twenty Pounds, and, in addition thereto, shall forfeit and lose his Licence.

No Advance Note or Wages to be given or paid to any Seaman until after the Ship's Articles have been duly signed.

VII. And be it enacted, That the Owner, Part Owner, Master, or Person in charge of any Merchant Ship, or Ship's Husband, shall not pay or advance, nor give any Note in Writing or otherwise in the Nature of and purporting to be an Advance Note for any Part of the Wages of any Seaman hired, engaged, supplied, or provided to be entered on board the said Ship, until Six Hours after the Ship's Articles have been duly signed by the said Seaman on board the said Ship, and by the Master or Owner of the said Ship, and then only to the said Seaman himself, unless such Wages or Advance of Wages be paid in Money, in which Case the Payment thereof may be made to the said Seaman himself at any Period most convenient after the signing of the said Ship's Articles as aforesaid; and all Payments of Wages contrary to the Provisions of this Act shall be and are hereby declared to be null and void, and the Amount thereof shall be recoverable by the said Seaman as if they had not been paid or advanced.

Penalty for receiving Remuneration for hiring Seamen from any but Owner, &c.

VIII. And be it enacted, That if any Person shall demand or receive from any Seaman, or from any Person other than the Owner, Part Owner, Master, or Person in charge of a Merchant Ship, or the Ship's Husband, requiring Seamen, any Remuneration whatever, either directly or indirectly, for and on account of the hiring, supplying, or providing any such Seaman, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Persons not to be admitted on board Merchant Vessels before their Arrival in

IX. And be it enacted, That it shall not be lawful for any Person (other than any Officer or Person in Her Majesty's Service or Employment) to go and be on board any Merchant Vessel arriving or about to arrive at the Place of her Destination before or previous to her actual Arrival in Dock, or at the Quay or Place of her Discharge, without the Permission and Consent of the Master or Person in charge

of

of the said Vessel; and if any Person (other than as aforesaid) shall go and be on board any such Vessel before or previous to her actual Arrival in Dock, or at the Quay or Place of her Discharge, without the Permission and Consent of the said Master or Person in charge of the said Vessel, he shall for every such Offence forfeit and pay a Sum of Money not exceeding Twenty Pounds; and for the better securing the Person of such Offender the Master or Person in charge of the said Vessel is hereby authorized and empowered to take any Person so offending as aforesaid into Custody, and to deliver him up forthwith to any Constable or Peace Officer, to be by him taken before a Justice or Justices, to be dealt with according to the Provisions of this Act.

Dock or at the Place of Discharge without Permission.

X. And be it enacted, That if any Person shall, on board any Merchant Ship, within Twenty-four Hours of her Arrival at any Port as aforesaid, solicit any Seaman to become a Lodger at the House of any Person not so licensed as aforesaid, and letting Lodgings for Hire, or shall take from and out of such Ship, any Chest, Bedding, or other Effects of any Seaman, except under the personal Direction of such Seaman, and without having the Permission of the Master or Person in charge of such Ship, he shall be liable to forfeit and pay for every such Offence the Sum of Five Pounds.

Penalty for soliciting Sailors to become Lodgers in Houses of unlicensed Persons, &c.

XI. And be it enacted, That if any Person shall demand and receive of and from any Seaman Payment in respect of his Board or Lodging in the House of such Person for a longer Period than such Seaman shall have actually resided and boarded therein, or shall receive or take into his Possession or under his Control any Monies, Documents, or Effects of any Seaman, and shall not return the same or pay the Value thereof when required so to do by such Seaman, after deducting therefrom what shall be justly due and owing in respect of the Board and Lodging of such Seaman, he shall forfeit and pay a Sum not exceeding Ten Pounds, over and above the Amount or Value of such Monies, Documents, or Effects, after such Deductions as aforesaid, which shall be adjudged to be forthwith paid to such Seaman under the Conviction by the Justices before whom such Offence shall be heard and determined.

Penalty for receiving Remuneration for Board of Sailors for longer Period than is due, or for neglecting to return Monies, &c. belonging to Seamen.

XII. And be it enacted, That all Penalties and Forfeitures imposed by this Act shall and may be recovered, with Costs, by summary Proceedings before any Two Justices of the Peace residing in or near to the Place where the Offence shall be committed or where the Offender shall be; and if the Sum imposed as a Penalty or adjudged to be paid as aforesaid by any such Justices shall not be paid either immediately after the Conviction or within such reasonable Time as such Justices shall at the Time of the Conviction appoint, it shall be lawful for the Justices to commit the Offender or Offenders to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of such Justices, for any Term not exceeding Six Calendar Months, the Commitment to be determinable upon Payment of the Amount and Costs; and all such Penalties and Forfeitures shall be paid and applied in manner following; (that is to say,) One Moiety of such Penalty shall be paid to the Informer or Person upon whose Discovery or Information the same shall be recovered, and the Residue thereof shall be paid to the Seaman's Hospital Society: Provided always, that in all Cases of Complaint made by or on the Behalf of any Seaman under this Act the Evidence of such Seaman shall be received and taken notwithstanding he may be interested in the Matter: Provided also, that such Seaman shall not in any such Case where he shall have been so examined receive any Part of any Penalty to be imposed, but only such Sum as the Magistrates before whom the Case shall be heard shall adjudge him to receive for any Monies or Effects which shall appear to have been deposited by him with any such Person as aforesaid.

Recovery and Application of Penalties.

XIII. And be it enacted, That the Justices before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; (that is to say,)

'BE it remembered, That on the Day of in the Year of our Lord at in the County of [*or* Riding, Division, Liberty, 'City, *&c., as the Case may be*], *A.O.* is convicted before us [*naming the Justices*], Two of Her Majesty's 'Justices of the Peace for the said County, [*or* Riding, *&c.*,] for that he the said *A.O.* did [*specify the 'Offence, and the Time and Place when and where the same was committed, as the Case may be*]; and 'we the said Justices adjudge the said *A.O.* for his said Offence to forfeit and pay the Sum of [*here 'state the Amount of the Fine imposed, and, when necessary, add the Words* "over and above the Sum 'of £ , which we the said Justices do hereby adjudge to be forthwith paid to the said *E.F.* '[*the Seaman*], the same being the Value of Monies, Documents, or Effects of the said *E.F.* received 'by or taken into the Possession or under the Control of the said *A.O.*"]; and we the said Justices do 'also adjudge the said *A.O.* to pay the Sum of for Costs, and in default of immediate 'Payment of the said Sums of to be imprisoned in the for the Space 'of unless the said Sums shall be sooner paid [*or*, and we order that the said Sums of 'shall be paid by the said *A.O.* on or before the Day of]; 'and we direct that the Sum of Part of the said Penalty, together with the said Sum 'of for Costs shall be paid to *C.D.* [*the Party informing*], and the Residue of the said 'Penalty shall be paid to the Seamen's Hospital Society. Given under our Hands, the Day and Year 'first above mentioned.'

Form of Conviction.

XIV. And be it enacted, That no such Conviction shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

No Certiorari, &c.

Explanatory Clause.

XV. And be it enacted, That the Words "Merchant Ships" inserted in this Act shall be understood to include every Description of Sea-going, Trading, or Passage Vessel lying and being within the United Kingdom of *Great Britain* and *Ireland*.

Commencement of Act.

XVI. And be it enacted, That this Act shall come into operation at the following Times; (that is to say,) on the First Day of *September*, so far as respects the Power of licensing herein-before given to the Lords of the said Committee of Privy Council, and on the First Day of *November*, so far as respects all other Enactments of this Act.

Alteration of Act.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. CXVII.

An Act to amend the Laws relating to the Removal of poor Persons born in *Scotland*, *Ireland*, the Islands of *Man*, *Scilly*, *Jersey*, or *Guernsey*, and chargeable in *England*. [8th *August* 1845.]

'WHEREAS it is expedient that the Laws relating to the Removal of poor Persons born in *Scotland* or *Ireland*, or in the Islands of *Man*, *Scilly*, *Jersey*, or *Guernsey*, and not settled in *England*, but chargeable to Parishes in *England*, should be amended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the following Acts of Parliament, and of all Acts to amend or continue the same, as relates to the Removal of such poor Persons from the Parishes to which they are chargeable, except so far as any of the said Acts may repeal the Provisions of any former Act, and except as to all Orders made under the same or any of them, and not fully executed at the passing of this Act, shall be and the same is hereby repealed; (namely) an Act made in the Eleventh Year of the Reign of King *George* the Fourth, "to repeal the Provisions of certain Acts relating to the Removal of Vagrants and poor Persons born in the Isles of *Jersey* and *Guernsey*, and chargeable to Parishes in *England*, and to make other Provisions in lieu thereof;" an Act made in the Fourth Year of the Reign of King *William* the Fourth, "to repeal certain Acts relating to the Removal of poor Persons born in *Scotland* and *Ireland*, and chargeable to Parishes in *England*, and to make other Provisions in lieu thereof, until the First Day of *May* One thousand eight hundred and thirty-six, and to the End of the then next Session of Parliament."

Repeal of 11 G. 4. & 1 W. 4. c. 5. ss. 1, 2., 3 & 4 W. 4. c. 40., 7 W. 4. & 1 Vict. c. 10., 3 & 4 Vict. c. 27., and 7 & 8 Vict. c. 42.

Provision for Removal of Natives of Scotland, Ireland, and the Isles of Man, Scilly, Jersey, and Guernsey.

II. And be it enacted, That if any Person born in *Scotland* or *Ireland*, or in the *Isle of Man*, or *Scilly*, or *Jersey*, or *Guernsey*, not settled in *England*, become chargeable to any Parish in *England* by reason of Relief given to himself or herself, or to his Wife, or to any legitimate or bastard Child, such Person, his Wife, and any Child so chargeable, shall be liable to be removed respectively to *Scotland*, *Ireland*, the *Isle of Man*, *Scilly*, *Jersey*, or *Guernsey*; and if the Guardians of such Parish, or of any Union in which the same may be comprised, or, where there are no such Guardians, if the Overseers of such Parish, complain thereof to any One Justice of the Peace, such Justice may, if such Person do not attend voluntarily, summon him to come before any Two Justices of the Peace, at any Time and Place to be named in the Summons; and at such Time and Place, or on the Attendance of such Person, any Two Justices may hear and examine into the Matter of such Complaint, and if it be made to appear to their Satisfaction that such Person is liable to be so removed as aforesaid, and if they see fit, they may make and issue a Warrant under their Hands and Seals to remove such Person forthwith at the Expence of such Union or Parish.

Persons executing Warrants of Removal to have the Authority of Constables.

III. And be it enacted, That every Person to whom any Warrant made in pursuance of this Act shall be delivered for the Purpose of being carried into execution shall detain and hold in safe Custody every poor Person mentioned therein, until such poor Person have arrived at the Place to which he is ordered to be removed, and shall for that Purpose, in every County and Place through which he may pass in the due Execution of such Warrant, have and exercise the Powers with which a Constable is by Law invested, notwithstanding such Person may not otherwise be empowered to act as a Constable for such County or Place.

Justices of the Peace to make new Regulations for Removal of Scottish and Irish Poor, &c. to their respective Places of Birth or Residence.

IV. And be it enacted, That the Justices of the Peace of every County shall at some General or Quarter Session of the Peace or some Adjournment thereof, and the Justices of the Peace in Petty Sessions of every Borough shall within Eight Months after the passing of this Act, make Regulations for the more effectually carrying into effect the Provisions of this Act for the Removal of such poor Persons, their Wives and Children, whether by Land or Sea, or Part of the way by Land and Part by Sea; and such Justices may from Time to Time thereafter, as they may see Occasion, make other Regulations for the same Purpose; and such Justices shall in such Regulations provide, so far as may be, for the removing of Persons born in *Ireland*, and their Families, to the Ports named in the Schedule marked (A.) to this Act annexed which are nearest to the respective Places where such Persons were born or have resided, unless where any such Persons consent to be removed to any other Port or Place in *Ireland*, and as regards Persons born in *Scotland*, and their Families, to the Ports named in the Schedule marked (B.) to this Act annexed which are nearest the respective Places where such Persons were born or have resided, or to Places not being Ports, but being as near as such Ports to the respective Places where such Persons were born or have resided, unless where any such Persons consent to be removed to any other Port or Place in *Scotland*; and such Regulations, when approved by One of Her Majesty's Principal Secretaries of State, shall be observed and carried into effect by all Justices of the Peace,

Peace, Guardians, Overseers, Constables, and other Persons charged with or concerned in such Removal in such respective County or Borough; and until such Regulations for any County or Borough have been so approved, all Rules, Orders, Regulations, and Directions heretofore made for the Removal therefrom of Persons born in *Scotland*, *Ireland*, or the Isles of *Man*, *Scilly*, *Jersey*, or *Guernsey*, shall continue in force, but no longer.

Expences of certain Parishes to be repaid out of County Rates.

V. And be it enacted, That in the Case of any Parish not in Union, and not containing a Population exceeding Thirty thousand Persons according to the last Census published by the Authority of Parliament, if the Guardians or Overseers on whose Complaint such Warrant of Removal was made bring or send to the Clerk of the Peace of the County or to the Town Clerk of the Borough in which such Parish is situate such Warrant of Removal, accompanied with an Affidavit, sworn before some Justice of the Peace of such County or Borough, (who shall be authorized to administer the same,) of the Amount of the Expences *bonâ fide* incurred and paid by such Guardians or Overseers on account of such Removal under such Warrant as aforesaid, and also a Statement of the several Items comprised in such Amount, such Clerk of the Peace shall lay the same before the Justices of the Peace assembled at the Quarter Session or Adjournment thereof holden for such County next after he has received the same, and such Town Clerk shall lay the same before the Council of such Borough at their Quarterly Meeting held next after he has received the same; and the said Justices and Council of such Borough respectively shall, if the Regulations in force in regard to such Removal have been duly complied with, order the Amount of such Expences to be paid out of the County Rate raised in such County, or out of the Borough Fund of such Borough, as the Case may be.

Appeals against such Removals may be lodged at the Instance of Boards of Guardians in Ireland, and of Kirk Session, Heritors, or Borough Magistrates in Scotland.

VI. And be it enacted, That if any Board of Guardians of any Union in *Ireland*, or the Heritors and Kirk Session or Borough Magistrates in *Scotland*, think themselves aggrieved by any Removal of any poor Person under the Provisions of this Act, and if they forward to the Poor Law Commissioners a Statement of the Case, and of any Grounds for concluding that such poor Person is settled in any Parish in *England*, or was not in Law liable to be removed to *Ireland* or *Scotland*, as the Case may be, and if they or any Persons on their Behalf give good Security in *England* to the said Commissioners for the Payment of all Costs which may be incurred in any Appeal against the Warrant for the Removal of such poor Person, such Commissioners, if satisfied that it will be expedient so to do, may appeal, on behalf of the Persons so aggrieved, to the Court of Quarter Sessions holden for the County or Borough from which such Removal was made, held at any Time within Six Months after such Removal was completed; and such Commissioners shall, at least Twenty-one Days before the holding of such Session, send by Post or otherwise, to the Guardians or Overseers on whose Application such Warrant was obtained, Notice in Writing, purporting to be signed by their Secretary or one of their Assistant Secretaries, of their Intention to appeal against such Warrant, containing a Statement in Writing of the Ground of such Appeal; and such Court of Quarter Sessions shall hear and determine such Appeal; and if the Warrant of Removal is reversed by such Court, the Guardians or Overseers on whose Application the same was obtained shall pay the Costs and the necessary Expences and Charges incurred by or on account of such Board of Guardians, or Heritors and Kirk Session or Borough Magistrates respectively, in conveying the poor Person removed under the same back to such Parish; and if they refuse or neglect to pay the same within Seven Days after demand thereof, the Persons on whose Behalf such Appeal was brought, or any Person authorized by them, may recover the same as Penalties and Forfeitures: Provided always, that the said Guardians or Overseers may at any Time after such Notice of Appeal give or send by Post Notice in Writing under the Hands of any Two or more of them to the said Commissioners, that they abandon such Warrant, and thereupon such Warrant shall be of no Effect; and such Guardians and Overseers shall pay to the Persons on whose Behalf such Notice of Appeal was given, or to some Person authorized by them, the Expences incurred by or on account of such Persons by reason of such Warrant, and in any Proceedings consequent thereon, and the necessary Expences and Charges of conveying the Person removed under the same back to such Parish; and if they do not pay the same within Seven Days after demand the same may be recovered as Penalties and Forfeitures.

The Poor Law Amendment Act and this Act to be construed as One Act.

VII. And be it enacted, That the said Act of the Fifth Year of the Reign of King *William* the Fourth, "for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*," and all Acts to amend and extend the same, and the present Act, except so far as the Provisions of any former Act are altered, amended, or repealed by any subsequent Act, shall be construed as One Act; and that in this Act, or any of the said Acts, the Word "County" shall mean and include any County, Division of a County, Riding, or Liberty, having a separate Commission of the Peace; and that in this Act the Word "Borough" shall mean any Borough having a separate Court of Quarter Sessions.

Forms in the Schedule may be used.

VIII. And be it enacted, That in all Proceedings under this Act it shall be sufficient in the Law to use, with such Changes only as the Facts of each Case may require, the Forms contained in the Schedule marked (C.) to this Act annexed, for the Purposes in the Titles to such Forms respectively specified.

Alteration of Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE (A.)

PORTS IN IRELAND.

DUBLIN.	CORK.	BELFAST.
WEXFORD.	LIMERICK.	DUNDALK.
WATERFORD.	DERRY.	

SCHEDULE (B.)

PORTS IN SCOTLAND.

DUMFRIES.	GLASGOW.	ABERDEEN.
AYR.	OBAN.	DUNDEE.
GREENOCK.	INVERNESS.	EDINBURGH.

SCHEDULE (C.)

Form of Warrant of Removal of Persons born in Scotland or Ireland, or in the Isle of Man, or Scilly, or Jersey, or Guernsey.

To

County of to wit. } WHEREAS Complaint hath been made by the Board of Guardians of the Union [*or* of the Parish of, *&c.*], in the said County of unto us, whose Names are hereunto set and Seals affixed, Two of Her Majesty's Justices of the Peace acting in and for the said County, that a Person born in Scotland [*or* Ireland, *or* the Isle of Man, *or* Scilly, *or* Jersey, *or* Guernsey], hath become and is now chargeable to the Parish [Township, *&c.*] of in the said Union, *&c.*]: And whereas, upon Examination of the said taken upon Oath before us (which Examination is hereto annexed), it doth appear to our Satisfaction that he was born in Scotland, *&c.*, and hath not a Settlement in England, and that he hath a Wife named and Children, videlicet neither of which Children has any Settlement in England.

These are therefore to require you the said to convey the said his Wife and Family aforesaid, to Scotland, *et cætera*, in the Manner directed by the Regulations of the Justices of the said County, *et cætera*, and approved by *J. S.*, One of Her Majesty's Principal Secretaries of State, in pursuance of the Provisions of a certain Act made and passed in the Year of the Reign of Queen Victoria, intituled [*the Title of this Act*].

Given under our Hands and Seals this Day of in the Year of our Lord One thousand eight hundred and

[*Here copy the Regulations of the Justices of the County, et cætera, approved by the Secretary of State, as applicable to the Removal of the Party.*]

Form of Examination to which the above Warrant refers.

to wit. } THE Examination of taken on Oath before us, Two of Her Majesty's Justices of the Peace acting in and for the [County, Riding, City, Borough, Town Corporate, Division, *or* Liberty,] aforesaid, this Day of in the Year of our Lord One thousand eight hundred and , who on Oath saith, that according to the best of [his *or* her] Knowledge and Belief [he *or* she] was born in in that Part of the United Kingdom called Scotland [*or* Ireland, *or* in the Isle of Man, *or* Scilly, *or* Jersey, *or* Guernsey], which [he *or* she] left about Years ago, and hath no Settlement in that Part of the United Kingdom called England, and hath actually become and is now chargeable to the [Parish, Township, *&c.*] of in the County of [and that he hath a Wife named and Children, neither of which Children have gained a Settlement in England].

Sworn the Day and Year first above written, before us

C A P. CXVIII.

An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands; to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of general and local Inclosure Acts; and to provide for the Revival of such Powers in certain Cases.

[8th *August* 1845.]

'WHEREAS it is expedient to facilitate the Inclosure and Improvement of Commons and other 'Lands now subject to Rights of Property which obstruct Cultivation and the productive Employ- 'ment of Labour, and to facilitate such Exchanges of Lands, and such Divisions of Lands intermixed or 'divided into inconvenient Parcels, as may be beneficial to the respective Owners; and it is also expedient 'to provide Remedies for the defective or incomplete Execution and for the Non-execution of Powers 'created by general and local Acts of Inclosure, and to authorize the Revival of such Powers in certain 'Cases:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

by

by the Authority of the same, That it shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint any Two fit Persons to be Commissioners under this Act, and at pleasure to remove the Commissioners so appointed, or either of them; and upon every Vacancy in the Office of such Commissioner some other fit Person shall be appointed to such Office in like Manner; and the Commissioners so to be appointed shall, with the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, be the Commissioners for carrying this Act into execution; and during any Vacancy in the Office of Commissioner under this Act it shall be lawful for the continuing Commissioners or Commissioner to act as if no such Vacancy had occurred. Appointment of Commissioners.

II. And be it enacted, That the said First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being shall be the Chairman of the Commissioners acting in the Execution of this Act; and such Commissioners shall be styled "The Inclosure Commissioners for *England* and *Wales*," and shall have their Office in *London* or *Westminster*, and they, or any Two of them, may sit from Time to Time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the Commissioners shall cause to be made a Seal of the said Board, and shall cause to be sealed therewith all Awards and Orders made or confirmed by the Commissioners in pursuance of this Act; and all such Awards and Orders and other Instruments proceeding from the said Board, or Copies thereof, purporting to be sealed with the Seal of the said Board, shall be received in Evidence, without any further Proof thereof; and no Award or Order of the Commissioners under the Authority of this Act shall be of any Force unless the same shall be sealed as aforesaid. Chairman of Commissioners. Style of Commissioners. To have a Common Seal.

III. And be it enacted, That the Commissioners shall from Time to Time give to any One of Her Majesty's Principal Secretaries of State such Information respecting their Proceedings as such Principal Secretary of State shall require, and shall in the Month of *January* in every Year send to One of the Principal Secretaries of State a general Report of their Proceedings, specifying the Applications which may have been made to them under the Provisions of this Act, and the several Cases in which they shall have authorized Inclosures, and the Grounds on which they may have withheld their Consent to such Application, and also the Cases in which they shall be of opinion that proposed Inclosures, which may not be made without the Direction of Parliament, would be expedient; and such Report shall separately distinguish all such proposed Inclosures as relate to Lands situate within Fifteen Miles of the City of *London*, and within such respective Distances of other Cities or Towns as herein-after mentioned, and shall state in each such Case the special Grounds on which they shall be of opinion that such Inclosure shall be expedient; and as well in the Cases in which they shall have authorized Inclosures as in the other Cases aforesaid such Report shall state the Extent of the Land authorized and proposed to be inclosed, with such other Particulars as herein-after directed; and such Report shall also specify the Progress which shall have been made in Inclosures which the Commissioners may have authorized, and in the Inclosures which Parliament may have directed to be proceeded with; and every such Report shall be laid before both Houses of Parliament within Six Weeks after the Receipt of the same by such Principal Secretary of State, if Parliament be sitting, or if Parliament be not sitting then within Six Weeks after the next Meeting of Parliament; and such Commissioners may from Time to Time send to One of the Principal Secretaries of State such special Reports in relation to all or any of the Matters aforesaid as they may think fit. Commissioners to make annual Reports; and also special Reports.

IV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to appoint a sufficient Number of Persons to be Assistant Commissioners, and also a Secretary, and such Clerks, Messengers, and Officers as they shall deem necessary, and to remove such Assistant Commissioners, Secretary, Clerks, Messengers, and Officers, or any of them, and on any Vacancy in any of the said Offices to appoint some other Person to the vacant Office; and the Persons so appointed shall assist in carrying this Act into execution at such Places and in such Manner as the Commissioners may direct: Provided always, that no such Appointment shall be made by the Commissioners unless the Lord High Treasurer or any Three or more of the Commissioners of Her Majesty's Treasury shall in the Case of each such Appointment consent thereto. Power to appoint and remove Assistant Commissioners, &c.

V. And be it enacted, That no Commissioner or Assistant Commissioner, Secretary, or other Officer or Person so to be appointed, shall hold his Office for a longer Period than Five Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament; and after the Expiration of the said Period of Five Years and of the then next Session of Parliament so much of this Act as authorizes any such Appointment shall cease. Appointments under this Act limited to Five Years.

VI. And be it enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of Her Majesty's Treasury to direct a Salary, not exceeding One thousand five hundred Pounds by the Year, to be paid to One of the Commissioners for the Time being appointed under this Act; but, except as aforesaid, no Salaries shall be paid to the Commissioners in respect of their Appointments under this Act; and the Allowances to the Assistant Commissioners, and the Salaries of the Secretary, Clerks, Messengers, and other Officers to be appointed under this Act, shall be from Time to Time regulated by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury or any Three of them: Provided always, that the Allowance to an Assistant Commissioner shall not exceed the Sum of Three Pounds Three Shillings for every Day he shall be actually employed or travelling in the Performance of the Duties of his Office; provided also, that the said Lord High Treasurer or Commissioners may allow to any Commissioner, Assistant Commissioner, Secretary, Clerk, Messenger, or other Officer such reasonable travelling and other Expences as may be incurred by him in the Performance of his Duties under this Act, in addition to his Salary or Allowance (if any) respectively. Salaries and Allowances.

VII. And

Allowances and Salaries to be paid out of the Consolidated Fund.

VII. And be it enacted, That the Allowances and Salaries of such Commissioner, Assistant Commissioners, Secretary, Clerks, Messengers, and Officers as aforesaid, and all other incidental Expences of carrying this Act into execution not herein otherwise provided for, shall be paid by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Commissioners and Assistant Commissioners to make a Declaration.

VIII. And be it enacted, That every Commissioner shall before he shall enter upon the Execution of his Office make the following Declaration before One of the Judges of Her Majesty's Court of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer; (that is to say,)

'I do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the Powers and Duties of a Commissioner under an Act passed in the Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act*].'

And every Assistant Commissioner shall, before he shall enter upon the Execution of his Office, make the like Declaration (substituting the Words "Assistant Commissioner" for the Word "Commissioner") before such Judge or Baron, or before any Two Justices of the Peace for the County, Riding, Division, Liberty, or Jurisdiction wherein such Assistant Commissioner shall be resident at the Time of his Appointment, or before a Master Extraordinary in Her Majesty's High Court of Chancery; and the Appointment of every such Commissioner and Assistant Commissioner, with the Time when and the Name or Names of the Judge, Baron, Justices, or Master Extraordinary before whom he shall have made the Declaration aforesaid, shall be forthwith published in the *London Gazette*.

Documents of the Tithe Commissioners may be used.

Power to summon Witnesses.

IX. And be it enacted, That all Awards, Apportionments, Agreements, Writings, and Maps in the Custody of the Tithe Commissioners for *England* and *Wales* shall be open to the Use and Inspection of the Inclosure Commissioners for *England* and *Wales*, or any Person by them authorized; and such Copies of or Extracts from such Awards, Apportionments, Agreements, Writings, and Maps as the Commissioners shall require shall be furnished to them for the Purposes of this Act; and that the Commissioners or any Assistant Commissioner may, by Summons under the Seal of the Commission or under the Hands of such Assistant Commissioner, require the Attendance of all such Persons as they or he may think fit to examine upon any Matter relating to any Inclosure or proposed Inclosure, or other Proceeding under the Authority of this Act, and also make any Inquiries and call for any Answer or Return as to any such Matter, and also administer or receive Declarations and examine all such Persons upon Declaration, and cause to be produced before them or him, upon Declaration, all Court Rolls, and all Rate Books, Instruments of Tithe Apportionment, and other public Writings, Maps, Plans, and Surveys of or belonging to any Parish, or Copies thereof respectively, in anywise relating to any such Matter; and the Commissioners may, when they shall think fit, by Summons under the Seal of the Commission, require the Attendance before any Valuer acting in the Matter of an Inclosure under this Act of all such Persons as the Valuer may certify to the Commissioners as Persons whose Testimony may be necessary for the Matter of such Inclosure, and cause to be produced before such Valuer, upon Declaration, all such Court Rolls, Rate Books, public Writings, Maps, Plans, and Surveys, or Copies thereof, as aforesaid; and every Valuer acting in the Matter of an Inclosure under this Act may also administer or receive Declarations, and examine upon Declaration all such Persons as shall attend before him under such Summons of the Commissioners, and all such Persons as may voluntarily attend before him as Witnesses in such Matter: Provided always, that no such Person shall be required to attend in obedience to any such Summons unless the reasonable Charges of his Attendance shall have been paid or tendered to him; and no such Person shall be required in any Case, in obedience to any such Summons, to travel more than Ten Miles from the Place of his Abode.

Commissioners may delegate Powers to Assistant Commissioners.

X. And be it enacted, That the Commissioners may delegate to the Assistant Commissioners, or to any One or more of them, such of the Powers hereby given to the Commissioners as the Commissioners shall think fit (except the Power to confirm Awards, or to do any Act herein required to be done under the Seal of the Commissioners), and the Power so delegated shall be exercised under such Regulations as the Commissioners shall direct; and the Commissioners may at any Time recall or alter all or any of the Powers delegated as aforesaid, and, notwithstanding the Delegation thereof, may act as if no such Delegation had been made; and all Acts done by any such Assistant Commissioner in pursuance of such delegated Power shall be obeyed by all Persons as if they had proceeded from the Commissioners, and the Non-observance thereof shall be punishable in like Manner.

Descriptions of Land subject to be inclosed under this Act.

XI. And be it enacted, That all such Lands as are herein-after mentioned, (that is to say,) all Lands subject to any Rights of Common whatsoever, and whether such Rights may be exercised or enjoyed at all Times, or may be exercised or enjoyed only during limited Times, Seasons, or Periods, or be subject to any Suspension or Restriction whatsoever in respect of the Time of the Enjoyment thereof; all Gated and Stinted Pastures in which the Property of the Soil or of some Part thereof is in the Owners of the Cattle Gates or other Gates or Stints, or any of them; and also all Gated and Stinted Pastures in which no Part of the Property of the Soil is in the Owners of the Cattle Gates or other Gates or Stints, or any of them; all Land held, occupied, or used in common, either at all Times or during any Time or Season, or periodically, and either for all Purposes or for any limited Purpose, and whether the separate Parcels of the several Owners of the Soil shall or shall not be known by Metes or Bounds or otherwise distinguishable; all Land in which the Property or Right of or to the Vesture or Herbage, or any Part thereof, during the whole or any Part of the Year, or the Property or Right of or to the Wood or Underwood growing and to grow thereon, is separated from the Property of the Soil; and all Lot Meadows

Meadows and other Lands the Occupation or Enjoyment of the separate Lots or Parcels of which is subject to Interchange among the respective Owners in any known Course of Rotation or otherwise, shall be Land subject to be inclosed under this Act.

Wastes of Manors and Lands subject to indefinite Common Rights at all Times not to be inclosed without previous Direction of Parliament.

XII. Provided always, and be it enacted, That no Waste Land of any Manor on which the Tenants of such Manor have Rights of Common, nor any Land whatsoever subject to Rights of Common which may be exercised at all Times of every Year for Cattle levant and couchant upon other Land, or to any Rights of Common which may be exercised at all Times of every Year, and which shall not be limited by Number or Stints, shall be inclosed under this Act without the previous Authority of Parliament in each particular Case as herein-after provided; provided also, that neither this Act, nor any thing which may be done under or by virtue thereof, shall authorize to be made any Embankment, Erection, or Encroachment without the Consent of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, and where the Consent of any Grantee of the Office of Admiral or Vice Admiral might have been required by Law if this Act had not been passed the Consent also of such Grantee, in or upon the Shore of any Harbour, or the Bank of any navigable River so far as the Tide flows up the same, or shall give to or confer upon any Person any Right, Title, Estate, or Interest to or in any such Embankment, Erection, or Encroachment already made other than what he may legally have at the Time of the passing of this Act, or confer upon any Person whatsoever any Right, Title, Estate, or Interest whatsoever in any Lands, or Soil whereon the Tide of the Sea flows and re-flows.

New Forest and Forest of Dean excepted.

XIII. Provided also, and be it enacted, That no Part of the *New Forest* in the County of *Southampton*, or of the Forest of *Dean* in the County of *Gloucester*, shall be Land subject to be inclosed under this Act.

Land within certain Distances of large Towns not to be inclosed without the previous Direction of Parliament.

XIV. Provided also, and be it enacted, That no Lands situate within Fifteen Miles of the City of *London*, or within Two Miles of any City or Town of Ten thousand Inhabitants, or within Two Miles and a Half of any City or Town of Twenty thousand Inhabitants, or within Three Miles of any City or Town of Thirty thousand Inhabitants, or within Three Miles and a Half of any City or Town of Seventy thousand Inhabitants, or within Four Miles of any City or Town of One hundred thousand Inhabitants, shall be subject to be inclosed under the Provisions of this Act without the previous Authority of Parliament in each particular Case, as herein-after provided; and in all such Cases the Number of Inhabitants shall be ascertained by the then last Parliamentary Census thereof, and that the Distance shall be measured in a direct Line from the Town Hall, if there shall be any Town Hall, or if there shall be no Town Hall then from the Cathedral or Church, if there shall be only One Church, or if there shall be more Churches than One then from the principal Market Place of any such City or Town.

Village Greens not to be inclosed; but Provision may be made for preserving the Surface and fixing Boundaries.

XV. And be it enacted, That no Town Green or Village Green shall be subject to be inclosed under this Act; provided that in every Case in which an Inclosure of Lands in the Parish in which such Town Green or Village Green may be situate shall be made under the Authority of this Act it shall be lawful for the Commissioners, if they shall think fit, to direct that such Town Green or Village Green, provided such Green be of equal or greater Extent, be allotted to the Churchwardens and Overseers of the Poor of such Parish, in trust, to allow the same to be used for the Purposes of Exercise and Recreation, and the same shall be allotted and awarded accordingly, in like Manner, and with the like Provisions for making or maintaining the Fences thereof, and preserving the Surface thereof, and draining and levelling the same where Occasion shall require, as herein-after directed concerning the Allotments to be made for the Purposes of Exercise and Recreation; and such Green may be so allotted in addition to other Land which may be allotted for the Purposes of Exercise and Recreation, or, if the Commissioners shall think it sufficient, may be allotted in substitution for other Land which might have been required to be allotted for such Purposes; and in every Case in which such Town Green or Village Green shall adjoin Land subject to be inclosed under this Act, and shall not be separated from such Land by Fences or known Bounds, the Commissioners shall, in the Provisional Order concerning such Inclosure, set out a Boundary Line between such Green and the adjoining Land, and shall in their annual general Report mention and describe such Boundary.

Persons interested in Lands for Purposes of Applications, &c.

XVI. And be it enacted, That for the Purposes of this Act the Persons interested in Land subject to be inclosed under this Act, or otherwise subject or to become subject to the Provisions of this Act, shall be deemed to be the Persons herein-after mentioned, and no others; (that is to say,) the Persons who shall be in the actual Possession or Enjoyment of any such Land or any Part thereof, or any Common or Common Right thereon, or any Manor of which such Land or any Part thereof shall be Waste, or who shall be in the actual Receipt of the Rents and Profits of such Land or Part thereof, Common, or Common Right, or Manor respectively, (except any Tenant for Life or Lives or for Years holding under a Lease or Agreement for a Lease on which a Rent of not less than Two Thirds of the clear yearly Value of the Premises comprised therein shall have been reserved, and except any Tenant for Years whatsoever holding under a Lease or Agreement for a Lease for a Term which shall not have exceeded Fourteen Years from the Commencement thereof, and except any Tenant from Year to Year at Will or Sufferance,) and that without Regard to the real Amount of Interest of such Persons; and in every Case in which any such Land, Common, or Common Right, or Manor, shall have been leased or agreed to be leased to any Person or Persons for Life or Lives or for Years by any Lease or Agreement for a Lease on which a Rent of not less than Two Thirds of the clear yearly Value of the Premises comprised therein shall have been reserved, and in every Case in which any such Land, Common, or Common Right, or Manor, shall be in the Possession of a Tenant from Year to Year at Will or Sufferance, or shall have been

been leased or agreed to be leased for a Term which shall not have exceeded Fourteen Years from the Commencement thereof, the Person who shall for the Time being be entitled to the said Land, Common, or Common Right, or Manor, in reversion immediately expectant on the Term created or agreed to be created by such Lease or Agreement for a Lease respectively, or subject to the Tenancy from Year to Year at Will or Sufferance, shall be deemed for the Purposes of this Act to be the Person interested as aforesaid in respect of such Land, Common, or Common Right, or Manor; and in every Case in which any such Land, Common, or Common Right, or Manor as aforesaid, shall have been leased or agreed to be leased to any Person for Life or Lives or for Years by any Lease or Agreement for a Lease in which a Rent less than Two Thirds of the clear yearly Value of the Premises comprised therein shall have been reserved and of which the Term shall have exceeded Fourteen Years from the Commencement thereof, the Person who shall for the Time being be in the actual Receipt of the Rent reserved upon such Lease or Agreement for a Lease shall, jointly with the Person who shall be liable to the Payment of such Rent of such Land, Common, or Common Right, or Manor, be deemed for the Purposes of this Act to be the Person interested in respect of such Land, Common, or Common Right, or Manor respectively; and in every Case in which any Person shall be in possession or enjoyment or receipt of the Rents or Profits of any such Land, Common, or Common Right, or Manor, under any Sequestration, Extent, Elegit, or other Writ of Execution, or as a Receiver under any Order of a Court of Equity, the Person who but for such Writ or Order would have been in possession, enjoyment, or receipt of the Rents and Profits, shall, jointly with the Person in possession, enjoyment, or receipt by virtue of such Writ or Order, be deemed for the Purposes of this Act to be the Person interested in respect of such Land, Common, or Common Right, or Manor respectively.

Where the Crown is interested, who shall be substituted.

XVII. And be it enacted, That whenever Her Majesty shall be interested in Land as aforesaid the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, or in case Her Majesty shall be so interested in right of the Duchy of *Lancaster* the Chancellor of the Duchy of *Lancaster*, shall, for the Purposes of this Act, and to the Extent of such respective Interest, be substituted for the Person interested as aforesaid.

Where Duke of Cornwall is interested, who shall be substituted.

XVIII. And be it enacted, That whenever the Duke of *Cornwall* shall be interested in Land as aforesaid the Lord Warden of the Stannaries shall for the Purposes of this Act, and to the Extent of such Interest, be substituted instead of the Person interested as aforesaid.

Provision for Persons jointly interested.

XIX. And be it enacted, That whenever an Interest in Land according to the Provisions of this Act shall be vested in several Persons as Co-Trustees or in Joint Tenancy, such Persons shall for the Purposes of this Act be considered as jointly interested, and entitled to One Vote only in respect of their joint Interest, but any One or more of such Persons may, unless the other or others of them shall dissent therefrom, act or vote under this Act; and the Majority in Number of any such Persons may notwithstanding any Dissent of the Minority, act or vote under this Act in the same Manner as if all such Persons had concurred; and whenever several Persons as Tenants in Coparcenary or in Common shall be so interested, each Coparcener or Tenant in Common shall for the Purposes of this Act, and to the Extent of the Value of his respective undivided Share, be deemed separately interested and entitled to vote as if he were Tenant in Severalty.

In case of Disability Commissioners to name Substitutes.

XX. And be it enacted, That whenever any Person interested in Land as aforesaid shall be an Infant, Lunatic, Idiot, Feme Covert, or under any other legal Disability, or beyond the Seas, the Guardian, Trustee, Committee of the Estate, Husband, or Attorney respectively, or in default thereof such Person as may be nominated for that Purpose by the Commissioners, and whom they are hereby empowered to nominate under their Hands and Seal, shall for the Purposes of this Act be substituted in the Place of such Person so interested.

Attornies may be appointed by Persons interested.

XXI. And be it enacted, That it shall be lawful for any Person interested in any Land subject to be inclosed under this Act, or otherwise subject or to become subject to the Provisions of this Act, by a Power of Attorney, given in Writing under his Hand, to appoint an Agent to act for him for the Purposes of this Act; and all Things which by this Act are directed to be done by or with relation to any such Person may be lawfully done by or with relation to the Agent so duly authorized of such Person; and every such Agent shall have full Power, in the Name and on behalf of his Principal, to sign, concur in, and execute any Application or Act, to signify Consent or Dissent, and to vote on any Question arising out of the Execution of this Act; and every Person shall be bound by the Acts of any such Agent, according to the Authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent shall have acted, or a Copy thereof, authenticated by the Signature of a Witness or Witnesses, shall be deposited in the Office of the Commissioners; and any such Power of Attorney may be in the Form following:

Form of Power of Attorney.

'I of do hereby appoint of
'to be my Attorney for all the Purposes of an Act passed in the Years of Her present
'Majesty, intituled '

Proportional Interests, how estimated.

XXII. Provided always, and be it enacted, That the proportional Value of the respective Interests of the several Persons interested in any Land subject to be inclosed under this Act, or otherwise subject or to become subject to the Provisions of this Act, shall, so far as relates to the Power to sign any Application, or to give any Notice or Consent, or to vote at any Meeting under this Act, be estimated as herein-after mentioned; (that is to say,) where their Interests shall be in respect of Land or other rateable Property, then according to the proportional Sums at which such Land or rateable Property shall be rated to the Relief of the Poor; and when their Interests shall be in respect of Rights of Common enjoyed or claimed

claimed in respect of any Land, and not defined by Numbers or Stints, then according to the proportional Sum at which the Land in respect of which they enjoy or claim such Rights of Common shall be rated to the Relief of the Poor; and in case such Interests shall be in respect of Rights in a Gated or Stinted Pasture, or of other Rights defined by Numbers or Stints, then according to the proportional Amount of their respective Numbers or Stints; but in case such Interests shall be in respect of Rights of Common in gross, not rated to the Relief of the Poor, and not defined by Numbers or Stints, or in case, from any other Cause, it shall appear to the Commissioners, or to the Assistant Commissioner presiding at any Meeting held for the Purposes of this Act, impracticable to estimate such proportional Value in manner aforesaid, it shall be lawful for the Commissioners or such Assistant Commissioner to direct in what Manner such proportional Value shall be estimated, regard being had to the Circumstances of each particular Case: Provided always, that in every Case in which such Assistant Commissioner shall have directed in what Manner such proportional Value shall be estimated under the Power herein-before contained he shall specially report to the Commissioners the Circumstances under which it shall have become necessary to exercise such Power, and the Directions he shall have given in the Exercise thereof.

Proportional Interests of Lords of Manors.

XXIII. And be it enacted, That the proportional Value of the Interest of the Lord of a Manor interested as Lord in any Land subject to be inclosed under this Act, or, in case there shall be several Lords of a Manor or Lords of several Manors so interested in any Land subject to be inclosed under this Act, the proportional Value of the respective Interests of such Lords, shall for the Purposes aforesaid be estimated in such Manner as the Commissioners may direct.

Commissioners to frame Forms of Applications, &c.

XXIV. And be it enacted, That the Commissioners shall frame, and cause to be printed and circulated as they shall see Occasion, Forms indicating the Particulars of the Information to be furnished to the Commissioners by Persons proposing to inclose Land under the Provisions of this Act, with reference to the Extent and Nature of the Land to be inclosed, to the Mines, Minerals, or valuable Strata (if any) under the same, to the Questions of Boundary (if any) concerning such Land, or such Mines, Minerals, or Strata, to the Numbers and Occupations of the Inhabitants of the Parish or Place, to its Vicinity to or Distance from any City or Town or populous District, to the Parties interested in the proposed Inclosure, and the Numbers who have assented to or dissented from the Application, to the Nature of the Rights which require the Intervention of the Commissioners or the Interference of Parliament, to the supposed Advantages of the proposed Inclosure, to the Allotments (if any) proposed to be made for Exercise and Recreation and for the labouring Poor, and to the Allotment (if any) agreed on or proposed to be made to the Lord of the Manor, in case the Lord of the Manor shall be entitled to the Soil of the Land proposed to be inclosed, in respect of his Right and Interest therein, and such other Information as in the Judgment of the Commissioners may assist them in forming an Opinion on such Application, and also such other Forms as the Commissioners may deem requisite or expedient for facilitating Proceedings under this Act.

Upon Application to the Commissioners an Assistant Commissioner to inquire into the Expediency of proposed Inclosure.

XXV. And be it enacted, That any Persons interested in Land subject to be inclosed, and proposing to inclose the same under this Act, may make Application to the Commissioners according to the Form which may have been circulated as aforesaid by the Commissioners to sanction such Inclosure, or to certify in their annual general Report the Expediency of such Inclosure, as the Case may require; and in case the Commissioners shall, on the Statements contained in such Application, think that the Inclosure of such Land, or of some Part thereof, may be found to be expedient, they shall refer such Application to an Assistant Commissioner, who shall inspect the Land proposed to be inclosed, and inquire into the Correctness of the Statements in such Application, and otherwise into the Expediency of the proposed Inclosure; and such Assistant Commissioner shall hold a Meeting or Meetings, to hear any Objections which may be made to the proposed Inclosure, and any Information or Evidence which may be offered in relation thereto, and may adjourn such Meetings respectively, and shall cause Notice to be given on the Church Door of the Parish in which the Land proposed to be inclosed, or the greater Part thereof, shall be situate, and also a like Notice to be given by Advertisement of the Time and Place of every such Meeting, Fourteen Days at least before every such Meeting (Meetings by Adjournment only excepted): Provided nevertheless, that it shall not be lawful for the Commissioners to refer such Application to the Assistant Commissioner, nor for the Assistant Commissioner to take any further Proceedings upon any such Application, unless it shall be made to appear to them or him respectively that the Persons making such Application represent at least One Third in Value of the Interests in the Lands therein proposed to be inclosed.

Assistant Commissioner to report on Application.

XXVI. And be it enacted, That the Assistant Commissioner to whom such Application shall be referred shall report in Writing to the Commissioners the Result of his Inquiries as to the Statements contained in the Application, and his Opinion as to the Expediency or Inexpediency of the proposed Inclosure, with the Reasons for such Opinion; and in case he shall think such Inclosure expedient he may specify any Terms or Conditions which may appear to him to be proper for the Protection of any public Interests, and of any Mineral Property or peculiar Rights in relation to the Land proposed to be inclosed, and shall annex to his Report a Map or Sketch of the Land proposed to be inclosed, and in case he shall be of opinion that Allotments for Exercise and Recreation or for the labouring Poor should be made in the proposed Inclosure, such Sketch shall show the Place in which it shall appear to him that such Allotments should be made.

Commissioners to embody the Conditions of proposed Inclo-

XXVII. And be it enacted, That if on the Report of the Assistant Commissioner, or after any further Inquiries they shall think necessary in relation thereto, the Commissioners shall be of opinion, having regard as well to the Health, Comfort, and Convenience of the Inhabitants of any Cities, Towns, Villages,

sure in a Provisional Order, and to take Consents of Parties interested.

or populous Places in or near any Parish in which the Land proposed to be inclosed or any Part thereof shall be situate, as to the Advantage of the Proprietors of the Land to which such Application shall relate, that the proposed Inclosure would be expedient, the Commissioners, by Provisional Order under their Seal, shall set forth the Terms and Conditions on which they shall be of opinion that the Inclosure should be made, and especially the Quantity and Situation of the Allotments (if any) which under the Provisions of this Act should be appropriated for the Purposes of Exercise and Recreation and for the labouring Poor, and, in case the Lord of the Manor shall be entitled to the Soil of the Land proposed to be inclosed, shall specify the Share or Proportion of the Residue of the Land which, after Provision made for the Payment of Expences, in case the Expences shall, under the Provisions herein-after contained, be so directed to be paid by Sale of Land, and after deducting the Allotments to be made for public Purposes, should be allotted to the Lord of the Manor in respect of his Right and Interest in the Soil, either exclusively or inclusively of his Right or Interest in all or any of the Mines, Minerals, Stone, and other Substrata under such Land, or inclusively or exclusively of any Right of Pasturage which may have been usually enjoyed by such Lord or his Tenants, or any other Right or Interest of such Lord in the Land to be inclosed, as the Case may appear to the Commissioners to require, or as the Parties interested, with the Approbation of the Commissioners, may have agreed, and in case there shall be any Mineral Property, or any Rights in relation thereto, not vested in the Lord of the Manor, or other Rights which shall appear to the Commissioners proper to be specially provided for upon such Inclosure, or to be excepted from the Operation thereof, shall specify the Provisions or Exceptions which should be made in that Behalf; and the Commissioners shall thereupon cause Notice to be given of their Intention to authorize the proposed Inclosure, or (as the Case may be) to certify in their annual general Report the Expediency of the proposed Inclosure, but upon the Terms and Conditions in such Order expressed, and in case the Consents required by this Act should be given within the Time in such Notice specified, or within any enlarged Time which the Commissioners may allow for that Purpose; and the Commissioners shall cause to be deposited for Inspection a Copy of such Provisional Order in the Parish or Place in which the Land proposed to be inclosed, or some Part thereof, shall be situate, and may, in case they shall think fit, cause Meetings to be holden by an Assistant Commissioner for the Purpose of taking Consents or Dissents, or of ascertaining the Interests of consenting or dissenting Parties, or give such Directions as to the Mode of taking and verifying Consents as they shall think fit; and in case it shall appear to the Satisfaction of the Commissioners, that Persons the aggregate Amount of whose Interests in the Land proposed to be inclosed shall not be less in Value than Two Thirds of the whole Interest in such Land, and the other Persons, if any, whose Consents may be necessary under the Provisions herein-after contained, shall have consented to such Inclosure, upon the Terms and Conditions in such Order expressed, then, if the Land proposed to be inclosed cannot be inclosed under this Act without the previous Direction of Parliament, the Commissioners shall in their next annual general Report certify their Opinion that the proposed Inclosure would be expedient, with such Particulars in relation thereto, or to the Terms and Conditions aforesaid, as they shall think necessary; and in case the Land proposed to be inclosed shall be Land to the Inclosure of which under this Act the previous Direction of Parliament is not hereby required, the Commissioners shall cause Notice to be given on the Church Door and by Advertisement of their Intention to proceed with such Inclosure under the Provisions herein contained: Provided always, that where the Freemen, Burgesses, or Inhabitant Householders of any City, Borough, or Town shall be entitled to Rights of Common or other Interests in the Land proposed to be inclosed, the Commissioners shall not certify the Expediency of the proposed Inclosure, or proceed further under this Act, unless it shall appear to the Commissioners that Two Thirds in Number of such of the Freemen and Burgesses so entitled as may be resident in such City, Borough, or Town, or within Seven Miles thereof, or of such Inhabitant Householders, as the Case may be, shall have consented to such Inclosure, on the Terms and Conditions in their Provisional Order specified; and in case Two Thirds in Number of such resident Freemen and Burgesses, or of such Inhabitant Householders, shall have so consented, such Consent shall be deemed the Consent of the Class of Freemen, Burgesses, or Inhabitant Householders, as the Case may be, so entitled.

Separate Applications for separate Tracts.

XXVIII. And be it enacted, That when it shall appear to the Commissioners that Land proposed to be inclosed under this Act shall be in part a Tract of Open and Common Arable, Meadow, or Pasture Lands or Fields, and in part a Tract of Common or Waste Lands subject to Rights of Common, or shall otherwise consist of separate and distinct Tracts subject to separate and distinct Rights or Classes of Rights, and the Persons interested in one of such Tracts shall not be all interested in the other of them, it shall be lawful for the Commissioners to ascertain whether Persons interested in each of such Tracts whose Interests shall not be less than Two Thirds in Value of the whole Interest therein shall consent to the proposed Inclosure, on the Terms and Conditions in their Provisional Order specified; and in case it shall thereupon appear that such Proportion in Value of the Persons interested in any such Tract as aforesaid shall not have consented, the said Commissioners shall not proceed further under this Act in respect of such Tract, or certify in their annual general Report the Expediency of the Inclosure thereof, unless or until Persons interested therein whose Interest shall not be less than Two Thirds shall have consented thereto.

Consent of the Lord of the Manor.

XXIX. Provided always, and be it enacted, That when the Land to which such Application shall relate shall be the Waste of any Manor or Land within any Manor to the Soil of which the Lord of such Manor shall be entitled in right of his Manor, then, unless there shall be more than One Person interested in such Manor, according to the Definition of this Act, the Commissioners shall not proceed

to

to an Inclosure on such Application, or certify in their annual general Report the Expediency thereof, unless the Person interested in the Land subject to be inclosed as aforesaid in right of such Manor, or his Substitute under this Act, shall consent to such Inclosure; and where there shall be more than One Person interested in such Manor the Commissioners shall not proceed to an Inclosure, or certify as aforesaid the Expediency thereof, in case such Persons, or the Majority of such Persons in respect of Interest, shall signify their Dissent within the Time limited by the Commissioners.

Allotments for Exercise and Recreation may be required as Conditions of Inclosure.

XXX. And be it enacted, That in the Provisional Order of the Commissioners concerning the Inclosure under the Provisions of this Act of any Waste Land of any Manor on which the Tenants of such Manor have Rights of Common, or of any other Land subject to Rights of Common which may be exercised at all Times of the Year for Cattle levant and couchant or to any Rights of Common which may be exercised at all Times of the Year, and which shall not be limited by Number or Stints, it shall be lawful for the Commissioners to require, and in their Provisional Order to specify, as One of the Terms and Conditions of such Inclosure, the Appropriation of an Allotment for the Purposes of Exercise and Recreation for the Inhabitants of the Neighbourhood, not exceeding the Quantity herein-after mentioned applicable to each Case; that is to say, where the Land to be inclosed shall be situate in any Parish the Population of which according to the then last previous Parliamentary Census shall amount to or exceed Ten thousand Persons, Ten Acres; where the Land to be inclosed shall be situate in any Parish the Population of which according to such Census shall amount to or exceed Five thousand Persons and be less than Ten thousand Persons, Eight Acres; and where the Land to be inclosed shall be situate in any Parish the Population of which according to such Census shall amount to or exceed Two thousand Persons and be less than Five thousand Persons, Five Acres; and in every Case, except as aforesaid, not exceeding Four Acres; and if in the Provisional Order for such Inclosure the Commissioners shall not have required the Appropriation of an Allotment for the Purposes of Exercise and Recreation, the Commissioners shall in their annual general Report state the Grounds on which they shall have abstained from requiring such Appropriation.

Allotments for labouring Poor.

XXXI. And be it enacted, That in the Provisional Order of the Commissioners concerning the Inclosure under the Provisions of this Act of any Waste Land of any Manor on which the Tenants of such Manor have Rights of Common, or of any Land whatsoever subject to Rights of Common which may be exercised at all Times of the Year for Cattle levant and couchant as aforesaid, or to any Rights of Common which may be exercised at all Times of the Year, and which shall not be limited by Number or Stints, it shall be lawful for the Commissioners to require and specify as One of the Terms and Conditions of such Inclosure the Appropriation of such an Allotment for the labouring Poor as the Commissioners shall think necessary, with reference to the Circumstances of each particular Case, such Allotment, nevertheless, to be subject to a Rent-charge, to be payable thereout to any Person or Persons who may be entitled to Allotments under such Inclosure as herein-after provided; and if in the Provisional Order for such Inclosure the Commissioners shall not have required the Appropriation of an Allotment for the labouring Poor the Commissioners shall in their annual general Report state the Grounds on which they shall have abstained from requiring such Appropriation.

Acts for the Inclosure of Lands in pursuance of the Reports of the Commissioners deemed Public General Acts.

XXXII. And be it enacted, That in case by any Act of Parliament hereafter to be passed it shall be enacted that the Inclosures the Expediency of which shall have been certified by the Commissioners in their annual general Report as aforesaid, or any of them, be proceeded with, the same shall in every Case be proceeded with and completed according to the Provisions of this Act, and on the Terms and Conditions in the Provisional Order of the Commissioners specified in that Behalf; and every such Act of Parliament hereafter to be passed containing such Enactment as aforesaid shall be deemed a Public General Act.

Meeting for appointing Valuer.

XXXIII. And be it enacted, That as soon as conveniently may be after the passing of any Act of Parliament by which any Inclosure shall be directed to be proceeded with under the Provisions of this Act, or (in the Case of Land subject to be inclosed under this Act without the previous Direction of Parliament) as soon as conveniently may be after the Expiration of Thirty Days from the Publication by the Commissioners of the Notice of their Intention to proceed with an Inclosure under this Act, the Commissioners shall call a Meeting of the Persons interested in the Land to be inclosed, of which Twenty-one Days Notice shall be given by Advertisement, to be held for appointing a Valuer to divide, set out, and allot such Land, or so much thereof as shall not be directed to be set out for public Purposes, among the Persons interested therein, and to set out, divide, and improve, in such Manner as herein-after mentioned, so much thereof as shall be directed to be set out for public Purposes; and the Commissioners, if they shall so think fit, may appoint an Assistant Commissioner to be present and to preside at such Meeting, and to take the Votes of the Persons present thereat; and the Persons, or their Agents, present at the Meeting, or the Majority in Number, and the Majority in respect of Interest, may appoint a Valuer; and in case the Majority in Number and the Majority in respect of Interest shall not agree upon the Appointment, then the Commissioner shall appoint a Valuer: Provided always, that no Person shall in anywise act as an Assistant Commissioner in an Inclosure under this Act, or be appointed a Valuer in such Inclosure, who shall be interested in such Inclosure, or shall be the Agent ordinarily intrusted with the Care, Superintendence, or Management of the Estate of any Person so interested.

Instructions to Valuer.

XXXIV. And be it enacted, That at the Meeting for appointing a Valuer, or at some other Meeting called by the Commissioners for the Purpose, the Persons present, by themselves or their Agents, at such Meeting, or the Majority in Number and in respect of Interest of such Persons, may resolve upon Instructions to the Valuer not inconsistent with the Terms and Conditions of the Provisional Order of

the Commissioners, and of any Act hereafter to be passed by which the Inclosure may have been authorized, for the Appropriation of Parts of the Land proposed to be inclosed for such public Purposes as herein-after mentioned, or any of them; that is to say, for the Formation of public Roads and Ways; for widening or improving existing public Roads and Ways; for a Supply of Stone, Gravel, or other Materials for the Repairs of the Roads and Ways within the Parish in which such Land shall be situate; for the Formation of such public Drains, Watercourses, or Embankments as may appear conducive to the Health and Advantage of such Parish or the Neighbourhood; for the Formation or Improvement of public Ponds, Wells, and Watering Places; for a Place of Exercise and Recreation for the Inhabitants of the Neighbourhood; for Allotments or Field Gardens for the labouring Poor; for a Supply of Fuel for the Poor or other Inhabitants of such Parish; for Land for any Burying Ground, or enlarging any Burying Ground; for the Site of any Church or Chapel, Parsonage House, School, Workhouse, or Garden to be attached thereto respectively; or for any other Purpose of public Utility or Convenience, or for the general Convenience or Accommodation of the Persons interested in the Land to be inclosed; and also, upon Instructions to such Valuer, for the Formation, Alteration, or Improvement on the Land to be inclosed of private or occupation Roads and Ways, Common Ponds, Ditches, Watercourses, Embankments, Tunnels, Bridges, and Fences, or any of them, or any other Works for the Improvement of such Land, or for the Convenience of the Occupiers of the respective Allotments thereof; and also for the Adoption and Use, for the Purposes of the Inclosure, of a Copy of any Map or Plan which shall have been confirmed under the Hands and Seal of the Tithe Commissioners of the Land in question, or of any other Map or Plan of the Accuracy of which the Inclosure Commissioners shall be satisfied, or for making any new Survey, Map, or Plan; and as to all other Matters and Things which may be proper to be done in the Matter of the Inclosure; and also for the raising and Payment of all Expences incident to such Inclosure, either by Sale of Part of the Land proposed to be inclosed, or by such Rate as herein-after provided, as to the Persons present at such Meeting, or such Majority as aforesaid, shall seem fit; and the Majority in Number and Value as aforesaid may make any Agreement with the Valuer for the Payment of such Valuer for the Duties to be performed by him under this Act; and all such Instructions, and such Agreement (if any), shall be reduced into Writing, and shall be sent by the Assistant Commissioner (if any) present at the Meeting, or otherwise by the Chairman of the Meeting, to the Office of the Commissioners; and it shall be lawful for the Commissioners, having regard to the Protection of the Rights of all Persons interested in the Inclosure, to allow or disallow such Instructions, in whole or in part, or to make such Alterations therein or Additions thereto, not inconsistent with the Terms and Conditions of such Provisional Order and Act as aforesaid, and to allow or disallow such Agreement, as they shall think proper; and in case no Instructions shall have been so resolved upon, and sent to the Commissioners, or in case they shall disallow the Instructions so resolved upon and sent, it shall be lawful for the Commissioners to frame such Instructions as they shall think proper, not inconsistent with the Terms and Conditions of such Provisional Order and Act as aforesaid; and in case no such Agreement shall have been sent, or the Agreement sent shall have been disallowed, it shall be lawful for the Commissioners to make such Order for the Payment of the Valuer as they shall think proper; and a Copy, under the Seal of the Commissioners, of all such Instructions, as the same shall have been allowed, altered, or framed as aforesaid, shall be delivered to the Valuer, with a Copy of such Provisional Order and Act of Parliament (if any) as aforesaid; and the Valuer shall in his Proceedings in such Inclosure observe and obey the Directions and Declarations of such Provisional Order, Act, and Instructions respectively.

Valuer may be assisted by an Assistant Commissioner.

XXXV. And be it enacted, That the said Valuer, upon the hearing and determining of any contested Claim or Objection, or upon awarding any Costs, as herein-after mentioned, shall, if he think proper, or if the Persons interested shall in their Instructions to the Valuer so direct, be assisted by an Assistant Commissioner, specially appointed as an Assessor, who shall be a practising Barrister-at-Law of Five Years standing at the least; and the Determinations of the said Valuer as to all such contested Claims and Objections, and Costs, shall be made pursuant to and in conformity with the Decisions of such Assessor: Provided nevertheless, that such Assessor shall not interfere further in the Execution of this Act than in settling what contested Claims shall be allowed or disallowed, and what Costs, if any, shall be allowed to or paid by any Parties making or objecting to such Claims.

Alterations in the Instructions to Valuer by Commissioners not to be acted upon unless sanctioned by a Majority of the Persons interested.

XXXVI. Provided always, and be it enacted, That if the Commissioners shall alter or add to the Instructions to the Valuer which shall have been resolved upon at a Meeting of the Persons interested as aforesaid, or shall disallow any such Instructions and frame other Instructions in lieu thereof, the Commissioners shall cause to be deposited for Inspection, as herein-before directed with respect to the Provisional Order, a Copy of the Instructions so altered, or of the Instructions so added to with the Additions, or of the Instructions so framed by the Commissioners, as the Case may be, and shall call a Meeting, with Fourteen Days Notice, of the Persons interested as aforesaid, for the Consideration thereof; and if such altered Instructions, or such Additions to the Instructions, or the Instructions so framed by the Commissioners, as the Case may be, shall not be approved by the Majority in Number and the Majority in respect of Interests of the Persons present at such Meeting or at some Adjournment thereof, or at some other Meeting of the Persons interested as aforesaid, called with such Notice as aforesaid, such Inclosure shall not be proceeded with unless and until some Instructions to the Valuer, resolved upon or approved by the Majority in Number and the Majority in respect of Interests at some Meeting of the Persons interested as aforesaid, called with such Notice as aforesaid, or at some Adjournment thereof, shall be finally allowed by the Commissioners.

XXXVII. And

A Surveyor may be appointed where the Parties interested think fit.

XXXVII. And be it enacted, That at the Meeting for appointing a Valuer, or at some other Meeting called by the Commissioners for this Purpose, it shall be lawful for the Persons, or their Agents, present at such Meeting, or the Majority in Number and the Majority in respect of Interest (if they shall so think fit), to appoint a Surveyor for the Purposes of such Inclosure, to assist or act under the Directions of the Valuer in the Admeasurement, mapping, and setting out of the Lands to be inclosed.

Form of Declaration by Valuer.

XXXVIII. And be it enacted, That no Valuer shall be capable of acting until he shall have made and subscribed, before the said Commissioners or some Assistant Commissioner, Justice of the Peace, or Master Extraordinary in Chancery, the following Declaration; (that is to say,)

'I do solemnly declare, That I will faithfully, impartially, and honestly, 'according to the best of my Skill and Judgment, perform all the Duties of a Valuer in the Inclosure 'of according to the Provisions of an Act passed in the Year of the 'Reign of Her Majesty Queen *Victoria*, intituled '

Which Declaration it shall be lawful for the Commissioners or any Assistant Commissioner, Justice, or Master Extraordinary in Chancery, to administer; and every such Declaration so made and subscribed shall be countersigned by the Person before whom the same shall have been made, and shall be sent by him to the Office of the Commissioners; and a Certificate, under the Seal of the Commissioners, that the Person named in such Certificate has been appointed a Valuer in the Matter of an Inclosure, and has made and subscribed the Declaration required by this Act, shall be conclusive Evidence of such Appointment, and of his having made and subscribed such Declaration.

Power to set out Boundaries of Parishes.

XXXIX. And be it enacted, That in case it shall be represented to the Commissioners by the Valuer acting in the Matter of any Inclosure, that the Boundaries of any Parish or Manor in which the Land proposed to be inclosed, or any Part thereof, shall be situate, and of any Parish or Manor adjoining thereto, are not then sufficiently ascertained and distinguished, it shall be lawful for the Commissioners, or any Assistant Commissioner by them appointed for that Purpose, after giving such Notices as they or he shall think necessary for the Protection of the Rights of all Persons interested in this Behalf, to ascertain and set out the same respectively in Writing under the Hand and Seal of such Assistant Commissioner, or under the Seal of such Commissioners; and after the said Boundaries shall be so ascertained and set out and fixed the same shall and are hereby declared to be the Boundaries of such Parishes and Manors respectively; and the Commissioners or Assistant Commissioner shall, within One Calendar Month after ascertaining and setting out the Boundaries, publish the same, by causing a Description thereof in Writing to be delivered to or left at the Place of Abode of One of the Churchwardens or Overseers of the Poor of each of the Parishes of which the Boundary shall be so set out, and of the Lords of the several Manors of which the Boundary shall be so set out, or of the Stewards of the respective Manors, and shall give Notice that such Boundary has been so set out, and that such Description has been so left as aforesaid, by Advertisement: Provided always, that any Person interested in the Determination of the Commissioners or Assistant Commissioner respecting the said Boundaries, who shall be dissatisfied with such Determination, may within One Calendar Month next after the Publication of the said Boundaries, by delivering or leaving such Description as aforesaid, give Notice in Writing of his Dissatisfaction to the Commissioners, specifying the Particulars in respect whereof he may be dissatisfied, and request that the Matter in dispute may be submitted to the Determination of a Jury; or any Person dissatisfied may, within One Calendar Month after such Publication of the said Boundaries, give Notice in Writing to the Commissioners of such Dissatisfaction, and of such Particulars thereof, and of his Intention to apply to the Queen's Bench to remove the Determination of the Commissioners or Assistant Commissioner, by Certiorari, into the said Court; and in every Case in which any Person shall have requested that the Matter in dispute may be submitted to the Determination of a Jury as aforesaid, and no Notice shall have been given to the Commissioners by any Person, within the Time herein-before limited, of his Intention to apply to the Court of Queen's Bench to remove the Determination of the Commissioners or Assistant Commissioners, by Certiorari, as aforesaid, or such Determination shall not have been removed within the Time herein-after limited, the Commissioners shall and they are hereby required to issue a Warrant under their Hands and Seal to the Sheriff of the County in which the Parishes and Manors in question, or One of them, shall be situate, commanding such Sheriff to impannel, summon, and return, and such Sheriff is hereby accordingly empowered and required to impannel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of the Realm to be returned for Trial of Issues in Her Majesty's Courts of Record at *Westminster*; and the Persons so to be impannelled, summoned, and returned are hereby required to appear before any Assistant Commissioner specially appointed by the Commissioners for that Purpose at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Assistant Commissioner, or by some Person to be by him appointed, in such Manner as Juries for Trials of Issues joined in Her Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid such Sheriff shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Assistant Commissioner is hereby empowered and required to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matter in question, and may authorize or

Appeal on Questions of Boundary.

order

order the said Jury, or any Six or more of them, to view the Boundaries, or the Part thereof which is in controversy; and such Jury shall upon their Oaths, or being Quakers upon their Affirmations, (which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Assistant Commissioner is hereby empowered and required to administer,) inquire into and ascertain the said Boundaries, or such Part thereof as shall have been in controversy, and shall declare whether the said Boundaries, as described and set out and published as aforesaid, are or are not the true Boundaries of the respective Parishes and Manors respectively, and in case they shall declare that the same are not the true Boundaries, then shall declare in what Manner the Boundaries so described and set out and published as aforesaid ought to be amended, and shall give Verdict accordingly; and the Assistant Commissioner shall reduce such Verdict to Writing, and certify the same to the Commissioners, under his Hand and Seal; and in case such Jury shall have declared that the Boundaries so described and set out and published as aforesaid ought to be amended, the Commissioners shall amend the same in accordance with such Verdict, and such amended Boundaries shall thenceforth be conclusive on all Persons whomsoever.

Non-attendance of Jurymen.

XL. And be it enacted, That if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being a Quaker to make Affirmation, or shall refuse to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or being a Quaker affirmed, or to give Evidence, every Person so offending, having no reasonable Excuse, to be judged of and determined by the said Assistant Commissioner, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds; all which said Penalties and Forfeitures shall and may be recovered as Penalties and Forfeitures are recoverable under this Act.

Juries subject to same Regulations as at Westminster.

XLI. And be it enacted, That every such Jury and Jurymen as aforesaid shall also be subject to the same Regulations, Pains, and Penalties as if such Jury and Jurymen had been returned for the Trial of any Issue joined in any of Her Majesty's Courts of Record at *Westminster*.

Costs of Appeal.

XLII. And be it enacted, That in every Case in which the Verdict of a Jury shall be given in favour of the Person who shall have requested that such Jury be summoned, all the Costs of summoning such Jury and the Expences of Witnesses shall be defrayed by the Commissioners, and shall be Expences in the Inclosure in the Matter of which the Question shall have arisen, and such Costs and Expences shall be settled and determined by the said Assistant Commissioner as aforesaid; but if the Verdict of the Jury shall be given against such Person, the said Costs and Expences shall be defrayed by such Person; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may, by Warrant of the Commissioners, directed to any Person or Persons whomsoever, be levied by Distress; but in case such Person shall have requested such Jury to be summoned in pursuance of a Resolution of the Rate-payers of any Parish in Vestry assembled, the Costs and Expences so paid by him shall be repaid to him by the Overseers of the Poor of such Parish, out of the Poor's Rate, and shall be allowed in account to such Overseers.

Security for Costs to be taken by the Commissioners.

XLIII. And be it enacted, That every Person who shall be dissatisfied, and shall require a Jury to be summoned as aforesaid, shall at his own Costs, before the Commissioners shall be obliged to issue their Warrant for the summoning of such Jury, enter into a Bond, with Two sufficient Sureties, to the Commissioners, in a sufficient Penalty, to prosecute the Complaint, and to bear and pay their Costs and Expences of summoning and returning such Jury, and taking such Verdict, and of the summoning and Attendance of Witnesses, in case the said Costs and Expences shall fall upon them.

Persons dissatisfied with Determination of Commissioners may appeal to Court of Queen's Bench.

XLIV. And be it enacted, That any Person interested in the Determination of the said Commissioners or Assistant Commissioner respecting the said Boundaries, who shall be dissatisfied with such Determination, and who shall, within the Time herein-before limited, have given to the Commissioners Notice in Writing of his Intention to apply to the Court of Queen's Bench, as herein-before mentioned, may within Six Calendar Months next after Publication of the said Boundaries, move the Court of Queen's Bench to remove the said Determination of the Commissioners or Assistant Commissioner by Certiorari into the said Court, the Party making such Application giving (in addition to such Notice of his Intention as aforesaid) Eight Days Notice of such Application to the said Commissioners; and in case of Removal as aforesaid the Decision of the said Court therein shall be final and conclusive as to the Boundaries of such Parish or Manor; and after the Expiration of the said Term of Six Calendar Months the Determination of the Commissioners or Assistant Commissioner shall not be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere; and no Certiorari shall be allowed to remove such Determination unless the Party prosecuting the Certiorari shall before Allowance thereof enter into a Recognizance before One of the Justices of the said Court in the Sum of Fifty Pounds, with Condition to prosecute the same without wilful Delay, and to pay to the said Commissioners their full Costs and Charges within One Calendar Month after the Determination shall have been confirmed, to be taxed according to the Custom of the Court; and no Determination of a Jury under the Provision herein-before contained shall be removed or removeable by Certiorari; and in every Case in which any Determination of the Commissioners or of any Assistant Commissioner, respecting the Boundary of any Parish or Manor, shall be removed into the Court of Queen's Bench, it shall be lawful for the Court to direct the Trial of One or more feigned Issues upon such Points as the Court shall think fit, and also to direct who shall be the

Plaintiff

Plaintiff or Plaintiffs, and who shall be the Defendant or Defendants, on such Trial, or to determine the same in a summary Manner, or otherwise dispose of the Question or Questions in dispute, and to make such other Rules and Orders therein, as to Costs and all other Matters, as may appear to be just and reasonable.

Power to straighten Boundaries.

XLV. And be it enacted, That for the Purpose of shortening or rendering straight any Boundary Fences between the Land to be inclosed and any adjoining Lands it shall be lawful for the Valuer acting in the Matter of any Inclosure, with the Consent in Writing of the Person interested in such adjoining Lands, to set out and determine the Boundaries between the Land to be inclosed and such adjoining Land, or to draw and define a new Line of Boundary, as he shall judge proper, for the Purposes aforesaid; and after such Boundaries shall have been so set out and determined as aforesaid, or such new Line of Boundary drawn and defined, the same shall be made, fenced, ditched, or mounded by such Person, in such Manner, and at such Times as the Valuer shall direct, and shall for ever thereafter be deemed the Boundaries and Limits of such respective Lands.

Valuer to hold Meetings.

XLVI. And be it enacted, That the Valuer acting in the Matter of any Inclosure shall from Time to Time hold such Meetings for the Examination of Claims, and otherwise in the Matter of such Inclosure, as Occasion shall require, and shall cause Notice to be given on the Church Door, and also like Notice to be given by Advertisement, of the Time and Place of the Meeting in the Matter of such Inclosure, and of each subsequent Meeting, in the like Manner, Fourteen Days at least before such respective Meeting (Meetings by Adjournment only excepted); and if from any Cause the Valuer shall think fit to adjourn or postpone any such Meeting, it shall be lawful for him to adjourn or postpone such Meeting to any future Day.

Claims to be delivered in Writing.

XLVII. And be it enacted, That all Persons claiming any Common or other Right or Interest in any Land proposed to be inclosed as aforesaid shall deliver such Claims in Writing to the Valuer acting in the Matter of such Inclosure, at such Meeting as the Valuer shall appoint for the Purpose, stating the several Particulars in respect whereof such Claims are made, and distinguishing the Claims in respect of Freehold, Copyhold, Customary, and Leasehold Property from each other, and mentioning therein the Places of Abode of the respective Claimants, or their Agents, at which Notices in respect of such Claims may be delivered; and no such Claim shall be received by such Valuer after the last Meeting to be held for that Purpose (of which Notice shall be given), except for some special Cause, to be allowed by the Commissioners.

Statement of Claims to be deposited for Examination.

XLVIII. And be it enacted, That a Statement of all Claims in the Matter of any Inclosure which shall have been delivered to the Valuer acting in the Matter of such Inclosure, as herein-before provided, shall be made, and deposited by him at some public Place within the Parish in which the Land to be inclosed, or the greater Part thereof, shall be situate; and the Valuer shall give Notice on the Church Door of such Parish and by Advertisement of such Statement having been deposited, and shall in such Notice limit such Time for the Delivery of Objections to Claims as the Commissioners under the Circumstances of each Inclosure shall think reasonable, and by Order under their Seal direct, or in case no Direction shall have been given by the Commissioners in this Behalf, then such Time as the Valuer shall think reasonable, not being less in any Case than Twenty-one Days after such Notice shall have been given; and every Person who shall object to a Claim shall deliver his Objection in Writing to the Valuer, and also deliver a Copy of such Objection at the Place of Abode of the Claimant or his Agent within the Time limited for Delivery of Objections to Claims as aforesaid; and no Objection to any such Claim shall be received by the Valuer after the Time so limited for the Delivery of Objections to Claims, unless for some special Cause to be allowed by the Commissioners; and after the Time limited for the Delivery of Claims shall have expired the Valuer shall cause Fourteen Days Notice to be given of the Time and Place of the Meeting for the Examination of such Claims, and for the Attendance of all Parties concerned therein; and at such Meeting the Valuer shall proceed to examine into and determine such Claims, and shall and may allow or disallow the same, in whole or in part, and make such Order therein, as to him shall appear just; and in case any Doubts or Difficulties shall arise respecting such Claims, or any Differences shall happen between any of the Claimants touching their respective Claims, or the relative Proportions of their Rights and Interests, the Valuer shall determine the same, and shall make such Order therein as to him shall appear just, which Order shall be final, unless any Party shall be dissatisfied with the Determination of the Valuer, and shall give Notice, as herein-after provided, of his Desire to have the Claim or Matter heard and determined by the Commissioners or an Assistant Commissioner, or in case the Commissioners shall think fit to revise such Determination, under the Power herein-after contained; and in case the Valuer, on the Determination of any Claim which shall have been objected to as aforesaid, or if any Objection which shall have been made to any Claim, shall see Cause to award any Costs, it shall be lawful for the Valuer, upon Application, to assess and award such Costs as he shall think reasonable to be paid to the Person in whose Favour any Determination shall have been made, and by the Person whose Claim or Objection shall have been disallowed; and in case any Person liable to pay such Costs shall neglect or refuse to pay the same, upon demand, or within Fourteen Days thereafter, the Valuer shall, by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, cause such Costs to be levied by Distress; and if there shall be no Goods or Chattels whereon to levy such Costs it shall be lawful for the Person in whose Favour such Costs shall be awarded to recover the same by Action of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the Valuer, and in consequence of such Order, without setting forth any other

Claims to be heard and determined by Valuer, subject to Appeal to Commissioners.

Proceedings

Proceedings under this Act: Provided always, that the Valuer may pay the Expences of any Witnesses, or of the Production of any Writings, Maps, Plans, and Surveys, or Copies thereof, where such Witnesses shall attend, or such Maps, Plans, Surveys, or Copies thereof shall be produced before such Valuer, only on the Request and for the Information or Guidance of the Valuer (and not on behalf of any Party in difference), such last-mentioned Expences to be considered as Part of the Expences of the Inclosure.

Titles not to be determined by Valuer, Commissioners, or Assistant Commissioners.

XLIX. Provided also, and be it enacted, That nothing in this Act contained shall extend to enable the Valuer, or the Commissioners, or any Assistant Commissioner, to determine the Title of any Lands, or to determine any Right between any Parties contrary to the actual Possession of any such Party (except in Cases of Encroachment as herein-after mentioned), but in case the Valuer, or the Commissioners or Assistant Commissioner, shall be of opinion against the Rights of the Party in possession, they or he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Party, or recovered from him in due Course of Law, or, where the Circumstances shall admit, such Valuer, or the Commissioners or Assistant Commissioner, may declare what Right is appendant or appurtenant to any Land or Hereditament, or otherwise declare by any sufficient Description the Rights of the Owner for the Time being of any Land or Hereditament, without declaring by Name who may be the actual Owner of such Land or Hereditament.

Encroachments within Twenty Years.

L. And be it enacted, That all Encroachments and Inclosures, other than Inclosures duly authorized by the Custom of any Manor of which such Land shall be Parcel, or otherwise according to Law, which shall have been made by any Person, from or upon any Part of the Land proposed to be inclosed, within Twenty Years next before the First Meeting for the Examination of Claims in the Matter of the Inclosure thereof, whether any Amerciament, Rent, or Money Payment or Acknowledgment shall or shall not have been paid or made in respect of the same, to or for the Use of the Lord of the Soil or any other Person, shall be deemed Parcel of the Land subject to be inclosed, and shall be divided, allotted, and inclosed accordingly: Provided always, that in case, under the Circumstances of any such Encroachments or Inclosures, it shall appear to the Commissioners just or reasonable that Rights or Interests in the Lands to be inclosed should be allowed to the Persons in possession of such Encroachments or Inclosures, it shall be lawful for the Commissioners, either in the Instructions to the Valuer, or by any subsequent Order under their Seal, to direct what Rights and Interests, either absolute or for any limited Terms or Estates, should be allowed in respect of such Encroachments, and the Valuer shall allow and declare such Rights accordingly: Provided also, that it shall be lawful for the several Persons who shall be in possession of any such Encroachments or Inclosures, or in the Receipt of the Rent thereof, at the Time of the Determination of Claims under this Act, to take down or remove all such Buildings, Fences, and other Erections as shall then be thereon, and to convert the Materials thereof to their own Use, within Two Calendar Months after Notice in Writing signed by the Valuer given to such respective Persons, or posted on the Church Door; and in case any Dispute or Difference shall arise touching any such Encroachments or Inclosures, or as to the Extent thereof, such Dispute or Difference shall be determined by the Valuer.

School-houses, &c. not to be deemed Encroachments.

LI. Provided also, and be it enacted, That in case any such Land shall have been taken or used, at any Time before such First Meeting for the Examination of Claims, for the Erection of a School-house or the Appurtenances thereto, or for other such Purposes as in the Opinion of the Commissioners shall be charitable or parochial Purposes, such Land so taken or the Erections made thereon, shall not be taken or deemed to be of the Nature of an Encroachment within the Meaning of this Act; but where such Land shall have been so taken for the Purposes aforesaid within Twenty Years next before such First Meeting for the Examination of Claims, it shall be lawful for the Commissioners, where it shall appear just and desirable for the Purposes of Inclosure, to direct that such Land be deemed Parcel of the Land subject to be inclosed, and be divided, allotted, and inclosed accordingly, and that Compensation be made to the Persons in possession thereof, or to Trustees for the Purposes for which such Land shall have been so taken or used, by adequate Allotments of the Lands so to be inclosed.

Encroachments of Twenty Years standing to be deemed ancient Inclosures.

LII. Provided always, and be it enacted, That all Lands which shall have been inclosed from any Land subject to be inclosed under this Act for more than Twenty Years next preceding the Day of the First Meeting for the Examination of Claims in the Matter of such Inclosure, shall for the Purposes of this Act be deemed and taken to be ancient Inclosures, but not so as to carry any Right of Common, or Compensation or Allotment for or in respect of Right of Common, which might be claimed in respect of ancient Inclosures.

Rights in respect of Tofts to be allowed.

LIII. And be it enacted, That all Tofts, Foundations, or Sites of ancient Commonable Messuages or Cottages, shall, upon Proof being made to the Satisfaction of the Valuer acting in the Matter of any Inclosure that Commonable Messuages or Cottages formerly stood thereon, be deemed Commonable Messuages or Cottages, and the respective Proprietors thereof shall be entitled to the same Compensation for the Rights of Common originally belonging thereto as if such Messuages or Cottages were still standing.

Rights not sustainable in Law to be allowed upon Proof of Sixty Years Usage.

LIV. And be it enacted, That where any Claim shall be made to any Right of Common or other Right which in the Judgment of the Valuer, or of the Commissioners or Assistant Commissioner, could not be sustained in Law, but Proof shall be made to the Satisfaction of the Valuer, or of the Commissioners or Assistant Commissioner, that there has been Enjoyment under the Right so claimed for the Space of Sixty Years or upwards next before the First Meeting for the Examination of Claims in the Matter of such Inclosure, it shall be lawful for the Valuer, or the Commissioners or Assistant Commissioner, to allow

allow such Claims, in such and the same Manner as if the Right so claimed might have been legally sustained and established.

Schedule of Claims allowed by Valuer to be made and deposited for Inspection.

LV. And be it enacted, That after the Valuer shall have heard and determined all Claims and Objections which shall have been made in the Matter of an Inclosure he shall cause a Schedule of such Claims and Objections, and of his Determinations thereon, to be deposited, and to remain for Thirty Days at the least, for the Inspection of all Persons interested therein, at some public Place within the Parish in which the Land to be inclosed, or the greater Part thereof, shall be situate, and shall cause Notice to be given on the Church Door of such Parish, and by Advertisement, of such Deposit, and shall also send a Copy of such Schedule to the Commissioners, and shall furnish any Explanations or Information in relation thereto to the Commissioners as they shall require; and in case any Party dissatisfied with any Determination of the Valuer as aforesaid shall, within Thirty Days next after Notice by the Valuer of such Deposit of the said Schedule, cause to be delivered to the Commissioners Notice in Writing of such Dissatisfaction, and of the Desire of such Party to have the Claim or Matter so determined by the Valuer heard and determined by the Commissioners or by an Assistant Commissioner, or in case the Commissioners shall, on the Representation of any Persons interested in such Inclosure, or on the Information given by the Valuer in relation to such Schedule, be of opinion that all or any of the Determinations of such Valuer shall have been made without due Consideration of the legal Rights of the Parties interested, or shall be erroneous, then and in any such Case the Commissioners shall forthwith give Notice in such Manner as they shall think fit, appointing some convenient Place and Time for holding a Meeting to hear and determine the Claim or Matter which shall be so desired to be reheard, or all or any of the Claims or Matters which shall be mentioned in the said Schedule, as the Commissioners shall think fit; and the Commissioners, or any Assistant Commissioner specially empowered for that Purpose, shall rehear and determine such Claim or Matter; and the Determination of the Commissioners or such Assistant Commissioner shall be final and conclusive, and shall be binding on the Valuer acting in the Matter of such Inclosure, unless any Party dissatisfied therewith shall try his Right by an Issue at Law, as herein-after provided.

Claims may be reheard by Commissioners or an Assistant Commissioner.

Appeal against Determination of the Commissioners.

LVI. Provided always, and be it enacted, That if any Person claiming to be interested in any Land proposed to be inclosed under this Act shall be dissatisfied with any Determination of the Commissioners or Assistant Commissioner concerning any Claim or Interest in or to the Land proposed to be inclosed under the Powers herein-before contained, and shall cause Notice in Writing of such Dissatisfaction to be delivered to the Commissioners within Thirty Days next after Notice of such Determination shall have been given to the several Parties or Persons specially interested, if any such there be, it shall be lawful for such Person so dissatisfied, and giving such Notice as aforesaid, to bring an Action upon a feigned Issue against the Person in whose Favour such Determination shall have been made, or against the Commissioners, and to proceed to a Trial at Law at the then next Assizes, or at the Assizes immediately following such next Assizes, to be holden for the County wherein the Land relating to which such Dispute shall arise shall be situate; and the Defendant in such Action shall, upon being served with the usual Process therein, appear thereto, and accept One or more Issue or Issues, whereby such Claim, and the Right and Interest thereby insisted upon, may be tried and determined, such Issue to be settled by the proper Officer of the Court in which the said Action shall be commenced, in case the Parties shall differ about the same; and the Verdict given upon the Trial of such Action shall be binding and conclusive upon all Parties thereto, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had; and after such Verdict shall be given, and final Judgment obtained thereon, the Commissioners shall act in conformity thereto, and allow or disallow the Claim thereby determined according to the Event of such Trial; and the Costs attending any such Action shall abide the Event of the Trial.

Determination of Commissioners not appealed against conclusive.

LVII. Provided always, and be it enacted, That if no such Notice of Dissatisfaction shall be given, or if no such Action at Law shall be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff therein shall not proceed to Trial within the Time herein-before limited for that Purpose, unless the Court for sufficient Cause put off the Trial, then the Determination of the said Commissioners or Assistant Commissioner shall be final and conclusive.

Actions not to abate.

LVIII. And be it enacted, That if any Person, Plaintiff or Defendant in any Action to be brought as aforesaid, shall die pending the same, such Action shall not abate by reason thereof, but may be proceeded in as if no such Event had happened, the Heir or Devisee, or other Person entitled to the Interest of the deceased Party in the Matter in question, being served with Process in the Action; and if any Person in whose Favour such Determination as aforesaid shall have been made, and against whom any such Action might have been brought if living, shall die before any Action brought, it shall be lawful for the Person who might have brought such Action to bring the same, within the Time so limited as aforesaid, against such Person as if actually living, and to serve the Commissioners with Process for commencing such Action, in the same Manner as the deceased Person might have been served therewith if living, and it shall thereupon be incumbent on the Commissioners to serve with such Process the Heir or Devisee or personal Representative of the deceased Person, or other the Person who shall claim the Benefit of such Determination as aforesaid; and on such Process being served such Heir or Devisee or personal Representative, or other Person, shall appear and defend such Action in the Name of the Person so dead, and Proceedings shall be had therein in the same Manner as if such Person had been living, and the Rights, Interests, and Claims of all Parties shall be equally bound by the Event of any Action so brought or continued as aforesaid as if the Death of any of the Persons interested therein had not occurred.

Commissioners may award Costs.

LIX. And be it enacted, That in case the Commissioners, or any Assistant Commissioner appointed to hear and determine any Claim or Matter in pursuance of this Act, shall see Cause to award any Costs, it shall be lawful for the Commissioners or Assistant Commissioner, upon Application, to assess and award such Costs as they or he shall think reasonable to be paid to the Person in whose Favour any Determination of the Commissioners or Assistant Commissioner shall have been made, and by the Person whose Claim or Objection shall have been disallowed; and in case any Person liable to pay such Costs shall neglect or refuse to pay the same upon Demand, or within Fourteen Days thereafter, the Commissioners or Assistant Commissioner shall, by Warrant directed to any Person or Persons whomsoever, cause such Costs to be levied by Distress; and if there shall be no Goods and Chattels whereon to levy such Costs it shall be lawful for the Person in whose Favour such Costs shall be awarded to recover the same by Action of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the Commissioners or Assistant Commissioner, and in consequence of such Order, without setting forth any other Proceedings under this Act.

Differences may be submitted to Arbitration.

LX. Provided always, and be it enacted, That in case any Person herein-before authorized to bring an Action upon a feigned Issue, and the Person against whom such Action might be brought, shall be desirous of submitting the Matter in dispute or difference to the Arbitration of any Arbitrator, or of any Arbitrators and Umpire, it shall be lawful for such Persons to submit such Matter in dispute accordingly, and such Submission shall be irrevocable, and the Decision thereupon shall be binding on both Parties, and be obeyed accordingly, and the Costs of such Arbitration shall abide the Event; and the Commissioners may require each of the Persons in difference upon any such Submission to Arbitration to give such Security for the Payment of the Costs of such Arbitration as the Commissioners shall think fit.

Power to Valuer to make Watercourses, &c.

LXI. And be it enacted, That it shall be lawful for the Valuer acting in the Matter of any Inclosure to set out and make such Common Ponds, Ditches, Watercourses, Embankments, Tunnels, and Bridges, of such Extent and Form and in such Situations as he shall deem necessary, and as shall not be inconsistent with the Terms and Conditions and Instructions herein-before mentioned, in the Land to be inclosed, and also to enlarge, cleanse, or alter the Course of and improve any of the existing Ditches or Watercourses, Embankments, Tunnels, or Bridges, as well in and over the same Land as also in any ancient Inclosures or other Lands in the Parish or respective Parishes in which the Land to be inclosed may be situate, as the Valuer shall deem necessary, making such Satisfaction to the Proprietors of such ancient Inclosures or Lands, for the Damage done thereby, as the Valuer shall think just; and the Expence of making and enlarging, altering and cleansing such Ponds, Ditches, Watercourses, Embankments, Tunnels, and Bridges, when the same shall be first done in pursuance of this Act, if not otherwise provided for, shall be raised and paid in the same Manner as the other Expences of the Inclosure; but all such Ponds, Ditches, Watercourses, Embankments, Tunnels, and Bridges shall at all Times afterwards be repaired, cleansed, and maintained by such Persons and in such Manner as the Valuer shall direct; provided that no Watercourse be diverted or turned without the Consent in Writing of the Person interested in the Land from which the same may be diverted, and of the Person interested in the Lands into which the same may be turned, or to the Prejudice of any Person interested in such Watercourse, except with his Consent in Writing; and that no Ditch or Watercourse, Embankment, Tunnel, or Bridge, be enlarged or altered on any Land other than the Land to be inclosed, without the Consent in Writing of the Person interested in such Land.

Power to alter Roads and Ways.

LXII. And be it enacted, That in the first place the Valuer acting in the Matter of any Inclosure shall and may, before he shall proceed to make any of the Divisions and Allotments of the Land to be inclosed in pursuance of or in any Manner not inconsistent with the Instructions given to such Valuer as aforesaid, set out and make public Roads and Ways, and widen public Roads and Ways, in or over the Land to be inclosed, and stop up, divert, or alter any of the Roads or Ways passing through the Land to be inclosed, or through any old Inclosures in the Parish or respective Parishes in which the Land to be inclosed shall be situate; and the Soil of such of the Roads and Ways so to be discontinued and stopped up as pass through the Lands to be inclosed shall be deemed Part of the Lands to be inclosed: Provided always, that nothing herein contained shall authorize the altering or diverting any Turnpike Road, unless the Consent of the Majority of the Trustees of such Turnpike Road, assembled at a public Meeting called for that Purpose, be first obtained: Provided also, that before any public Road or Way shall be discontinued, diverted, stopped up, or altered by the Valuer acting in the Matter of any Inclosure, the Valuer shall cause to be affixed at each End of such Road or Way a Notice to the Effect that the same is intended to be discontinued, stopped up, diverted, or altered, as the Case may be, from and after a Day to be mentioned in such Notice; and the Valuer shall also cause the same Notice to be given by Advertisement for Four successive Weeks, and also on the Church Door on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so given such Road or Way shall, from and after the Day in such Notice mentioned, be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject, however, to such Appeal as is herein-after mentioned.

Appeal to Quarter Sessions.

LXIII. And be it enacted, That it shall be lawful for any Person, within Four Months after the First *Sunday* on which such Notice shall have been given on the Church Door of the Intention that such Road or Way should be discontinued, stopped up, diverted, or altered, as the Case may be, to make his Complaint thereof by Appeal to the Justices of the Peace at the Quarter Sessions for the County, Riding, Division, or other Jurisdiction in which such Road or Way, or the greater Part thereof, shall be situate, upon giving

giving to the Valuer Fourteen Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof; but it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been given as aforesaid, nor on any Hearing of Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Trial of Appeal.

LXIV. And be it enacted, That in case of such Appeal the Justices at such Quarter Sessions shall, for the Purpose of determining whether such public Road or Way shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be thereby injured or aggrieved, impannel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that such Road or Way is unnecessary, or may beneficially to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved thereby, then the said Court shall dismiss such Appeal, and shall award the Costs of resisting the said Appeal to be paid by the Appellant to the Valuer, and the same shall be recoverable in the same Manner as any Penalties and Forfeitures are recoverable under this Act; but if the said Jury shall return a Verdict that such Road or Way is not unnecessary, and that the same could not beneficially to the Public be so discontinued, stopped up, diverted, or altered, or that the Party appealing would be injured or aggrieved thereby, the said Court shall allow such Appeal, and such public Road or Way shall not be discontinued, stopped up, diverted, or altered, or in case the same shall have been discontinued, stopped up, diverted, or altered, the said Court shall make an Order restoring the same to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal, and such Costs shall be paid by the said Valuer out of the Monies to be raised for the Expences of the Inclosure: Provided always, that in every Case in which any such Appeal as aforesaid shall be made by the Surveyor of the Highways of any Parish or Place, under the Direction of the Inhabitants of such Parish in Vestry assembled, or, where there shall be no Vestry Meeting in such Place, under the Direction of the Inhabitants contributing to Highway Rates assembled at any Meeting of which Fourteen Days Notice shall have been given by Advertisement and on the Church Door, then, although such Appeal shall be dismissed, the Costs of prosecuting such Appeal, and also such Costs as shall be awarded to be paid by the Appellant to the Valuer, shall be paid out of the Highway Rate of such Parish or Place.

Roads to be fenced.

LXV. And be it enacted, That such public Carriage Roads so to be set out as aforesaid shall be well and sufficiently fenced on both Sides, by such of the Persons interested in the Land to be inclosed, and within such Time, as the Valuer, acting in the Matter of such Inclosure, shall direct; and the Valuer shall form and complete such Parts of the said public Roads and Ways as shall be newly made; and every such public Road and Way to be set out and made under this Act shall be of the Width required by the Act of the Sixth Year of King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of* Great Britain *called* England, for a Road or Way of the like Description, which may be dedicated to the Use of the Public.

5 & 6 W. 4. c. 50.

Expences of making and altering Roads.

LXVI. And be it enacted, That the Expences attending the purchasing of the Soil of all such public Roads and Ways as aforesaid, and the making, the stopping up, discontinuing, diverting, widening, and altering of such Roads and Ways, and the Money Compensation in respect thereof, upon any Inclosure, shall be paid in such Manner as the Expences of such Inclosure shall be directed to be paid.

Roads to be repaired by the Parish after Certificate by Two Justices of the Peace.

LXVII. And be it enacted, That when and so soon as Two or more of Her Majesty's Justices of the Peace for the County, Riding, Division, or Jurisdiction in which the Lands to be inclosed shall be situate shall certify any of the public Roads and Ways to be set out in pursuance of this Act on any Inclosure to be sufficiently formed and completed, such Roads shall thenceforth be kept in repair by such Persons and in such Manner as the public Roads within the said Parish are or ought by Law to be kept in repair; and every such Certificate shall, at the Quarter Sessions of the Peace to be holden for the said County, Riding, Division, or Jurisdiction next after the Date thereof, be filed of Record by the Clerk of the Peace.

Private Roads.

LXVIII. And be it enacted, That the Valuer acting in the Matter of any Inclosure shall and may set out such private or occupation Roads and Ways through the Lands to be inclosed as he shall think requisite, for the Use of the Persons interested in such Lands or any of them; and any Expences which the Valuer may incur relative to the setting out or Formation or Completion of such private Roads and Ways, or any of them, shall, unless the Valuer shall otherwise direct, be paid in the same Manner as the other Expences of the Inclosure; and such Expences of the Formation and Completion of such private Roads and Ways as the Valuer shall direct shall be borne by, and after the Formation and Completion of such private Roads and Ways the same shall be maintained and kept in repair by and at the Expence of the Owners and Proprietors for the Time being of the Land inclosed, or such of them, and in such Shares and Proportions and in such Manner as the Valuer shall direct; and after such private Roads and Ways shall have been set out and made the Grass and Herbage arising thereon shall for ever belong to and be for the Use of such Persons interested in the Lands to be inclosed as the Valuer shall direct, and in the Absence of such Direction shall belong to the Proprietors of the Land to be inclosed which shall next adjoin the said Roads and Ways on either Side thereof as far as the Crown of the Road; and after such setting out as aforesaid all private or occupation Roads or Ways over, through, and upon the Lands to be inclosed which shall not be set out as aforesaid shall be for ever stopped up and extinguished.

Rights of Common may be suspended.

LXIX. And be it enacted, That it shall be lawful for the Valuer acting in the Matter of any Inclosure, before the making of the Award, when the Commissioners shall think necessary for the Purpose of the Inclosure, and by Order under their Seal authorize or direct, by Notice on the Church Door to order all or any Part of the Rights of Sheepwalk, Common or other Rights, in or over the Land to be inclosed or any Part thereof to be extinguished from such Time or the Exercise thereof to be suspended during such Time as shall be expressed in such Notice, and from the Time mentioned in such Notice such Rights shall be extinguished or suspended accordingly; and if during the Suspension or after the Extinguishment of any such Rights of Sheepwalk, Common or other Rights as aforesaid, any Person shall permit his Horses, Cattle, Sheep, or Swine to go or depasture upon any of the Lands over which such Rights shall be suspended or extinguished, it shall be lawful for the Valuer acting in the Matter of the Inclosure, or any other Person by his Order (testified in Writing under his Hand), or any of the Persons interested in such Lands, or in the Inclosure thereof, to distrain such Horses, Cattle, Sheep, or Swine being upon such Lands contrary to such Order, and to impound the same until the Person so offending shall pay to the Person so distraining such Sum of Money as the Valuer shall by Writing under his Hand have previously ordered, not exceeding Ten Shillings for each Horse or Head of Cattle, and Five Shillings for each Sheep or Swine so distrained; and in case the same shall not be paid within Seven Days after the same shall have been impounded the Valuer is hereby authorized to recover the same by way of Penalty, as herein-after mentioned.

Course of Husbandry may be directed.

LXX. And be it enacted, That it shall be lawful for the Valuer acting in the Matter of any Inclosure, at such Time as he shall think fit, by Notice on the Church Door to direct the Course of Husbandry and the Stint or Rule of Stocking that shall be observed upon the Land to be inclosed, until the Time when the Inclosure thereof shall be completed, as well with respect to the laying down, ploughing, sowing, fallowing, manuring, and tilling thereof, as to the stocking and feeding of the Commonable Lands and Fallows or Stubbles upon the same, and to direct such Recompence to be made as he shall think right to any Person injured by such Directions, all which Directions shall be binding upon all Parties interested, their Farmers and Tenants; and the Valuer shall impose such pecuniary Penalties on every Person not conforming to such Directions as he shall think necessary, not exceeding the Sum of Five Pounds *per* Acre in the Case of cross-cropping, or withholding from the Land its due Proportion of Manure, or Ten Pounds in any other Case, for any One Offence, and shall also determine, in all Cases where the Tenant is entitled by Agreement or Custom to the Manure arising from the Lands in his Occupation, by whom and in what Sum of Money such Tenant shall be compensated for any such Manure left or given up by him; and such Penalties and other Sums of Money shall be recovered in the same Manner as by this Act directed for the Recovery of Penalties.

Compensation for growing Crops.

LXXI. And be it enacted, That the Valuer acting in the Matter of any Inclosure shall by Writing under his Hand order what Recompence in Money shall be made to the Owner of any Crops growing, according to his Agreement or Lease, or according to the customary Mode of Cultivation within the Parish in which the Land to be inclosed shall be situate, upon such Land, at the Time of the Division, Allotment, and Inclosure, for the said Crops, by the Person to whom the Land on which such Crops are growing shall be allotted, and also what Recompence in Money shall be paid, and by whom, to any Tenant or Occupier of Land, as well for the ploughing, tilling, cultivating, manuring, or folding any Land to be inclosed for the Benefit accruing thereby to the Person to whom such Land shall be allotted, or for any Loss or Disadvantage which any Tenant or Occupier may sustain by the Loss of his following or way-going Crops upon the Land to be inclosed; and if in any of the said Cases the Money to be paid for such Recompence be not paid at the Time and in the Manner ordered by the Valuer, then the same may be recovered by the Person entitled thereto, from the Person liable to pay the same, in the same Manner as Penalties and Forfeitures are recoverable under this Act.

Allotment for Repair of Roads.

LXXII. And be it enacted, That the Valuer acting in the Matter of any Inclosure shall allot to the Surveyor of the Highways for the Time being of the Parish in which the Land proposed to be inclosed, or any Part thereof, shall be situate, and to his Successors for ever, such Part of the Land proposed to be inclosed as by the Instructions given to such Valuer shall have been directed to be appropriated for supplying Stone, Gravel, or other Materials for the Repairs of Roads and Ways, as aforesaid, or in case no such Instructions shall have been given in this Behalf, and the Valuer shall think an Allotment necessary for the Purposes aforesaid, such Part as the Valuer shall think fit; and such Allotments shall be inclosed and fenced as the Valuer shall direct, and shall from the Confirmation of the Award be vested in the Surveyor of the Highways within the said Parish for the Time being, in trust for the Purposes aforesaid; and the Grass and Herbage of such Allotments shall belong to such Persons as by the Valuer shall be directed, and if he shall make no such Direction then such Surveyor shall from Time to Time let any such Allotment, reserving the Right to get and take away such Stone, Gravel, and other Materials when and as he shall think fit, for the most Money that can be obtained for the same, and shall apply the Rents and Profits towards the Repairs of the public Roads or Highways within the said Parish; and the said Surveyor shall account for such Rents and Profits in the same Manner as he is by Law accountable for other Monies that shall come to his Hands in the Capacity of Surveyor of the Highways, and shall be subject to the like Penalties for the Neglect thereof.

Allotments for public Purposes.

LXXIII. And be it enacted, That the Valuer acting in the Matter of any Inclosure shall and may, in pursuance of the Directions of or in any Manner not inconsistent with the Directions of the Provisional Order of the Commissioners, or any Act hereafter to be passed, or the Instructions given to such Valuer as aforesaid, set out and allot such Part of the Lands to be inclosed as by such Provisional Order or Act

or

or Instructions respectively shall have been directed to be appropriated as a Place of Exercise and Recreation for the Inhabitants of the said Parish and Neighbourhood; and such Allotment shall, unless the same shall be otherwise awarded under the Provision herein-after contained, be made and awarded to the Churchwardens and Overseers for the Time being of the Parish in which the same shall be situated, and shall be held by the Churchwardens and Overseers for the Time being of the said Parish for the Purposes aforesaid, and shall be in the first instance fenced, and, where Occasion shall require, drained and levelled by the Valuer, the Expence in such Case to be considered Part of the Expences of the Inclosure, or shall be fenced by any Person to whom adjoining Land shall be allotted, as the Valuer may direct; and the Fences of such Allotment shall for ever afterwards be repaired and maintained, and the Surface thereof kept drained and level, by such Churchwardens and Overseers, or by the Churchwardens and Overseers of the several Parishes interested therein, in such Proportions and Manner as shall be directed by the Valuer, out of the Rents to be received for the Herbage of the said Allotment, or out of the Poor Rate of the said Parish or respective Parishes, or otherwise; and the Grass and Herbage growing upon such Allotment may be from Time to Time let by the Churchwardens and Overseers in whom the same shall be vested, and the Rents which shall be received by them for the same shall be by them from Time to Time applied, in the first place, in maintaining and repairing the Fences of the said Allotment, and keeping the Surface thereof drained and level, as aforesaid, and, subject thereto, in aid of the Rates for the Repair of the public Highways in the said Parish or respective Parishes; and the Valuer shall in like Manner set out and allot such Part of the Land to be inclosed as by such Provisional Order or Act or Instructions as aforesaid shall have been directed to be appropriated as an Allotment for the labouring Poor unto the Churchwardens and Overseers of the Poor of the Parish in which such Allotment shall be situate, subject nevertheless to a Rent-charge to be payable thereout to any Person or Persons who may be entitled to Allotments under such Inclosure, as herein-after provided; and the said Valuer shall in like Manner, in pursuance of the Directions of or in any Manner not inconsistent with the Directions of such Provisional Order or Act or Instructions as aforesaid, set out and allot, for the other public Purposes mentioned in such Provisional Order or Act or Instructions as aforesaid, such Parts of the Land to be inclosed as shall have been thereby respectively directed to be set apart for such Purposes, and such Allotments shall be made to such Persons respectively, with such Regulations and Provisions as to the Fencing, Maintenance, Use, and Enjoyment thereof respectively, as the Valuer, with the Approbation of the Commissioners, shall direct; and in every Case in which the Valuer, with such Approbation of the Commissioners, shall not think it necessary or proper to direct the same to be otherwise made, such Allotments shall be made to the Churchwardens and Overseers of the Poor for the Time being of the Parish in which such Allotments shall be situate; and all Allotments which shall be made to the Churchwardens and Overseers under this Act shall be held by the Churchwardens and Overseers of the Poor for the Time being in the same Manner and with the same legal Powers and Incidents as if the same Allotments were Lands belonging to the Parish, but in trust nevertheless for the Purposes for which the same shall be allotted, and subject, as to the said Allotment for the labouring Poor, to the Provisions in relation thereto herein-after contained, and as to all other such Allotments, subject to such Directions for the Maintenance, Fencing, Management, and Use thereof as the Valuer, with the Approbation of the Commissioners, may think fit.

Provision for awarding Allotments for Exercise to Individuals subject to the Obligation of permitting it to be used.

LXXIV. Provided always, and be it enacted, That it shall be lawful for the Valuer, with the Approbation of the Commissioners, to set out and allot such Land as shall be appropriated as a Place of Exercise and Recreation as aforesaid to any Person entitled to an Allotment under the Inclosure, and who shall consent to receive the same in full or in part of his Allotment; and the Person to whom the Land so to be appropriated shall be allotted, and all future Owners thereof, shall, unless it shall be otherwise directed by the Award, be subject to the Obligation of maintaining the Fences of such Land, and of preserving the Surface thereof in good Condition, and of permitting such Land to be at all Times used for Exercise and Recreation by the Inhabitants of the Parish and Neighbourhood, and, subject to such Obligations, the Herbage of such Land shall belong to the Person to whom such Land shall be so allotted.

Allotments for the labouring Poor may be made subject to a Corn Rent-charge, to vary and be recoverable as a Tithe Rent-charge. 6 & 7 W. 4. c. 71.

LXXV. And be it enacted, That every Allotment which shall be made and awarded for the labouring Poor may be so awarded subject to and chargeable with a clear Rent-charge or clear Rent-charges, not exceeding in the whole the net annual Value of the Allotment in its actual Condition at the Time of making the same; and every such Rent-charge shall be deemed at the Time of the Confirmation of the Award to be of the Value of such Number of Imperial Bushels and Decimal Parts of an Imperial Bushel of Wheat, Barley, and Oats as the same would have purchased at the Average Prices during the Seven Years ending on the *Thursday* next before *Christmas Day* One thousand eight hundred and thirty-five, as the same were ascertained by the Advertisement inserted in the *London Gazette* under the Provisions of the Act of the Seventh Year of King *William* the Fourth, intituled *An Act for the Commutation of Tithes in* England *and* Wales, in case One Third Part of such Rent-charge had been invested in the Purchase of Wheat, One Third Part thereof in the Purchase of Barley, and the remaining Third Part thereof in the Purchase of Oats, and the respective Quantities of Wheat, Barley, and Oats so ascertained shall be stated in the Award; and every such Rent-charge shall be paid by equal half-yearly Payments on the First Day of *July* and the First Day of *January*, the first of such half-yearly Payments to be made on the first of such half-yearly Days after the Expiration of Three Years from the Date of the Confirmation of such Award; and such Sum of Money shall be payable in respect of such yearly Rent-charge as according to the Prices ascertained by the then next preceding Advertisement for the Purposes of the said Act of the Seventh Year of King *William* the Fourth would have been payable in respect of a Rent-charge

charge of like Amount charged on Lands under the Provisions of such Act; and the Sum of Money thenceforth payable in respect of such Rent-charge charged under the Provisions of this Act shall vary so as always to consist of the Price of such Number of Bushels and Decimal Parts of a Bushel of Wheat, Barley, and Oats respectively, according to the next preceding Advertisement for the Time being, in like Manner as if the same had been a Rent payable under the Provisions of the said Act of the Seventh Year of King *William* the Fourth; and the Persons entitled to any Rent-charge charged under the Provisions of this Act shall have the same Powers and Remedies for enforcing Payment thereof in all respects as are by the said Act of the Seventh Year of King *William* the Fourth, or by any Act for amending the same, given to the Persons entitled to Rent-charges charged under the said Act of the Seventh Year of King *William* the Fourth for recovering and enforcing Payment of such last-mentioned Rent-charges; and nothing herein or in such Award contained shall render any Person personally liable to the Payment of any Rent-charges to be charged under the Provisions of this Act: Provided always, that when such Allotment, or any Part thereof, shall be let and occupied as Gardens under the Provisions herein-after contained, the Person for the Time being entitled to the Rent-charge charged thereon shall not distrain for such Rent-charge on the Occupiers of such Gardens, but the Person so entitled may, in case such Rent-charge shall be in arrear, give Notice to the Occupiers of such Gardens, and to the Allotment Wardens, or any of them, and shall thenceforth, until the Arrears of such Rent-charge, with all Expences occasioned by the Nonpayment thereof, shall be fully paid, be entitled to receive all the Rent which after such Notice shall accrue in respect of such Gardens, and shall have the same Remedies for recovering such Rent, and the same Powers of determining the Tenancy of such Occupiers, and of letting and dealing with such Allotment, as such Allotment Wardens would have had in case such Rent-charge had not been in arrear; and in case the said Allotment Wardens, or any of them, after such Notice shall have been given to them as aforesaid, and before the Arrears of such Rent-charge, with all such Expences as aforesaid, shall have been fully paid, shall receive any Rent from the Occupiers of such Gardens, such of the Allotment Wardens as shall have received such Rent shall, on demand, pay to the Person then entitled thereto the Arrears of the said Rent-charge then remaining unpaid, and the Expences occasioned by the Nonpayment thereof; and in default of such Payment, on demand, such Arrears of Rent-charge and Expences may be recovered from the Allotment Wardens liable to pay the same as Penalties are recoverable under this Act.

Allotment to the Lord of the Manor.

LXXVI. And be it enacted, That after the several Allotments herein-before directed shall have been set out and made, and after making Provision for the Payment of the Expences by Sale of Land, in case the Expences shall be so directed to be paid, the Valuer acting in the Matter of any Inclosure shall allot and award unto the Lord of the Manor so much and such Part of the Land proposed to be inclosed as shall in the Judgment of the Valuer be equal (Quantity and Value considered) to such a Part of the Residue of such Land as shall be proportioned to his Right or Interest therein, according to the Directions of the Provisional Order of the Commissioners, in lieu of his Right and Interest in the Soil of the said Land, exclusive of any other Allotments which may be made to such Lord in lieu of or in satisfaction for any other Rights or Interests in such Land to which he may be entitled, and which shall not have been included in the Estimate in such Provisional Order of his Right and Interest; and in case it shall have been declared by such Provisional Order that the Right or Interest of the Lord has been estimated exclusively of his Right or Interest in all or any of the Mines, Minerals, Stone, and other Substrata under the Land to be inclosed, then the Valuer shall and may, on the Request in Writing of the Lord, reserve or award to the Lord such Rights and Easements for searching for, working, and carrying away such Mines, Minerals, Stone, or other Substrata which shall not have been included in such Estimate of his Right and Interest, subject to such Provisions for Compensation for Damage to be done to the Surface in the Exercise of such Rights and Easements, as by the Valuer, with the Approbation of the Commissioners, shall be thought reasonable, and as shall not be inconsistent as to the Terms of such Provisional Order.

Allotment of Residue.

LXXVII. And be it enacted, That after the several Allotments herein-before directed shall have been set out and made, and after making Provision for all or any Part of the Expences of the Inclosure by Sale of Lands, in case all or any Part of the Expences shall be so directed to be paid, the Valuer acting in the Matter of the Inclosure shall divide, allot, and award all the Remainder of the Land to be inclosed unto and amongst the several Persons who shall be interested therein, in such Shares and Proportions as he shall adjudge and determine to be proportionate to the Value of their respective Rights and Interests which shall have been claimed and allowed under the Provisions herein-before contained.

The Rent-charges payable out of Allotments for the labouring Poor to be allotted to Persons entitled under the Inclosure.

LXXVIII. And be it enacted, That where any Allotments shall be made for the labouring Poor, under the Provisions herein-before contained, subject to any Rent-charge or Rent-charges, such Rent-charge or Rent-charges may be allotted to any Person or Persons who may elect to receive the same in full or in part of his or their Allotment or Allotments, and in case no Person shall so elect to receive the same, then to such Persons and in such Shares as the Valuer may think convenient, for the Purpose of equalizing Allotments or otherwise; and it shall be lawful for the Valuer, for the Purposes of Allotment under this Clause, to estimate the Value in Fee Simple of every such Rent-charge to be Four Fifths only of the Value of an Allotment of Land equal in net annual Value to such Rent-charge.

Separate Allotments to be made in respect of separate Titles.

LXXIX. And be it enacted, That when any Person to whom any Allotment shall be made or Land assigned in exchange by virtue of this Act shall hold such Land, or the Land in respect of which such Allotment or Exchange is made, under different Titles or for different Estates, and as to Copyhold or Customary

Customary Land, by separate Quit Rents, the Valuer in the Matter of the Inclosure shall ascertain and distinguish the Land held for each of such Estates and under each of such Titles respectively, and shall accordingly set out distinct and several Allotments for such respective Lands, and distinguish the several Estates holden by several and distinct Quit Rents.

Several Allotments may by Consent be laid together.

LXXX. And be it enacted, That in case any Number of the Persons interested in the Land to be inclosed shall desire to have their Allotments thrown together, and distinguished by Metes and Bounds, but not fenced from each other, and of such their Desire shall give Notice in Writing to the Valuer acting in the Inclosure, such Valuer shall set out the several Allotments of such Persons so giving Notice as aforesaid by Metes and Bounds, but in One Parcel of Land, and without requiring them to make any subdivision Fences or other Fences, save such ring or outer Fences as may be necessary, or as the Valuer may direct to be made, for dividing the said Parcel of Land from the Residue of the Land so to be inclosed.

Cultivated Land and Buildings to be allotted to the Proprietor.

LXXXI. Provided always, and be it enacted, That it shall not be lawful for the said Valuer to allot to any other Person than the Proprietor thereof any Land (other than Encroachments and Inclosures not authorized by Law, made within Twenty Years next before the First Meeting for the Examination of Claims, as aforesaid,) which may be cultivated as Orchard or Garden, or on which any Building may have been erected, or which may have been inclosed by virtue of any Agreement between the Proprietor thereof and the Persons having Right of Common over the same, without the Consent in Writing of such Proprietor.

Regard to be had to the Situation of Homesteads.

LXXXII. And be it enacted, That the Valuer, in making the several Allotments hereby directed, shall have due Regard as well to the Situation of the respective Houses or Homesteads of the Persons interested in the Land to be inclosed as to the Quantity and Quality of the Land to be allotted to them respectively, so far as may be consistent with the general Convenience of such Persons, and that such Valuer in making the said Allotments shall have particular Regard to the Convenience of the Persons interested in respect of the smallest Estates in the Land subject to be inclosed under this Act.

Allotments to be fenced.

LXXXIII. And be it enacted, That the several Allotments to be made, except the Allotments to the Surveyor and Churchwardens and Overseers respectively, and the other Allotments for public Purposes, shall be inclosed, ditched, and fenced at the Expence of the respective Persons to whom the same shall be allotted, in such Manner and within such Times as the Valuer shall direct; and the Fences so to be made shall for ever afterwards be repaired and maintained by such Persons as the Valuer shall direct; and if from the Situation or from any other Circumstance it shall happen that any Person to whom any Allotment shall be made shall not have a fair Proportion of the Boundary Ditches or Fences assigned to him to make, it shall be lawful for the Valuer acting in the Matter of any Inclosure to ascertain and appoint what Sum of Money shall be contributed by such Person towards making the Boundary Ditches and Fences of the Allotments of such other Persons as shall have assigned to them to make too great a Proportion thereof; and such Money shall be paid to such Persons and in such Manner as by the Valuer shall be directed, and the same may be recovered in the same Manner as Penalties or Forfeitures are recoverable under this Act.

If Interest in Land is sold before Allotment is made the Valuer to make the Allotment to the Purchaser.

LXXXIV. And be it enacted, That if at any Time before an Allotment shall have been made by the Valuer any Person shall sell his Right or Interest in the Land to be inclosed, or any Part thereof, to any Person, the Valuer shall, upon such Sale being certified to him in Writing by the Vendor, make an Allotment of Land to the Purchaser, or to his Heirs or Assigns, in respect of the Right or Interest so sold; and every such Purchaser, or his Heirs or Assigns, shall from the Confirmation of the Award hold and enjoy the Land so to be allotted to him in such Manner as the Vendor might or ought to have done in case such Sale had not been made; and it shall be lawful for any Person who shall be entitled to any Allotment under this Act to devise, convey, surrender, or otherwise assure the same Allotment, or all or any Part of his Interest therein, at any Time before the Confirmation of the Award; and every such Devise, Conveyance, Surrender, and Assurance shall be of the same Validity as if the same had been made after the Confirmation of the said Award; and it shall be lawful for any Person entitled to any Allotment to sell, dispose of, or convey the Estate in right of which he may be entitled to such Allotment separate from and retaining to himself such Allotment, or the Right thereto; and the Valuer is hereby required to award such Allotment accordingly.

Allotments to be made to Representatives of Parties dying.

LXXXV. And be it enacted, That if any Person interested in any Inclosure under this Act shall die before the same shall have been completed, the Powers and Authorities hereby vested in the Commissioners, Assistant Commissioner, and Valuer shall not be thereby determined or suspended, but they shall proceed in the Execution of such Powers and Authorities in such Manner as they might have done in case such Person had not died; and the Allotment which might have been made to the Person so dying shall be made to such Person as by the Law shall become entitled to the same, and shall be accepted and fenced by such Party according to the Directions contained in the Award, and he shall be liable to the Charges and Expences and other Conditions of the Inclosure.

Old Inclosures may be allotted, with Consent.

LXXXVI. And be it enacted, That it shall be lawful for the Valuer acting in the Matter of any Inclosure, with the Consent in Writing of the Person interested in any old inclosed Lands, or Lands holden in Severalty, or otherwise not subject to be inclosed under the general Provisions herein-before contained, but within the Parish in which the Land to be inclosed, or some Part thereof, shall be situate, or within some Parish adjoining thereto, to order and direct such old inclosed Lands or other Lands as last aforesaid to be considered as allottable, and Parcel of the Land to be inclosed; and such Allowance shall be made to the Person interested in such Lands, on account of the Situation or other beneficial Circumstances

Circumstances thereof, as the Valuer shall adjudge to be just and reasonable; and he shall allot and award unto the Person so interested in such old inclosed Lands or other Lands as aforesaid so much and such Part of the Land to be inclosed as he shall think reasonable and just.

Allotments to Freemen and other Classes of Persons entitled to Common Rights to be made to Trustees.

LXXXVII. And be it enacted, That where the Freemen or Burgesses of any City or Borough, or the Householders or Inhabitant Householders of any Town or Place, or any Class or Description of such Freemen, Burgesses, Householders or Inhabitant Householders, or any other Persons as a Class, shall be entitled to Rights of Common or other Rights over the Lands to be inclosed, it shall be lawful for the Valuer to award in respect of such Rights One or more Allotment or Allotments, for the Benefit of the Class so entitled, to any Two or more Trustees, who shall be nominated by the Majority at such Meeting as herein-after mentioned, or in case Two or more Trustees shall not be nominated at such Meeting, then to such Trustees as the Commissioners shall approve, with Provisions for the Appointment of new Trustees from Time to Time, or to the Churchwardens and Overseers of the Poor of the Parish in which each Allotment shall be situate, in trust for the Parties entitled to the Right in respect of which the Allotment shall be made; and it shall be also lawful for the Valuer, having regard to such Instructions, if any, as may have been resolved on at such Meeting as hereafter mentioned, or to such Instructions as shall be given by the Commissioners in this Behalf, to direct in what Manner and under what Regulations such Allotment shall be occupied or enjoyed by the Persons from Time to Time entitled to the Benefit thereof, and (in case the Valuer, having regard to such Instructions, shall think fit,) to give Directions and Powers for the letting of such Allotment from Year to Year, or for any Term of Years, subject to such Provisions and Restrictions as the said Valuer, with the Approbation of the Commissioners, shall think fit, and for the Receipt of the Money to arise from such letting, and for the Application of such Money for the Benefit of the Persons entitled to the Benefit of the Allotment, and to give all such Directions and Provisions for the fencing, draining, and Management of such Allotment, as the Valuer may think expedient.

Power to sell such Allotments.

LXXXVIII. Provided also, and be it enacted, That it shall be lawful for the Valuer, with the Approbation of the Commissioners and of such Meeting as herein-after mentioned, to sell and dispose of the whole or any Part of any Allotment to which any such Class of Persons as aforesaid shall be entitled under this Act; and the Allotment or any Part thereof so sold shall be conveyed by the Commissioners as the Purchaser shall direct, and the Commissioners shall sign a Receipt for the Purchase Money, which shall be a sufficient Discharge for the same; and the Purchase Money arising from the Sale, or the Surplus thereof after Payment thereout of any Expences to which the same shall be liable, shall, with the Approbation of the Commissioners, be paid to any Trustee or Trustees, upon trust for the Investment thereof, with Provisions for the Appointment of new Trustees from Time to Time, and for the Application of the Interest and annual Produce of such Investment to such Purposes, for the Benefit of the Persons who would have been entitled to such Allotment, or the Part thereof so sold, in case the same had not been sold, as the Commissioners shall approve, and by the final Award in the Matter of such Inclosure direct.

Application of Purchase Money.

Meeting of Persons so entitled for giving Instructions to Valuer.

LXXXIX. Provided also, and be it enacted, That when the Claim of any Class of Persons entitled as aforesaid shall be allowed the Valuer shall certify such Allowance to the Commissioners, and the Commissioners shall call a Meeting of such Persons by Advertisement, for the Purpose of appointing Trustees of the Allotment to be made for their Benefit, and for giving Instructions to the Valuer concerning the Enjoyment, Occupation, and Management of such Allotment, or for letting the same, and for the Application of the Money to arise from such letting, or in case such Meeting shall think fit that such Allotment or any Part thereof shall be sold, for directing the Sale thereof, and the Investment of the Money arising from such Sale, and the Application of the Income thereof; and the Commissioners, having reference to the total Number of such Class (so far as the Valuer or the Commissioners may have ascertained the same), shall by such Notice declare the Number of Persons who should be present at such Meeting to give Validity to the Proceedings; and the Decision of the Majority of such Meeting shall bind the Minority and all absent Parties: Provided always, that no Meeting shall be effectual for the Purpose aforesaid unless such a Number of the said Persons shall attend the same as shall be mentioned in that Behalf in the Advertisement calling such Meeting; and if no effectual Meeting shall be held for the Purpose aforesaid, or, being held, no Instructions shall be resolved on by the Majority present at such Meeting, or in case the Commissioners shall deem such Instructions unjust or unreasonable, the Commissioners may give such Instructions to the Valuer in respect of the Matters aforesaid as they shall think fit; provided that no Sale of any such Allotment or any Part thereof shall be made except in pursuance of a Resolution of a Meeting called as aforesaid; but a Recital in the Conveyance by the Commissioners upon any Sale that such Sale was duly authorized shall for all Purposes of Title be Evidence that such Sale was made in pursuance of the Resolution of a Meeting duly called as aforesaid.

Partitions may be made.

XC. And be it enacted, That where any Persons interested in Land to be inclosed under this Act shall be so interested in undivided Shares, or as Joint Tenants, Coparceners, or Tenants in Common, it shall be lawful for the Valuer, upon the Request in Writing of any of the Persons so interested in undivided Shares, or as Joint Tenants, Coparceners, or Tenants in Common, to make Partition of the Lands or Allotments coming to such Persons so interested, and to allot the same to such Persons in Severalty; and immediately after the said Allotments shall be so made and declared the same shall be holden and enjoyed by the Persons to whom the same shall be allotted in Severalty, subject to the same Uses as such undivided

undivided Share would have been subject to in case such Partition had not been made; and every such Partition shall be specified in the Award, and shall be valid and effectual to all Purposes.

Costs of Partition.

XCI. And be it enacted, That all Costs and Expences attending any Partition to be made by virtue of this Act shall be borne and defrayed by the several Proprietors of or Persons interested in the Estates which shall be so parted in such Manner and Proportions as the Valuer shall order, and in case of Nonpayment thereof shall be recovered in the Manner directed with respect to the Recovery of Penalties and Forfeitures.

Exchanges.

XCII. And be it enacted, That it shall be lawful for the Valuer to allot and award any Land to be inclosed in exchange for any other Land within the Parish in which the Land to be inclosed shall be situate, or any adjoining Parish; and it shall be lawful for the Valuer, in exercise of this present Power, to allot all or any Part of the Land which would have been subject to be allotted under this Act for the Purposes of Exercise and Recreation, or for the labouring Poor, or for any other public Purposes, to any Person, in exchange for other Land in the Parish or in any adjoining Parish which shall appear to the Valuer more suitable or convenient for the Purposes of Exercise and Recreation, or for the labouring Poor, or for such other public Purposes as aforesaid, and to allot such other Land for such Purposes accordingly; and all Lands taken and allotted as aforesaid under this Provision, although not situate in the Parish in which the Land given in exchange for the same shall be situate, shall for the Purposes of the Provisions herein contained be deemed to be within such Parish, and be managed and dealt with accordingly; provided that all Exchanges under which Land shall be taken and allotted for public Purposes as aforesaid shall be made with the Consent of the Person interested in the Land so taken, and that all other Exchanges be made with the Consent in Writing of the Persons interested in the Lands so exchanged; and every such Exchange so to be made shall be valid and effectual to all Purposes, and shall be specified and declared in the Award: Provided also, that no Exchange shall be made of any Land held in right of any Church or Chapel or other Ecclesiastical Benefice, without the Consent, testified in Writing, of the Bishop of the Diocese and the Patron of such Benefice: Provided also, that all Costs and Expences attending the making and completing of any such Exchanges, except Exchanges of Land taken for public Purposes, shall be borne by the several Parties making such Exchanges in such Manner and in such Proportions as the Valuer shall direct, and in case of Nonpayment thereof shall be recovered in the Manner directed with respect to the Recovery of Penalties and Forfeitures; and the Expences of the Exchanges of Land taken for public Purposes shall be considered Part of the Expences of the Inclosure.

Wills and Settlements not to be affected.

XCIII. And be it enacted, That nothing in this Act contained shall extend to revoke, make void, or alter any Will, Settlement, Uses, or Trusts, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Portion, Debt, Charge, Rent, or Incumbrance upon or affecting any of the Land to be inclosed, or which shall be exchanged or given in partition, in pursuance of this Act, but the Land allotted, and the Land given in exchange or partition, shall immediately after such Allotment, Exchange, or Partition be and enure, and the several Persons to whom the same shall be allotted or given in exchange or partition as aforesaid shall thenceforth stand and be seised and possessed thereof respectively to and for such and the same Estates, Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the several Lands, Rights, or undivided Shares thereof, in respect whereof such Allotments, Exchanges, and Partitions shall have been made would have stood limited to and for or been subject to in case the same had not been allotted, exchanged, or given in partition as aforesaid, and as if this Act had not been made, save and except such Leases and Tenancies at Rack Rents as shall become void by virtue of this Act, and any Joint Tenancy which may have been severed by Partition as aforesaid, and such Rights of Common and other Rights as are intended to be extinguished by the Inclosure, and subject nevertheless to all such Mortgages and Sales as shall be made by Authority of this Act.

Tenure of the Allotments.

XCIV. And be it enacted, That all such Land as shall be taken in exchange or on partition or be allotted by virtue of this Act shall be held by the Person to whom it shall be given in exchange or on partition or allotted under the same Tenures, Rents, Customs, and Services as the Land in respect of which such Land shall have been given in exchange or on partition or allotted would have been held in case no such Exchange, Partition, or Inclosure had been made; and the Land taken in exchange or on partition or allotted in respect of Freehold shall be deemed Freehold; and the Land taken in exchange or on partition or allotted in respect of Copyhold or Customary Land shall be deemed Copyhold or Customary Land, and shall be held of the Lord of the same Manor under the same Rent and by the same Customs and Services as the Copyhold or Customary Land in respect of which it may have been taken in exchange or on partition or allotted was or ought to have been held, and shall pass in like Manner as the Copyhold or Customary Land in respect whereof such Exchanges, Partitions, or Allotments shall be made, and as to Copyhold or Customary Allotments without any new Admittance in respect of the Lands taken or allotted respectively; and the Land given in exchange or on partition or allotted in respect of Leasehold Land shall in like Manner be deemed Leasehold, and shall be held under the same Rents and Covenants as the Land in respect of which it may have been allotted was held, and the Remainder or Reversion thereof shall be vested in the same Lessor respectively as the Remainder or Reversion of such other Land was vested before the Exchange, Partition, or Allotment, except where otherwise particularly directed by this Act.

Leases at Rack Rent may be voided.

XCV. And be it enacted, That immediately after the Allotments herein directed to be made on any Inclosure shall have been marked and staked out the Valuer acting in the Matter of such Inclosure may direct

direct the same to be entered upon by the Persons respectively for whom the same shall be intended; and immediately after the Valuer shall so direct them to be entered upon, all Leases, Agreements, and Tenancies at Rack Rent subsisting of any Part of the Land to be inclosed, or which shall be exchanged in pursuance of this Act, or any Common Right thereon, shall, so far only as respects the Land to be divided and allotted or exchanged, or Common Right, cease and be void at such Time or Times as the Valuer shall by Writing under his Hand direct or appoint, so as the respective Lessors or Landlords of such Land do, before or at the respective Times at which such Leases, Agreements, or Tenancies shall be directed to cease, make and pay such Satisfaction to the respective Lessees or Tenants, for the Loss which shall be sustained by the Determination of such Leases, Agreements, and Tenancies respectively, so far as regards the Land or Common Right the Leases, Agreements, and Tenancies whereof are hereby authorized to be determined, as shall be mutually settled and agreed between them, or as the Valuer, being required by either of the Parties, shall ascertain and direct; and the Valuer, being so required, is hereby empowered and directed, by Writing under his Hand, to apportion a reasonable and proportionable Part, having regard to the Season of the Year, of the Rent reserved on any such Lease, Agreement, or Tenancy, for or in respect of the Time which shall have elapsed between the last Day on which any Payment of the Rent shall have become due and the Determination of any such Lease, Agreement, or Tenancy, and such Part of the Rent shall be recoverable by such Ways and Means as may by Law be used for the Recovery of Rent in arrear; and the Valuer is hereby empowered and directed, in every Case where such Land or Common Right shall be held by virtue of any such Lease, Agreement, or Tenancy, together with other Lands or Hereditaments, by One entire Rent, by Writing under his Hand to apportion and determine what Part of such Rent shall be deducted in respect of the Land or Common Right in such Lease, Agreement, or Tenancy comprised as to which the same shall be determined as aforesaid, and from what Time such Deduction shall take place, and the rest of the Rent reserved on any such Lease, Agreement, or Tenancy shall during the Remainder of the Term thereof be the Rent of and for the Residue of such Lands and Hereditaments, and shall be payable and recoverable in like Manner as the entire Rent reserved by such Lease, Agreement, or Tenancy shall immediately before such Apportionment be payable and recoverable; and the Lessor or Reversioner shall in respect of such apportioned Rent, and in respect of the Residue of such Lands and Hereditaments, have the Benefit and Advantage of the Provisoes and Conditions which would have been applicable to the entire Rent, and to all the Lands and Hereditaments comprised in such Lease, Agreement, or Tenancy, in case such Lease, Agreement, or Tenancy had not been determined as to any Part of such Land: Provided always, that no Lease, Agreement, or Tenancy shall be determined as aforesaid as to any House, Cottage, or other Building without Three Calendar Months previous Notice in Writing of such Determination, under the Hand of the Valuer, shall have been given to the Lessee or Tenant, or left at such House, Cottage, or Building.

Seigniories not affected, except with Consent.

XCVI. Provided always, and be it enacted, That in every Case all Seigniories, Royalties, Franchises, and Manorial Jurisdictions whatsoever in or upon the Land to be inclosed under this Act shall not be deemed to be compensated or extinguished, but shall be saved and excepted out of the Operation of this Act, unless in and by the Award it shall be declared, with the Consent of the Lord or respective Lords interested therein, that such Seigniories, Franchises, Royalties, and Jurisdictions shall be extinguished upon the proposed Inclosure.

Minerals under regulated Pastures may be reserved, while Minerals under Lands to be held in Severalty are relinquished.

XCVII. Provided always, and be it enacted, That in every Case in which, under the Provisions herein-after contained, Part of the Land subject to be inclosed under this Act shall be converted into and used as a regulated Pasture, and the Residue thereof shall be divided and allotted in Severalty, it shall be lawful for the Valuer, having regard to the Right of the Lord of the Manor, as the same shall have been ascertained and declared by the Provisional Order of the Commissioners, and with the Consent of the Lord of the Manor and a Majority in Value of the other Persons interested in the Lands proposed to be inclosed, to direct that the Rights of the Lord of the Manor in and to all or any of the Mines, Minerals, Stone, and other Substrata under such Part of the Land as shall be converted into and used as a regulated Pasture shall be reserved to the Lord, and that all or any of the Mines, Minerals, Stone, and other Substrata under the Residue to be divided and allotted in Severalty shall become the Property of the Owners of the respective Allotments, and that the Allotments be adjusted accordingly.

Right to Minerals under Land inclosed existing distinct from the Property in the Surface, and not compensated upon Inclosure, not to be affected.

XCVIII. Provided also, and be it enacted, That in every Case in which the Right to all or any of the Mines, Minerals, Stone, and other Substrata under any Land inclosed under this Act shall exist as Property distinct and separate from the Property in the Surface, and shall not be compensated upon the Inclosure, the Right and Property in such Mines, Minerals, Stone, or other Substrata, and all Rights and Easements auxiliary to or connected with the Exercise or Enjoyment of the Right and Property in such Mines, Minerals, Stone, or other Substrata, shall be in nowise affected by the Inclosure; and in case any Mines, Minerals, Stone, or other Substrata under any Land inclosed under this Act, or the Right of searching for or getting the same, shall have been leased or agreed to be leased to any Person as Property distinct and separate from the Property in the Surface, with or without Powers over the Surface of the Land auxiliary to the Purposes of such Lease, the Rights of the Lessee or Tenant under such Lease or Agreement shall be in nowise affected by the Inclosure.

Trees to be allotted with the Land.

XCIX. And be it enacted, That the Timber Trees and other Trees and Underwood standing and growing upon any Land to be inclosed shall be allotted and go along with the Land whereon they respectively stand, and shall be deemed the Property of the several Persons to whom the same Land shall be respectively allotted, such Person paying to the Owner of such Trees and Underwood such Sums of Money

Money for the same, and at such Time or Times and Place or Places, as the Valuer shall by Writing under his Hand direct; but if the Parties who are to make such respective Payments shall neglect or refuse to make the same accordingly, then it shall be lawful to and for the respective Parties who shall be entitled to have and receive such Payments to enter on the said Lands, and cut down, take, and carry away to their own Use the said Trees and Underwood in respect of which the said Payments were respectively to be made to them, at any seasonable Time or Times within One Year next after such Neglect or Default, doing as little Damage on the Land as may be.

Cattle not to be depastured on Roads.

C. And be it enacted, That no Person shall graze or keep any Horse, Beast, Cattle, Sheep, or Swine upon any of the Roads or Ways which the Valuer shall order to be set out, and which shall be fenced on both Sides, for the Space of Seven Years next after the Execution of the Award; and every Owner of Land to be inclosed, his Servants and Labourers, and also every Peace Officer and Parish Officer of the Parish in which the Land shall be situate, for the Time being, is hereby empowered to take and impound any such Horse, Beast, Cattle, Sheep, or Swine which shall be found so grazing as aforesaid, as Cattle Damage feasant: Provided always, that nothing herein contained shall prevent the Proprietors of the Land which shall next adjoin the private Roads and Ways from depasturing their Cattle thereon so far as the Frontage of their respective Land extends.

Alteration may be made in Allotments.

CI. And be it enacted, That it shall be lawful for the Valuer acting in any Inclosure, at any Time before the Confirmation of the Award, with the Approbation or by the Direction of the Commissioners, to make any Alterations which he may think right and expedient in the Allotments or in the Fences which he may have set out and ordered, or in the private Roads he may have set out, or in any of the Orders or Directions relating thereto which he may have made in the Matter of such Inclosure; and in case any Person shall be injured by any such Alteration, on account of any Expences he may have incurred or otherwise, the Valuer shall ascertain and determine what Recompence shall be made to him for such Injury, and shall either pay the Amount thereof out of the Monies raised for the Expence of the Inclosure, or shall direct by whom and in what Manner such Recompence shall be made; and in case of Nonpayment thereof the same shall be recovered in the same Manner as Penalties and Forfeitures are recoverable under this Act.

Valuer to draw up a Report and annex thereto a Map of the Claims.

CII. And be it enacted, That the Valuer acting in the Matter of any Inclosure shall, as soon as conveniently may be after the Division and Allotment of the Land to be inclosed shall be completed, draw up a Report in Writing, with a Map thereunto annexed, which shall specify all the Claims allowed, and all the Allotments, Exchanges, and Partitions made in the Matter of such Inclosure, and all Roads, Ways, and Works set out or directed to be made by the said Valuer; and such Report shall contain all such Particulars in relation to such Allotments, Roads, Ways, and Works as are by this Act directed, and all such other Directions and Determinations authorized by this Act as the said Valuer shall think proper for the Purposes of the Inclosure; and the Map to be annexed to such Report shall comprise and show the Land to be inclosed and the Lands exchanged, and also the Lands in respect of which any Allotments of the Land inclosed shall have been made, and shall distinguish by proper References the Allotments made in respect of the several Lands respectively, and such other Particulars as the Commissioners shall by any general or special Instructions in relation to such Report direct the Valuer to set forth therein; and such Report shall be signed by the Valuer, and shall, together with the Map thereunto annexed, be sent to the Office of the Commissioners.

Report to be deposited for Inspection.

CIII. And be it enacted, That as soon as the Report of the Valuer shall have been sent to the Commissioners they shall cause a Copy of the same to be deposited at some convenient Place within the Parish in which the Land to be inclosed, or some Part thereof, shall be situate, for the Inspection of all Persons interested in such Land, and shall forthwith cause Notice to be given where the said Copy may be inspected, and shall also in such Notice appoint some convenient Place, and such Times as they shall think necessary (the first not earlier than Twenty-one Days from the first giving of such Notice), for holding a Meeting to hear Objections to any Allotment, Direction, Determination, or Matter in the Report; and the Commissioners or some Assistant Commissioner at such Meeting as aforesaid shall hear and determine any Objections which may be then and there made to any such Allotment, Direction, Determination, or Matter by any Person interested therein, or adjourn the further Hearing thereof, if they or he shall think proper, to a future Meeting, and may, if they or he shall see occasion, direct any further Valuation or Survey of the Land or any Part thereof, and take such other Measures for ascertaining the Justice and Propriety of the Determinations and Directions of the Valuer, as to the Commissioners or Assistant Commissioner shall seem proper, and from Time to Time, if they or he shall see occasion, fix further Meetings for the hearing and determining of Objections, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed with regard to the original Meeting; and when the said Commissioners or Assistant Commissioner shall have heard and determined all such Objections, and made such Inquiries as the Commissioners shall think fit in relation thereto, the Commissioners shall approve such Report, or cause the Allotments, Directions, Determinations, and Matters therein mentioned, or any of them, to be amended, as they shall see occasion.

Award to be drawn up by the Valuer.

CIV. And be it enacted, That after such Proceedings as aforesaid shall have been had, and all such Objections to such Report (if any) shall have been finally disposed of, and such Amendments (if any) shall have been made in the Allotments, Directions, and Matters therein contained as aforesaid, the Valuer, under the Direction of the Commissioners, shall cause to be drawn up and engrossed on Parchment the Award in the Matter of such Inclosure, which shall be signed by the Valuer, and shall describe the Boundaries, if any, which shall have been ascertained and set out under the Provisions herein-before contained,

tained, and shall contain or set forth the Report of the Valuer, or the Allotments, Exchanges, Partitions, Directions, and Matters contained in such Report, if so approved as aforesaid, or such Allotments, Exchanges, Directions, and Matters therein contained as the same shall have been amended as aforesaid, and shall contain a Declaration whether all or any and which of the Mines, Minerals, Stone, and other Substrata shall or shall not have been included in the Estimate of the Right and Interest of the Lord in the Soil (in respect of which any Allotment shall have been made to him), and the Valuer shall annex to such Engrossment the Map referred to by such Report; and the Commissioners shall confirm such Award, with the Date of such Confirmation thereunto annexed, under their Hands and Seal.

and confirmed by the Commissioners.

Confirmation of Award to be conclusive Evidence that the Directions of this Act have been obeyed.

CV. And be it enacted, That such Confirmation as aforesaid shall be conclusive Evidence that all the Directions of this Act in relation to such Award, and to every Allotment, Exchange, Partition, and Matter therein set forth and contained, which ought to have been obeyed and performed previously to such Confirmation, shall have been obeyed and performed; and no such Award shall be impeached by reason of any Mistake or Informality therein, or in any Proceeding relating thereunto, or on account of any Want of any Notices or Consents required by this Act, or on account of Defects or Omissions in any previous Proceeding whatever in the Matter of the Inclosure; and every Allotment, Exchange, Partition, Direction, Matter, and Thing specified and set forth in such Award as aforesaid shall be binding and conclusive on all Persons whomsoever.

Allotments to be in compensation of previous Rights.

CVI. And be it enacted, That the several Allotments which shall upon any Inclosure under this Act be allotted to the several Persons who shall be entitled to the same shall when so allotted be and be taken to be in full Bar of and Satisfaction and Compensation for their several and respective Lands, Rights of Common, and all other Rights and Properties whatsoever, not excepted or reserved by this Act or by the Award in the Matter of such Inclosure, which they respectively had or were entitled to in and over the said Lands immediately before such Inclosure; and that from and immediately after the Confirmation of the Award by the Commissioners, or at such earlier Time as the Valuer, with the Approbation of the Commissioners, shall by Notice on the Church Door direct, all Rights of Common, and all Rights whatever by the Inclosure intended to be extinguished, belonging to or claimed by any Person whomsoever, in or upon such Lands shall cease, determine, and be for ever extinguished.

Allotments may be subdivided by supplemental Order.

CVII. Provided always, and be it enacted, That when any Award, so confirmed as aforesaid, shall not have distinguished the several Tenures of any of the Lands therein mentioned, or the different Estates or Titles for or under which the same shall be held, or shall have set out and awarded an aggregate Allotment in any Case in which there should have been set out and awarded several and distinct Allotments, it shall be lawful for the Commissioners, at any Time within Two Years after the Confirmation of the Award, upon Request in Writing to them made by any Person interested in any such aggregate Allotment, to do all such Acts as may be necessary for supplying such Omission, and for subdividing such aggregate Allotment, and for that Purpose to examine Witnesses, and proceed as if the said Award had not been confirmed, and by any Order or Instrument under their Hands and Seal to subdivide any aggregate Allotment into separate Allotments, and to distinguish and set out the Allotments and Lands held by different Tenures, and also the Allotments and Lands held by, for, or under different Estates or Titles respectively, in the same Manner as by this Act is authorized and required to be done in Cases where such Allotments and Lands are directed to be ascertained, distinguished, and set out by the Valuer; and every such separate Instrument shall have the same Power and Effect as if it were contained in the said Award; and such Instrument shall be ingrossed, and deposited with the Award, and shall thenceforth be deemed to be Part thereof to all Intents and Purposes; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry or separate Instrument as aforesaid, and the Engrossment thereof, shall be paid by the Party who shall have requested the Commissioners to make and execute the same, or by his Executors or Administrators.

Allotment for the labouring Poor shall be managed by the Allotment Wardens.

CVIII. And be it enacted, That the Allotment which upon any Inclosure under this Act shall be made for the labouring Poor shall be under the Management of the Incumbent of the Parish or ecclesiastical District in which such Allotment shall be situate (or the officiating Minister for the Time being nominated by the Incumbent for that Purpose), the Churchwarden, if there be but One, or (if there be more than One) One of the Churchwardens for the Time being of such Parish, and Two other Persons who shall be rated to the Relief of the Poor in such Parish; and such Churchwarden, where there is more than One Churchwarden, shall be yearly named, and such Two other Persons shall be yearly chosen and appointed, at the same Time, and by the same Persons, and in the same Manner, as the Overseers of the Poor for such Parish shall be chosen and appointed, and shall continue in Office in like Manner until the next Appointment of Overseers, or until others are named and chosen and appointed in their Stead; and such Incumbent (or officiating Minister), Churchwarden, and Two other Persons for the Time being shall be styled "The Allotment Wardens" of the Parish, and shall manage and let the said Allotment as herein-after provided, and all things by this Act authorized to be done by such Allotment Wardens may be done by any Two of them, and in the event of the Death or Retirement from Office of any One or more of the said Allotment Wardens the surviving or continuing Wardens may act as if no such Vacancy had happened.

Such Allotments how to be left.

CIX. And be it enacted, That the Allotment Wardens shall from Time to Time let the Allotment under their Management in Gardens not exceeding a Quarter of an Acre each to such poor Inhabitants of the Parish for One Year, or from Year to Year, at such Rents, payable at such Times, and on such Terms and Conditions, not inconsistent with the Provisions of this Act, as they shall think fit: Provided always, that the Commissioners may frame such Regulations, not inconsistent with the Provisions of the

Act,

Act, for the letting of such Allotments as aforesaid, as they may think advisable, and such Regulations shall be obligatory on the Allotment Wardens during Five Years from the Date thereof or during such shorter Period as the Commissioners shall direct: Provided also, that the Gardens so to be let shall be let free of all Tithe or Tithe Rent-charge (if any), Rates, Taxes, and Assessments whatsoever, and shall before the first letting thereof, and once at least in every Ten Years after such first letting, be valued by a competent Person to be appointed by the Allotment Wardens for that Purpose, who shall estimate the full Rent which the same would be worth to be let by the Year for Farming Purposes, all Tithes or Tithe Rent-charge, Rates, Taxes, and Assessments, being borne by the Landlord, and shall verify such Valuation by solemn Declaration under the Statute; and the Rent at which the same Gardens respectively shall be let shall be not below the full yearly Value of the Land according to the last of such Valuations; and the Allotment Wardens shall, for the Purposes of all Rates and Taxes, be deemed the Occupiers of such Allotment, and shall pay all Rates and Taxes, Tithes and Tithe Rent-charge (if any), in respect thereof: Provided always, that no Building whatsoever shall, under any such letting as aforesaid or otherwise, on any Pretence, be erected for or used as a Dwelling on any such Garden or on any Part of any such Allotment; and in case any such Building shall be erected or used as aforesaid contrary to this Provision, the Allotment Wardens shall forthwith pull down the same, and sell and dispose of the Materials thereof, and the Produce of such Sale shall be applicable in like Manner as the Rents of such Gardens.

Recovery of Gardens on Nonpayment of Rent, &c.

CX. And be it enacted, That if the Rent reserved upon the letting of any Garden by the Allotment Wardens shall at any Time be in arrear for Forty Days, or if at any Time during the Tenancy, being not less than Three Calendar Months after the Commencement thereof, it shall appear to the Allotment Wardens that the Occupier of such Garden shall not have duly observed the Terms and Conditions of his Tenancy, or shall have gone to reside more than One Mile out of the Parish, then and in every such Case the Allotment Wardens shall serve a Notice upon such Occupier, or in case he shall have gone to reside out of the Parish shall affix the same to the Door of the Church of the Parish, determining the Tenancy at the Expiration of One Month after such Notice shall have been so served or affixed, and thereupon such Tenancy shall be determined accordingly: Provided always, that in every such Case the Allotment Wardens or their incoming Tenant shall pay to the Occupier whose Tenancy shall have been so determined a fair Recompence in Money for any Crops (not being Crops prohibited by the Terms of such Tenancy) which may be growing on such Garden at the Time of such Determination, and for any Manure left on such Garden, or any Benefit accruing from the manuring of such Garden to the Wardens or their incoming Tenant; and the Justices to whom Application may be made for a Warrant to give Possession of such Garden shall settle the Amount of such Recompence, in case the Parties differ about the same, and stay the Execution of such Warrant until the same shall have been paid or tendered, or (in case such Occupier be absent) until the Payment thereof shall have been secured to the Satisfaction of such Justices.

Possession, how to be recovered from Tenant holding over.

1 & 2 Vict. c. 74.

CXI. And be it enacted, That in case upon the Determination of any such Tenancy as aforesaid the Occupier of any such Garden shall refuse to quit and deliver up Possession thereof, or if any other Person shall unlawfully enter upon, take, or hold Possession of any such Garden, or of any Part of such Allotment, the Allotment Wardens may recover Possession according to the Mode prescribed by an Act passed in the Second Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy*, in such and the same Manner as if the said Wardens were Landlords or a Landlord, and as if such over-holding Occupier or other Person were a Tenant neglecting or refusing to quit and deliver up Possession, within the Meaning of the last-mentioned Act.

Rents of Allotment how to be applied.

CXII. And be it enacted, That all Rents payable in respect of the Allotment under the Management of the Allotment Wardens shall be payable to such Wardens, who shall have the same Remedies for Recovery thereof by Distress and otherwise as if the legal Estate of and in such Allotment were vested in them under this Act; and such Rents shall be applicable, in the first place, to the Payment of all Rates, Taxes, Tithes, Tithe Rent-charge, and of the Rent-charge charged on such Allotment under the Provisions of this Act, and of all Expences incurred by the Allotment Wardens in the Execution of their Trusts and Powers under this Act; and the Residue, if any, of such Rents, shall be paid to the Overseers of the Poor, in aid of the Poor Rates of the Parish, and be applicable in the same Manner as and subject to all the Provisions concerning the Monies assessed for the Relief of the Poor.

Regulated Pastures may be set out.

CXIII. And be it enacted, That it shall be lawful for the Commissioners, on the Application in Writing of Persons interested in any Land which shall be directed to be inclosed under this Act whose Interest shall exceed in Value One Half of the whole Interest in such Land (such Application to be made at any Time before the Instructions to the Valuer shall have been delivered to him under the Seal of the Commissioners, as herein-before provided), to direct such Land or any Part thereof to be converted into and used as a regulated Pasture, to be stocked and depastured in common by the Persons interested therein, in proportion to their respective Rights and Interests as the same shall be determined on the Examination of Claims; and in case Part of such Land only shall be so directed to be stocked and depastured in common, the Valuer shall, subject to the Instructions which shall be given to him under the Provisions of this Act, ascertain and set out the Part which shall be so used as a regulated Pasture, and shall direct how and at whose Expence the same shall be fenced and divided from the Residue of such Land; and the Valuer acting in the Matter of such Inclosure shall, in every Case where Land shall be so directed to be used as a regulated Pasture, ascertain and allot the respective Stints or Rights

Rights of Pasturage (specifying the respective Numbers of the respective Kinds of Stock or Animals to be admitted to the Pasture in respect of such respective Stints or Rights of Pasturage, with such Option as to equivalent Numbers of the respective Kinds of Stock and Animals as he shall think just, and, if he shall think fit, specifying the Time during which such Stock or Animals may be kept on the Pasture,) as he shall adjudge and determine to be proportionate to the Value of the respective Rights and Interests of the Persons interested as aforesaid; and the Commissioners may frame such Directions as they shall think fit for guiding the Valuer in the correct Specification of such Stints or Rights: Provided always, that in every Case in which Part only of the Land subject to be inclosed under this Act shall be so directed to be used as a regulated Pasture, and the Residue thereof to be divided and allotted in Severalty, it shall be lawful for such Valuer, having regard to the Convenience of the Persons interested in such Land, to award to any such Person either a Stint or Right of Pasture or an Allotment in Severalty only, or both a Stint or Right of Pasture and an Allotment in Severalty, so as such Stint or Right only, or such Allotment only, or (as the Case may be) such Stint or Right and Allotment together, be in the Judgment of the Valuer proportionate to the Right and Interest in respect of which the same shall be awarded: Provided also, that in any Case in which it shall appear to the Valuer that the proportionate Right or Interest of any Person is too small to be conveniently compensated by a Stint or Right of Pasture, or that it is not practicable wholly to compensate such Person by a Stint or Right of Pasture, and the Circumstances of the Inclosure will not admit, in the Judgment of the Valuer, of an Adjustment or Compensation by an Allotment in Severalty, it shall be lawful for such Valuer, for the Purpose of Compensation or Adjustment, to direct a Sum of Money to be paid to such Person in lieu of or (as the Case may require) in addition to the Award of a Right of Pasture or Stint; and such Sum of Money shall be paid out of the Monies applicable to the Payment of the Expences of the Inclosure.

Conversion into regulated Pasture to be deemed an Inclosure.

CXIV. And be it enacted, That all the Provisions and Powers herein-before contained in relation to public and private Roads, Ways, and Works, and all other the Powers, Provisions, and Directions, Penalties and Forfeitures, applicable to the Case of an Inclosure under this Act, and the Provisions and Directions concerning Examination of Claims, and the rehearing thereof, and the Report of the Valuer, and the Amendment of the Matter thereof, and the Award, and the Confirmation and Effect of the Award, shall be applicable to the Case where the Land subject to be inclosed shall be directed to be used as a regulated Pasture; and the Word "Inclosure" shall in every Case in this Act where the Context is not repugnant to such Construction include the Conversion of Land subject to be inclosed into such regulated Pasture, and the Proceedings in relation thereto.

Rule of rating to be established.

CXV. And be it enacted, That in every Case in which Land shall be directed to be converted into and used as regulated Pasture under this Act the Valuer acting in the Matter of the Inclosure shall determine and direct the proportionate Shares or aliquot Parts which the respective Owners for the Time being of the several Stints or Rights of Pasture shall be liable to pay of any Sum of Money which shall be raised by way of Rate on such Owners under the Provisions of this Act; and such Determination and Direction, in case the same shall be approved, or as the same may be amended by the Commissioners, shall be for ever after observed in every Rate to be made under the Provisions of this Act, and shall be the Rule also according to which the proportionate Values of the Stints shall be determined in taking the Votes of the Owners of Stints under the Provisions herein-after contained.

Property of Soil of regulated Pastures.

CXVI. And be it enacted, That the Right of Soil of and in all Land which shall be converted into regulated Pastures shall, subject to the Right of the Lord of the Manor to all or any of the Mines, Minerals, Stone, and other Substrata, where the same shall be reserved to him under this Act, and to the other Rights given or reserved by this Act and the Award in the Matter of such Inclosure, be vested in the Persons who under the Directions and Determinations of such Award shall be the Owners of the Stints or Rights of Pasture therein, in proportion to the Shares or aliquot Parts which such Stints shall be thereby declared liable to of any Rate under this Act, as Tenants in Common.

Election of Field Reeves.

CXVII. And be it enacted, That where any Land shall have been converted into a regulated Pasture under the Provisions of this Act a Meeting shall be called by the Commissioners of the Owners of the Stints or Rights of Pasture, at such Time after the Confirmation of the Award as the Commissioners shall by Notice on the Church Door appoint; and the major Part in Value of such Owners present by themselves, or their Agent authorized in this Behalf, at such Meeting, shall elect a fit Person or Persons to be Field Reeve or Reeves of such regulated Pasture; and every Field Reeve so to be elected as aforesaid, or to be elected or re-elected at any subsequent Meeting, shall continue in Office until the Expiration of Fifteen Days after the Day of the annual Meeting of such Owners then next following, and no longer, unless he shall be re-elected at such annual Meeting; and such Owners shall ever after such First Meeting meet for the Election of a Field Reeve or Field Reeves on the First *Monday* in *February* in every Year; and the Owners assembled at such Meetings shall from Time to Time fix, increase, or diminish the Salary or Payment to be made to every such Field Reeve, and may appoint or authorize any Field Reeve to appoint and employ Herds and Assistants, as such Owners may think fit; and any such Field Reeve may be removed by Four Fifths in Value of the Owners of Stints present by themselves or their Agents authorized in this Behalf at any Meeting called for the Purpose by Fourteen Days Notice on the Church Door under the Hands of any Two such Owners of Stints; and in case any such Field Reeve shall die while he shall hold such Office, or shall be removed as aforesaid, it shall be lawful for the Majority in Value of Owners of Stints or Pastures present as aforesaid at any Meeting which upon such Vacancy any Two Owners may call by Fourteen Days Notice on the Church Door to appoint a Field Reeve

Reeve in his Place, who shall hold the Office until the Expiration of Fifteen Days after the then next annual Meeting; and a Certificate in Writing under the Hands and Seals of Two Justices of the Peace of the Election of any Field Reeve (which Certificate any Two Justices of the Peace are authorized, if they think fit, to give, on the Request and upon the Declaration of any Owner of such Stints as the Agent of any such Owner present at the Meeting at which the Election shall have taken place,) shall in all Matters and Proceedings whatsoever in which any Acts done by any Field Reeve in the Execution of his Office shall be in question be Evidence that he was duly appointed Field Reeve.

Duties of Field Reeves.

CXVIII. And be it enacted, That the Field Reeve or Reeves for the Time being of every such regulated Pasture shall, subject to such Orders and Instructions in Writing as may from Time to Time be agreed on by the Majority in Value of the Owners of such Stints as aforesaid, at their yearly Meetings, regulate the Times in each Year during which Stock or Animals shall be admitted to and excluded from such regulated Pasture, and shall maintain and keep in order the Fences, Gates, Ditches, Drains, Watercourses, Embankments, Jetties, and Weirs, or make any new Fences, Gates, Ditches, Drains, Watercourses, Embankments, Jetties, or Weirs, and do all Works necessary for the Maintenance and Improvement and good Order of such regulated Pasture, and shall and may distrain all Stock and Animals found thereon contrary to the Regulations of such Pasture, and do all other Acts for the Maintenance and Improvement of such regulated Pasture, and the convenient Use and Occupation thereof, as the Field Reeve or Reeves, subject to such Instructions as aforesaid, may think fit; and where there shall be any Buildings on such regulated Pasture, or where the Majority in Value of the Owners of Stints at any yearly Meeting shall direct that any Buildings for the Shelter or Stall-feeding of Stock or Animals be erected thereon, such Field Reeve or Reeves shall or may maintain and keep in repair such Buildings, or cause such Buildings to be erected, in pursuance of such Direction, and let the same from Year to Year, or, under such Instructions as aforesaid, for any Term of Years, and shall receive the Rents thereof; and such Rents shall be applicable, in the first place, to the same Purposes as the Rates hereinafter authorized to be raised on the Owners of Stints are made applicable, and the Residue (if any) shall be paid to the Owners of Stints in proportion to the respective Liability of their Stints to such Rates.

Provision for rateable Increase or Diminution of Rights.

CXIX. And be it enacted, That when it shall appear to the Majority in Value of the Owners of Stints present at any annual Meeting that the Condition of the Pasture would admit of an Increase of the respective Rights of Pasture thereon, or would require a Diminution of such respective Rights, it shall be lawful for such Majority of the Owners so present to direct that the respective Number of Stock or Animals to be admitted to the Pasture in respect of the several Rights be increased, or, as the Case may be, diminished, rateably, to such Extent as they shall think fit: Provided always, that in case it shall happen that the Right of any such Owner shall not be sufficient to admit of a rateable Increase or Diminution, such annual Money Payment shall be made to such Owner in lieu of Increase of his Right, or, as the Case may be, charged on such Owner in lieu of the Diminution of his Right, as such Majority shall award, or in case the Person to or on whom such Money Payment shall be awarded or charged shall think the Sum awarded insufficient, or the Sum charged excessive, then as any Two Justices of the Peace shall, upon the Complaint of such Person, and after Summons of the Field Reeve or One of the Field Reeves of such Pasture (which may be in the Form in the Schedule to this Act), and on hearing in a summary Way the Matter in difference, think reasonable and order to be paid; and such Order may be in the Form in the Schedule to this Act; and every such Money Payment payable in lieu of Increase of Right shall be paid annually by the Field Reeve out of the Monies raised by the Rate made for the Expences of such regulated Pasture; and the Money charged on any such Owner shall be recoverable as a Rate on Owners of Stints is hereby made recoverable; and all annual Payments payable as aforesaid shall be payable on the First *Monday* in *February* in every Year.

Expences to be raised by Rate.

CXX. And be it enacted, That all Salaries and Allowances to Field Reeves and other Persons, and all Expences in and about the Management of every such regulated Pasture, and the Repairs and Erection of Buildings thereon, under the Directions of such Meetings of Owners as aforesaid, and all other Expences of such regulated Pasture, shall be paid and defrayed by the Owners of the respective Stints therein; and for that Purpose it shall be lawful for the Field Reeve or One of the Field Reeves, under the Directions of any such Meeting of Owners, from Time to Time to make a Rate on the respective Owners for such Sum as the Majority of Owners present at such Meeting shall think requisite; and every such Rate shall be apportioned and paid by the Owners according to the Rule of Rating established for such regulated Pasture, and shall be paid to the Field Reeve, on demand thereof, and in case the same shall not be paid within Fourteen Days after demand thereof, shall be recoverable by Distress; and it shall be lawful for any Field Reeve to exclude from such regulated Pasture the Stock or Animals of any Owner or his Tenant whose Proportion of the Rate shall be in arrear and unpaid for Fourteen Days after demand thereof, until the Proportion of such Rate so in arrear shall be fully paid; and any such Demand or Distress may be made of or on the Occupier of any such Stint as if the Occupier were the Owner liable to the Payment of such Rate, and such Rate may be paid by any such Occupier on demand thereof, and the Money so paid by such Occupier shall be deemed a Payment on account of his Rent, and shall be allowed by his Landlord accordingly.

Power to apply the Act to Pastures already stinted.

CXXI. And be it enacted, That where any Land shall be already occupied as a Gated or Stinted Pasture, and any of the Persons interested in such Gated or Stinted Pasture whose Interests shall not be less in Value than Two Thirds of the whole Interest therein shall be desirous that such Gated or Stinted Pasture should be subject to the Provisions of this Act concerning regulated Pastures, without being subject to the other Provisions concerning Lands subject to be inclosed under this Act, and shall make

Application

Application in Writing to the Commissioners to take Proceedings for that Purpose, it shall be lawful for the Commissioners, after making such Inquiries as may appear to them necessary, to cause to be ascertained by any Valuer to be appointed or approved by the Commissioners for that Purpose the proportionate Rights and Interests of the several Persons interested in such Pasture, and also the respective Rights of Pasture to which, having reference to the Productiveness of such Gated or Stinted Pasture, the several Persons interested therein may, in the Judgment of such Valuer, be entitled; and such Valuer shall determine and direct, as herein-before mentioned, the proportionate Liability to Rates under this Act of the Occupiers of Stints or Rights of Pasture, and in like Manner as in case of the Conversion into regulated Pasture of Land subject to be inclosed upon an Inclosure under this Act; and the Commissioners shall hear, or cause to be heard by an Assistant Commissioner, any Objections to the Determinations of Claims by and to the Report of the Valuer respectively, and approve or amend such Determinations and such Report respectively as they shall think fit; and the Valuer, under the Direction or with the Approval of the Commissioners, shall frame and cause to be ingrossed an Award setting forth such Draft Award, and the Matter of such Report, and the Commissioners shall confirm the same, with the Date of the Confirmation, under their Hands and Seal; and from and after the Confirmation of such Award such Gated and Stinted Pasture shall be subject to all the Provisions herein contained concerning Land subject to be inclosed, converted into and used as regulated Pasture, and shall be rateable under such Provisions, according to the Rule of Rating as set forth in such Award; and such Award shall be as binding and conclusive as if the same had been made and confirmed on an Inclosure under this Act.

Expences of Application of Act to Pastures already stinted.

CXXII. And be it enacted, That all the Expences of or attending the Proceedings for subjecting Lands already used as Gated or Stinted Pasture to the Provisions of this Act, concerning Lands subject to be inclosed, converted into or used as regulated Pasture, shall be paid and borne by the Persons interested therein, in proportion to their respective Liabilities to Rates under this Act, according to the Rule of Rating established in respect of such Gated or Stinted Pasture under this Act, and shall be paid at such Time and Place and to such Persons as the Valuer, with the Approbation of the Commissioners, signified by Writing under their Hands and Seal, shall direct, and shall be recoverable in such and the same Manner as the Expences of an Inclosure made in pursuance of this Act.

Power to enter Land for Surveys, &c.

CXXIII. And be it enacted, That for surveying and valuing any Land to be inclosed or otherwise dealt with under this Act, and for the other Purposes of this Act, it shall be lawful for the Commissioners, or an Assistant Commissioner or Valuer, or any Person or Persons to be appointed by such Commissioners, Assistant Commissioner, or Valuer, at any Time after Application has been made to the Commissioners to sanction an Inclosure, or to certify to the Expediency of an Inclosure, as the Case may be, to make any Survey, Admeasurement, Plan, or Valuation, with Assistants and Servants, and at any Time or Times whatsoever, until the Inclosure or other Proceedings under this Act shall be completed, to enter into, view, and examine, survey or admeasure, all and every Part of the Land to be inclosed or dealt with, and to do or cause to be done any Act or Thing necessary for putting this Act into execution.

Expences of Inclosures.

CXXIV. And be it enacted, That the Allowances and Payments to be made to and by the Valuer, which shall have been audited and approved by or under the Directions of the Commissioners, and all other the Expences of every Inclosure, except the Allowances and Salaries to the Commissioner who is to have a Salary, and to the Assistant Commissioners, Secretary, Clerks, Messengers, and Officers of the Commissioners, and the travelling and other Expences of the Commissioners and Assistant Commissioners, and except any Expences which the Commissioners or Assistant Commissioner, or any Court under the Powers of this Act, shall order to be otherwise paid, shall be borne and defrayed by the several Persons interested in the Lands to be inclosed (except the Surveyors of Highways, Churchwardens and Overseers, and Persons to whom Lands shall be allotted for public Purposes, in respect of the Allotments herein-before authorized or directed to be made to them respectively) in such Shares and Proportions, and shall be paid at such Time and Place, or respective Times and Places, and to such Persons, as the Valuer, with the Approbation of the Commissioners, signified by Writing under their Hands and Seal, shall direct; and such Valuer shall give Notice requiring Payment of the respective Shares and Proportions of such Expences on the Church Door, and shall give to all Persons so liable, who shall not reside in the Parish in which the Land inclosed or any Part thereof shall be situate, and whose respective Places of Abode shall be known to the Valuer, Notice by Letter sent by the Post of the Sums they respectively shall be liable to pay, at least Fourteen Days before the Time appointed for such Payment; and the Valuer shall from Time to Time make Estimates of all such Expences, and raise the Amount of such Estimates at such Times as he shall, with such Approbation of the Commissioners, deem proper, either before or after the Confirmation of the Award.

Estimates of Expences to be approved of at public Meeting.

CXXV. Provided always, and be it enacted, That before the Commissioners shall approve the Estimates of such Expences they shall submit the same to a Meeting of Persons interested, called after Seven Days Notice, and shall take into consideration any Representation with respect to such Estimates which may be made to them on the Part of the Majority of the Persons present at such Meeting.

Remedies in case of Non-payment of Expences.

CXXVI. And be it enacted, That if any Person shall refuse or neglect to pay his Proportion of such Expences within such Time and to such Person as the Valuer shall appoint, it shall be lawful for the Valuer to recover the same, together with lawful Interest, to be computed from the Day on which the same ought to have been paid, by Action at Law in his own Name in any of Her Majesty's Courts of Record at *Westminster*, or it shall be lawful for him, by Warrant directed to any Person whomsoever,

to

to cause the same, with such Interest thereon as aforesaid, to be levied by Distress, or it shall be lawful for the Valuer, or any Person authorized by him, immediately after such Neglect or Refusal, to enter into and upon the Premises so to be allotted to such Person, and demise the same, or to demise any Stint or Right of Pasture allotted to such Person, and receive the Rents and Profits thereof respectively, until thereby or otherwise such Share or Proportion, with lawful Interest as aforesaid, and also all the Costs and Expences attending such Entry upon and Demise, and Receipt of the Rents and Profits of the said Premises, shall be fully paid and satisfied: Provided always, that no such Action at Law as aforesaid shall be brought by the Valuer against any Person for his Proportion of such Expences as aforesaid, nor shall any Proceeding be taken to levy any such Proportion of Expences by Distress as aforesaid, before the Expiration of Thirty Days after Notice in Writing that such Proportion of Expences is in arrear, and requiring Payment thereof, shall have been given to the Person liable to pay the same, or left at the usual Place of Abode of such Person.

Power to make additional Rate.

CXXVII. Provided always, and be it enacted, That if at any Time after the Allotments shall have been staked out it shall appear to the Valuer, either before or after the Confirmation of the Award, that the Money to arise by any previous Rates will not be sufficient to defray the Expences aforesaid, the Deficiency shall, with such Approbation of the Commissioners as aforesaid, be made up and raised from Time to Time by a Rate to be made and levied upon the several Persons interested in the Lands to be inclosed (except as aforesaid), in such Shares and Proportions, within such Time, and to be paid to such Persons as the Valuer shall from Time to Time direct; and in case any Persons herein-before made subject to the Payment of any Money towards such Expences shall neglect or refuse to pay his Share or Proportion of any such Rate within the Time appointed for that Purpose, or at any Time after such Demand, the same shall be levied and recovered in the Manner directed by this Act with respect to the previous Rate.

Commissioners may remove Valuers.

CXXVIII. And be it enacted, That if any Valuer or Surveyor chosen or appointed to act in the Matter of any Inclosure or other Matter under this Act shall, before his Duties shall be fully performed, refuse to attend to, or become by Sickness or otherwise incapable to act in such Matter, or by Writing under his Hand desire to be discharged from the Office of Valuer or Surveyor respectively, or shall in the Judgment of the Commissioners neglect his Duties, or misconduct himself in his Office, or become or be found incompetent or unfit to act as a Valuer or Surveyor under this Act, it shall be lawful for the Commissioners, by Order under their Hands and Seal, to remove him from the Office of Valuer or Surveyor, as the Case may be; and if any Valuer or Surveyor shall be so removed, or shall die, it shall be lawful for the Commissioners, by Order under their Seal, to appoint a Valuer or Surveyor in his Stead, and every Valuer and Surveyor so appointed shall have the same Powers as if he had been chosen at a Meeting of the Persons interested in the Land in manner herein-before directed.

Valuer not to purchase Lands in the Parish for Seven Years after the Award.

CXXIX. And be it enacted, That no Valuer who shall have acted in the Matter of any Inclosure shall be capable of being a Purchaser of any Land within the Parish in which the Lands to be inclosed, or any Part thereof, shall be situate, until the Expiration of Seven Years after the Confirmation of the Award in such Inclosure.

Repayment to Consolidated Fund.

CXXX. And be it enacted, That it shall be lawful for the Commissioners, having regard to the Time and Labour and Expences of the Assistant Commissioners and all other Persons, if any, specially employed and paid by the Commissioners in or about any Inclosure, Exchange, Division, Partition, or other Proceeding under this Act, by any Order under their Hands and Seal, to order and declare that a Sum, in such Order to be mentioned, be paid to the Commissioners in respect of the Salary, Allowance, and Expences of the Assistant Commissioners and other Persons, if any, so specially employed in or about such Inclosure, Exchange, Division, Partition, or other Proceeding; and the Commissioners shall by such Order declare such Sum to be charged on the Persons interested in the Land to be inclosed, or to which such Proceeding shall relate, in such Shares as they shall think just, and shall appoint a Time for Payment thereof; and the same shall be raised in the same Manner as the Expences of the Inclosure, or of subjecting the Land to the Provisions concerning regulated Pasture, are directed to be raised under this Act, and be deemed Part of the Expences of the Inclosure or Matter aforesaid, or, in the Case of an Exchange, Division, or Partition, in the same Manner as the Expences of such Exchange, Division, or Partition, and when raised shall be paid to the Commissioners, who shall forthwith pay the same into Her Majesty's Exchequer, to be carried to the Account of the Consolidated Fund.

Persons attending Meetings to pay their own Expences.

CXXXI. Provided always, and be it enacted, That the several Persons interested in the Inclosure or other Proceeding under this Act, and their respective Agents, shall pay their own Expences whenever they shall attend any of the Meetings to be held in the Matter of any Inclosure.

Expences of Witnesses.

CXXXII. And be it enacted, That the Commissioners or Assistant Commissioner acting in the Matter of any Inclosure, or in any Inquiry into the Expediency or Inexpediency of any proposed Inclosure, where they or he may see fit, may order such Expences of Witnesses, and of the Production of any Books, Deeds, Court Rolls, and Writings, Maps, Plans, and Surveys, or Copies thereof, and all other Expences (except the Salary or Allowance to any Assistant Commissioner) incurred in the Settlement of any Suit or Difference, or in the hearing and determining any Objection or Matter whatever before the said Commissioners or any Assistant Commissioner, to be paid by such Parties interested in the Production thereof respectively, or in the event of such Suit, Difference, Objection, or Matter, or in any such Inquiry, by or in such Proportions as the Commissioners or Assistant Commissioner shall think fit and reasonable; and the Commissioners may, when they shall see occasion, require such Security to be given

given by Persons making Application for any Inquiry under this Act, for the Payment by such Persons of the Expences of or occasioned by such Inquiry, as the Commissioners may think fit.

Power to mortgage Allotments.

CXXXIII. And be it enacted, That it shall be lawful for the respective Persons interested in Allotments in Severalty or Allotments of Stints or Rights of Pasture respectively to be made under this Act, being Tenants for Life, or in Tail, or for any other Estate of Freehold or Inheritance, and also for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Proprietors, being under Coverture, Infants, Lunatics, Idiots, or under any other Disability or Incapacity, or beyond the Seas, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies respectively, and for the Trustees or Feoffees for charitable, parochial, or other Uses, or the Majority in Number of them, in respect of any Lands held by them in trust for any charitable, parochial, or other Uses, (with the Consent of the Commissioners, testified in Writing under their Hands and Seal,) and for the Incumbent of any Ecclesiastical Benefice, with the Consent in Writing of the Bishop of the Diocese and of the Patron of such Benefice, from Time to Time to charge their respective Allotments with any Money not exceeding, as to any Allotment in Severalty, Five Pounds *per* Acre, towards their respective Proportions of the Inclosure Expences, and for securing the Repayment of such Money, with Interest, to mortgage or demise the said Allotments unto or in trust for any Person who shall advance any Money for any Term of Years, but so that every such Mortgage or Demise be made with a Condition to cease or upon trust to be surrendered or assigned when the Money thereby to be secured, with all Interest thereon, shall have been fully paid, and so that in every such Mortgage or Demise which shall be made by or on behalf of any Person entitled to any such Allotment for the Term of his natural Life there be contained a Covenant to pay and keep down the Interest of the Money to be secured during his Life, in such Manner that no Person afterwards becoming possessed of such Lands shall be subject or liable to pay any larger Arrear of Interest than for Six Months previous to the Time when the Title of such Person shall accrue or commence; and every Incumbent of a Benefice by whom such Mortgage or Demise shall be made shall keep down the Interest on the Money to be secured, or on so much thereof as shall remain owing, and shall repay, in reduction of the Principal, One Thirtieth Part of the Money originally secured, at the Expiration of the Term of One Year from the Time of making such Mortgage, and a like Sum at the Expiration of each succeeding Term of One Year, until the whole be repaid; and every such Mortgage or Demise shall be valid in the Law for the Purposes thereby intended; and every such Mortgagee and his Assigns shall have the like Remedies in case of Nonpayment of the Monies thereby secured as in the Case of other Mortgages of the like Nature.

Power to sell Parts of Allotments.

CXXXIV. And be it enacted, That it shall be lawful for the Commissioners, on Application made to them in Writing by any of the Proprietors of Allotments to be made by virtue of this Act, or by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of such Proprietors, being under Coverture, Infants, Lunatics, Idiots, or under any other Disability or Incapacity, or beyond the Seas, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies respectively, or by any of the said Proprietors, being Tenants in Tail or for Life, or by any Trustees or Feoffees for charitable, parochial, or other Uses, or by the Majority in Number of them, or by any Incumbent of an Ecclesiastical Benefice in right of which an Allotment may have been made, and the Bishop of the Diocese and the Patron of such Benefice, to direct a Sale of any Part of any such Allotment, for raising a Sum of Money sufficient to defray the proportionable Part of the Expences which shall in such Rates be charged upon such Parties, and of the Expences of making and completing such Sale: Provided always, that in all Cases in which the Monies so raised by any such Sale shall not be equal to the Money which might be borrowed or charged on such Allotment as aforesaid, it shall be lawful for the Proprietor, or the Person herein-before authorized to direct a Sale on behalf of the Proprietor, Part of whose Allotment shall be sold as aforesaid, to charge his Allotment with any Sum not exceeding the Difference.

Sales of Parts of Allotments how to be made.

CXXXV. And be it enacted, That such Sales shall be made by the Valuer, with the Approbation of the Commissioners, in the same Manner and subject to the same Regulations as are herein-after prescribed in respect of the Sale of Part of the Land subject to be inclosed towards defraying the Expences of the Inclosure; and every Part of an Allotment for which the full Purchase Money shall be paid shall be conveyed by the Commissioners, at the Expence of the Purchaser, as he shall appoint, and shall be inclosed and held by such Purchaser in Severalty: Provided always, that nothing herein contained shall enable the Commissioners to convey any Allotments set out by them as Copyhold or Customary as Freehold, but such Copyhold or Customary Allotments shall be held by the Purchaser thereof by, under, and subject to the same Rents, Suits, and Services as such Allotment would have been held in case no such Sale had been made.

Commissioners to receive and apply Purchase Money.

CXXXVI. And be it enacted, That the Receipt of the Commissioners shall be a sufficient Discharge to the Purchaser for the said Purchase Money; and such Purchase Money shall be applied by the Commissioners in or towards defraying the Costs and Expences for raising which such Sale shall have been made; and the Surplus (if any) shall be paid to the Parties from whose Allotments such Sale shall have been so made respectively; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors of such surplus Money shall be applied and disposed of in manner herein-after directed.

Application of Compensation Money of Parties under Disabilities.

CXXXVII. And be it enacted, That when any Money is, under the Provisions of this Act, directed to be paid for the Purchase of any Timber or Wood growing on any Land which shall belong to any Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, or Administrator, Husband, Guardian, Committee, or Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or Cestuique Trust,

or to any Person whose Lands are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, or to any Corporation, not being legally and equitably entitled to sell and dispose of such Timber and Wood, it shall be lawful for the Valuer out of such Money to defray the Proportion (if any) of the Inclosure Expences which shall be charged upon the Land, or any Land held under the same Title, on which such Timber or Wood actually grew, and also, with the Approbation of the Commissioners, to defray the Expence of any permanent Improvement, such as building, subdividing, dividing, draining, or planting, and the like, which shall in the Judgment of the Valuer be proper to be made, and shall be made, under his Direction, upon any Land to be under the Powers of this Act allotted to such Parties.

Investment of Surplus when 200*l.* or upwards.

CXXXVIII. And be it enacted, That if the Surplus of any such Monies, or the Surplus of any Monies to arise from the Sale of Part of an Allotment for raising Money for Expences, where the same shall not be paid to the Proprietors under the Directions herein-before contained, shall amount to or exceed the Sum of Two hundred Pounds, the same shall, with all convenient Speed, unless the Commissioners shall otherwise direct, under the Provisions herein-after contained, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Commissioners, pursuant to the Method prescribed by an Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds, and the Endorsements thereon, as likewise the Endorsements on* South Sea *Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to an Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out upon proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition in a summary Way by the Parties who would have been entitled to the Rents and Profits of the said Land, be applied to the following Purposes or any of them; (that is to say,)

12 G. 1. c. 32.

12 G. 2. c. 24.

The Redemption or Discharge of the Land Tax or of any Debt or other Incumbrance affecting the same Land, or affecting other Lands standing settled therewith to the same or the like Uses or Trusts:

The Purchase of other Land, to be conveyed or settled upon the like Uses or Trusts, or such of them as shall be then existing undetermined or capable of taking effect.

Payment of Dividends in the meantime.

CXXXIX. And be it enacted, That in the meantime and until such Application shall be made the said Money may, by Order of the said Court, to be made upon the like Petition, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or of Government Securities; and the Dividends or Interest of such Annuities or Securities shall from Time to Time be paid, by Order of the said Court, to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased, conveyed, and settled.

Application of Money under 200*l.*

CXL. And be it enacted, That in case the Surplus of any such Monies as aforesaid shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, the same shall, at the Option of the Parties who for the Time being would have been entitled to the Rents and Profits of the said Land, or their Guardians or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the Commissioners, to be signified in Writing under their Seal, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the said Parties, who for the Time being would have been entitled to the Rents and Profits of the said Land as aforesaid, such Nomination to be approved of by the Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands (or Common Seal, as the Case may be,) of the nominating Parties, and under the Seal of the Commissioners; and in any Case in which such Monies shall amount to or exceed the Sum of Two hundred Pounds, the same, if the Commissioners shall so think fit and direct, shall in like Manner be paid to Trustees to be nominated and approved as aforesaid; and the Money so paid to such Trustees, and the Dividends and Produce arising therefrom, shall be by them applied in like Manner as is herein-before directed with respect to Money so to be paid into the Bank of *England*, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Under 20*l.*

CXLI. And be it enacted, That in case the Surplus of any such Monies as aforesaid shall be less than Twenty Pounds the same shall be paid to the Parties for the Time being entitled to the Rents and Profits of the said Land, for their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their Guardians, Committees, or Trustees, for the Use and Benefit of the Parties respectively entitled thereto.

Sale of Land by Valuer for Expences.

CXLII. Provided always, and be it enacted, That in case the Valuer acting in the Matter of any Inclosure shall, under the Instructions herein-before required in this Behalf, proceed to raise all or any Part of the Expences of the Inclosure by Sale of Part of the Land proposed to be inclosed, such Valuer shall set out such Parts of the Land to be inclosed as he shall judge sufficient in Value to defray the

Expences aforesaid, and shall, from Time to Time as he shall find expedient, sell and dispose of the same by public Auction or by private Contract, with the Approbation of the Commissioners; and the Purchase Monies to arise by such Sales shall be paid into the Hands of the Commissioners, or as they shall direct, and shall be by them applied in discharging the said Expences.

Conveyances to be made by Commissioners.

CXLIII. And be it enacted, That upon every Sale to be made by the Valuer under the Provisions of this Act the Commissioners shall sign and deliver to each Purchaser a Receipt for his Purchase Money, which shall be a sufficient Discharge for the same; and upon Receipt of the whole Purchase Money for any of the Lands which shall be sold as aforesaid the Commissioners shall convey such Lands, and the Fee Simple and Inheritance thereof in possession, by Conveyance under their Hands and Seal, to such Uses and in such Manner as such Purchaser shall direct; and after such Conveyance the Premises conveyed shall be Freehold of Inheritance, and shall be held to the Uses and in manner expressed by such Conveyance; and any such Conveyance may be to the Effect set forth in the Schedule to this Act, and shall be Evidence of the Regularity of the Sale in pursuance of which such Conveyance shall be made.

Application of Purchase Monies.

CXLIV. And be it enacted, That all such Purchase Monies as shall be from Time to Time raised or received by the Commissioners by such respective Sales as aforesaid shall, after Payment of the Charges and Expences attending such respective Sales, be paid and applied by the Commissioners towards the Expences of the Inclosure; and the respective Purchasers or other Persons paying the same shall not in any Manner be liable to see to the Application, or be answerable for any Misapplication thereof.

Notice may be given to Reversioners.

CXLV. And be it enacted, That the Commissioners, before authorizing or certifying the Expediency of any Inclosure, or determining any Claim or Matter, or approving any Report or Award, or in any other Stage of the Proceedings on any Inclosure, or of the Proceedings for subjecting any Gated or Stinted Pasture to the Provisions of this Act concerning regulated Pastures, if they shall see occasion, may require Notice to be given, in any such Manner as they shall direct, to the Person next in remainder, reversion, or expectancy of an Estate of Inheritance in any Lands, or to any other Person to whom they may think Notice ought to be given, and may by themselves or by some Assistant Commissioner hear and determine any Objection which may be made by the Person so next in remainder, reversion, or expectancy.

Copies of Award to be made and deposited.

CXLVI. And be it enacted, That Two Copies of every confirmed Award shall be made, and sealed with the Seal of the said Commissioners, and one such Copy shall be deposited with the Clerk of the Peace of the County in which the Lands inclosed shall be situate, who is hereby required to deposit and keep the same among the Records of the said County, so that recourse may be had thereto by any Person interested in the Premises, and the other Copy shall be deposited with the Church or Chapel Wardens for the Time being of the Parish in which the Lands or the greater Part thereof shall be situated, to be kept by them and their Successors in Office with the public Books, Writings, and Papers of the Parish, or shall be deposited with such other fit Persons as the Commissioners shall approve; and all Persons interested therein may have Access to and be furnished with Copies of or Extracts from any such Copy, on giving reasonable Notice to the Person having Custody of the same, and on Payment of Two Shillings and Sixpence for such Inspection, and after the Rate of Three-pence for every Seventy-two Words contained in such Copy or Extract; and all such Copies of and Extracts from any such Copy of any confirmed Award as shall be furnished by the Clerk of the Peace shall be signed by the said Clerk of the Peace or his Deputy, purporting the same to be a true Copy; and every such Copy and Extract, so signed, shall be received in Evidence without further Proof thereof; and every Recital or Statement in such confirmed Award or any sealed Copy thereof shall be deemed satisfactory Evidence of the Matters therein recited or stated.

Exchanges may be made of Land not subject to be inclosed.

CXLVII. And be it enacted, That it shall be lawful for the Commissioners, upon the Application in Writing of the Persons interested, according to the Definition herein-before contained, in Lands not subject to be inclosed under this Act, or in Lands subject to be inclosed under this Act, as to which no Proceedings for an Inclosure shall be pending, and who shall desire to effect an Exchange of Lands in which they respectively shall be so interested, to direct Inquiries whether such proposed Exchange would be beneficial to the Owners of such respective Lands; and in case the Commissioners shall be of opinion that such Exchange would be beneficial, and that the Terms of the proposed Exchange are just and reasonable, they shall, unless Notice of Dissent to the proposed Exchange shall be given, under the Provision herein-after contained, cause to be framed and confirmed under the Hands and Seal of the Commissioners, an Order of Exchange, with a Map or Plan thereunto annexed, in which Order shall be specified and shown the Lands given and taken in exchange by each Person so interested respectively; and a Copy of such Order, under the Seal of the Commissioners, shall be delivered to each of the Parties on whose Application the Exchange shall have been made; and such Order of Exchange shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever, and shall be in nowise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Persons on whose Application the same shall have been made; and the Land taken upon every such Exchange shall be and enure to, for, and upon the same Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the Lands given on such Exchange would have stood limited or been subject to in case such Order had not been made; and all Expences with reference to such Order and Exchange, or the Inquiries in relation thereto, or to any proposed Exchange, shall be borne by the Persons on whose Application such Order shall have been made or such Inquiries undertaken: Provided always, that no Exchange shall be made of any Land held

held in right of any Church or Chapel or other Ecclesiastical Benefice, without the Consent, testified in Writing, of the Bishop of the Diocese and the Patron of such Benefice.

Division of intermixed Lands.

CXLVIII. And be it enacted, That it shall be lawful for the Commissioners, upon the Application in Writing of any Number of Persons who shall be separately interested in Parcels of Land not subject to be inclosed under this Act, or of Land subject to be inclosed under this Act as to which no Proceedings for an Inclosure shall be pending, so intermixed or divided into Parcels of inconvenient Form or Quantity that the same cannot be cultivated or occupied to the best Advantage, but forming together a Tract which may be divided into convenient Parcels, and who shall desire to have the whole of such Tract divided into convenient Parcels, to be allotted in lieu of the old Parcels, to direct an Inquiry whether such proposed Division and Allotment would be beneficial to the Owners of such Lands; and in case the Commissioners shall be of opinion that the proposed Division and Allotment would be beneficial, they shall unless Notice of Dissent from the proposed Division and Allotment shall be given under the Provisions herein-after contained, cause to be framed an Order for the Division or Allotment thereof accordingly, with a Map or Plan thereunto annexed, in which shall be specified, as well the Parcels which the several Persons on whose Application such Order shall have been made were respectively interested in before such Division and Allotment, as the several Parcels allotted to them respectively by such Order, and such Order shall be confirmed under the Hands and Seal of the Commissioners; and a Copy of such Order, sealed with the Seal of the Commissioners, shall be delivered to each of the Parties on whose Application the Division and Allotment shall have been made; and such Order of Division shall be good in the Law to all Intents and Purposes whatsoever, and shall in nowise be liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Persons on whose Application the same shall have been made; and the Parcels of Land taken by the Persons interested under such Division shall be and enure to, for, and upon the same Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the several Lands which the Persons taking the same shall have relinquished or lost on such Division would have stood limited to, for, or upon, or been subject to, in case such Order had not been made; and all Expences with reference to any such Order, Division, and Allotment, or the Inquiries in relation thereto, or to any proposed Division or Allotment, shall be borne by the Persons on whose Application such Order shall have been made or such Inquiries undertaken.

Inconvenient Allotments for the Poor and public Purposes may be exchanged for Land more convenient.

CXLIX. And be it enacted, That where, under the Powers of any Inclosure Act, any Allotment shall have been made in trust for the poor Inhabitants of any Parish, or of any Class of such poor Inhabitants, or in trust to be leased, used, or enjoyed to or by or upon any other Trusts for the Benefit of such poor Inhabitants, or for the Purposes of Exercise and Recreation, or for any other public or parochial Purpose, and it shall appear to the Commissioners that such Allotment, by reason of its Distance from the Dwellings of such poor Inhabitants, or from the Nature or Quality of the Soil, or otherwise, shall not be convenient or suitable for the Purposes for which the same shall have been made, it shall be lawful for the Commissioners, upon the Application in Writing of the Churchwardens and Overseers of the Poor of the Parish in which such Allotment shall be situate, or of the Trustees for the Time being of such Allotment, and of the Person interested in Land more convenient or suitable for the Purposes for which such Allotment shall have been made, and who may be willing to give such Land in exchange for such Allotment, in case the Commissioners shall be of opinion that such Exchange would be beneficial to the poor Inhabitants or other Persons for whose Benefit or more suitable to the Purposes for which such Allotment was made, to cause to be framed and to confirm an Order of Exchange of such Allotment for such other Land as aforesaid; and the Provisions herein contained concerning Exchanges shall apply to such Allotment as if such Churchwardens and Overseers or Trustees respectively were the Persons interested in such Allotment.

Notices of such Exchanges and Divisions to be given.

CL. Provided always, and be it enacted, That no such Order of Exchange or Order of Division and Allotment as aforesaid shall be confirmed by the Commissioners until Notice shall have been given by Advertisement in Three successive Weeks of such proposed Exchange or Division and Allotment, and Three Calendar Months shall have elapsed from the Publication of the last of such Advertisements; and in case before the Expiration of such Three Calendar Months any Person entitled to any Estate in or to any Charge upon any Land included in such proposed Exchange or Division and Allotment shall give Notice in Writing to the Commissioners of his Dissent from such proposed Exchange or Division and Allotment, as the Case may be, the Commissioners shall not confirm an Order for such Exchange or such Division or Allotment, unless such Dissent shall be withdrawn, or it shall be shown to the Commissioners that the Estate or Charge of the Party so dissenting shall have ceased.

Expences of Exchanges and Divisions.

CLI. And be it enacted, That if any Difference shall arise touching the said Expences in relation to any Exchange, Division, Allotment, Orders, or Inquiries as aforesaid, or the Share thereof to be paid by any Person, it shall be lawful for the Commissioners to certify under their Hands and Seal the Amount to be paid by such Person; and in case any Person shall neglect or refuse to pay his Share so certified to be payable by him, and upon the Production of such Certificate before any Two Justices of the Peace for the County or other Jurisdiction wherein the Land shall be situate, such Justices, upon the Nonpayment thereof, are hereby required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress.

Commissioners may remedy Defects and Omissions of Awards under local Acts of

CLII. And be it enacted, That where any Award already made and executed, or hereafter to be made and executed, in pursuance of any local Act of Inclosure, or in pursuance of an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for facilitating the Inclosure of Open and Arable Fields in* England *and* Wales, shall not have duly distinguished the several Tenures of all the Lands thereby awarded or allotted, or of any other Lands of which the Tenure ought

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Inclosure, or under 6 & 7 W.4. c. 115.

to have been distinguished in or by such Award, or the different Estates or Titles for or under which any Lands therein mentioned should be held, or shall not have duly distinguished the Lands which after such Award should remain subject to all or any Tithes, and the Lands which should be discharged from all or any Tithes, or where by any such Award an aggregate Allotment shall have been set out and awarded in any Case in which several and distinct Allotments ought to have been set out and awarded, in every such Case, and in every other Case in which it shall appear to the Commissioners that Inconvenience shall have arisen from Inaccuracy, Confusion, or Omission in any such Award, it shall be lawful for the Commissioners, upon the Application in Writing of any Person interested in the Lands to which such Award may relate, or of any Person prejudiced by the Inaccuracy, Confusion, or Omission in such Award, to make such Inquiries and take such Evidence, by themselves or by an Assistant Commissioner, as they shall think fit, and by an Order under their Hands and Seal to amend such Award, and to distinguish the several Tenures of the Lands thereby allotted and awarded, and the different Estates or Titles for or under which the same should be held, and to distinguish the Lands which should be discharged from all or any Tithes, and the Lands which should remain subject to all or any Tithes, and to subdivide aggregate Allotments into separate Allotments, and to distinguish the Tenures or Titles thereof, or the Lands or Rights in respect of which they were respectively made, and generally to make or give such Declarations or Directions as may appear necessary to supply any Omission and rectify any Inaccuracy or Confusion in such Award; and such Order of the Commissioners shall have the same Force and Effect as if the Allotments, Directions, and Declarations therein contained had been duly made and contained in the original Award, in addition, or, as the Case may require, in substitution for the Parts thereof to which such Amendments may relate; and all Expences with reference to such Order as last aforesaid, and of and consequent upon all Inquiries in relation thereto, or to any proposed Amendment of any such Award, shall be borne by the Persons on whose Application such Order shall be made or such Inquiries undertaken.

Commissioners may revive Powers under local Inclosure Acts lost by Lapse of Time, or otherwise.

CLIII. And be it enacted, That where under any local Act of Inclosure the Powers and Authorities originally vested in the Commissioner or Commissioners acting under any such local Act, or any such Power or Authority, shall not have been fully executed according to the Intent of such local Act, and shall have been lost or become incapable of being executed by reason of the Neglect or Omission to execute the same, or to take some Proceeding necessary to the due Execution thereof within the Time limited in that Behalf by such local Act, or from any other Cause whatsoever, it shall be lawful for the Inclosure Commissioners for *England* and *Wales*, by any Order under their Hands and Seal, to authorize the Commissioner or Commissioners appointed by or acting under the Authority of such local Act to execute and to carry into effect the Powers and Authorities originally vested in such last-mentioned Commissioner or Commissioners, or in any previous Commissioner or Commissioners under such local Act, in the same Manner as if such Powers and Authorities had not been lost or become incapable of being executed, or as near thereto as Lapse of Time and other Circumstances may permit, and subject to such Conditions and Restrictions as the Justice of the Case may appear to require, and in and by such Order to direct any Act or Proceeding to be done or taken in substitution for any Act or Proceeding which shall have been required or directed by such local Act, and which shall have become incapable of being done or taken by Lapse of Time or other Circumstances; and all Proceedings, Adjudications, Orders, Directions, and Acts taken, made, and done by the Commissioner or Commissioners under any local Act, in pursuance of any such Order as aforesaid of the Inclosure Commissioners for *England* and *Wales*, shall have the same Force and Effect as if the same had been duly authorized by such local Act; and the Expences of such Order, and of the Inquiries in relation thereto, shall be paid by the Commissioner or Commissioners acting under such local Act, and shall be deemed Expences under the Inclosure by such local Act authorized.

Commissioners may appoint Persons to complete Proceedings in an imperfect Inclosure.

CLIV. And be it enacted, That where the Powers and Authorities of any local Act of Inclosure shall not have been fully executed and performed, whether the same shall or shall not have been lost or have become incapable of being executed from Lapse of Time or otherwise, and there shall be no Commissioner acting under such local Inclosure Act, or in case from any other Cause any of the Persons interested in the Land to which such local Act shall relate shall be desirous that the Powers and Authorities of such Act should be executed, and the Proceedings thereunder completed under the Direction of the Inclosure Commissioners for *England* and *Wales*, it shall be lawful for the said Commissioners, by Order under their Hands and Seal, upon the Application in Writing of the major Part in Value of the Persons interested in the Lands subject to be inclosed under such local Act, to appoint any Person to execute the Powers or Authorities of such local Act, in the Place of the Commissioner or Commissioners by such Act appointed or authorized to be appointed, and to complete the Proceedings under the same; and it shall be lawful for the said Inclosure Commissioners for *England* and *Wales*, by such Order as aforesaid, or by any supplemental or other Order, to authorize the Person so appointed to execute and to carry into effect any Powers or Authorities originally vested in any Commissioner or Commissioners under such local Act, and which may have been lost or become incapable of being executed, and to give such other Directions in relation thereto as under the Provision herein-before contained might have been given to the Commissioner or Commissioners appointed by or acting under a local Act; and the Person so appointed by the Commissioners shall and may complete the Proceedings under such local Act, and make an Award therein, and shall have such and the like Powers and Authorities in all respects as the Commissioner or Commissioners originally appointed by or acting under such local Act would have had if he or they had continued to act; and it shall be lawful for the Inclosure Commissioners for *England* and *Wales*, by Order

Order under their Hands and Seal, to remove any Person so appointed, and upon such Removal, or in case any Person so appointed shall die, or desire to be discharged from his Office, before the Proceedings in such Inclosure shall be completed, from Time to Time to appoint any other Person in his Stead, with all such Powers and Authorities as aforesaid; and the Expences of such Orders of the Commissioners, and of all Proceedings in relation thereto, shall be Expences in the Inclosure, and raised in the same Manner as other Expences may by such local Act be authorized to be raised.

Commissioners to give Notice before proceeding to amend Awards under local Act.

CLV. Provided always, and be it enacted, That the Commissioners shall not in any Case proceed to amend any Award under any local Act of Inclosure, or under the said Act of the Seventh Year of the Reign of King *William* the Fourth, or to authorize the Execution of any Power or Authority under any such local Act which shall have been lost or become incapable of being executed as aforesaid, or to authorize any Person to be by them appointed as aforesaid to execute the Powers or Authorities of any local Act in the Place of the Commissioner or Commissioners appointed under such local Act, until Notice of the Application to the Commissioners to amend such Award, or to authorize the Execution of such Powers or Authorities, or to authorize any Person to be by them appointed as aforesaid, shall have been given by Advertisement in Four successive Weeks; and in case within Two Calendar Months after the Publication of the last of such Advertisements One Fourth Part in Number or Value of the Persons interested, according to the Definitions herein-before contained, in the Land to which the Award so proposed to be amended, or the Part thereof proposed to be amended, shall relate, or in the Land to be affected by the Exercise of such Powers or Authorities, shall give Notice in Writing to the Commissioners of their Dissent from such Application, the Commissioners shall not proceed further on such Application.

Proviso for Cases where *Dealings have been had with Land on Faith of Inaccuracies*, &c. proposed to be rectified.

CLVI. Provided also, That in every Case in which Dealing shall have been had with such Land, or some Part thereof, on the Faith of the Inaccuracy, Confusion, or Omission which it shall be proposed to rectify or supply, or on the Faith of such Powers or Authorities having been lost or become incapable of being executed, or on the Faith of the Powers or Authorities of such local Act not being executed under the Powers of such local Act, or the actual Possession of the Land, or the Receipt of the Rents and Profits of the Land, to which the Award so proposed to be amended, or the Part thereof proposed to be amended, shall relate, or, as the Case may be, the Possession of the Land, or the Receipt of the Rents and Profits of the Land, to be affected by the Exercise of such Powers or Authorities, would be altered by the proposed Amendment of the Award, or by the Exercise of such Powers or Authorities as aforesaid, the Commissioners shall not proceed on such Application, so far as respects the Land with which such Dealings may have been had, or of which the Possession or the Receipt of Rents and Profits would be altered as aforesaid, without the Consent of the Persons interested in such last-mentioned Land, nor shall the Commissioners proceed in any Case upon such Application, so far as respects such last-mentioned Land, in case within Two Calendar Months after the Publication of the last of such Advertisements as aforesaid any Person entitled to any Estate in or to any Charge upon such last-mentioned Land shall give Notice in Writing to the Commissioners of his Dissent from such Application.

Commissioners may confirm Awards or Agreements made under supposed Authority of 6&7W.4.c.115.

CLVII. And be it enacted, That where by any Award or Agreement expressed to be made under the Authority of the said Act of the Seventh Year of King *William* the Fourth, intituled *An Act for facilitating the Inclosure of Open and Arable Fields in* England *and* Wales, any Moors, Commons, or Waste Lands, or other Lands not subject to be inclosed under the Provisions of such last-mentioned Act, shall have been inclosed or apportioned and allotted, and the Lands so inclosed or apportioned and allotted shall be within the Definition of Lands subject to be inclosed under this Act, it shall be lawful for the Commissioners, upon the Application of any Person interested in any Land so inclosed or apportioned and allotted, to make such Inquiries in relation to such Award or Agreement as the Commissioners shall think fit; and if it shall appear to the Commissioners that the Rights and Interests of all Parties interested in the Lands expressed to be inclosed or apportioned and allotted by such Award or Agreement shall have been duly provided for and compensated thereby, or might be duly provided for and compensated thereby if such Award or Agreement were confirmed, or amended and confirmed, as herein-after mentioned, it shall be lawful for the Commissioners, by any Order under their Hands and Seal, to confirm such Award or Agreement, or to amend the same, as the Justice of the Case and the Rights and Interests of the Parties may appear to the Commissioners to require, and to confirm the same, with the Amendments specified in such Order, as the Commissioners shall think fit, and every Award and Agreement so confirmed shall, with the Amendments, if any, which shall have been made by such Order, have the same Force and Effect as a final Award under the Authority of this Act; and all Expences with reference to such Order as last aforesaid, and of all Inquiries in relation thereto, or to any proposed Confirmation of any such Award or Agreement, shall be borne by the Persons interested in the Lands by such Award or Agreement inclosed or apportioned and allotted, in such Proportions as the Commissioners shall direct: Provided always, that the Commissioners shall not confirm any such Award or Agreement, or proceed to make any Inquiries in relation thereto, unless it shall be made to appear to the Commissioners that the Persons making the Application for a Confirmation of such Award or Agreement represent at least One Third in Value of the Interests in such Lands.

Power to reduce the Number of Trustees under local Act where a sufficient Number of Persons qualified cannot be found.

CLVIII. And be it enacted, That where under any local Act of Inclosure, or under any Award made under the Authority of any local Act of Inclosure, Provision shall have been made for the Election, from among Persons having certain Qualifications in respect of Property or otherwise, of a Number of Trustees or other Functionaries for making or maintaining Works on the Lands inclosed, or for any other local Functions, and it shall appear to the Commissioners that by reason of Alterations in the State of Property or otherwise Persons cannot be found according to the Qualifications required by such local Act

Act of Inclosure to fill up the Number of Trustees or other Functionaries required by such local Act, it shall be lawful for the Commissioners, after such Inquiries as they shall think fit, upon the Request and at the Expence of any Persons interested in the Works to be made or maintained, or in the Functions to be performed by such Trustees or Functionaries, by Order under the Seal of the Commissioners to declare that any such lesser Number, in such Order to be mentioned of Trustees or other Functionaries, may be from Time to Time elected for the Purposes or be competent to exercise and perform the Powers and Functions in such local Act of Inclosure required or authorized to be exercised by the Number of Trustees or other Functionaries directed to be elected by such local Act, and such lesser Number shall be from Time to Time elected, and shall be competent to exercise and perform such Powers and Functions accordingly.

Penalties and Forfeitures how recoverable.

CLIX. And be it enacted, That all Penalties and Forfeitures imposed by this Act, or which shall be imposed by the Commissioners or Assistant Commissioner acting in the Matter of any Inclosure or other Proceeding under or by virtue of the Authority of this Act, shall be levied and recovered before any Two Justices of the Peace for the County in which the Land subject to be inclosed, or to which such other Proceeding shall relate, shall be situate, and not interested in the Matter in question, for which Purpose it shall be lawful for any such Justices of the Peace, upon Complaint made to them, to summon the Party accused and the Witnesses on both Sides, and upon the Appearance or Contempt of the Party accused to examine such Witnesses upon Oath (which Oath such Justices are hereby empowered to administer), and upon such Evidence to give Judgment accordingly, and to condemn the Party accused (Proof of the Accusation being made by One or more Witness or Witnesses as aforesaid) in such Penalties and Forfeitures as the Offender shall have incurred, and to levy such Penalties and Forfeitures by Distress, together with reasonable Costs; all which Penalties and Forfeitures the Application whereof is not particularly directed by this Act shall, and so soon as the same shall be levied, be paid and applied to and for such Uses, Intents, or Purposes as the Commissioners in and by any Writing under their Hands and Seal shall order, direct, or appoint.

Distress, how to be made.

CLX. And be it enacted, That when in this Act any Sum of Money whether in the Nature of Penalty or otherwise, shall be directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the surplus Monies arising from such Sale, after satisfying such Sum of Money, and the Costs and Expences attending the Distress and Sale, shall, on demand, be rendered to the Party whose Goods and Chattels shall have been distrained.

Distress not unlawful for Informality.

CLXI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Warrant of Distress or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Notices, how to be given.

CLXII. And be it enacted, That all Notices by this Act directed to be given by Advertisement shall be given by an Advertisement to be inserted in some Newspaper or Newspapers printed or usually circulated in the County in which the Land subject to be inclosed, or other Land to which such Notice shall relate, shall be situate; and all Notices directed to be given on the Church Door shall be by Writing under the Hand of the Party giving such Notice, to be affixed on the principal outer Door of the Church of every Parish and Ecclesiastical District in which the Land subject to be inclosed, or other Land to which such Notice shall relate, or any Part thereof, shall be situate, on *Sunday* before Divine Service, or where in any such Parish or Ecclesiastical District there shall be no Church, then to be affixed in some conspicuous Place of such Parish or Ecclesiastical District on *Sunday* before Ten of the Clock in the Forenoon; and all Notices necessary to be given by the Commissioners or any Assistant Commissioner or Valuer acting in the Matter of any Inclosure (the Mode of giving which is not hereby particularly directed) shall be by either or both of the Methods aforesaid, as the Commissioners or Assistant Commissioner or Valuer respectively shall think fit; and all Notices so given shall be deemed sufficient Notices to all Persons concerning all Matters and Things to which such respective Notices shall relate.

Advertisements, Awards, &c. free of Duty.

CLXIII. And be it enacted, That no Advertisement inserted by Direction of the Commissioners or any Assistant Commissioner acting in the Matter of any Inclosure in the *London Gazette* or in any Newspaper for the Purpose of carrying into effect any Provision of this Act, and no Agreement, Award, Bond, or Power of Attorney made or confirmed or used under this Act, shall be chargeable with any Stamp Duty.

Persons giving false Evidence, &c. to be guilty of a Misdemeanor.

CLXIV. And be it enacted, That if any Person under the Provisions of this Act shall wilfully give false Evidence, or shall make or subscribe a false Declaration for the Purposes of this Act, or shall wilfully refuse to attend in obedience to any lawful Summons of the Commissioners or an Assistant Commissioner or Valuer, or to give Evidence, or shall wilfully alter, withhold, destroy, or refuse to produce any Book, Court Roll, or Writing, Map, Plan, or Survey, or any Copy of the same, which may be lawfully required to be produced before the Commissioners or Assistant Commissioner or Valuer, he shall be deemed guilty of a Misdemeanor.

Limitation of Actions.

CLXV. And be it enacted, That no Action or Suit shall be commenced against any Commissioners, Assistant Commissioner, Justice of the Peace, Valuer, or other Person, for any thing done under the Authority of this Act, until Two Calendar Months Notice thereof shall have been given in Writing to the

the Party against whom such Action or Suit is intended to be brought, or after sufficient Satisfaction or Tender of Amends shall have been made to any Party aggrieved, or after Twelve Calendar Months shall have expired from the Commission of the Act for which such Action or Suit shall be so brought, or in case there shall be a Continuance of Damages then within Twelve Calendar Months next after the doing or committing of such Damage shall have ceased; and every such Action shall be brought, laid, and tried in the County or Place where the Cause of Action shall have arisen, and not in any other County or Place; and if it shall appear that such Notice of Action or Suit was brought before Two Calendar Months Notice thereof given as aforesaid, or that sufficient Amends were made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before limited in that Behalf, or such Action shall be laid in any County or Place other than as aforesaid, then the Jury shall find a Verdict for the Defendant therein, or the Court, upon summary Application by Motion in any such Suit, may dismiss the same against such Defendant; and if a Verdict shall be found for such Defendant, or such Suit shall be dismissed upon Application as aforesaid, or if the Plaintiff in such Action or Suit shall become Nonsuit, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action or Suit Judgment shall be given for the Defendant therein, then such Defendant shall have Costs, Charges, and Expences as between Attorney and Client.

Proceedings not to be removed by Certiorari.

CLXVI. And be it enacted, That no Order, Adjudication, or Proceeding made or had by or before the Commissioners or any Assistant Commissioner under the Authority of this Act, except as hereinbefore provided, or any Proceeding to be had touching any Offender against this Act, shall be quashed for Want of Form, or be removed or removable by Certiorari or any other Writ or Process into any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

Interpretation Clause.

CLXVII. And be it enacted, That in the Construction and for the Purposes of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "Person" shall mean and include the Queen's Majesty, and any Body Corporate, Aggregate or Sole, as well as an Individual; any Word importing the Singular Number only shall mean and include several Persons or Parties as well as one Person or Party, and several Things as well as one Thing respectively, and the converse; any Word importing the Masculine Gender only shall mean and include a Female as well as a Male; the Word "Inclosure" shall extend to and include Division or Allotment; the Word "inclose" and its Conjugates shall include the Meaning also of the Words "divide" and "allot" and their respective Conjugates; and the Words "local Act of Inclosure" shall extend to and include any local Act of which Inclosure, Division, or Allotment of Lands shall have been one of the Objects or Purposes; the Word "Manor" shall extend to and include any Hundred, Honor, or Lordship; the Word "Land" shall mean and include all Messuages, Lands, and Corporeal Tenements and Hereditaments; the Word "County" shall include any Riding or other like Division of a County, and any Liberty, City, or Place having a separate Commission of the Peace; the Word "Parish" shall include any Township or Vill or Hamlet having separate Overseers of the Poor, or extra-parochial District or Place; the Word "Church" shall mean and include any Chapel where there is no Church; the Word "Schoolhouse" shall mean any parochial or charitable Schoolhouse; the Words "the Commissioners" shall mean the Inclosure Commissioners for *England* and *Wales*; and the Words "Assistant Commissioner" shall mean the Assistant Commissioner appointed by the Inclosure Commissioners.

Extent of Act.

CLXVIII. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Alteration of Act.

CLXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session.

The SCHEDULE to which this Act refers.

Form of Conveyance by Commissioners.

In the Matter of the Inclosure.

We the Inclosure Commissioners for England and Wales, by virtue of an Act of Parliament passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], and in consideration of the Sum of paid into our Hands by being the Purchase Money of the Hereditaments herein-after described, do by these Presents convey unto his Heirs and Assigns, all that [*here describe the Premises*], with the Appurtenances, to hold the same unto the said his Heirs and Assigns [*here state the Uses, Trusts, or Purposes of the Conveyance, as the Case may require*]. In witness whereof we have hereunto affixed our Seal, this Day of .

Form of Summons.

To of in the County of Field Reeve of .

to wit. I Esquire, One of Her Majesty's Justices of the Peace in and for the said County of do hereby summon you personally to be and appear before such Two of Her Majesty's Justices of the Peace as shall be present at in the said County on the Day of next, at the Hour of in the noon of the same Day, to answer the Complaint of *A.B.* that [he is refused reasonable Compensation for Diminution of his Right of Pasture in the regulated Pasture in], *or* [that the said *A.B.* is charged with an excessive Payment for Increase of his Right of Pasture in the regulated

regulated Pasture of], otherwise the Complaint will be proceeded with as if you had appeared. Given under my Hand and Seal, this Day of in the Year .

Form of Order.

} The Order of and Esquires, Two of Her Majesty's
to wit. } Justices of the Peace in and for the said County, made at in the said County of the Day of in the Year .

WHEREAS Complaint hath been made to us by *A.B.* for that he [*state the Complaint as in the Summons*]; we do declare that [the yearly Sum of is a reasonable Compensation for the Diminution of the Right of Pasture of the said *A.B.*] *or* [the yearly Sum of is a reasonable Payment for Increase of the Right of Pasture of the said *A.B.*], and do order that such yearly Sum be paid, according to the Directions of the Statute in that Behalf. Given under our Hands and Seals, this Day of in the Year .

CAP. CXIX.

An Act to facilitate the Conveyance of Real Property. [8th *August* 1845.]

Where the Words of Column I. of the Second Schedule are employed, the Deed to have the same Effect as if the Words in Column II. were inserted.

WHEREAS it is expedient to facilitate the Sale and Conveyance of Real Property: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever any Party to any Deed made according to the Forms set forth in the First Schedule to this Act, or to any other Deed which shall be expressed to be made in pursuance of this Act, or referring thereto, shall employ in any such Deed respectively any of the Forms of Words contained in Column I. of the Second Schedule hereto annexed, and distinguished by any Number therein, such Deed shall be taken to have the same Effect and be construed as if such Party had inserted in such Deed the Form of Words contained in Column II. of the same Schedule, and distinguished by the same Number as is annexed to the Form of Words employed by such Party; but it shall not be necessary in any such Deed to insert any such Number.

Deed to include all Houses, &c., and the Reversion and all the Estate.

II. That every such Deed, unless any Exception be specially made therein, shall be held and construed to include all Houses, Outhouses, Edifices, Barns, Stables, Yards, Gardens, Orchards, Commons, Trees, Woods, Underwoods, Mounds, Fences, Hedges, Ditches, Ways, Waters, Watercourses, Lights, Liberties, Privileges, Easements, Profits, Commodities, Emoluments, Hereditaments, and Appurtenances whatsoever to the Lands therein comprised belonging or in anywise appertaining, or with the same demised, held, used, occupied, and enjoyed, or taken or known as Part or Parcel thereof, and also the Reversion or Reversions, Remainder and Remainders, yearly and other Rents, Issues, and Profits of the same Lands, and of every Part and Parcel thereof, and all the Estate, Right, Title, Interest, Inheritance, Use, Trust, Property, Profit, Possession, Claim, and Demand whatsoever, both at Law and in Equity, of the Grantor, in, to, out of, or upon the same Lands, and every Part and Parcel thereof, with their and every of their Appurtenances.

Stamp Duty on Deed to be same as on Lease, &c. for a Year.

III. That every such Deed under this Act shall be chargeable with the Stamp Duty with which the same would have been chargeable in case it had been a Release founded on a Lease or Bargain and Sale for a Year, and also with the same Stamp Duty (exclusive of progressive Duty) with which such Lease or Bargain and Sale for a Year would have been chargeable.

Remuneration for Deed under the Act not to be by Length only.

IV. That in taxing any Bill for preparing and executing any Deed under this Act it shall be lawful for the Taxing Officer and he is hereby required, in estimating the proper Sum to be charged for such Transaction, to consider not the Length of such Deed, but only the Skill and Labour employed and Responsibility incurred in the Preparation thereof.

Deed not taking effect by this Act to be valid as if Act not made.

V. That any Deed or Part of a Deed which shall fail to take effect by virtue of this Act shall nevertheless be as valid and effectual, and shall bind the Parties thereto, so far as the Rules of Law and Equity will permit, as if this Act had not been made.

Construction of Act.

VI. That in the Construction and for the Purposes of this Act and the Schedules hereto annexed, unless there be something in the Subject or Context repugnant to such Construction, the Word "Lands" shall extend to all Freehold Tenements and Hereditaments, whether corporeal or incorporeal, and to such Customary Land as will pass by Deed, or Deed and Admittance, and not by Surrender, or any undivided Part or Share therein respectively; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and the converse; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Party" shall mean and include any Body Politic or Corporate or Collegiate as well as an Individual.

Schedules, &c. to form Part of Act.

VII. That the Schedules, and the Directions and Forms therein contained, shall be deemed and taken to be Parts of this Act.

Commencement of Act.

VIII. That the Act shall commence and take effect from and after the First Day of *October* next.

Extent of Act.

IX. That this Act shall not extend to *Scotland*.

SCHE-

SCHEDULES to which this Act refers.

The FIRST SCHEDULE.

This Indenture, made the Day of One thousand eight hundred and forty- [*or other Year*] in pursuance of an Act to facilitate the Conveyance of Real Property, between [*here insert Names of Parties and Recitals, if any*], witnesseth, that in consideration of Sterling now paid by the said [*Grantee*] *or* [*Grantees*] to the said [*Grantor*] *or* [*Grantors*] (the Receipt whereof is hereby by him *or* them acknowledged), he *or* they the said [*Grantor*] *or* [*Grantors*] doth *or* do grant unto the said [*Grantee*] *or* [*Grantees*], his *or* their Heirs and Assigns for ever, All, *&c.* [*Parcels*]. [*Here insert Covenants, or any other Provisions.*] In witness whereof the said Parties hereto have hereunto set their Hands and Seals.

The SECOND SCHEDULE.

Directions as to the Forms in this Schedule.

1. Parties who use any of the Forms in the First Column of this Schedule may substitute for the Words "Covenantor" or "Covenantee," or "Releasor" or "Releasee," any Name or Names, and in every such Case corresponding Substitutions shall be taken to be made in the corresponding Forms in the Second Column.

2. Such Parties may substitute the Feminine Gender for the Masculine, or the Plural Number for the Singular, in any of the Forms in the First Column of this Schedule, and corresponding Changes shall be taken to be made in the corresponding Forms in the Second Column.

3. Such Parties may introduce into or annex to any of the Forms in the First Column any express Exceptions from or other express Qualifications thereof respectively, and the like Exceptions or Qualifications shall be taken to be made from or in the corresponding Forms in the Second Column.

4. Such Parties may add the Name or other Designation of any Person or Persons, or Class or Classes of Persons, or any other Words, at the End of Form 2. of the First Column, so as thereby to extend the Words thereof to the Acts of any additional Person or Persons or Class or Classes of Persons, or of all Persons whomsoever; and in every such Case the Covenants 2, 3, and 4, or such of them as shall be employed in such Deed, shall be taken to extend to the Acts of the Person or Persons, Class or Classes of Persons so named.

COLUMN I.	COLUMN II.
1. The said [*Covenantor*] covenants with the said [*Covenantee*],	1. And the said Covenantor doth hereby, for himself, his Heirs, Executors, and Administrators, covenant, promise, and agree with and to the said Covenantee, his Heirs and Assigns, in manner following; (that is to say,)
2. That he has the Right to convey the said Lands to the said [*Covenantee*] notwithstanding any Act of the said [*Covenantor*];	2. That for and notwithstanding any Act, Deed, Matter, or Thing by the said Covenantor done, executed, committed, or knowingly or wilfully permitted or suffered, to the contrary, he the said Covenantor now hath in himself good Right, full Power, and absolute Authority to convey the said Lands and other the Premises hereby conveyed, or intended so to be, with their and every of their Appurtenances, unto the said Covenantee, in manner aforesaid, and according to the true Intent of these Presents.
3. and that the said [*Covenantee*] shall have quiet Possession of the said Lands,	3. And that it shall be lawful for the said Covenantee, his Heirs and Assigns, from Time to Time and at all Times hereafter, peaceably and quietly to enter upon, have, hold, occupy, possess, and enjoy the said Lands and Premises hereby conveyed, or intended so to be, with their and every of their Appurtenances, and to have, receive, and take the Rents, Issues, and Profits thereof and of every Part thereof to and for his and their Use and Benefit, without any Let, Suit, Trouble, Denial, Eviction, Interruption, Claim, or Demand whatsoever of, from, or by him the said Covenantor or his Heirs, or any Person claiming or to claim by, from, under, or in trust for him, them, or any of them.
4. free from all Incumbrances.	4. And that free and clear, and freely and absolutely acquitted, exonerated, and for ever discharged, or otherwise by the said Covenantor or his Heirs well and sufficiently saved, kept harmless, and indemnified of, from, and against any and every former and other Gift, Grant, Bargain, Sale, Jointure, Dower, Use, Trust, Entail, Will, Statute, Recognizance, Judgment, Execution, Extent, Rent, Annuity, Forfeiture, Re-entry, and any and every other Estate, Title, Charge, Trouble, and Incumbrance whatsoever,

Column I.	Column II.
	soever, made, executed, occasioned, or suffered by the said Covenantor or his Heirs, or by any Person claiming or to claim by, from, under, or in trust for him, them, or any of them.
5. And the said [*Covenantor*] covenants with the said [*Covenantee*] that he will execute such further Assurances of the said Lands as may be requisite.	5. And the said Covenantor doth hereby, for himself, his Heirs, Executors, and Administrators, covenant, promise, and agree with and to the said Covenantee, his Heirs and Assigns, that he the said Covenantor, his Heirs, Executors, or Administrators, and all and every other Person whosoever having or claiming, or who shall or may hereafter have or claim, any Estate, Right, Title, or Interest whatsoever, either at Law or in Equity, in, to, or out of the said Lands and Premises hereby conveyed or intended so to be, or any of them, or any Part thereof, by, from, under, or in trust for him, them, or any of them, shall and will from Time to Time and at all Times hereafter, upon every reasonable Request, and at the Costs and Charges of the said Covenantee, his Heirs or Assigns, make, do, execute, or cause to be made, done, or executed, all such further and other lawful Acts, Deeds, Things, Devices, Conveyances, and Assurances in the Law whatsoever, for the better, more perfectly, and absolutely conveying and assuring the said Lands and Premises hereby conveyed or intended so to be, and every Part thereof, with their Appurtenances, unto the said Covenantee, his Heirs and Assigns, in manner aforesaid, as by the said Covenantee, his Heirs and Assigns, his or their Counsel in the Law, shall be reasonably devised, advised, or required, so as no such further Assurances contain or imply any further or other Covenant or Warranty than against the Acts and Deeds of the Person who shall be required to make or execute the same, and his Heirs, Executors, or Administrators, only, and so as no Person who shall be required to make or execute such Assurances shall be compellable for the making or executing thereof to go or travel from his usual Place of Abode.
6. And the said [*Covenantor*] covenants with the said [*Covenantee*] that he will produce the Title Deeds enumerated hereunder, and allow Copies to be made of them, at the Expence of the said [*Covenantee*].	6. And the said Covenantor doth hereby, for himself, his Heirs, Executors, and Administrators, covenant, promise, and agree with and to the said Covenantee, his Heirs and Assigns, that the said Covenantor and his Heirs shall and will, unless prevented by Fire or other inevitable Accident, from Time to Time and at all Times hereafter, at the Request, Costs, and Charges of the said Covenantee, his Heirs or Assigns, or his or their Attorney, Solicitor, Agent, or Counsel, at any Trial or Hearing in any Action or Suit at Law or in Equity or other Judicature, or otherwise, as Occasion shall require, produce all and every or any Deed, Instrument, or Writing hereunder written, for the Manifestation, Defence, and Support of the Estate, Title, and Possession of the said Covenantee, his Heirs or Assigns, in or to the said Lands and Premises hereby conveyed, or intended so to be, and at the like Request, Costs, and Charges shall and will make and deliver, or cause to be made and delivered, true and attested or other Copies or Abstracts of the same Deeds, Instruments, and Writings respectively, or any of them, and shall and will permit and suffer such Copies and Abstracts to be examined and compared with the said original Deeds by the said Covenantee, his Heirs and Assigns, or such Person as he or they shall for that Purpose direct and appoint.
7. And the said [*Covenantor*] covenants with the said [*Covenantee*] that he has done no Act to incumber the said Lands.	7. And the said Covenantor, for himself, his Heirs, Executors, and Administrators, doth hereby covenant, promise, and agree with and to the said Covenantee, his Heirs and Assigns, that he hath not at any Time heretofore made, done, committed, executed, or wilfully or knowingly suffered, any Act, Deed, Matter, or Thing whatsoever whereby or by means whereof the said Lands and Premises hereby conveyed, or intended so to be, or any Part or Parcel thereof, are, is, or shall or may be in anywise impeached, charged, affected, or incumbered in Title, Estate, or otherwise howsoever.

8. And

COLUMN I.

8. And the said [*Releasor*] releases to the said [*Releasee*] all his Claims upon the said Lands.

COLUMN II.

8. And the said Releasor hath remised, released, and for ever quitted claim, and by these Presents doth remise, release, and for ever quit claim, unto the said Releasee, his Heirs and Assigns, all and all manner of Right, Title, Interest, Claim, and Demand whatsoever, both at Law and in Equity, into and out of the said Lands and Premises hereby granted, or intended so to be, and every Part and Parcel thereof, so as that neither he, nor his Heirs, Executors, Administrators, or Assigns, shall, nor may at any Time hereafter, have, claim, pretend to, challenge, or demand the said Lands and Premises, or any Part thereof, in any manner howsoever; but the said Releasee, his Heirs and Assigns, and the same Lands and Premises, shall from henceforth for ever hereafter be exonerated and discharged of and from all Claims and Demands whatsoever which the said Releasor might or could have upon him in respect of the said Lands or upon the said Lands.

CAP. CXX.

An Act for facilitating Execution of the Treaties with *France* and the United States of *America* for the Apprehension of certain Offenders. [8th *August* 1845.]

'WHEREAS Two Acts were passed in the Seventh Year of the Reign of Her Majesty, severally intituled *An Act for giving Effect to a Convention between Her Majesty and the King of the* French *for the Apprehension of certain Offenders*, and *An Act for giving Effect to a Treaty between Her Majesty and the United States of* America *for the Apprehension of certain Offenders*; and it is expedient to make Provision for giving more immediate Effect to the Warrant of any One of Her Majesty's Principal Secretaries of State for the better Execution of the said Convention and Treaty respectively:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Police Magistrate of the Metropolis to whom any One of Her Majesty's Principal Secretaries of State shall have signified, by Warrant under his Hand and Seal, that Requisition has been made, pursuant to the said Convention or Treaty respectively, to deliver up to Justice, in Terms of the said Convention or Treaty, as the Case may be, any Person accused of any Crime rendering him liable to be so delivered up under either of the recited Acts, shall, upon such Evidence as according to the Laws of *England* would justify the Apprehension of the Person so accused if the Crime of which he is accused had been committed in *England* within the Jurisdiction of such Magistrate, issue his Warrant for the Apprehension of such Person, in the Form annexed to this Act, or to the like Effect; and such Warrant may be executed in any Part of *England*, and shall have the same Force and Effect throughout *England* as if the same had been originally issued or subsequently endorsed by a Justice of the Peace or Magistrate having Jurisdiction in the Place where the same shall be executed, and may be lawfully executed anywhere within *England* by the Constable or Constables to whom the same shall be directed, or who shall be appointed to execute the same, who shall severally have all the Powers and Privileges for the Execution of such Warrant as any Constable duly appointed hath or may have within his Constablewick.

6 & 7 Vict. c. 75.
6 & 7 Vict. c. 76.

Any Metropolitan Police Magistrate to whom it shall have been signified that a Requisition has been made to deliver up any Person, may issue his Warrant for the Apprehension of such Person in any Part of England.

II. And be it enacted, That every Person who shall be apprehended under any such Warrant shall be brought with all convenient Speed before the Magistrate by whom such Warrant shall have been issued, or some other Magistrate of the same Police Court, and that such Magistrate may cause the Warrant of Committal of such Person to be drawn up according to the Form given in the Schedule annexed to this Act, or to the like Effect, which shall be good and sufficient in Law to warrant the Persons to whom the same shall be directed to detain such Person in Custody, as directed in the said Warrant, until delivered pursuant to the Act under which he shall have been apprehended.

Such Person to be brought before a Police Magistrate, who may order his Committal.

III. And be it enacted, That this Act shall be construed with each of the said Acts separately, and as if this Act had been enacted in each of the said Acts.

Act to be construed with recited Acts.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Alteration of Act.

SCHEDULE to which this Act refers.

Warrant of Apprehension.

Metropolitan Police District, to wit. } To all and each of the Constables of the Metropolitan Police Force.

WHEREAS the Right Honourable One of Her Majesty's Principal Secretaries of State, by Warrant under his Hand and Seal, hath signified to me, that pursuant to the [Convention made between Her Majesty and the King of the French in the Year One thousand eight hundred and forty-three, *or* the Treaty made between Her Majesty and the United States of America in the Year One thousand eight hundred and forty-two, *as the Case may be*], for the Apprehension of certain Offenders, Requisition

Requisition hath been duly made to him for delivering up to Justice *A.B.*, late of who is charged with having committed the Crime of [*here specify the Offence*], within the Jurisdiction of [His Majesty the King of the French, *or* the United States of America, *as the Case may be*]:

This is therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, pursuant to an Act passed in the Ninth Year of the Reign of Her Majesty, intituled [*here insert the Title of this Act*], wherever he may be found in England, and bring him before me, or some other Magistrate sitting in this Court, to answer unto the said Charge, for which this shall be your Warrant.

Given under my Hand and Seal at One of the Police Courts of the Metropolis, this Day of in the Year of our Lord .

J.P. (L.S.)

Warrant of Committal.

Metropolitan Police District, to wit. } To *A.B.*, One of the Constables of the Metropolitan Police Force, and to the Keeper of the at

BE it remembered, That on the Day of in the Year of our Lord *A.B.*, late of is brought before me, *J.P.*, One of the Police Magistrates of the Metropolis, sitting at the Police Court in within the Metropolitan Police District, and is charged before me, for that he the said *A.B.*, on the Day of at within the Jurisdiction of [His Majesty the King of the French, *or* the United States of America, *as the Case may be*], did [*here state the Offence*]: And forasmuch as it hath been shown to me, upon such Evidence as by Law is sufficient to justify the Committal to Gaol of the said *A.B.*, pursuant to an Act passed in the Seventh Year of the Reign of Queen Victoria, intituled [*here insert the Title of the Sixth and Seventh Victoria, Chapter Seventy-five, or Sixth and Seventh Victoria, Chapter Seventy-six, as the Case may require*], that the said *A.B.* is guilty of the said Offence:

This is therefore to command you the said Constable in Her Majesty's Name forthwith to convey and deliver the Body of the said *A.B.* into the Custody of the said Keeper of the at ; and you the said Keeper to receive the said *A.B.* into your Custody in the same and him there safely to keep until he shall be thence delivered pursuant to the Provisions of the said Act; for which this shall be your Warrant.

Given under my Hand and Seal at One of the Police Courts of the Metropolis, this Day of in the Year of our Lord .

J.P. (L.S.)

CAP. CXXI.

An Act to amend and explain certain Provisions of an Act of the Third and Fourth Years of Her present Majesty, for annexing certain Parts of certain Counties of Cities to adjoining Counties, for making further Provision for Compensation of Officers in Boroughs, for limiting the Borough Rate, and for continuing an Act to restrain the Alienation of Corporate Property in *Ireland*. [8th *August* 1845.]

3 & 4 Vict. c. 108. 3 & 4 Vict. c. 109.

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland; and another Act was passed in the same Session of Parliament, intituled *An Act to annex certain Parts of certain Counties of Cities to adjoining Counties, to make further Provision for Compensation of Officers in Boroughs, to limit the Borough Rate, and to continue for a limited Time an Act to restrain the Alienation of Corporate Property in* Ireland: And whereas under the Provisions of the said recited Acts certain Parts or Portions of the old County of the Town of *Drogheda* and of the ancient Liberties thereof, and certain Parts of Parishes or other Denominations, are not included within the Boundaries of the County of the Town of *Drogheda* as defined under the said recited Acts, and have, for the Purpose of Grand Jury Presentments, and of Criminal Jurisdiction, and also of Civil Jurisdiction of the Superior Courts of Common Law in *Dublin*, become severally Part of the County of *Louth*: And whereas of the said Portion of the old County of the Town of *Drogheda* not included in the Boundaries of the present County of the Town of *Drogheda* as defined under the said recited Acts a certain Part or District is situate on the South Side of the River *Boyne*, and has under the said recited Acts become Part of the County of *Louth*, but lies wholly detached from the rest of the said County of *Louth*, from which it is separated by the River *Boyne* and by the present County of the Town of *Drogheda*, and such Part or District is immediately adjacent to the County of *Meath*; and it is therefore expedient that the said Part or District should be disannexed from the County of *Louth*, and should be annexed to the County of *Meath*;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all such Part or District of the old County of the Town of *Drogheda* not included within the Boundaries of the Borough and the County of the Town of *Drogheda* as defined under the said recited Acts as is situate on the South Side of the River *Boyne* shall for all Purposes of Grand Jury Presentments, and of Criminal Jurisdiction, and also of Civil Jurisdiction of the Superior Courts of Common Law in *Dublin*, and to all Intents and Purposes, be Part of the County of *Meath*, and shall be and be deemed and taken to be Part of and annexed to the Barony of *Lower Duleek* in the said County of *Meath*: Provided always,

All that Part of the old County of the Town of Drogheda on the South Side of the River Boyne, and not included within

always, that nothing in this Act contained shall alter or affect the said County of the Town or Borough of *Drogheda*, or the Boundaries thereof, for any Purposes of Parliamentary Representation, or for any Purpose relating thereto; and where it is or shall be necessary for any Purpose of such Representation to describe any Residence or Premises or Place, in any Oath, Affidavit, or Document, or otherwise, as within the County of the Town of *Drogheda*, such Residence, Premises, or Place (if situate within such District hereby annexed to the County of *Meath*) may be described as within the Parliamentary Boundaries of the said County of the Town of *Drogheda*.

the Boundaries of the present Borough of Drogheda, shall be annexed to the County of Meath.

II. Provided always, and be it enacted, That nothing herein contained shall extend to alter or affect, save as herein-after mentioned, the Liability, if any, of such Place or District hereby annexed to the said County of *Meath*, to contribute to the Payment of any Debt or Debts due by the County of the Town of *Drogheda* to Her Majesty's Exchequer, or any Instalments or Annuity in respect of the same, or any Instalments or Sums under any Presentment heretofore made by the Grand Jury of the County of the Town of *Drogheda* to which respectively, or to a Proportion of which, such Place or District may have been liable to contribute before the passing of this Act, or to alter or affect any Liability of such Place or District under any Award of any Barrister acting under the Provisions of an Act made in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws in force relating to Grand Jury Presentments in Counties of Cities and Counties of Towns in* Ireland, or under a certain other Act of the same Session of Parliament, intituled *An Act to make further Provision in respect of Grand Jury Presentments in Counties of Cities and Counties of Towns in* Ireland, but that the Liability of such Place or District to contribute in respect of any of the foregoing Matters shall remain in all respects the same as before the passing of this Act, save as herein-after mentioned.

Such District to continue liable to its Proportion of the Debt due by the old County of the Town of Drogheda.

6 & 7 Vict. c. 32.

6 & 7 Vict. c. 71.

III. 'And whereas the Portion or Precinct of the old County of the Town of *Drogheda* not included 'in the Boundaries of the present County of the said Town is now liable, under the Provisions of the 'said Two last-recited Acts, to pay a Contribution to certain Debts of the old County of the said Town, 'as in the said Acts mentioned, and the same consists of Two Parts or Districts, one whereof is and 'will continue to be situated in the County of *Louth*, and the other Part or District is by virtue of this 'Act annexed to the County of *Meath*, and it will be necessary to ascertain the Proportions in which 'the said Two Districts shall be liable to their joint Contribution to the Payment of any such Debt or 'Debts as aforesaid due by the old County of the Town of *Drogheda*;' be it therefore enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct and order the Commissioner of Valuation appointed under the Acts for the uniform Valuation of Lands and Tenements in *Ireland* to ascertain and report, and such Commissioner of Valuation shall thereupon ascertain and report, the respective Proportion in which the said Two Districts so severed from the old County of the Town of *Drogheda* shall pay their respective Share of the Contribution to be made by such Two Districts to the Payments of such Debts as aforesaid due by the old County of the Town of *Drogheda*, and of such Instalments, Annuity, or Sums payable in respect of the same by such Two Districts before the passing of this Act, and the said Commissioner shall transmit such his Report to the respective Treasurers of the Counties of *Louth* and *Meath*, specifying such Proportions, which thenceforth shall be deemed and taken to be the Proportions in which the said District situate in the County of *Louth* and the said District hereby annexed to the County of *Meath* shall pay their respective Shares of such Contribution to such Sums and Payments as aforesaid; and such respective Proportion of such Contribution, and of such Debts, Instalments, Annuity, Sums, or Interest as aforesaid, shall be presented from Time to Time by the respective Grand Jury of the County of *Louth* or *Meath*, as the Case may be, to which such District shall be annexed, or, as the Case may be, shall be applotted, raised, and levied on and off such respective District as if the same had been duly presented by Warrant of the respective Treasurer of the County whereunto each such District is or shall be annexed, and paid over and disposed of in such and the like Manner respectively, and subject to the like Provisions, as in the said Two last-recited Acts respectively contained and provided in relation to any such Payments or Contribution as aforesaid, as far as the same are applicable, and not inconsistent with this Enactment.

The Contribution payable by the whole Precinct severed from Drogheda towards the old Debts of Drogheda to be apportioned on the Two Districts of which the said Precinct consists in the Counties of Louth and Meath.

The Proportions to be levied and paid over, &c. in like Manner as the whole Contribution was levied and paid.

IV. 'And whereas certain Arrears may be due and unpaid by some Persons in the said District 'hereby annexed to the County of *Meath* in respect to such Sums heretofore respectively payable under 'the Provisions of the said Two last-recited Acts or other Acts relating to Grand Jury Rates or Cesses: 'And whereas also certain Persons in the said District are entitled, under the Provisions of the last-'recited Act, to certain Credits in respect to Sums heretofore paid by them;' be it enacted, That the Treasurer of the County of *Louth* shall furnish to the Treasurer of the County of *Meath* a written Statement under his Hand of all such Arrears due as aforesaid by or Credits as aforesaid which may be justly claimed by any Person or Persons, in respect of any Lands or Tenements situate in such District hereby annexed to the County of *Meath*; and it shall be lawful for the Treasurer of the County of *Meath* from Time to Time to allow such Credits to the Parties entitled thereto, and also by his Warrant to collect such Arrears as aforesaid, and to pay over and dispose of the same in like Manner as the same, if duly levied when due, should have been paid over and disposed of.

The Treasurer of the County of Louth shall furnish to the Treasurer of the County of Meath a Statement of certain Arrears and Credits.

V. Provided always, and be it enacted, That the said Place or District hereby annexed to the said Barony of *Lower Duleek* shall not be liable to or bound to contribute to the Payment of any Debt due or Instalment payable by the County of *Meath* or said Barony of *Lower Duleek* under any Presentment of the Grand Jury of the County of *Meath* made before the passing of this Act, or made for the Repayment of any Advances of Public Money made to such County or Barony before the passing of

Such District not to be liable for preceding Debts or Instalments due by the County of Meath.

of this Act, but any such Presentments heretofore made shall be levied as if this Act had not been passed.

Provision for fixing the Proportion in which the Barony to which such Addition shall be made is to be assessed to Grand Jury Cess.

VI. And be it enacted, That it shall be lawful for the Grand Jury of the County of *Meath*, or for Twenty or more Cess-payers of such Place or District hereby annexed to the said County of *Meath*, to apply by Memorial to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* and Council, that Proceedings may be taken to ascertain in what Proportion and according to what Valuation the Barony to which such Addition shall be so made shall be assessed and applotted to Grand Jury Cess; and thereupon the Lord Lieutenant or other Chief Governor or Governors of *Ireland* and Council shall from Time to Time make such Order or Orders as to them shall appear just touching the Subject Matter of such Petition, and in so doing shall settle and define the Boundaries of the Barony to which such Addition shall be made; and the Grand Jury of such County of *Meath*, and also the Lord Lieutenant or other Chief Governor or Governors of *Ireland* and Council, are thereby empowered, if they shall respectively deem fit, to employ a Surveyor or Surveyors to examine and report upon the Circumstances and Value of such Barony or Baronies, and such Part or District as aforesaid, and to order the Expences of such Examination and Report to be paid; and the Grand Jury of such County which shall assemble next after such Order shall and they are hereby required to present the Amount of such Expences to be raised off such County, and paid out of the Grand Jury Cess thereof, and the Grand Jury of such County are hereby empowered to present to be so raised and paid all such further Expences as shall be incurred by them, or by any former Grand Jury, or their Officers, in and about the procuring of such Annexation as aforesaid.

Grand Jury, with the Approval of Judge, to adjust the Proportions of Grand Jury Cess.

VII. And be it enacted, That it shall be lawful for the Grand Juries of the Counties of *Meath* and *Louth* respectively, for their respective Counties, from Time to Time, with the Approbation of the Judge or Judges of Assize for the Time being, to adjust or alter the Proportions in which and the Valuations according to which the Place or District so added to such County of *Meath*, and every Townland or other Denomination or Sub-denomination thereof, shall contribute to the Grand Jury Cess of such County of *Meath*, and the Proportions in which the Barony or Half Barony or other District from which such Place or District shall be so taken away shall so contribute to the Grand Jury Cess of the County of *Louth*, or in which any Barony, Half Barony, or District which shall not sustain any Increase or Diminution by such Change ought to contribute by reason of such Change: Provided always, that it shall be lawful for the Grand Juries of such Counties respectively, for their respective Counties, to direct that such Proportions and Valuations as aforesaid shall be entered in the County Books of such Counties respectively, and thereupon the same shall be so entered accordingly, and shall, until further altered or adjusted by Law, be the Proportions and Valuations according to which the Warrant of the Treasurers of such Counties respectively shall be made with respect to those Places to which such Valuations or Proportions shall relate: Provided always, that in every Case in which any Valuation made or to be made by virtue of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in* Ireland, *and to incorporate certain detached Portions of Counties and Baronies with those Counties and Baronies respectively whereto the same may adjoin, or wherein the same are locally situate*, or by virtue of any other Act or Acts, shall, under the Provisions of such Act or Acts, be or have been in force and applicable to any such Barony, Place, or District, or, if this Act had not been passed, would be so in force and applicable, regard shall be had to such Act or Acts, and to any Valuation made or to be made in pursuance thereof, in the Warrant of the Treasurers of such Counties respectively, and in the Levy of Grand Jury Cess of such Counties respectively, or such Barony and Place or District as aforesaid.

Proportions and Valuations to be entered in County Books.

Provision for Valuation under the 6 & 7 W. 4. c. 84.

A District taken from the County of Louth, and annexed to Drogheda, under the Corporation Acts, shall be exempted and exonerated from the former Debts due by Drogheda.

VIII. 'And whereas under the Provisions of the said recited Acts of the Session held in the Third 'and Fourth Years of the Reign of Her present Majesty a certain Place or District, being before the 'passing of the said Act Part of the County of *Louth*, is locally situate and included within the Boun- 'daries of the Borough of *Drogheda* as defined under the said recited Acts, and by reason thereof the 'said Place or District became and is deemed and taken to be Part of the County of the Town of '*Drogheda*, and of no other County, and by reason thereof became and is liable to contribute to the 'Payment of a Proportion of Debts due and Instalments or Annuity payable by the said County of the 'Town of *Drogheda* to Her Majesty's Exchequer, for Advances of Money theretofore made to the said 'County of the Town of *Drogheda*, and to the Payment of a Proportion of Sums to be assessed by the 'Award of a Barrister on the said County of the Town of *Drogheda*, and on the Precincts of the same, 'under the Provisions of the said recited Acts of the Sixth and Seventh Years of the Reign of Her 'present Majesty: And whereas it is just that the said Place or District so taken from the County of '*Louth*, and annexed to the Borough of *Drogheda*, should be exonerated from the Payment of such 'Debts and Instalments, Annuity, or Sums of Money so due and payable for Sums advanced before 'such Annexation as aforesaid;' be it therefore enacted, That the said Place or District so taken from the County of *Louth*, and annexed to the said Borough of *Drogheda*, shall be exempt and exonerated from the Payment of any Proportion of such last-mentioned Debts, Instalments, Annuity, or Sums of Money, and that the Amount of the Assessments for the same from Time to Time to be made, from which the said Place or District is hereby exempted and exonerated, shall be from Time to Time assessed upon and levied from the remaining Portion of the Borough of *Drogheda*.

Court of Conscience, Drogheda, to have

IX. 'And whereas the Court of Conscience held before the Mayor of the Town and County of the 'Town of *Drogheda*, for determining Causes in all Small Debts between Party and Party under the

'Value

'Value of Ten Shillings, has been of great Use, and will be of still greater Advantage to the Inhabitants 'if the Jurisdiction of said Court be extended to the Determination of Causes in all Small Debts 'between Party and Party under the Value of Forty Shillings;' be it therefore enacted, That the Mayor of the said Town and County of the Town of *Drogheda* for the Time shall have full Power and Authority to hear and finally determine Causes in all Small Debts between Party and Party under the Value of Forty Shillings, and shall have and exercise in relation thereto all the Powers, Authorities, and Jurisdictions which the Mayor of said Town and County of the Town hath heretofore had and exercised in the said Court of Conscience. Jurisdiction to Extent of Forty Shillings.

X. 'And whereas under the Provisions of the said recited Acts certain Parts or Portions of the old 'County of the City of *Waterford* and of the ancient Liberties thereof, and certain Parts of Parishes or 'other Denominations, are not included within the Boundaries of the County of the City of *Waterford* as 'defined under the said recited Acts of the Third and Fourth Years of the Reign of Her present Majesty, 'and have for the Purpose of Grand Jury Presentments, and of Criminal Jurisdiction, and also of Civil 'Jurisdiction of the Superior Courts of Common Law in *Dublin*, become severally Part of the adjoining 'County of *Waterford:* And whereas a certain District of such old County of the City of *Waterford* 'not included within the Boundaries of the present County of the City of *Waterford* as defined under 'the said last-mentioned Acts is situate on the North Side of the River *Suir*, and has, as aforesaid, 'become Part of the County of *Waterford;* but Doubts having existed as to the true Construction of 'the said last-mentioned Acts in respect thereto, the said last-mentioned Portion or District situate on 'the North Side of the said River has been, since the passing of the said recited Acts of the Third and 'Fourth Years of Her Majesty's Reign, erroneously deemed to be treated as Part of the County of '*Kilkenny*, and the Justices of the Peace of the County of *Kilkenny* have under such erroneous Impres'sion exercised Jurisdiction therein as if the same were Part of the said County: And whereas it is just 'and expedient that the Acts of such Justices done under such erroneous Impression should be validated, 'and such Justices, and those acting under their Authority in that Behalf, should be indemnified;' be it therefore enacted, That all and every Act or Acts of any Justice or Justices of the Peace or of the Assistant Barrister of the County of *Kilkenny*, heretofore done in any Matter or Thing concerning or in anywise relating to or within the said District, from the Time when the same was by Law severed from the County of the City of *Waterford*, and the Act or Acts of any Constable or other Officer in obedience thereto, shall be and shall be deemed to have been as valid, good, and effectual in the Law, to all Intents and Purposes whatsoever, as if said Place or District had been at the Time of such Act or Acts lawfully a Part of the County of *Kilkenny*. The Acts of the Justices of the Peace for the County of Kilkenny heretofore done relating to the District herein mentioned shall be as valid as if the same had been Part of the County of Kilkenny.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Alteration of Act.

CAP. CXXII.

An Act to amend an Act, intituled *An Act to carry into execution a Convention between His Majesty and the Emperor of* Brazil, *for the Regulation and final Abolition of the* African *Slave Trade.*

[8th *August* 1845.]

'WHEREAS a Convention was concluded between His late Majesty King *George* the Fourth and 'the Emperor of *Brazil*, for the Regulation and final Abolition of the *African* Slave Trade, and 'signed at *Rio de Janeiro* on the Twenty-third Day of *November* One thousand eight hundred 'and twenty-six: And whereas by the said Convention it was agreed between the High Contracting 'Parties to adopt, for the Purpose and Period therein referred to, the several Articles and Provisions of 'the Treaties concluded between His said late Majesty and the King of *Portugal* on this Subject on the 'Twenty-second Day of *January* One thousand eight hundred and fifteen and on the Twenty-eighth 'Day of *July* One thousand eight hundred and seventeen, and the several explanatory Articles which 'had been added thereto, with the Instructions, Regulations, and Forms of Instruments annexed to the 'Treaty of the said Twenty-eighth Day of *July* One thousand eight hundred and seventeen, and to 'appoint forthwith Mixed Commissions for adjudicating the Cases of Vessels detained under the Provi'sions of the aforesaid Convention of the Twenty-third Day of *November* One thousand eight hundred 'and twenty-six: And whereas such Mixed Commissions were accordingly appointed: And whereas an 'Act was passed in the Eighth Year of the Reign of His said late Majesty, to carry that Convention 'into execution, intituled *An Act to carry into execution a Convention between His Majesty and the* 7&8 G.4. c.74. '*Emperor of* Brazil, *for the Regulation and final Abolition of the Slave Trade:* And whereas on the 'Twelfth Day of *March* One thousand eight hundred and forty-five it was notified by the Imperial 'Government of *Brazil* to Her Majesty's Government, that the *British* and *Brazilian* Mixed Commis'sions established at *Rio de Janeiro* and *Sierra Leone* would cease on the Thirteenth Day of the said 'Month of *March;* but that the Imperial Government would agree that the said Mixed Commissions 'should continue for Six Months longer, for the sole Purpose of adjudicating the Cases pending, and 'those which might have occurred before the said Thirteenth Day of *March:* And whereas it has 'become necessary to provide for the Adjudication of the Cases of such Vessels detained under the Pro'visions of the said Convention of the Twenty-third Day of *November* One thousand eight hundred and 'twenty-six as were pending before the said Commissions or either of them and remained undecided on 'the said Thirteenth Day of *March*, and of the Cases of such other Vessels as may have been detained 'under the said Convention previously to the said Thirteenth Day of *March*, but had not then been

'brought in for Adjudication:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Mixed Commissions established at *Rio de Janeiro* and *Sierra Leone* to proceed up to the Thirteenth Day of *September* in the current Year in the Adjudication of the Cases of such Vessels detained under the Provisions of the said Convention of the Twenty-third Day of *November* One thousand eight hundred and twenty-six as were pending before them or either of them and remained undecided on the said Thirteenth Day of *March*, and of the Cases of such other Vessels as may have been detained under the said Convention previously to the said Thirteenth Day of *March*, but had not then been brought in for Adjudication, in the same Manner and with the like Powers and Authorities in all respects as they possessed and exercised under the said Convention and under the said Act of Parliament.

Mixed Commissions to proceed up to the 13th Sept. 1845 in Adjudication of Vessels taken before the 13th of March 1845.

II. And be it declared and enacted, That any Decree or Sentence which may have been or shall be made or passed by either of the said Mixed *British* and *Brazilian* Commissions established at *Rio de Janeiro* and *Sierra Leone*, on any Vessel or Vessels captured and brought in before either of the said Commissions from the said Thirteenth Day of *March* last to the said Thirteenth Day of *September* ensuing inclusive by any Person or Persons in Her Majesty's Service acting under any such Order or Authority as aforesaid, is and shall be good and valid to all Intents and Purposes.

Certain Decrees and Sentences of Mixed Commissions to be valid.

III. 'And whereas by the said Convention of the Twenty-third Day of *November* One thousand eight 'hundred and twenty-six it was agreed and concluded by and between the High Contracting Parties, 'that at the Expiration of Three Years, to be reckoned from the Exchange of the Ratifications of the 'said Convention, it should not be lawful for the Subjects of the Emperor of *Brazil* to be concerned in 'the carrying on of the *African* Slave Trade under any Pretext or in any Manner whatever, and that 'the carrying on such Trade after that Period by any Person, Subject of His Imperial Majesty, should 'be deemed and treated as Piracy: And whereas it has become necessary, for the Purpose of carrying 'into effect the said Convention, that so much of the said Act of the Eighth Year of the Reign of His 'late Majesty King *George* the Fourth as prohibits the High Court of Admiralty and the Courts of Vice 'Admiralty from exercising Jurisdiction over Vessels captured in virtue of the said Convention shall be 'repealed, and that further Provisions be made for the due Execution of the same;' be it enacted, That so much of the said Act as prohibits the High Court of Admiralty or any Court of Vice Admiralty in any Part of Her Majesty's Dominions from adjudicating on any Claim, Action, or Suit arising out of the said Convention, or as makes any Provision for barring any such Claim, Action, Suit, or Proceeding in the High Court of Admiralty or any of the said Courts of Vice Admiralty, shall be repealed.

Part of 7 & 8 G. 4. c. 74. repealed.

IV. And be it enacted, That it shall be lawful for Her Majesty's High Court of Admiralty and any Court of Vice Admiralty within Her Majesty's Dominions to take cognizance of and adjudicate any Vessel carrying on the *African* Slave Trade in contravention of the said Convention of the Twenty-third Day of *November* One thousand eight hundred and twenty-six, and detained and seized on that Account subsequently to the said Thirteenth Day of *March*, by any Person or Persons in the Service of Her Majesty, under any Order or Authority of the Lord High Admiral or of the Commissioners for executing the Office of Lord High Admiral, or of One of Her Majesty's Secretaries of State, and the Slaves and Cargo found therein, in like Manner and under the like Rules and Regulations as are contained in any Act of Parliament now in force in relation to the Suppression of the Slave Trade by *British*-owned Ships, as fully to all Intents and Purposes as if such Acts were re-enacted in this Act as to such Vessels and to such High Court of Admiralty or Courts of Vice Admiralty.

Vessels engaged in the Slave Trade contrary to the said Convention to be tried by Courts of Admiralty.

V. And be it enacted, That all Persons acting under any such Order or Authority of the Lord High Admiral or of the Commissioners for executing the Office of Lord High Admiral, or of One of Her Majesty's Secretaries of State, shall be freed and indemnified from and against all Writs, Actions, Suits, and Proceedings whatever, and all Prosecutions and Penalties, for being concerned in any Search, Detention, Capture, or Condemnation of any Vessel which shall have been found carrying on the *African* Slave Trade in contravention of the said Convention of the Twenty-third Day of *November* One thousand eight hundred and twenty-six, or in the Arrest or Detention of any Person found on board such Vessel, or on account of the Cargo thereof, or any thing done in relation thereto, and that no Action, Suit, Writ, or Proceeding whatever shall be maintained or maintainable in any Court in any Part of Her Majesty's Dominions against any Person for any Act done under any such Order or Authority as aforesaid.

Indemnity to Persons acting in execution of this Act.

VI. And be it enacted, That any Ship or Vessel which shall be detained under any such Order or Authority as aforesaid, and shall have been condemned by Her Majesty's High Court of Admiralty or by any Court of Vice Admiralty, may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall deem a proper Price for the same, or, if not so taken, shall be broken up and entirely demolished, and the Materials thereof shall be publicly sold in separate Parts.

Vessels condemned to be sold for Her Majesty's Service, or broken up.

VII. And be it enacted, That every Court of Vice Admiralty shall from Time to Time as shall be required by the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, certify to the said Lord High Admiral or Commissioners the Name of every Ship or Vessel condemned in such Court of Vice Admiralty under this Act, and the Date of the Condemnation thereof; and the said Lord High Admiral or Commissioners shall once in every Year report to Her Majesty which of the Ships or Vessels condemned in the said High Court of Admiralty or in any Court of Vice Admiralty under this Act have been taken into Her Majesty's Service, and which have been broken up, and in each Case the Amount of the Price paid for the same or Sum for which the Materials were sold; and a Copy of

Reports of Vessels condemned to be laid before Parliament.

of every such Report shall be laid before both Houses of Parliament within Six Weeks after the same shall be received, if Parliament be then sitting, or if not then within Six Weeks next after the next Meeting of Parliament.

Extending Provisions of 5 G. 4. c. 113., 11 G. 4. & 1 W. 4. c. 55., 1 & 2 Vict. c. 47., and 5 & 6 Vict. c. 91. to Vessels seized under this Act.

VIII. And be it enacted, That so much of the several Enactments set forth in an Act passed in the Fifth Year of His late Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, and in an Act passed in the First Year of the Reign of His late Majesty, intituled *An Act to reduce the Rate of Bounties payable upon the Seizure of Slaves*, and in an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for the better and more effectually carrying into effect the Treaties and Conventions made with Foreign Powers for suppressing the Slave Trade*, as relates to Persons giving false Evidence being guilty of Perjury; to maintaining and providing for captured Slaves pending Adjudication; to condemning Slaves as Forfeitures to the Crown; to rewarding the Captors with a Bounty on the Vessel as well as on the Slaves; to authorizing the Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to order Payment of One Moiety of the Bounty where Slaves may not have been condemned or delivered over in consequence of Death, Sickness, or other inevitable Circumstance; to the Mode of obtaining such Bounties; to authorizing the High Court of Admiralty to determine as to doubtful Claims of Bounty, and also on any Question of joint Capture; and to enforcing any Decree or Sentence of any Vice Admiralty Court; and also the whole of an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to amend an Act of the Second and Third Years of Her Majesty, for the Suppression of the Slave Trade*, shall be applied *mutatis mutandis*, to all Cases of Vessels detained and seized for carrying on the *African* Slave Trade in contravention of the said Convention.

Alteration of Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. CXXIII.

An Act to authorize until the End of the next Session of Parliament an Alteration of the Annuities and Premiums of the Naval Medical Supplemental Fund Society. [8th *August* 1845.]

'WHEREAS under an Order in Council, bearing Date the Thirteenth Day of *August* One thousand eight hundred and seventeen, the Naval Medical Supplemental Fund Society was established for the Relief of Widows of Medical Officers in the Royal Navy, and certain Rules and Regulations were thereby made and prescribed for the Government, Regulation, and Management of the said Society and the Funds thereof: And whereas certain Pensions and Annuities have been and are paid and payable by, and Premiums have been and are paid and payable to, the said Society, and it is expedient to reduce or vary the Amount and Rate thereof, in order to prevent any Encroachment on the Funds of the said Society:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the Lord High Admiral or the First Lord Commissioner of the Admiralty Board for the Time being, as Patron of the said Society, and for the Secretary of the Admiralty for the Time being as President of the said Society, to vary and reduce at any Time, and from Time to Time, by Writing under their respective Hands, as the Exigencies of the Case may seem to them requisite, the Amount of the Annuity now or hereafter payable by the said Society to Widows or other Claimants, provided that the Amount of the Annuities be not thereby rendered less than Two Thirds of the Amount which is now paid, and also to vary and increase the Rate of Premium which now is or shall be paid to the said Society for or in respect of any Annuity, so that the Amount of the Premium shall not exceed the Rate established by the said Order in Council: Provided always, that nothing in this Act contained shall render it obligatory on any Person to commence or continue the Payment of the full or reduced Amount of any such Premiums of Insurance as aforesaid.

Amount of Annuities payable by the Society to Widows or other Claimants may be varied.

Duration of Act.

II. And be it enacted, That this Act shall commence and take effect from the passing thereof, and shall continue in force to the End of the next Session of Parliament.

Act to be a Public Act.

III. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Alteration of Act.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CXXIV.

An Act to facilitate the granting of certain Leases. [8th *August* 1845.]

WHEREAS it is expedient to facilitate the leasing of Lands and Tenements: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever any Party to any Deed made according to the Forms set forth in the First Schedule to this Act, or to any other Deed which shall be expressed to be made in pursuance of this Act, shall employ in such Deed respectively any of the Forms of Words contained in Column I. of the Second Schedule hereto annexed, and distinguished by any Number therein, such Deed shall be taken to have the same Effect and be construed as if such Party had inserted in such Deed the Form of Words contained in Column II. of the same Schedule, and distinguished by the same Number as is annexed to the Form of Words

Where the Words of Column I. of the Second Schedule employed, the Deed to have the same Effect as if Words of Co-

lumn II. were inserted.

Words employed by such Party; but it shall not be necessary in any such Deed to insert any such Number.

Deed to include all Houses, &c.

II. That every such Deed, unless any Exception be specially made therein, shall be held and construed to include all Outhouses, Buildings, Barns, Stables, Yards, Gardens, Cellars, ancient and other Lights, Paths, Passages, Ways, Waters, Watercourses, Liberties, Privileges, Easements, Profits, Commodities, Emoluments, Hereditaments, and Appurtenances whatsoever, to the Lands and Tenements therein comprised belonging or in anywise appertaining.

Remuneration for Deed under the Act not to be by Length only.

III. That in taxing any Bill for preparing and executing any Deed under this Act it shall be lawful for the Taxing Officer and he is hereby required, in estimating the proper Sum to be charged for such Transaction, to consider, not the Length of such Deed, but only the Skill and Labour employed, and Responsibility incurred, in the Preparation thereof.

Deed not taking effect by this Act to be valid.

IV. That any Deed or Part of a Deed which shall fail to take effect by virtue of this Act shall nevertheless be as valid and effectual, and shall bind the Parties thereto, so far as the Rules of Law and Equity will permit, as if this Act had not been made.

Construction Clause.

V. That in the Construction and for the Purposes of this Act, and the Schedules hereto annexed, unless there be something in the Subject or Context repugnant to such Construction, the Word "Lands" shall extend to all Tenements and Hereditaments of Freehold Tenure, and to such Customary Lands as will pass by Deed, or Deed and Surrender, and not by Surrender alone, or any undivided Part or Share therein respectively; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and the converse; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Party" shall mean and include any Body Politic or Corporate or Collegiate, as well as an Individual.

Schedules, &c. Part of Act.

VI. That the Schedules, and the Directions and Forms therein contained, shall be deemed and taken to be Parts of this Act.

Commencement of Act.

VII. That this Act shall commence and take effect from and after the First Day of *October*.

Extent of Act.

VIII. That this Act shall not extend to *Scotland*.

SCHEDULES to which this Act refers.

The FIRST SCHEDULE.

This Indenture made the Day of One thousand eight hundred and forty- [*or other Year*]; in pursuance of an Act to facilitate the granting of certain Leases, between [*here insert the Names of the Parties, and Recitals, if any*] witnesseth, that the said [*Lessor*] *or* [*Lessors*] doth *or* do demise unto the said [*Lessee*] *or* [*Lessees*], his [*or* their] Executors, Administrators, and Assigns, all, *&c.* [*Parcels*], from the Day of for the Term of thence ensuing, yielding therefor during the said Term the Rent of [*state the Rent and Mode of Payment*].

In witness whereof the said Parties hereto have hereunto set their Hands and Seals.

The SECOND SCHEDULE.

DIRECTIONS AS TO THE FORMS IN THIS SCHEDULE.

1. Parties who use any of the Forms in the First Column of this Schedule may substitute for the Words "Lessee" or "Lessor" any Name or Names, and in every such Case corresponding Substitutions shall be taken to be made in the corresponding Forms in the Second Column.
2. Such Parties may substitute the Feminine Gender for the Masculine, or the Plural Number for the Singular, in the Forms in the First Column of this Schedule, and corresponding Changes shall be taken to be made in the corresponding Forms in the Second Column.
3. Such Parties may fill up the blank Spaces left in the Forms 4. and 5. in the First Column of this Schedule so employed by them, with any Words or Figures, and the Words or Figures so introduced shall be taken to be inserted in the corresponding blank Spaces left in the Forms embodied.
4. Such Parties may introduce into or annex to any of the Forms in the First Column any express Exceptions from or express Qualifications thereof respectively, and the like Exceptions or Qualifications shall be taken to be made from or in the corresponding Forms in the Second Column.
5. Where the Premises demised shall be of Freehold Tenure the Covenants 1. to 10. shall be taken to be made with and the Proviso 11. to apply to the Heirs and Assigns of the Lessor, and where the Premises demised shall be of Leasehold Tenure the Covenants and Proviso shall be taken to be made with and apply to the Lessor, his Executors, Administrators, and Assigns.

COLUMN I.	COLUMN II.
1. That the said [*Lessee*] covenants with the said [*Lessor*] to pay Rent;	1. And the said Lessee doth hereby, for himself, his Heirs, Executors, Administrators, and Assigns, covenant with the said Lessor, that he the said Lessee, his Executors, Administrators, and Assigns, will during the said Term pay unto the said Lessor the Rent hereby reserved, in manner herein-before mentioned, without any Deduction whatsoever.

2. and

Column I.	Column II.
2. and to pay Taxes;	2. And also will pay all Taxes, Rates, Duties, and Assessments whatsoever, whether parochial, parliamentary, or otherwise, now charged or hereafter to be charged upon the said demised Premises, or upon the said Lessor, on account thereof (excepting Land Tax, and excepting, in Ireland, Tithe Rentcharge and such Portion of the Poor Rate as the Lessor is or may be liable to pay, and excepting also all Taxes, Rates, Duties, and Assessments whatsoever, or any Portion thereof, which the Lessee is or may be by Law exempted from).
3. and to repair;	3. And also will during the said Term well and sufficiently repair, maintain, pave, empty, cleanse, amend, and keep the said demised Premises, with the Appurtenances, in good and substantial Repair, together with all Chimney Pieces, Windows, Doors, Fastenings, Water Closets, Cisterns, Partitions, fixed Presses, Shelves, Pipes, Pumps, Pales, Rails, Locks, and Keys, and all other Fixtures and Things which at any Time during the said Term shall be erected and made, when, where, and so often as Need shall be.
4. and to paint outside every Year;	4. And also that the said Lessee, his Executors, Administrators, and Assigns, will in every Year in the said Term paint all the outside Wood-work and Iron-work belonging to the said Premises, with Two Coats of proper Oil Colours, in a workmanlike Manner.
5. and to paint and paper inside every Year;	5. And also that the said [*Lessee*], his Executors, Administrators, and Assigns, will in every Year paint the inside Wood, Iron, and other Works now or usually painted with Two Coats of proper Oil Colours in a workmanlike Manner; and also re-paper with Paper of a Quality as at present, such Parts of the Premises as are now papered; and also wash, stop, whiten, or colour such Parts of the said Premises as are now plastered.
6. and to insure from Fire in the joint Names of the said [*Lessor*] and the said [*Lessee*];	6. And also that the said Lessee, his Executors, Administrators, and Assigns, will forthwith insure the said Premises hereby demised to the full Value thereof, in some respectable Insurance Office, in the joint Names of the said Lessor, his Executors, Administrators, and Assigns, and the said Lessee, his Executors, Administrators, or Assigns, and keep the same so insured during the said Term; and will, upon the Request of the said Lessor, or his Agent, show the Receipt for the last Premium paid for such Insurance for every current Year; and as often as the said Premises hereby demised shall be burnt down or damaged by Fire, all and every the Sums or Sum of Money which shall be recovered or received by the said [*Lessee*], his Executors, Administrators, or Assigns, for or in respect of such Insurance, shall be laid out and expended by him in building or repairing the said demised Premises, or such Parts thereof as shall be burnt down or damaged by Fire as aforesaid.
to show Receipts;	
and to rebuild in case of Fire.	
7. And that the said [*Lessor*] may enter and view state of Repair, and that the said [*Lessee*] will repair according to Notice.	7. And it is hereby agreed, that it shall be lawful for the said Lessor, and his Agents, at all seasonable Times during the said Term, to enter the said demised Premises to take a Schedule of the Fixtures and Things made and erected thereupon, and to examine the Condition of the said Premises; and further, that all Wants of Reparation which upon such Views shall be found, and for the Amendment of which Notice in Writing shall be left at the Premises, the said Lessee, his Executors, Administrators, and Assigns, will, within Three Calendar Months next after every such Notice, well and sufficiently repair and make good accordingly.
8. That the said [*Lessee*] will not use Premises as a Shop.	8. And also that the said Lessee, his Executors, Administrators, and Assigns, will not convert, use, or occupy the said Premises or any Part thereof into or as a Shop, Warehouse, or other Place for carrying on any Trade or Business whatsoever, or suffer the said Premises to be used for any such Purpose, or otherwise than as a private Dwelling House, without the Consent in Writing of the said Lessor.

9. And

Column I.	Column II.
9. And will not assign without Leave.	9. And also that the said [*Lessee*] shall not nor will during the said Term assign, transfer, or set over, or otherwise by any Act or Deed procure the said Premises or any of them to be assigned, transferred, or set over, unto any Person or Persons whomsoever, without the Consent in Writing of the said [*Lessor*], his Executors, Administrators, or Assigns, first had and obtained.
10. And that he will leave Premises in good Repair.	10. And further, that the said [*Lessee*] will, at the Expiration or other sooner Determination of the said Term, peaceably surrender and yield up unto the said Lessor the said Premises hereby demised, with the Appurtenances, together with all Buildings, Erections, and Fixtures now or hereafter to be built or erected thereon, in good and substantial Repair and Condition in all respects, reasonable Wear and Tear, and Damage by Fire, only excepted.
11. Proviso for Re-entry by the said Lessor on Nonpayment of Rent or Nonperformance of Covenants.	11. Provided always, and it is expressly agreed, that if the Rent hereby reserved, or any Part thereof, shall be unpaid for Fifteen Days after any of the Days on which the same ought to have been paid (although no formal Demand shall have been made thereof), or in case of the Breach or Nonperformance of any of the Covenants and Agreements herein contained on the Part of the said Lessee, his Executors, Administrators, and Assigns, then and in either of such Cases it shall be lawful for the said Lessor, at any Time thereafter, into and upon the said demised Premises, or any Part thereof in the Name of the whole, to re-enter, and the same to have again, re-possess, and enjoy as of his or their former Estate, any thing herein-after contained to the contrary notwithstanding.
12. The said [*Lessor*] covenants with the said [*Lessee*] for quiet Enjoyment.	12. And the Lessor doth hereby, for himself, his Heirs, Executors, Administrators, and Assigns, covenant with the said Lessee, his Executors, Administrators, and Assigns, that he and they, paying the Rent hereby reserved, and performing the Covenants herein-before on his and their Part contained, shall and may peaceably possess and enjoy the said demised Premises for the Term hereby granted, without any Interruption or Disturbance from the said Lessor, his Executors, Administrators, or Assigns, or any other Person or Persons lawfully claiming by, from, or under him, them, or any of them.

CAP. CXXV.

An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-six, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*. [8th *August* 1845.]

'WHEREAS certain Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas, under the Provisions of Three Acts passed respectively in the Sessions of Parliament holden in the Fifth, and in the Fifth and Sixth, and in the Sixth and Seventh Years of Her Majesty's Reign, the said Acts were further continued for a Time therein limited: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts, except as therein mentioned, are further continued and will remain in force until the Thirty-first Day of *July* in the present Year, or, if Parliament be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the several Acts for making, amending, or repairing Turnpike Roads in *Ireland* should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland* which will expire on the said Thirty-first Day of *July* in the present Year, or at or before the End of the present or next ensuing Session of Parliament, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and forty-six, or, if Parliament be then sitting, until the End of the then Session of Parliament.

Expiring Acts for making or repairing Turnpike Roads in Ireland further continued.

CAP. CXXVI.

An Act to amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics, in *England*.

[8th *August* 1845.]

Repeal of 9 G. 4. c. 40.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics, in* England, shall be repealed, except so far as the said Act repealed any previous Act or Acts, and except as to any Matters committed or done, or contracted to be committed or done, before the passing of this Act, which shall be as if this Act had not passed: Provided always, nevertheless, that all Asylums which have been commenced under the said repealed Act shall be completed under the said repealed Act or this Act, and that all Asylums which have been or shall be erected, completed, or established under the said repealed Act, or any Act thereby repealed, shall, after the passing of this Act, be regulated under and be subject to the Provisions and Directions of this Act.

Proviso for Asylums commenced under the repealed Act.

Justices of the Peace of every County and Borough not having a Lunatic Asylum to provide one.

II. And be it enacted, That the Justices of every County and Borough which has no Asylum for the Pauper Lunatics thereof shall, after the passing of this Act, either erect or provide an Asylum for the Pauper Lunatics of such County or Borough alone, or shall unite with some County or Borough (whether such last-named County or Borough shall or shall not have a Lunatic Asylum), or with the Subscribers to some Lunatic Asylum theretofore established by voluntary Subscription, in erecting or providing an Asylum for the Pauper Lunatics of such County or Borough; and that if the Justices of any County or Borough having no Asylum for the Pauper Lunatics thereof shall not, within the Period of Three Years from the passing of this Act, have erected or provided, or united in or commenced erecting or providing, an Asylum for the Pauper Lunatics thereof as aforesaid, it shall be lawful for One of Her Majesty's Principal Secretaries of State to require the Justices of such County or Borough to erect or provide, or unite in erecting or providing, such an Asylum for the Purpose aforesaid as Her Majesty's said Principal Secretary of State shall think fit, and such Justices shall thereupon erect or provide, or unite in erecting or providing, such Asylum accordingly.

Justices of every County and Recorder of every Borough not having a Lunatic Asylum to give Notice of their Intention to appoint a Committee to superintend the providing of an Asylum.

III. And be it enacted, That the Justices of every County and the Recorder of every Borough which has no Asylum for the Pauper Lunatics thereof shall, on or before the General or Quarter Sessions for each County or Borough next after the Twentieth Day of *December* One thousand eight hundred and forty-five, direct public Notice to be given by the Clerk of the Peace of such County or Borough, and such Clerk of the Peace of the County shall, within Ten Days thereafter, give Notice in some Newspaper or Newspapers commonly circulated in such County, of the Intention of the Justices of the County to appoint at the then next succeeding General or Quarter Sessions, and such Clerk of the Peace of the Borough shall in like Manner give Notice of the Intention of the Justices of the Borough to appoint, at a Special Meeting to be fixed in such Notice, within Three Months from the Date thereof, a Committee of Justices either to superintend the erecting or providing of an Asylum for the Pauper Lunatics of such County or Borough alone, or to treat and enter into an Agreement with the Justices of some other County or Counties, Borough or Boroughs, or with the Subscribers to some Lunatic Asylum theretofore established by voluntary Subscription, for the erecting or providing an Asylum for the Pauper Lunatics of such County or Borough.

Justices of every County and Borough not having a Lunatic Asylum, to appoint a Committee to superintend the providing one.

IV. And be it enacted, That the Justices of every County which has no Asylum for the Pauper Lunatics thereof shall, at the then next General or Quarter Sessions for such County, after such Notice shall have been given as aforesaid, and the Justices of every Borough which has no Asylum for the Pauper Lunatics thereof, at the Special Meeting to be named as aforesaid, shall elect some Justices to be a Committee either to superintend the erecting or providing of an Asylum for the Pauper Lunatics of such County or Borough alone, or to treat and enter into an Agreement with the Committee or Committees of Justices of any other County or Counties, Borough or Boroughs, or with the Subscribers to any Lunatic Asylum theretofore established by voluntary Subscription, for the erecting or providing of an Asylum for the Pauper Lunatics of such County or Borough: Provided always, that the Committee of Justices to be so appointed for erecting or providing an Asylum for the sole Use of any One County or Borough shall not consist of less than Seven Justices, and that the Committee of Justices to be so appointed to treat with any other Committee or Committees or Subscribers as aforesaid for erecting or providing an Asylum as aforesaid shall not consist of more than Fifteen nor of less than Three Justices: Provided also, that every Borough in which, at the passing of this Act, there shall not be Six Justices, besides a Recorder, shall, for the Purposes of this Act, be annexed to and be Part of the County in which it is wholly situated, or in case it be not wholly situated in any One County shall be annexed to and be Part of such One of the Counties in which it is situate, as Her Majesty's Principal Secretary of State for the Home Department shall, by Writing under his Hand and Seal, direct; and the Recorder of every such last-mentioned Borough shall, at the General or Quarter Sessions next after the Twentieth Day of *December* in every Year, nominate and appoint Two of the Justices of such Borough to be Members of the Committee of Justices of the County to which such Borough is hereby or shall be annexed, in addition to the Members of the Committee for such County; and the Committee of Justices of every County to which any Borough is hereby or shall be annexed as aforesaid shall from Time to Time fix the Sum

Every Borough not having Six Justices, besides the Recorder, to be annexed to the County or one of the Counties in which it is situate, for the Purposes of this Act.

to

to be contributed by such Borough towards the Expences of and incident to the erecting, providing, and maintaining the Asylum of such County according to the comparative Population of such Borough and County as stated in the then last Returns made of the same under the Authority of Parliament, and give Notice thereof in Writing to the Treasurer of such Borough; and such Sum shall be raised by a Borough Rate to be made by the Council of the Borough, in like Manner as is directed by an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or out of the Borough Fund if the Council shall think fit, and shall be paid by the Treasurer of the Borough to the Treasurer of the Asylum: Provided also, that where the Subscribers to any Asylum established by voluntary Subscriptions enter into any Agreement with the Justices of any County or Borough under this Act, nothing in this Act contained shall prevent the Reception into the Asylum provided by such Subscribers and such Justices under such Agreement, or the Discharge therefrom, of so many of any Lunatics, other than Pauper Lunatics, as might have been received into the Asylum so established by voluntary Subscription if this Act had not been passed.

5&6W.4. c.76.

Proviso for Asylums established by voluntary Contributions.

Subscribers to any Lunatic Asylum authorized to appoint a Committee to treat with Committee of Justices for uniting such Asylum, &c.

V. And be it enacted, That it shall be lawful for the major Part of the Subscribers to any Lunatic Asylum supported by voluntary Subscriptions already established, present at any Meeting of Subscribers to the same, which shall be called together by Advertisement in a Newspaper commonly circulated in the Place where such Asylum is situate, for the express Purpose of making such Election and Appointment, to elect and appoint any Number of Subscribers, not exceeding Five, to form a Committee to treat and enter into an Agreement with the Committee or Committees of Justices of any County or Counties, Borough or Boroughs, elected or appointed as aforesaid, to unite such Asylum supported by voluntary Subscriptions with an Asylum for such County or Borough, Counties or Boroughs, under the Provisions and for the Purposes of this Act.

Committees of Justices and Subscribers, if they unite, to enter into an Agreement in the Form in Schedule (A.)

VI. And be it enacted, That when Two or more Committees of Justices, so elected or appointed as aforesaid, shall agree to unite, either together or together and with any Committee of such Subscribers as aforesaid, for the Purposes of this Act, and where any One Committee of Justices so elected or appointed as aforesaid, shall agree to unite with any Committee of such Subscribers as aforesaid for the Purposes of this Act, an Agreement shall be entered into and signed by the said several Committees, or the major Part of such Committees respectively, in the Form or to the Effect set forth in Schedule (A.) hereunto annexed; and such Agreement, when signed by the major Part of each or every such Committee (and not before), shall be binding upon the County or Counties, Borough or Boroughs, and Subscribers, for or on behalf of which or whom the Committees so signing such Agreement shall have been respectively elected or appointed; and every such Agreement shall specify the Proportion in which the Expences necessary for carrying into execution the Powers and Purposes of this Act shall be charged and assessed upon the several Counties and Boroughs and Subscribers so uniting, such Proportions, as regards the several Counties and Boroughs, to be calculated by the said Committees of Justices in proportion to the Population of the said several Counties and Boroughs as stated in the then last Returns made of the same under the Authority of Parliament, and, as regards the Subscribers, to be calculated by the Committee of Subscribers; and every such Agreement shall also specify the Numbers of every Committee of the County or Counties, Borough or Boroughs, or Subscribers, so uniting.

Committee of Justices to report and deliver a Copy of the Agreement.

VII. And be it enacted, That whensoever any Agreement shall have been so entered into and signed as aforesaid, the Committee for each County and Borough so uniting shall report the same to the Justices of such County or the Recorder of such Borough at the then next General or Quarter Sessions, and shall then and there deliver into Court a Duplicate of the said Agreement, to be by the Clerk of the Peace of the same County or Borough entered among the Records thereof.

Justices of every County and Borough having a Lunatic Asylum, but of insufficient Accommodation, to provide an additional Asylum or Accommodation.

VIII. And be it enacted, That the Justices of every County and Borough which has or shall have an Asylum for the Pauper Lunatics thereof, but which has or shall have more Pauper Lunatics than such Asylum will properly accommodate, and the Justices of every County or Borough which has or shall have an Asylum which any One of Her Majesty's Principal Secretaries of State shall, by Writing under his Hand and Seal, declare to be inadequate or unfit for the proper Accommodation of the Pauper Lunatics of such County or Borough, shall erect or provide additional Buildings or an additional Asylum for the Pauper Lunatics of such County or Borough as the said Secretary of State shall direct: Provided always, that in case the Asylum so declared inadequate or unfit as aforesaid shall be a Workhouse, it shall be lawful for the said Secretary of State, if he shall think fit, upon the Application in Writing of the Guardians or Overseers of the Union or Parish to whom such Workhouse shall belong, or of the major Part of them, to direct such additional Buildings or such additional Asylum as aforesaid to be erected or provided by the said Guardians or Overseers; and every such Workhouse which shall be so added to, and every such additional Asylum which shall be erected or provided as last aforesaid, shall be and be deemed to be a Lunatic Asylum for such County or Borough, and shall be included in and shall be subject to the Provisions of this Act; and it shall be lawful for the Guardians or Overseers to whom such Direction shall be given, and they are hereby authorized, to apply, or to assess, raise, and levy such Sum or Sums of Money as may be necessary for the Purposes aforesaid from such Funds, or by such Powers, Ways, and Means, as are now by Law belonging or given to or vested in such Guardians or Overseers specially, or in Churchwardens or Overseers of the Poor generally, in relation to the Purchase or Hiring of Lands, or the Purchase, building, hiring, enlarging, or maintaining of Workhouses: Provided also, that it shall be lawful for the Justices of any such County, in General or Quarter Sessions, or of any Borough, with the Consent of the Poor Law Commissioners for *England* and

and *Wales*, and of the Guardians and Overseers of the Union or Parish, to take and use a Workhouse for the Reception of all or any of the Pauper Lunatics of such County or Borough who may be chronic Lunatics; and every Workhouse so taken and used shall thereafter cease to be a Workhouse for other Purposes whilst so used, and shall be and be deemed for all the Purposes of this Act to be a Lunatic Asylum of such County or Borough, and to be included in the Provisions of this Act.

Power for the Visitors of existing County and Borough Asylums to unite, under the Powers of this Act, with the Visitors of any other County or Borough.

IX. And be it enacted, That it shall be lawful for the Committee of Visitors for the Time being of any Asylum already erected for any County or Borough or united Counties or Boroughs, and also for the Committee of Visitors for the Time being of any Asylum already erected for any County or Borough or united Counties or Boroughs, jointly with any voluntary Subscribers, to unite, under the Powers of this Act, and in manner herein-after directed, and either by way of Purchase or by Payment of any Sum in the Nature of Rent, or otherwise, with any other County or Borough, Counties or Boroughs, or any voluntary Subscribers, for the joint Use of any Asylum already erected, or for the erecting or providing of additional Buildings or an additional Asylum for the Pauper Lunatics of such County or Counties, Borough or Boroughs; and in every such Case if the said existing Asylum shall not afterwards be used by the united County or Borough, Counties or Boroughs jointly, the Expences of and incident to the erecting, providing, and maintaining the said additional Buildings or additional Asylum shall be charged and assessed upon the several Counties, Boroughs, and Subscribers so uniting as herein-before provided in the Case of Counties and Boroughs none of which have an Asylum; but if the said existing Asylum shall afterwards be used by the united County or Borough, Counties or Boroughs jointly, the Committees of Visitors of the several Counties, Boroughs, or Subscribers, as the Case may be, which shall be so united shall fix the Sum to be paid by the County or Borough, or each of the Counties and Boroughs, not then having any Asylum, towards the Expences then already incurred in erecting or providing such Asylum as aforesaid, and the same shall be paid by every such County or Borough to the Treasurer of such Asylum, and shall be raised by such County or Borough in the same Manner as other Monies are hereby directed to be raised by Counties and Boroughs respectively for the Purposes of this Act, and shall be applied by the Committee of Visitors of the Asylum in such Manner as such Committee shall think fit, according to the Provisions and for carrying into effect the Purposes of this Act; and in every Case of any such Union as last aforesaid an Agreement shall be entered into according to the Form or to the Effect set forth in the said Schedule (A.) and shall contain the same Specifications as herein-before required in the Case of an Agreement for an Union by Counties and Boroughs none of which has an Asylum.

Boroughs now contributing to a County Asylum deemed to have an Asylum.

Any Borough, upon Notice, may separate itself from a County Asylum.

X. And be it enacted, That every Borough which is situate within a County having an Asylum for Pauper Lunatics, and which under any previous Act now contributes to such Asylum, shall, for the Purposes herein-before mentioned, be considered as having an Asylum for the Pauper Lunatics of the said Borough: Provided always, that it shall be lawful for any such Borough at any Time hereafter, upon giving Six Calendar Months Notice in Writing, under the Hand of the Town Clerk, in pursuance of a Resolution of the Council of such Borough, to the Clerk of the Peace of the County, to separate itself, so far as it relates to the Establishment of a Lunatic Asylum for such County and the Maintenance of Lunatics therein, from the County in which such Borough may be situated, and from and after the Expiration of such Notice such Borough shall, for the Purposes of this Act, be deemed a Borough not having an Asylum for the Pauper Lunatics thereof: Provided also, that from and after the Expiration of such Notice, and until the Withdrawal from such County Asylum of all the Lunatics from or belonging to any such Borough, such Borough shall be liable to contribute towards the Expences of such Asylum, in the same Manner and to the same Extent as such Borough would have been liable to contribute if Notice of Separation had not been given; and from and after the Expiration of such Notice, and the Withdrawal from such County Asylum of all Lunatics from or belonging to such Borough, then and in such Case such Borough shall not be liable to pay or contribute towards the Expence of the Establishment of such Asylum, or the Maintenance of Lunatics therein, save only such Proportion of the Expences of maintaining Lunatics chargeable to the County in which such Borough is situate which would have been chargeable upon such Borough in case it had not so separated from the County.

Present Visitors to remain in Office till Sessions next after 20th Dec. 1845.

XI. And be it enacted, That in every County and Borough for which an Asylum has been already provided the present Committee of Visiting Justices, or of Visiting Justices and Subscribers, or of Visitors thereof, shall continue to be the Committee of Visiting Justices or Visitors thereof until the General or Quarter Sessions which shall be held next after the Twentieth Day of *December* in the Year One thousand eight hundred and forty-five.

For the Appointment of future Visitors.

XII. And be it enacted, That at the General or Quarter Sessions to be held next after the Twentieth Day of *December* in every Year the Justices of every County, and at a Special Meeting to be held within Twenty Days after the Twentieth Day of *December* in every Year the Justices of every Borough, having for the Time being an Asylum (whether already erected or provided, or in course of Erection, or hereafter to be erected or provided, or in course of being erected or provided) either for the sole Use of such County or Borough, or otherwise as aforesaid, shall elect some Justices of such County or Borough to be a Committee on behalf of such County or Borough for the Purposes of the said Asylum, during the Year then next ensuing the Election; and in case of the Incapacity, Resignation, or Death of any Member of the said Committee, the said Justices of every County at any General or Quarter Sessions for such County, or the Justices of every Borough at a Special Meeting, may elect a Justice to be a Member of such Committee for the then Remainder of the current Year in the Place of the

Member who shall have so become incapable, resigned, or died; and in the Month of *January* in every Year the Subscribers to every Lunatic Asylum already erected by voluntary Subscription, and which shall have been then united or be intended to unite with any County or Counties, Borough or Boroughs, as aforesaid, under the Provisions of any former or of this present Act, or the Majority of such Subscribers present at a Meeting of which Notice shall have been given by public Advertisement in some Newspaper circulated within the Place in which such Lunatic Asylum shall be situated, shall elect some of such Subscribers to be a Committee on behalf of such Subscribers, for the Purposes of such Asylum, during the Year then next ensuing; and in case of the Incapacity, Resignation, or Death of any Member of the said Committee, a Majority of the said Subscribers present at any Meeting called as aforesaid may elect a Subscriber to be a Member of such Committee for the then Remainder of the current Year in the Place of the Member who shall have so become incapable, resigned, or died; and in every Case in which there shall be or be intended to be an Asylum for the sole Use of any One County or Borough, the Committee of Justices elected for such One County or Borough as aforesaid shall be the Committee of Justices for the Visitation, Management, providing, and erecting of such Asylum, House, or Place, and shall be called the "Committee of Visitors;" and in every Case in which any One or more County or Counties, Borough or Boroughs, shall be united together, or with any Subscribers as aforesaid, or together and also with any Subscribers as aforesaid, the said Committees of such County or Counties, Borough or Boroughs, and Subscribers, as the Case may be, shall form and be One Committee for the Visitation, Management, providing, and erecting of the Asylum for such County or Counties, Borough or Boroughs, and Subscribers, as the Case may be, and shall be called the "Committee of Visitors:" Provided always, that the Number of Justices to be elected to be the Committee of Visitors of any County or Borough having an Asylum, House, or Place for its sole Use shall not be less than Seven, and that the Number of the Justices of every County and Borough, and of every Body of Subscribers, heretofore united as aforesaid, to be elected to be the Committee of Visitors, shall be the Number specified in the Agreement entered into for effecting or regulating such Union as aforesaid; and that the Number of the Justices of every County and Borough, and of every Body of Subscribers, which shall be hereafter united as aforesaid, to be elected to be the Committee of Visitors, shall be the Number specified in the Agreement entered into for effecting such Union, but so that the Number of Justices for any County to be hereafter united shall not be more than Fifteen nor less than Seven, or for any Borough more than Seven nor less than Three.

Former Visitors to remain in Office in case of the Omission of an Election, or of filling up a Vacancy.

XIII. And be it enacted, That if any such Justices or Subscribers as aforesaid shall in any Year neglect or omit to make such Election, or to fill up any Vacancy which may have occurred as aforesaid, or there shall be any Delay in making or filling up the same, then the Committee of Visiting Justices, or Visitors lastly before appointed, or such of them as shall continue to act, shall be deemed and taken to be the Committee of Visiting Justices or Visitors for the Purposes aforesaid until such Election as aforesaid shall have been made or such Vacancy shall have been filled up.

Meetings of Visitors.

XIV. And be it enacted, That the several Persons who shall at first and at each general annual Election be elected Members of any Committee of Visitors shall, within One Calendar Month after their Election, assemble at some convenient Place, to be named in a Notice previously given by Two or more of such Visitors or their Clerk to the several Members of such Committee, and that the said Visitors may adjourn the said Meeting from Time to Time or from Place to Place, and meet where and as often as they shall think necessary; and the said Visitors shall at their first Meeting after their Election elect One of their Members to be Chairman for the Year, who shall preside at all Meetings at which he shall be present; and in case of the Absence of the Chairman from any Meeting the Members of the Committee then present shall elect One of such Members to be Chairman for the Meeting, who shall preside at the Meeting; and to constitute a Meeting of a Committee there shall be present not less than Three Members thereof, except for Adjournment, which may be made by less than Three; and every Question shall be decided by a Majority of Votes (the Chairman, whether permanent or temporary, having a Vote), and in the event of an Equality of Votes on any Question the Chairman for the Time being shall have an additional or casting Vote; and every such Committee of Visitors shall appoint a Clerk to such Visitors for the Purposes of this Act, at such Salary or Remuneration as such Visitors shall think fit, and from Time to Time, if and when they shall think fit, remove such Clerk or any future Clerk, and in any such Case, and in case of the Death or Resignation of any such Clerk, and as often as the same shall occur, appoint a new Clerk.

Every Committee to elect a Chairman.

Meetings of Committee.

Questions how to be decided.

Visitors to appoint a Clerk.

The Chairman, or Two Visitors, or the Clerk, may convene Meetings of Visitors in certain Cases.

XV. And be it enacted, That if any Committee of Visitors shall neglect to adjourn any Meeting of such Visitors, and whenever any Circumstance shall render the Meeting of such Committee necessary or convenient before the Time to which their Meeting may have been last adjourned, and in any other Case in which a Meeting of such Committee shall be desirable, it shall be lawful for the Chairman of the Committee, or any Two of the Visitors, or the Clerk of such Visitors, to convene a new Meeting by a Circular Letter to each Visitor, informing him of the Time and Place of such Meeting, Ten Days at least before the same shall be held.

Visitors may sue and be sued in the Name of their Clerk, &c.

XVI. And be it enacted, That every Committee of Visitors may sue and be sued in the Name of their Clerk; and that no Action which may be brought or commenced by or against any such Committee of Visitors in the Name of their Clerk shall abate or be discontinued by the Death or Removal of such Clerk, but the Clerk for the Time being to the Visitors shall always be deemed Plaintiff or Defendant in such Action as the Case shall be.

XVII. And

When an Asylum, &c. is required, the Visitors to procure and determine on Plans and Estimates, and to contract for the Purchase of Lands and Buildings, and for erecting, &c. the necessary Buildings.

XVII. And be it enacted, That the Committee of Visitors for any County or Borough, Counties or Boroughs, for which an Asylum or an additional Asylum, or additional Accommodation for Pauper Lunatics shall for the Time being be required, shall, subject as herein-after mentioned, procure, examine, and determine on Plans and Estimates of and contract for the Purchase of Lands and Buildings (and in the Case of Buildings either with or without any Fittings-up and Furniture belonging thereto), and for building, erecting, altering, improving, restoring, furnishing, and completing an Asylum or additional Asylum or additional Accommodation for the Pauper Lunatics of the County or Borough, Counties or Boroughs, for which such Visitors, or such of them as shall not be elected by Subscribers as aforesaid, shall be appointed, or for those of the same Pauper Lunatics for whom there shall not be proper Acccommodation in any existing Asylum, or, with the Consent of the said Poor Law Commissioners, and of the Guardians or Overseers of the Parish or Union, for adapting any Workhouse for all or any of the same Lunatics who may be chronic Lunatics; and, subject as aforesaid, shall also contract for making, laying out, and completing the Yards, Courts, Outlets, Grounds, Lands, and Appurtenances to such Asylum or additional Asylum or Workhouse, and also from Time to Time to purchase any Land or Buildings for the Purpose of enlarging or improving any such Asylum, Workhouse, or the Yards, Courts, Outlets, Grounds, Land, and Appurtenances thereto; and every Contractor shall give to the Clerk to such Visitors sufficient Security for the due Performance of the Contract; and every such Contract, and all Orders relating thereto, shall be entered in a Book to be kept by the Clerk to such Visitors; and when such Asylum or Workhouse and Appurtenances, or (as the Case may be) the Additions to or Alterations thereof, shall be declared to be completed, then such Book shall be deposited and kept among the Records of the County or Borough, or, in the Case of Two or more Counties or Boroughs having united for the Purposes of such Contract, among the Records of such One of the united Counties or Boroughs as shall have paid the largest Proportion of the Expences of such Contract; and every such Book may be inspected at all reasonable Times by any Person contributing to the Rates of such County or Counties, Borough or Boroughs respectively, and also if any Part of such Expences has been paid by voluntary Subscriptions, by any of such voluntary Subscribers; and a Copy of every such Book shall be kept at the Asylum or additional Asylum which shall have been erected or provided; and all Lands and Buildings so to be purchased as aforesaid shall be conveyed to such Person or Persons as the Visitors by whom the same shall be purchased shall think fit, in trust for the Purposes of this Act: Provided always, that the said Visitors shall from Time to Time make their Report to the General or Quarter Sessions of the County or Borough, Counties or Boroughs, for which they, or such of them as shall not have been elected by Subscribers as aforesaid, shall be elected, of the several Plans, Estimates, Contracts, and Purchases which shall have been agreed upon, and of the Sum or Sums of Money necessary to be raised and levied for defraying the Purchase Monies and Expences thereof on the County or Borough, or in the Case of Two or more Counties or Boroughs having united for such Purposes, on each or every of such Counties or Boroughs, which Plans, Estimates, Contracts, and Purchases shall be subject to the Approbation of the Court or Courts of General or Quarter Sessions of such County or Counties, and of the Justices of such Borough or Boroughs, before the same shall be completed or carried into execution.

Contractors to give Security.

Contracts and Orders to be entered in a Book to be deposited, and to be open to Inspection.

Lands purchased to be conveyed in trust for the Purposes of this Act, and Visitors to report.

Power to Visitors to purchase in consideration of a Rent reserved.

XVIII. And be it enacted, That it shall be lawful for any Committee of Visitors to purchase and take a Conveyance for the Purposes of this Act from any Person having absolute Power to sell and convey, independently of this Act, any Buildings, Lands, or Hereditaments, in consideration of a yearly Rentcharge or annual Sum to be limited to such Person, his Heirs and Assigns, or as he or they shall direct, out of the Buildings, Lands, or Hereditaments to be purchased, and which shall be conveyed to such Committee of Visitors, subject thereto, and to the usual Powers of Distress and Entry for securing the same.

Power for Visitors to take a Lease at a Rent.

XIX. And be it enacted, That it shall be lawful for any Committee of Visitors, instead of purchasing any Buildings, Lands, or Hereditaments which they are hereby authorized to purchase, to take a Lease thereof for any absolute Term of not less than Sixty Years at such annual Rent and under such Covenants as the said Committee of Visitors shall think fit.

Power for incapacitated Persons to convey and exchange.

XX. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, by and with the Consent in Writing of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, and for Her Majesty, by Grant signed by the Chancellor of the Duchy of *Lancaster*, and for the Council of the Duchy of *Cornwall*, by the Lord Warden of the Stannaries, in manner required by Law, and for the Guardians and Overseers of the Poor of any Parish or Union of Parishes under the Direction and with the Approbation of the Poor Law Commissioners for *England* and *Wales*, and for the Visitors or Trustees of any Building now used or hereafter to be used as an Asylum for Pauper Lunatics, or of any Land held therewith, and for any Lay or Ecclesiastical Corporation, aggregate or sole, and for any Feoffees or Trustees to charitable or other Uses, and for any Person beneficially seised or entitled in possession as Tenant in Fee Simple, or in Fee Tail, general or special, or for his own Life, or for Years determinable on his own Life (such Estate for Life or Years not being subject to any Rent), or for any Term of Years in gross, whereof not less than Four hundred shall be unexpired, and subject to no Equity of Redemption or Rent, except a nominal Rent, and for any married Woman entitled or interested as aforesaid to her separate Use, whether with or without any Restriction as to Anticipation, and for the Guardian, Trustee, Husband, or Committee of any Person so seised or entitled, who shall be an Infant, married Woman not separately entitled, Lunatic, or under any other Disability, to dispose of, by way of absolute Sale, or in exchange for any Buildings, Lands, or other Hereditaments, any Lands, Buildings, or other Hereditaments for the

Purpose of the same being used or converted into an Asylum for the Pauper Lunatics or any of the Pauper Lunatics of any County or Borough, Counties or Boroughs, either alone or together with any other Lunatics, or being used as the Site of any such Asylum, or of being occupied therewith, or for any other Purpose relating to the Custody, Accommodation, or Employment of Pauper Lunatics to be received into such Asylum, which the Visitors thereof may approve of, with the Rights, Easements, and Appurtenances, and to convey the same and the Fee Simple and Inheritance thereof unto such Person or Persons as shall be named by the said Committee of Visitors, and in such Manner as the said Committee of Visitors may direct, and to accept or give any Monies by way of Equality of Exchange.

Application of Money on a Sale by or an Exchange with any incapacitated Person.

XXI. And be it enacted, That all Money which shall be agreed to be paid to any Corporation, or to any Trustee, Guardian, or Committee for or on behalf of any Infant, Ward, Lunatic, married Woman, or other Person under Disability, or to any Person not having Power to sell except under the Provisions herein-before contained, for the Purchase or Equality of Exchange of Hereditaments as aforesaid, shall, in case the same shall exceed the Sum of Fifty Pounds, and there shall be no Person capable of giving a sufficient Discharge for the same, be paid by the said Committee of Visitors into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties who shall be so interested in the said Hereditaments, describing them, subject to the Order of the said Court of Chancery, which said Court, on the Petition of or Motion on behalf of any Corporation or Person making claim to any such Money, is hereby empowered summarily to order the Investment of such Money in the Purchase of Real Estates to be settled to the same Uses and upon the same Trusts as the Lands so sold were previously subject to, or in the Public Funds, and the Distribution of the Rents and Dividends thereof respectively, according to the respective Interests of the Claimants thereof, and to make such other Order in the Premises as to the Court shall seem reasonable; and the Cashier of the Bank of *England* who shall receive such Money shall give a Receipt to the Party paying the same, specifying for what the same is received, which Receipt shall be to all Intents and Purposes a sufficient Discharge; but such Money, in case the same shall not exceed the Sum of Fifty Pounds, shall be paid to the Party or Parties by whom the Sale or Exchange shall be made, for his and their own absolute Benefit.

Persons in possession to be deemed entitled till the contrary be shown.

XXII. And be it enacted, That in case of any Doubt or Question of Title to any Money paid into the Bank of *England* by virtue of this Act, or the Securities on which the same may be invested, or the Dividends or Interest thereof, the Corporation or Person who shall have been in the Possession of such Hereditaments, Interests, or Incumbrances at the Time of such Purchase or Exchange, and Persons claiming under them, shall be deemed and taken to be lawfully entitled to such Hereditaments, Interests, or Incumbrances until the contrary shall be shown to the Satisfaction of the said Court of Chancery, and the Securities and Principal and Interest Monies shall be applied and disposed of accordingly.

Court of Chancery may order Expences to be paid by Visitors.

XXIII. And be it enacted, That in case of such Purchase or Exchange, Payment into the Bank of *England*, and Application to the Court of Chancery as aforesaid, it shall be lawful for the said Court to order the Expences attending such Purchase or Exchange, Payment, and Application, or any Part thereof, to be paid by the said Visitors, who shall accordingly pay the same when and as the said Court shall direct, and the Money so paid shall be deemed Part of the Expences of such Purchase or Exchange, and be paid accordingly as herein-before is provided.

Provisions for the Enfranchisement of Copyhold and Customary Hereditaments.

XXIV. And be it enacted and declared, That the Provisions herein-before contained shall apply to Lands, Buildings, and other Hereditaments of Copyhold or Customary Tenure, and that whenever any Contract shall be entered into by any Visitors respecting any Lands, Buildings, or other Hereditaments of Copyhold or Customary Tenure, it shall be lawful for such Visitors to direct that the actual Value of such Lands, Buildings, or other Hereditaments (allowing in such Valuation for any Fine, Heriot, or Customary Due, Payment, or Rent, or any Service capable of being valued in respect of such Lands or Buildings or other Hereditaments), and also the Value of such Lands, Buildings, or other Hereditaments, considered as Lands, Buildings, or Hereditaments held in Fee Simple, free from Incumbrances, shall be ascertained by such Means as they shall think fit, and that the Difference in such Values, when so ascertained, shall be paid to or invested for the Use and Benefit of the Lord of the Manor of which such Lands or Buildings or other Hereditaments shall be Parcel, or such other Person as would be entitled to the Fines payable upon Death or Alienation of the same, or to such Heriot, Dues, Payments, Rent, or Service respectively; and upon and from the making of such Payment or Investment such Lands or Buildings or other Hereditaments shall thenceforth be deemed enfranchised, and for ever discharged from every Fine, Heriot, Due, Payment, Rent, Suit, or Service, and shall thenceforth be and remain of the Tenure of Free and Common Soccage: Provided always, that if any such Lord of the Manor or other Person be under any legal Disability, the Powers and Provisions herein-before contained enabling Persons under Disability to convey or otherwise dispose of and deal with Property, and for the Payment and Application of the Purchase Money, shall apply to such Lord of the Manor or other Person, and the said Difference in Value herein-before directed to be paid to him or invested for his Use and Benefit: Provided also, that if such Lord of the Manor or other Person be dissatisfied with the Result of such Valuations, and shall, within Seven Days after Tender made to him of the Amount of the said Difference in Value, or after Notice left at his Place or last known Place of Residence, or with his known Agent, of such Amount being ready to be paid to him or invested as aforesaid, send Notice by the Post to the said Visitors of such Dissatisfaction, it shall be lawful for the Visitors to direct further Valuations to be made, at or within such Period as they may see fit, by Two Valuers, one to be named by the Visitors and the other by such Lord of the Manor or other Person, which Two Persons so named shall,

shall, previously to their entering on their Valuations, name a Third Valuer or Umpire to be referred to in case they disagree, and the Award of such Two first-named Valuers, or, if they disagree, of their Umpire, shall be binding on all Parties; and on Payment or Investment, under the Provisions of this Act, of the Difference of such last-mentioned Valuations, such Lands, Buildings, and other Hereditaments shall thenceforth be deemed enfranchised and discharged in manner aforesaid, and be and remain of the Tenure of Free and Common Soccage; and when and so soon as any such Enfranchisement as aforesaid shall have been made it shall be lawful for the Steward of the Manor whereof such Lands, Buildings, or Hereditaments were Parcel, and he is hereby required, on the Receipt of a Certificate under the Hand and Seal of the Clerk of the said Visitors of such Enfranchisement having been effected, to enter such Certificate on the Rolls or Books of the said Manor, and to furnish a Copy of such Entry, written on Parchment, to the said Visitors or their Clerk, or to such Person or Persons as they or he may direct, and to certify the same to be a true Copy under his Hand; and such Certificate, or a Copy thereof, under the Hand and Seal of the Clerk of the Visitors, shall thenceforth be Evidence of such Enfranchisement.

Assessment to Rates and Taxes not to be increased after Purchases for the Purposes of this or any former Act.

XXV. And be it enacted, That in all future Rates, Taxes, and Levies to be made for any Parish or Place in which any Lands, Buildings, or Hereditaments already purchased or to be purchased, under the Provisions of this or any former Act, for the Purposes of any Asylum, shall be situate, such Land, Buildings, or Hereditaments, with or without any Buildings or additional Building to be erected thereon, shall not be assessed to any such Rates, Taxes, or Levies at a higher Value and more improved Rent than the Value or Rent at which the same were assessed at the Time of such Purchase, nor shall any Building which under this or any former Act has been or shall be erected or purchased for the Purposes of an Asylum be assessed to any Window Tax.

Visitors to order all ordinary Repairs of Asylums.

XXVI. And be it enacted, That the Committee of Visitors of every Asylum may, of their own Authority, from Time to Time order all such ordinary Repairs as may be necessary for such Asylum, and if such Asylum shall belong to One County or Borough only they shall cause the Expence of such Repairs to be paid by making an Order upon the Treasurer of such County or Borough for the Payment thereof, but if such Asylum shall belong to One County or Borough or to Two or more Counties or Boroughs united together with or separate from any voluntary Subscribers, they shall apportion the Expence of such Repairs, or so much thereof as shall not be raised by voluntary Subscription, between or among such Counties or Boroughs respectively, in respect to any Asylum already erected in the Proportion in which each County and Borough has contributed to the Erection thereof, and in respect to any Asylum to be hereafter erected in the same Proportions as herein-before directed with regard to erecting or providing such Asylum, and shall cause the Proportion of each County or Borough to be paid by making an Order upon the Treasurer thereof for the Payment of the Proportion to be paid by such County or Borough, and every such Treasurer shall immediately discharge the same out of any Money of such County or Borough then in his Hands, or which may thereafter come to his Hands, not specifically appropriated to any other Purpose, and the same may be recovered from him for the Benefit of such Asylum by the Treasurer or Clerk thereof, together with all Costs and Expences, by an Action in any of Her Majesty's Courts at *Westminster:* Provided always, nevertheless, that no Order for any Repairs, or for the Payment of any Money which shall exceed the Sum of Four hundred Pounds, shall be made, unless due Notice of the Meeting at which the same shall be ordered shall have been previously given according to the Rules and Regulations made by the Visitors for the Time being, nor unless Three Visitors shall concur in and sign such Order.

No Order for Money exceeding 400*l.* to be made unless previous Notice of Meeting.

To prevent Exclusion from Asylums of curable Lunatics, separate Provision to be made for chronic Lunatics.

XXVII. And be it enacted, That in the erecting and providing of every Asylum hereafter to be erected or provided for the Reception of Pauper Lunatics, and also in enlarging the same or any Asylum already erected, regard shall be had to the Number of Lunatics to be provided for therein who shall be or be deemed curable or dangerous; and in order to prevent such Lunatics being excluded from Admission into such Asylum by reason of the Admission or Accumulation therein of chronic or incurable Lunatics, some separate or additional Building shall be provided for chronic or incurable Lunatics whenever by reason of the Increase in Numbers of Lunatics the Asylum shall be insufficient for the Accommodation of all Lunatics entitled to be received therein; and in order to secure the immediate Admission into every such Asylum of all Lunatics deemed curable or dangerous a sufficient Number of such chronic or incurable Lunatics shall from Time to Time be transferred from such Asylum to such separate or additional Building to be provided as aforesaid.

All Proposals, Agreements, and Plans to be submitted to the Commissioners in Lunacy, and all Contracts and Estimates to be approved of by the Secretary of State.

XXVIII. And be it enacted, That every Committee of Visitors shall submit all Proposals and Agreements for uniting Counties and Boroughs and other Asylums for the Purposes of this Act, and all Proposals for building or providing Asylums, or the Buildings, Yards, Outlets, or Appurtenances thereto, or additional Accommodation for Pauper Lunatics, and all Contracts and all Plans which may be intended to be adopted for such Asylums, Accommodation, and Premises, to the Commissioners in Lunacy, who shall make such Inquiries in reference thereto, and to the Lunatics to be provided for, as they shall deem proper, and shall report thereon in Writing to One of Her Majesty's Principal Secretaries of State; and the Estimates of the Costs and Expences of carrying into execution such Contracts for any of the Purposes of this Act, in reference to the Purchase of Land, or the building or providing any Asylum or additional Asylum or Accommodation for Pauper Lunatics, shall be submitted to Her Majesty's said Secretary of State; and no such Proposals, Agreements, Contracts, Estimates, or Plans shall be accepted, executed, or carried into effect until the same shall be approved of by the said Secretary of State by Writing under his Hand and Seal.

XXIX. And

Visitors empowered to contract with the Owners of licensed Houses for the Care and Maintenance of Pauper Lunatics, subject to the Approval of the Secretary of State.

XXIX. And be it enacted, That it shall be lawful for every Committee of Visitors to contract with the Proprietor of any House for the Time being licensed for the Reception of Lunatics for the Care and Maintenance of the whole or of a Portion of the Pauper Lunatics of the County or Counties, Borough or Boroughs, or any of them respectively, for which such Committee shall be acting, or for the Use and Occupation of all or any Part of the licensed House and Premises of such Proprietor, at such Sum, either in gross or by way of annual or other periodical Payment or Rent, and under and subject to such Terms, Stipulations, and Conditions, as such Visitors shall think fit; and every such Sum shall be paid out of the same Monies or Funds, and in the same Manner, as the Monies which would be paid for the Maintenance of such Lunatics if they were maintained in an Asylum provided by such County or Counties, Borough or Boroughs, under the Provisions of this or some former Act of Parliament: Provided always, that every such last-mentioned Contract shall be submitted to the Commissioners in Lunacy, and shall be approved by One of Her Majesty's Principal Secretaries of State by Writing under his Hand and Seal, and that no such Contract shall be made for any longer Period than for the Term of Five Years, and that every such Contract shall be made to determine on such House ceasing to be duly licensed for the Reception of Lunatics: Provided also, that no such Contract shall, during the Term for which it shall be made, exempt any County or Borough from the Duty and Obligation of erecting or providing, or uniting in erecting or providing, an Asylum or additional Asylum as required by this Act: Provided also, that every licensed House with the Proprietor of which any Committee shall so contract as last aforesaid shall be subject to the Visitation required by this Act, and to all Rules and Regulations which shall from Time to Time be made for the Management thereof by the Committee of Visitors with whom any such Contract shall be made, and also subject to such Visitations, Rules, and Regulations as the same licensed House would have been subject to if no such Contract had been made.

Such Contract not to exempt any County or Borough from the Obligation of providing an Asylum.

Power for Visitors to dissolve Unions.

XXX. And be it enacted, That it shall be lawful for every Committee of Visitors, with the Consent of the Majority of the Visitors of each County and Borough which is united, and with the previous Consent of One of Her Majesty's Principal Secretaries of State under his Hand and Seal, to determine and dissolve any Union of any Counties or Boroughs, either together, or together and with any Subscribers, whether such Union shall have been formed under this Act, or under the Act hereby repealed, or under any former Act, and upon such Dissolution, to divide and allot the Lands, Buildings, Hereditaments, Chattels, Monies, and Effects of or belonging to such Union between or among the County or Counties, Borough or Boroughs, and Subscribers, if any, between which or whom such Union shall have existed, in the Proportions in which they shall respectively have contributed thereto or shall be interested therein, or in such other Proportions and Manner as the said Visitors, with the Approbation of the said Secretary of State, shall think fit; and if on any such Division or Allotment there cannot be conveniently allotted to any County or Borough or Subscribers the proper Proportion of such County, Borough, or Subscribers in the Lands, Buildings, Hereditaments, Chattels, Monies, and Effects of such Union, there shall be paid to such County, Borough, or Subscribers such Sum of Money as the said Visitors, with the Approbation of the said Secretary of State, may direct, in full or in part Satisfaction, as the Case may require, of the aforesaid Proportion of such County, Borough, or Subscribers; and every such Sum of Money shall be raised by the County or Counties, Borough or Boroughs, to or between or among which the Lands, Buildings, Hereditaments, Monies, Chattels, and Effects of the said Union shall be allotted (if more than One, in such Shares as the said Visitors, with the Approbation of the said Secretary of State, shall think fit), in the same Manner and by the same Means as other Monies are appointed to be raised by Counties or Boroughs for the Purposes of this Act.

Power for Visitors, with Consent of the Secretary of State, to sell Lands and Buildings.

XXXI. And be it enacted, That it shall be lawful for every Committee of Visitors, with the previous Consent of One of Her Majesty's Principal Secretaries of State under his Hand and Seal, to sell, either by public Auction or private Contract, and subject to any Conditions, any Houses, Buildings, and Lands, or Parts of Houses, Buildings, or Lands, which shall have belonged to and been used as or together with an Asylum by the County or Counties, Borough or Boroughs, and Subscribers (if any), by whom respectively such Committee shall have been elected as aforesaid, or any of the same Counties, Boroughs, or Subscribers respectively; and every Conveyance of such Houses, Buildings, and Lands which shall be executed by the Persons in whom the same shall then be vested as Trustees, or by any Three of the Members of the Committee of Visitors who shall sell the same, shall be effectual to convey the same, for all the Estate or Interest then vested in such Trustees, to the Purchasers thereof respectively; and the Receipt of any Three of the Committee of Visitors who shall sell the same for the Purchase Monies shall be a sufficient Discharge for the same; and the Monies which shall be received from any such Sale, in case the same shall be made by a Committee of Visitors of any One County or Borough alone, shall be paid to the said Committee of Visitors, and be applied in carrying into execution the Powers and Purposes of this Act, or to the Treasurer of such County or Borough, and be applied for the general Purposes thereof, or otherwise as the Justices of such County or Borough shall, at some General or Quarter Sessions after the Payment thereof, direct; but in case the said Sale shall be made by a Committee of Visitors of any County or Borough united with any other County or Borough or Counties or Boroughs, or with any Subscribers, the Monies which shall be so received shall be paid to the Treasurer of the County, Borough, or Subscribers to which or to whom the Property sold shall have belonged, in case it shall have belonged to any one of them, or if the same shall have been the joint Property of more than One County or Borough, or of any County or Counties, Borough or Boroughs, together with any Subscribers, then to the respective Treasurers of such County or Counties, Borough or Boroughs, and Subscribers,

Application of Purchase Monies.

Subscribers, in the Proportions in which they shall have been respectively interested in the Property sold; and such Monies shall be held and applied by every such Treasurer, in the Case of a County or Borough, as Part of the general Rates or Funds of such County or Borough, and in the Case of any Subscribers, as the Majority of such Subscribers present at any Meeting convened for that Purpose shall direct.

No Visitor to have any Interest in any Contract or Agreement.

XXXII. And be it enacted, That no Visitor shall have or take or be capable of having or taking any Interest or Concern whatsoever, either in his own Name or in the Name of any other Person, in any Contract or Agreement to be made under the Authority of this Act, or in relation to the Premises, or shall, for any Design or Plan he may deliver or produce, receive any Benefit or Emolument whatever.

Provisions for raising Monies required for the Purposes of this Act by County and Borough Rates.

XXXIII. And be it enacted, That in order to pay and defray the Monies, Costs, and Expences which shall be or shall become payable by any County or Borough for any of the Purposes of this Act, or the said Act hereby repealed, the Justices of every such County, at any General or Quarter Sessions for the same, may and shall assess and tax a general County Rate or Rates upon such County, and may and shall fix a Sum or Rate to be contributed by all Places whatsoever within such County, (other than any Borough being within such County, or by this Act for the Purposes thereof annexed thereto,) and whether such Places shall or shall not be liable to contribute to an ordinary County Rate; and the Council of every Borough may and shall assess a general Borough Rate in the Nature of a County Rate upon such Borough; and the said Rates shall be collected, levied, and recovered in the same Manner, and by the same Powers, Authorities, Ways, and Means, and under the same Penalties, as any ordinary Rate for such County or Borough respectively may by Law be collected, levied, and recovered; and the Monies, Costs, and Expences to be paid or contributed by any County or Borough for the Purposes of this Act shall be paid by the Treasurer of such County or Borough, out of the Rates aforesaid, to the Treasurer of the Asylum to which such County or Borough shall, either alone or jointly, pay or contribute: Provided always, that it shall be lawful for the Town Council of any Borough, if they shall think fit, to direct that any Monies which shall become payable for the Purposes of this Act, or any Part thereof, shall be paid out of the Borough Fund of such Borough, and such Monies shall be paid by the Treasurer of such Borough out of such Fund accordingly.

Power for Justices of Counties and Councils or Boroughs to raise Money by Mortgage of the Rates.

XXXIV. And be it enacted, That when it shall appear by the Report in Writing under the Hands of any Two Members of the Committee of Visitors, elected and appointed under this Act or the said Act hereby repealed, that the Monies, Costs, or Expences incurred or to be incurred or paid by any County or Borough for carrying into effect any of the Purposes of this Act or the said Act hereby repealed, and whether the same shall be wholly or only in part incurred, will exceed the Sum of Five thousand Pounds, and in the Case of any City, Town, Parish, Place, or District by this Act annexed to a County for the Purposes hereof will exceed the Sum of Two thousand Pounds, then and in such Case it shall be lawful for the Justices of every such County in General or Quarter Sessions assembled, or the major Part of them, such major Part not being less than Five, and for the Council of every such Borough, as the Case may be, from Time to Time to borrow and take up on Mortgage of all or any of the Rates to be made under the Authority of this Act for such County or Borough, or on Mortgage of all or any such Rates, together with all other Rates or Funds, or any of them, of the same County or Borough, all or any of the Money required for paying and defraying the Monies, Costs, and Expences which it shall appear by the said Report have been or are to be incurred or paid by such County or Borough as aforesaid; and such Money may be so raised in any Sum or Sums, of not less than Five hundred Pounds each, at any Rate of Interest not exceeding Five Pounds *per Centum per Annum;* and every such Mortgage may be made by an Instrument in the Form contained in the Schedule (B.) hereunto annexed, or to that or the like Effect, and shall be executed in the Case of a County by the Chairman and Two or more other Justices present at the Time of making such Mortgage, and in the Case of a Borough by affixing the Common Seal of the Borough thereto; and every such Mortgage is hereby declared to be Evidence that such Report has been made as is herein-before required, and shall be effectual for securing to the Person advancing the Sum of Money in such Mortgage expressed to be advanced, his Executors, Administrators, and Assigns, the Repayment of such Sum of Money, with Interest for the same after such Rate, and at such Time, and in such Manner as in such Mortgage shall be provided; and the said Mortgages shall be numbered in the Order of Succession in which they shall be granted; and Copies or Extracts of all such Mortgages shall be kept by the Clerk of the Peace or other proper Officer having the Custody of the Records of the Quarter Sessions of such County, or of the Records of such Borough, as the Case may be; and every Person to whom any such Mortgage shall be made, his Executors or Administrators, is hereby empowered, by endorsing his or their Name or Names on such Mortgage, to transfer the same, and his and their Right to the Principal Money and Interest thereby secured, unto any Person; and every such Assignee, his Executors or Administrators, may in like Manner transfer the same again, and so *toties quoties;* and the Person to whom such Mortgage or any such Transfer thereof shall be made, his Executors and Administrators, shall be a Creditor or Creditors upon the Rates and Funds thereby expressed to be mortgaged in an equal Degree one with another, and shall not have any Preference or Priority other than is provided under the Powers of this Act.

Justices and Council may apply to the Commissioners of Consolidated Fund for Public Works,

XXXV. And be it enacted, That it shall be lawful for the Justices and Council of any County and Borough respectively to make Application for an Advance of any Sum necessary for the Purposes of this Act, or the said Act hereby repealed, to the Commissioners acting in the Execution of an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public*

under Act 5 & 6 Vict. c. 9., for Advance of Money.

Public Works and Fisheries, and Employment of the Poor; and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes, and of any of the Acts in the above-mentioned Act recited or referred to, and of any Act or Acts passed for amending or continuing the same Acts; and the said Commissioners, and also the Commissioners of Her Majesty's Treasury, or any Three or more of them, are hereby empowered, if they shall think fit, to make such Advances, upon any such Application as aforesaid, upon the Security of the County or Borough Rates or Fund by this Act directed to be assessed and raised, or any of them, and without requiring any further or other Security than a Mortgage of such Rates.

Provisions for the Payment of the Interest on the Mortgages, and of a Portion of the Principal in each Year.

XXXVI. And be it enacted, That the said Justices or Council, as the Case may be, shall in every Year charge the Rates or Funds of such County or Borough with the Sum for the Time being required to pay the Interest of the Money so borrowed on such Mortgages, or such of them as shall for the Time being remain unpaid, and also with the Payment of a further Sum not less than One Thirtieth Part of the whole of such Mortgages at the Time of the same being first made; and such Sums shall be applied, under the Direction of the said Justices or Council, in discharge of the Interest on the said Mortgages, or such of them as shall for the Time being remain unpaid, and of so many of the Principal Sums owing on the said Mortgages for the Time being remaining unpaid as such Sums, after Payment of the Interest as aforesaid, will extend to discharge until the whole of the Principal Monies for which such Mortgages shall have been made, and the Interest thereof, shall be fully paid and discharged; and the said Justices and Council, as the Case may be, are and is hereby required to fix One or more Days in each Year on which such Payments shall be made, and shall make Orders for Assessments in due Time, so as to provide for such Payments being regularly made; and the said Justices or Council, as the Case may be, shall, by Agreement with the Parties or others advancing any Money for the Purposes of this Act, determine the Order or Priority in which the several Sums advanced shall be respectively discharged; and the Justices of every County and the Council of every Borough so borrowing Money on Mortgage as aforesaid are and is hereby required to appoint a proper Person to keep an exact and regular Account of all Receipts and Payments in respect of Principal Monies borrowed or taken up as aforesaid, and the Interest thereof, in a Book or Books separate and apart from all other Accounts; and the said Book or Books, duly adjusted and settled up to the Time being, to deliver annually, in the Case of a County, into Court at some General or Quarter Sessions for such County, and in the Case of a Borough, to the Council of the Borough at such Time as such Council shall appoint; and the Justices for every such County at such Sessions, and the Council for every such Borough, are and is hereby required carefully to inspect all such Accounts, and to make such Orders for carrying the several Purposes aforesaid into execution as to them shall seem meet.

Provision to be made for paying Money borrowed within a limited Time not exceeding Thirty Years.

XXXVII. Provided always, and be it enacted, That the Justices of every County, and the Council of every Borough, borrowing Money as aforesaid, shall make Provision by means of the Rates which they are hereby respectively authorized to make, and by the Orders and Directions which they are hereby authorized to give, that the whole Principal Money to be borrowed under the Authority of this Act by such County or Borough, and all Interest for the same, shall be fully paid and discharged within a Time to be limited by such Justices or Council, not exceeding Thirty Years from the Time of borrowing the same.

Power to raise Money to pay off Sums already borrowed.

XXXVIII. Provided also, and be it enacted, That in every Case in which any Monies shall have been borrowed under the Powers of the said Act hereby repealed, it shall be lawful for the Justices of the County or Borough for which such Monies shall have been borrowed, with the Consent of the Parties from whom the same shall have been borrowed, to pay off the Monies so borrowed, and to raise and borrow the Monies necessary for that Purpose, and also to repay the said last-mentioned Monies, and the Interest thereof, under the Powers of this Act, as if the same were raised for the Purposes of this Act: Provided also, that all Monies which have been already borrowed shall be discharged within the Time originally fixed for Payment thereof, and that all Monies to be borrowed under this Act shall be discharged within Thirty Years from the Time of first borrowing the same.

Asylum may be erected beyond the Limits of any County or Borough; and Justices may notwithstanding act therein.

XXXIX. And be it enacted, That the Asylum to be provided for any County or Borough, either solely or jointly, may be without the Limits of such County or Borough; and that when any Asylum provided or to be provided solely or in part for any County or Borough, or any Part of such Asylum, is or shall be situate within the Limits of any other County or Borough, then and in every such Case the Justices of the County or Borough to which such Asylum shall wholly or partly belong shall have full Power and Authority to act in such other County or Borough, so far as concerns the Regulation of such Asylum and the Powers conferred by this Act, in the like Manner as if such Asylum and every Part thereof were situate within such County or Borough.

Visitors to submit general Rules to the Secretary of State, and, subject to such general Rules, to make Regulations and to appoint and dismiss Officers, and fix a weekly

XL. And be it enacted, That every Committee of Visitors shall, within Twelve Months after the passing of this Act in the Case of every Asylum already established, and within Twelve Months after the Completion thereof in the Case of every Asylum hereafter established, submit the existing general Rules, or prepare and submit some proposed general Rules, for the Government of the Asylum under their Superintendence, to One of Her Majesty's Principal Secretaries of State, for his Approval; and such Rules, when approved by him, shall be printed, abided by, and observed; and every such Committee shall have Power, with the like Approbation, to alter and vary such Rules from Time to Time as they shall think necessary; and every such Committee shall make from Time to Time such Regulations and Orders as they shall think fit, not inconsistent with the general Rules for the Time being in force for the Management and Conduct of the Asylum; and in such Regulations there shall be set forth the Number and Description

Description of Officers and Servants to be kept, the Duties to be required, and the Salaries to be paid to them respectively; and every such Committee shall from Time to Time, as Occasion may require, appoint a Treasurer, who shall keep Accounts of all Monies received and paid by him on account of the Asylum, and such other Officers and Servants as they shall from Time to Time find necessary, in proportion to the Number of Persons confined in such Asylum, and at such Salaries or Wages as they shall think fit, and may at any Time dismiss any such Treasurer, Officer, or Servant, and shall from Time to Time determine the Diet of the Patients, and fix a certain weekly Sum to be paid for each Person of the County or Borough, and another weekly Sum for each Person not of the County or Borough, erecting the Asylum, confined in such Asylum, of such Amount that the same may be sufficient to defray the whole Expence of the Lodging, Maintenance and Care, Medicine and Clothing, and other Expences requisite for each Person, and that the total Amount of such weekly Sums, after defraying such Expences, may also be sufficient to pay the Salaries of the Officers and Attendants: Provided always, that such Rate for a Pauper shall in no Case exceed Fourteen Shillings *per* Week, and that the said Visitors shall annually audit the Accounts of the Treasurer and Clerk of every Asylum, and report the same to the next General or Quarter Sessions for the County or Borough, Counties or Boroughs, and to the Council of every Borough, at the Expence of which such Asylum shall have been wholly or partly erected or provided.

Rate for each Lunatic.

XLI. And be it enacted, That if the aforesaid Rate of Fourteen Shillings should be found insufficient for the Purposes aforesaid, it shall be lawful for the major Part of the Justices of the County or Borough, or of each of the Counties or Boroughs, at whose Expence such Asylum shall have been established, present at any General or Quarter Sessions or any Special Sessions for such County or Borough, or such Counties or Boroughs respectively, to make such Addition to such Rate as to them respectively shall seem fit and necessary, and to make an Order or Orders accordingly, which Order or Orders shall be signed by the Clerk or Clerks of the Peace for the County or Borough or respective Counties or Boroughs, and forthwith published in some Newspaper commonly circulated within such County or Borough, Counties or Boroughs.

If the Rate be found insufficient, Justices in Session may increase it.

XLII. And be it enacted, That in every Asylum already erected or provided, or hereafter to be erected or provided, the Committee of Visitors shall appoint a Chaplain for the same, who shall be in Priest's Orders, and shall be licensed by the Bishop of the Diocese; and the said Licence shall be revocable by the Bishop whenever he shall think fit; and such Chaplain, or his Substitute, approved by the Visitors, shall perform and celebrate, in some convenient Place within such Asylum, Divine Service according to the Rites of the Church of *England* as established by Law, on every *Sunday*, *Christmas Day*, and *Good Friday*, and shall also perform and celebrate such Service within the said Asylum at such other Times, and also such other Services according to the Rites of the Church of *England* as established by Law, at such Times as the Visitors shall direct; and such Committee shall also appoint a Medical Officer, who shall be resident in such Asylum, and a Clerk, who shall not be such Medical Officer, and who may reside in such Asylum or not, as the Committee shall think fit; and the Committee shall have Power to remove such Chaplain, Medical Officer, and Clerk, and from Time to Time to appoint another in his Stead; and the Committee shall, if they think fit, have Power to appoint a Visiting Physician or Surgeon to every such Asylum, and shall appoint One of the Officers to be the Superintendent thereof: Provided always, that if any Patient shall be of a religious Persuasion differing from that of the Established Church, a Minister of such Persuasion, at the special Request of such Patient or his Friends, shall, with the Consent of the Medical Officer of such Asylum, be allowed to visit him or her at proper and reasonable Times, under such Restrictions imposed by the Visiting Justices as shall prevent Injury to such Patient and the other Lunatics confined in such Asylum; and provided also, that the Medical Officer of any Asylum for chronic Lunatics in which there shall for the Time being be less than One hundred Lunatics, need not be resident therein, but the Medical Officer of every such Asylum, if he be not resident therein, shall visit the same Three Times at the least in every Week, and with no longer Intervals than One Day between any Two Visits, and on every Visit shall personally examine every Patient in such Asylum, except any Patients whom there may be special and sufficient Reasons for not so examining, and shall make an Entry in a Book to be kept therein for that Purpose that he has so examined every Patient therein, except any Patients whom there may be special and sufficient Reasons for not so examining, and, in case of there being any Patients whom he has not examined, shall enter their Names in the said Book, and the Reasons for not examining them.

Visitors to appoint a Chaplain, Medical Officer, and a Clerk.

Patients allowed the Visits of any Minister of their own Persuasion.

Medical Officer to visit Asylum Three Times a Week, and examine Patients.

XLIII. And be it enacted, That in case any Superintendent, Chaplain, Matron, or other Officer or Servant of any County or Borough Lunatic Asylum shall, from confirmed Sickness, Age, or Infirmity, become incapable of executing the Office in Person, it shall be lawful for the Justices of the County assembled at the General or Quarter Sessions, and the Justices of any Borough at any Meeting of such Justices, not being less than Five, and they are hereby empowered, to grant to such Superintendent, Chaplain, Matron, or other Officer or Servant such Annuity as they in their Discretion shall think proportionate to the Merits and Time of Services of such Superintendent, Chaplain, Matron, or other Officer or Servant, and may order the Payment out of the Rates lawfully applicable to the building or repairing such County or Borough Lunatic Asylum: Provided always, that the annual Amount paid by way of Superannuation or Allowance to any retired Superintendent, Matron, or other Officer or Servant of any Asylum shall not exceed the Amount of Two Thirds of the Salary payable at the Time of his or her Retirement.

Justices may grant Annuity to the Superintendent, &c., not exceeding Two Thirds of their Salaries.

XLIV. And be it enacted, That the Clerk of every Asylum shall keep all Books, Documents, and Instruments which the Visitors of the Asylum shall be required to keep or direct to be kept, and shall also keep an Account of all Monies which shall be received or paid on account of the Asylum either to or

Clerk of the Asylum to keep Account of Monies paid and re-

ceived and send Copies thereof annually to Secretary of State, &c.

or by the Treasurer of the Asylum, or otherwise, and shall, in the Month of *March* in every Year, send a Copy of the Account of all such Monies for the Year previous, ending on the Thirty-first Day of *December*, to Her Majesty's Principal Secretary of State for the Home Department, and to the Clerk or Clerks of the Peace of the County or Counties, Borough or Boroughs to which the Asylum shall belong, and also to the Commissioners in Lunacy; and such Commissioners shall, within One Month from the Receipt of such Account, make out an Abstract thereof, and lay the same before both Houses of Parliament.

Three Visitors at least to visit once in every Three Months every Asylum.

XLV. And be it enacted, That not less than Three Members of every Committee of Visitors shall, once at the least in every Three Months, inspect every Part of every Asylum in which there shall be any Lunatics of the County or Borough, Counties or Boroughs for which they shall be Visitors, and shall see and examine, as far as Circumstances will permit, every Lunatic therein, and the Order and Certificate for the Admission of every Lunatic admitted since the last Visitation of the Visitors, and shall enter in a Book to be kept for that Purpose any Remarks which they may deem proper in regard to the Condition and Management of such Asylum and the Lunatics therein, and shall sign such Book upon every such Visit, and such Three Visitors shall in their Visits to every Asylum for chronic Lunatics be accompanied by the Visiting Physician or Surgeon of the County or Borough Lunatic Asylum, in all Cases in which there shall be a Visiting Physician or Surgeon.

Lists of Pauper Lunatics to be made half-yearly, and laid before the Visitors, and Copies transmitted to the Clerk of the Peace and to the Secretary to the Commissioners in Lunacy.

A List of all private Patients to be sent half-yearly to the Commissioners.

XLVI. And be it enacted, That the Medical Officer of every Asylum shall on the First Day of *January* and the First Day of *July* in every Year after the passing of this Act prepare a List of all Pauper Lunatics then in such Asylum, according to the Form in the Schedule (C.) No. 1. hereto annexed, and in the Case of every Asylum not devoted exclusively to chronic Lunatics specifying such as in the Opinion of the Medical Officer, and of the Visiting Physician or Surgeon, in case there shall be a Visiting Physician or Surgeon, may be properly placed in an Asylum for chronic Lunatics; and one Copy of every such List shall by such Medical Officer, within Fifteen Days after the same shall have been prepared, be laid before the Visitors of the Asylum, and another shall be transmitted by such Medical Officer to the Clerk of the Peace of every or any County and every or any Borough to which such Asylum solely or jointly belongs, to be by him laid before the Justices of such County or Borough; and another Copy of such List shall within the same Time be transmitted by such Medical Officer to the Commissioners in Lunacy; and the Medical Officer of every Asylum subject to the Provisions of this Act, receiving private Patients, shall also on the First Day of *January* and the First Day of *July* in every Year prepare a List containing the Christian and Surnames of all the private Patients in such Asylum in the Form No. 2. in the said Schedule (C.), and shall transmit such List within the same Time as aforesaid to the Commissioners in Lunacy.

Clerks of Boards of Guardians, and Overseers where no Guardians, to make annual Returns of Pauper Lunatics.

XLVII. And be it enacted, That the Clerk of the Board of Guardians of every Parish and Union under a Board of Guardians, and the Overseers of every Parish not under a Board of Guardians, shall on the First Day of *January* in every Year, or as soon after as may be, make out and sign a true and faithful List of all Lunatics chargeable to the Parish or Union, in the Form in Schedule (D.) hereunto annexed, and shall on or before the First Day of *February* next succeeding lay one Copy of such List before the Visitors of the Asylum of the County in which such Union or Parish is situate, and shall transmit one Copy of such List to the Clerk of the Peace of the County or the Clerk of the Justices of the Borough within which the Parish to which each such Lunatic is chargeable is situated, to be by him laid before the Justices acting for such County at their next General or Quarter Sessions, or before the Justices of the Borough, another Copy of such List to the Commissioners in Lunacy, and another Copy thereof to the Poor Law Commissioners; and so much of the Act passed in the Sixth Year of the Reign of Her present Majesty Queen *Victoria*, continuing the Poor Law Commission, as requires the Clerk to every Board of Guardians to make out a Return of such Lunatics as aforesaid on the Fifteenth Day of *August* in every Year shall, from the passing of this Act, be repealed.

Medical Officer to give Notice of any chargeable Pauper deemed to be lunatic to Parish Officers, who are to have every Lunatic whom they shall know of, by such Notice or otherwise, examined and sent to an Asylum.

XLVIII. And be it enacted, That the Medical Officer of every Parish and Union who shall have Knowledge that any Person chargeable to such Parish, or to any Parish within such Union, is or is deemed to be lunatic, shall within Three Days after obtaining such Knowledge give Notice thereof in Writing to the Overseers of the Poor of the Parish, if the Parish be not within an Union, and to the Relieving Officer of the Union if the Parish be within an Union; and every such Overseer and Relieving Officer who shall have Knowledge, either by such Notice or otherwise, that any Person chargeable to the Parish of such Overseer, or to any Parish within the Union of such Relieving Officer, is deemed to be lunatic, shall within Three Days after obtaining such Knowledge give Notice thereof to some Justice of the County or Borough within which such Parish is situate, and thereupon the said Justice shall by an Order under his Hand and Seal require the Overseer or Relieving Officer of the Parish or Union to bring such Person before him or some other Justice of the said County or Borough, at such Time and Place within Three Days from the Time of such Notice being given to such Justice as shall be appointed by the said Order; and the said Justice before whom such Person deemed to be a Lunatic shall be brought shall call to his Assistance a Physician, Surgeon, or Apothecary, and examine such Person; and if upon View or personal Examination of such Person, or from other Proof, such Justice shall be satisfied that such Person is lunatic, and such Physician, Surgeon, or Apothecary, not being the Medical Officer of such Union or Parish, shall sign a Certificate according to the Form in Schedule (E.) No. 1. to this Act annexed, that such Person is a Lunatic, Idiot, or Insane Person, or a Person of unsound Mind, such Justice shall, by an Order under his Hand according to the Form in the said Schedule (E.) No. 1. to this Act annexed, direct such Person to be received into the Asylum of the County or Borough in which such Parish is situate, or if there be no such Asylum, or such Asylum be full, then into some House duly

duly licensed, or some Hospital registered for the Reception of Lunatics; and such Overseer or Relieving Officer shall immediately convey or cause the said Lunatic to be conveyed to such Asylum, House, or Hospital, and such Lunatic shall be received and confined therein: Provided always, that if any Person deemed to be lunatic cannot, on account of his Health or other Cause, be safely taken before any Justice, such Person may be examined at his own Abode or elsewhere by One Justice, or by an officiating Clergyman of the Parish in which he shall be resident, together with an Overseer of such Parish, or the Relieving Officer of the Union to which the same shall belong; and such Justice or such Clergyman, together with an Overseer or Relieving Officer, shall call to their Assistance a Physician, Surgeon, or Apothecary, and visit such Person deemed to be lunatic; and if upon View or personal Examination such Justice or Clergyman shall be satisfied that such Person is lunatic, and such Physician, Surgeon, or Apothecary shall sign a Certificate, according to the Form in the said Schedule (E.) No. 1., that such Person is a Lunatic, Idiot, Insane Person, or Person of unsound Mind, such Justice or such Clergyman, together with an Overseer or Relieving Officer, shall, by an Order under his or their Hand or Hands according to the Form in the said Schedule (E.) No. 1., direct such Person to be received into the Asylum for the County or Borough in which such Parish is situate, or if there be no such Asylum, or such Asylum be full, then into some House licensed or Hospital registered for the Reception of Lunatics, and such Overseer or Relieving Officer shall immediately convey or cause the said Lunatic to be conveyed to such Asylum, House, or Hospital, and such Lunatic shall be received and confined therein: Provided also, that if the Physician, Surgeon, or Apothecary by whom any such Person shall be examined shall certify in Writing that he is not in a fit State to be removed, the Removal of such Person shall be suspended until the same or some other Physician, Surgeon, or Apothecary shall certify in Writing that such Person is fit to be removed; and every such Physician, Surgeon, and Apothecary is required to give such last-mentioned Certificate so soon as in his Judgment it ought to be given.

Provisions as to wandering Lunatics, and Lunatics not chargeable, and not under proper Care.

XLIX. And be it enacted, That every Overseer or Relieving Officer of a Parish or Union, who shall have Knowledge that any Person wandering within his District, Parish, or Union is deemed to be a Lunatic, such Overseer or Relieving Officer shall immediately apprehend or take or cause such Person to be apprehended and taken before a Justice; and every Overseer or Relieving Officer who shall have Knowledge that any Person within his District, Parish, or Union, not being chargeable to any Parish, is deemed to be a Lunatic, and is under the Care of a Relative or other Person who neglects or cruelly treats him, so that he is not properly taken care of, such Overseer or Relieving Officer shall, within Three Days after obtaining such Knowledge as last aforesaid, give Notice thereof to some Justice of the County or Borough within which such District, Parish, or Union is situate; and thereupon the said Justice shall, if he shall think fit, in case such Notice shall be given in Writing, and upon the Oath of the Person giving the same, by an Order under his Hand and Seal require the Overseer or Relieving Officer of such District, Parish, or Union to bring such Person before him and some other Justice of the same County or Borough, at such Time and Place, within Three Days from the Time of such Notice being given to such Justice, as shall be appointed by the said Order; and such Justice before whom such wandering Lunatic, or such Two Justices before whom such Lunatic not being chargeable, shall be taken, shall call to his or their Assistance a Physician, Surgeon, or Apothecary, and one of the Overseers or the Relieving Officer of the Parish or Union in which such Person has been apprehended or taken, and shall examine such Person; and if upon View or personal Examination of such Person, or from other Proof, the said Justice or Justices shall be satisfied that such Person is lunatic, and if not so chargeable as aforesaid has been neglected or cruelly treated by the Relatives or other Person under whose Care he is, and if such Physician, Surgeon, or Apothecary shall sign a Certificate, according to the Form in the said Schedule (E.) No. 1. to this Act annexed, that such Person is a Lunatic, Idiot, Insane Person, or Person of unsound Mind, such Justice or Justices shall, if he or they think fit, by an Order under his or their Hand or Hands according to the Form in the said Schedule (E.) No. 1. to this Act annexed, direct such Person to be received into the Asylum of the County or Borough within which such Person shall have been apprehended or taken, or if there be no such Asylum, or such Asylum be full, then into some licensed House or registered Hospital; and such Overseer or Relieving Officer shall immediately convey or cause such Lunatic to be conveyed to such Asylum, House, or Hospital, and such Lunatic shall be received and confined therein: Provided always, that if any such Person as last aforesaid deemed to be lunatic cannot, on account of his Health or other Cause, be safely brought before any Justice or Justices as aforesaid, such Person may be examined at his own Abode or elsewhere by One Justice in the Case of a wandering Lunatic, and by Two Justices in the Case of a Lunatic not being chargeable; and such Justice or Two Justices shall call to his or their Assistance a Physician, Surgeon, or Apothecary, and visit such Person deemed to be lunatic; and if upon View or personal Examination such Justice or Justices shall be satisfied that such Person is lunatic, and if not so chargeable as aforesaid has been neglected or cruelly treated by the Relatives or other Person under whose Care he is, and if such Physician, Surgeon, or Apothecary shall sign a Certificate, according to the Form in the said Schedule (E.) No. 1., that such Person is a Lunatic, Idiot, Insane Person, or Person of unsound Mind, such Justice or Justices shall, by an Order under his or their Hand or Hands according to the Form in the said Schedule (E.) No. 1., direct such Person to be received into the Asylum for the County or Borough in which such Parish is situate, or if there be no such Asylum, or such Asylum be full, then into some licensed House or Hospital registered for the Reception of Lunatics; and such Overseer or Relieving Overseer shall immediately convey or cause the said Lunatic to be conveyed to such Asylum, House, or Hospital, and such Lunatic shall be received and confined therein; and the Justice or Justices

by whose Order such Lunatic shall be sent to an Asylum, or any Two Visiting Justices of the Asylum to which he shall be sent, shall make an Order upon the Treasurer of the Guardians of the Union in which the Parish shall be situate from which he shall have been taken, or upon the Overseer or Overseers of the Parish from which he shall have been taken, for the Charges of the Examination, Removal, Lodging, Maintenance, Clothing, Medicine, and Care of such Lunatic, and in case it shall afterwards appear that such Lunatic is chargeable to any other Parish, then upon the Treasurer of the Guardians of the Union in which such other Parish is situate, or upon the Overseers of such other Parish: Provided also, that if the Physician, Surgeon, or Apothecary by whom any such Person shall be examined shall certify in Writing that he is not in a fit State to be removed, the Removal of such Person shall be suspended until the same or some other Physician, Surgeon, or Apothecary shall certify in Writing that such Person is fit to be removed; and every such Physician, Surgeon, and Apothecary is hereby required to give such last-mentioned Certificate as soon as in his Judgment it ought to be given: Provided always, that if it shall appear to the said Justice or Justices, or any Two Visiting Justices of the Asylum in which any such Lunatic is confined, that such Lunatic hath an Estate applicable to his Maintenance, and more than sufficient to maintain his Family, if any, it shall be lawful for such Justice or Justices, if they or he shall think fit, to make an Application in Writing under his or their Hand and Seal or Hands and Seals to the nearest Relative or Friend of such Lunatic, for the Payment of the Costs of the Removal, Examination, and Maintenance of such Lunatic; and in case such Costs shall not be paid within Six Months after such Application, it shall be lawful for such Justice or Justices, if he or they shall think fit, by an Order under his or their Hand and Seal or Hands and Seals, to direct the Overseers of any Parish where any Goods, Chattels, Lands, or Tenements of such Lunatic shall be, to seize and sell so much of the Goods and Chattels or take and receive so much of the Rents or Profits of the Lands and Tenements of such Lunatic as may be necessary to pay the Charges of the Removal, Lodging, Maintenance, Clothing, Medicine, and Care of such Lunatic, accounting for the same to such Justice or Justices, such Charges having been first proved to the Satisfaction of such Justice or Justices, and the Amount set forth in such Order; and if any Trustee or other Person having the Possession, Custody, or Charge of any Property of such Lunatic, or if the Governor and Company of the Bank of *England*, or any other Person or Persons having in his or their Hands any Stock, Interest, Dividend, or Annuity belonging or due to such Lunatic, shall, upon the Production of the Order of such Justice or Justices, pay the whole or any Part thereof to any Overseer or Relieving Officer, to defray the Charges set forth in such Order, the Receipt of such Overseer or Relieving Officer shall be a good Discharge to such Trustee, Governor, and Company, or other Person as aforesaid: Provided always, that nothing herein contained shall be construed to extend to restrain or prevent any Relation or Friend from retaining or taking such Lunatic under his own Care, if such Relation or Friend shall satisfy the Justice or Justices before whom such Lunatic shall be brought, or the Visitors of the Asylum in which such Lunatic is or is intended to be confined, that such Lunatic will be properly taken care of.

Penalties on Medical Officers, Overseers, &c. omitting to give Notice as aforesaid.

L. And be it enacted, That if any Medical Officer of any Union or Parish as aforesaid shall omit, for more than Three Days after obtaining Knowledge of any chargeable Pauper being deemed to be lunatic as aforesaid, to give such Notice thereof as is herein-before required, or if any Overseer or Relieving Officer as aforesaid shall omit, for more than Three Days after obtaining Knowledge of any chargeable Pauper or other Person not chargeable being deemed to be lunatic as aforesaid, to give Notice thereof to a Justice as aforesaid, or if any Constable, Overseer, or Relieving Officer shall omit to apprehend and take such wandering Person deemed to be lunatic as aforesaid, such Medical Officer, Overseer, Relieving Officer, or Constable, as the Case may be, shall for every such Offence forfeit the Sum of Ten Pounds.

No Paupers to be received into any Asylum without a certain Order and Certificate.

LI. And be it enacted, That no Pauper or other such Person as is herein-before mentioned shall be received into any Asylum, registered Hospital, or licensed House, without an Order and Statement, according to the Form and stating the Particulars required in the said Schedule (E.) No. 1., under the Hands of One Justice, or an officiating Clergyman, with One of the Overseers or the Relieving Officer of the Parish or Union for which such Pauper or other Person shall be sent as aforesaid, nor without a Medical Certificate according to the Form in the said Schedule (E.) No. 1., signed by One Physician, Surgeon, or Apothecary, and dated not more than Seven clear Days previous to the Reception of such Patient; and every Person who shall receive any Pauper or other such Person as is herein-before mentioned into any Asylum without such Order and Medical Certificate shall be deemed guilty of a Misdemeanor.

No Person, not being a Pauper, to be received into an Asylum without an Order and Two Medical Certificates.

LII. And be it enacted, That no Person other than a Pauper, or such other Person as is herein-before mentioned, shall be received into any Asylum without an Order under the Hand of some Person, according to the Form and containing the Particulars required in Schedule (E.) No. 2., to this Act annexed, nor without the Medical Certificate, according to the Form and containing the Particulars required in Schedule (E.) No. 2. annexed to this Act, of Two Persons, each of whom shall be a Physician, Surgeon, or Apothecary, and who shall not be in Partnership, and each of whom shall separately from the other have personally examined the Person to whom it relates, not more than Seven clear Days previously to the Reception of such Person into such Asylum, and shall have signed and dated the same on the Day on which such Person shall have been so examined; and every Person who shall receive or detain any Person not a Pauper in any Asylum without such Order and Medical Certificate as aforesaid shall be guilty of a Misdemeanor: Provided always, nevertheless, that any Person (not a Pauper or such other Person as herein-before is mentioned) may under special Circumstances be received into any Asylum, upon the Certificate of One Physician, Surgeon, or Apothecary alone, provided that such Order state the special

special Circumstances which have prevented the Person from being examined by Two Medical Practitioners; but in every such Case such Certificate shall be further signed by some other Physician, Surgeon, or Apothecary, within Three Days after the Reception of such Patient into such Asylum; and every Person who, having received any Person into any Asylum as aforesaid, upon the Certificate of One Medical Practitioner alone, as aforesaid, shall keep or permit such Person to remain in such Asylum beyond the said Period of Three Days without such Certificate having been further signed as aforesaid, shall be guilty of a Misdemeanor.

A Medical Practitioner signing untrue Certificate guilty of a Misdemeanor.

LIII. And be it enacted, That any Physician, Surgeon, or Apothecary who shall knowingly sign any such Medical Certificate as aforesaid which shall untruly state any of the Particulars required by this Act shall be guilty of a Misdemeanor; and that no Certificate signed by any Medical Officer of the Asylum into which the Lunatic is received shall be of any Avail, or be deemed to be in compliance with the aforesaid Provisions regarding such Certificate.

Every Pauper to be in the first place taken to the principal Asylum of the County or Borough, if Circumstances admit.

LIV. And be it enacted, That every such Order by a Justice, or Clergyman, and Overseer or Relieving Officer as aforesaid, for the Reception of a Lunatic into an Asylum, shall extend to his Admission not only into the principal Lunatic Asylum of the County or Borough, Counties or Boroughs, but also into any other Asylum for the Reception of Pauper Lunatics of such County or Borough, and also to any Asylum for any other County or Borough, or any House licensed or Hospital registered for the Reception of Lunatics: Provided always, that every Lunatic shall under every such Order as last aforesaid be taken, in the first place, to the principal Asylum of the County or Borough in which the Parish or Place from which he is sent shall be situate, and shall there be kept, unless there be no such Asylum, or there is a Deficiency of Room in such principal Asylum, or unless there shall be some special Circumstances whereby such Pauper cannot conveniently be taken in the first place to such principal Asylum, which Deficiency of Room or special Circumstance shall be stated in Writing upon the Order for the Reception of such Lunatic into any Asylum, registered Hospital, or House other than the principal Asylum aforesaid; and that no such Lunatic shall be sent to or detained in any registered Hospital or House licensed for the Reception of Lunatics, except there shall be no Asylum, or no Asylum in which he can be received, or there shall be some special Circumstances whereby he cannot be taken thereto, which shall be stated in like Manner as aforesaid; and it shall be lawful for any Two Visiting Justices of any Asylum, by an Order in Writing under their Hands and Seals, to direct any Overseer or Relieving or other Officer of any Parish, Union, County, or Borough contributing to any Asylum to remove any Pauper Lunatic chargeable to such Parish, Union, County, or Borough now or at any Time hereafter being in any registered Hospital, or House licensed for the Reception of Lunatics therefrom, to an Asylum subject to the Regulations of this Act; and such Lunatic shall be removed at the Expence of such Parish, Union, County, or Borough accordingly; and every such Overseer or Relieving or other Officer as aforesaid who shall for the Space of Fourteen Days after the Date of any such Order neglect or refuse to remove any Lunatic according to such Order, and every Officer or Proprietor of any registered Hospital or licensed House who shall refuse to permit any such Removal, shall forfeit for every such Offence any Sum not more than Twenty nor less than Two Pounds.

Every Pauper Lunatic, not being in an Asylum or House licensed for the Purpose, shall be visited Once in every Three Months by a Medical Man, and returned in a List to the Clerk of the Peace and the Commissioners in Lunacy.

LV. And be it enacted, That every Pauper Lunatic chargeable to any Parish, who shall not be in an Asylum or a registered Hospital, or a House duly licensed for the Reception of Pauper Lunatics, shall be visited once in every Three Months by the Medical Officer of the Parish or Union to which such Lunatic shall belong; and a List of all such Lunatics shall be sent once in every Three Months by such Medical Officer to the Clerk of the Peace of the County or Borough to which such Lunatic shall belong, or in which he shall be resident, to be by him laid before the Justices acting for such County at their next General or Quarter Sessions, or before the Justices of such Borough, and to the Visitors of the Asylum for the County in which such Parish or Union shall be situate, and to the Commissioners in Lunacy, according to the Form in Schedule (F.) to this Act annexed; and the said List shall state whether any such Lunatic is or is not, in the Opinion of such Medical Officer, fit to be at large, and is properly taken care of; and such List of such Lunatics shall be prepared and signed by the Medical Officer required to make the same: Provided nevertheless, that after an Asylum shall be established for any County or Borough under the Provisions of this Act no Pauper who shall have lately become lunatic (whether such Pauper shall or shall not have been previously confined in an Asylum) shall be received, lodged, or detained in any House or Place other than a County or Borough Lunatic Asylum, or a public Hospital, or a House duly licensed for the Reception of Pauper Lunatics, for a longer Period than shall be requisite for obtaining an Order for the Removal of such Lunatic to such Asylum; and if any Medical Officer shall return any such Pauper in any such List as fit to be at large, or shall knowingly sign any such List, untruly setting forth any of the Particulars required by this Act, he shall for every such Offence forfeit any Sum not less than Ten and not exceeding Fifty Pounds.

Power to Visitors to remove Paupers to an Hospital for chronic Lunatics, and to provide further Room, if necessary, for curable Lunatics.

LVI. And be it enacted, That with a view to make room in the principal Lunatic Asylum for any County or Borough, Counties or Boroughs, for Patients deemed capable of Cure, it shall be lawful for any Three of the Visitors thereof, by Writing under their Hands and Seals, from Time to Time to cause to be removed from such principal Asylum to some other Asylum, registered Hospital, or licensed House any Pauper Lunatic who shall have been returned in the Lists herein-before required to be made by the Medical Officer of such principal Asylum as a proper Patient to be removed to an Asylum for chronic Lunatics, and also at any Time in like Manner to send to the principal Asylum any Pauper Lunatic who shall be confined in the Asylum for chronic Lunatics, or in some Hospital or licensed House; and in case at any Time there shall not be in the principal Asylum of any County or Borough, Counties or Boroughs, any Pauper

Pauper Lunatic who shall have been returned in such Lists, the Medical Officer of such Asylum shall, by Writing under his Hand, report such Fact to the Justices of the County or Borough, Counties or Boroughs to which such Asylum shall solely or jointly belong, and to the Commissioners in Lunacy, who shall thereupon report the same to One of Her Majesty's Principal Secretaries of State; and it shall also be lawful for the Commissioners in Lunacy, or any Two of them, by Writing under their Hands and Seals, to direct that any Lunatic, and whether returned in such Lists as last aforesaid or not, shall be removed from the principal Asylum to an Asylum for chronic Lunatics, or Hospital or licensed House, or from an Asylum for chronic Lunatics, or Hospital or licensed House, to the principal Asylum, and every such Lunatic shall be removed accordingly by the Visiting Justices of every such Asylum, and no further Certificate shall be necessary for any such Removal.

Every Pauper Lunatic deemed to be settled in the Parish from whence sent till adjudged to be settled in some other Parish.

LVII. And be it enacted, That when any Pauper Lunatic shall be confined under the Provisions of this Act he shall, for the Purposes of this Act, be deemed to belong to and continue chargeable to the Parish from which, or at the Instance of some Officer or Officiating Clergyman of which, he shall have been sent, until such Parish shall in due Course of Law, as in the Case of any other Pauper, have established that such Lunatic is settled in some other Parish, or that it cannot be ascertained in what Parish such Lunatic is settled, and that every Pauper Lunatic who is chargeable to any Parish shall, whilst he shall reside in an Asylum, be deemed, for the Purposes of his Settlement, to be residing in the Parish to which he is chargeable.

Two Justices may inquire into and adjudge the Settlement of a Lunatic.

LVIII. And be it enacted, That it shall be lawful for any Two Justices for the County or Borough in which any Asylum, registered Hospital, or licensed House is situate, or to which such Asylum shall wholly or in part belong, or from any Part of which any Pauper Lunatic shall have been sent, at any Time to inquire into the last legal Settlement of any Pauper Lunatic confined or ordered to be confined therein; and if satisfactory Evidence can be obtained as to such Settlement in any Parish, Township, or Place, such Justices shall, by Order under their Hands and Seals, adjudge such Settlement accordingly.

Mode of determining that a Pauper Lunatic is chargeable to a County.

LIX. And be it enacted, That if any Pauper Lunatic shall not be settled in the Parish by which, or at the Instance of some Officiating Clergyman or Officer of which, he shall be sent to any Asylum, registered Hospital, or licensed House, and it cannot be ascertained in what Parish such Pauper Lunatic is settled, the Relieving Officer of the Union in which such first-mentioned Parish is situate, or the Overseers of such first-mentioned Parish, shall give Notice to the Clerk of the Peace of the County in which such Lunatic was found to appear for such County before Two Justices thereof, at a Time and Place to be appointed in such Notice; and such Two Justices, or any Two or more Justices of such County, may then and there, upon the Appearance of such Clerk of the Peace, or any one on his behalf, or in case of his Nonappearance, upon Proof of his having been served with such Notice, inquire into the Circumstances of the Case, and unless the contrary be shown shall adjudge such Pauper Lunatic to be chargeable to such County: Provided always, that it shall be lawful for such Two Justices to direct such Inquiry to be made to ascertain the Parish in which any Pauper is settled, as they shall think fit, and to delay adjudging a Pauper to be chargeable to any County until such further Inquiry shall have been made; and provided also, that every County to which any Pauper Lunatic shall be adjudged to be chargeable as aforesaid may at any Time thereafter inquire as to the Parish in which such Lunatic is settled, and may procure such Lunatic to be adjudged to be settled in any Parish.

In Cases of Inquiries and Appeals, Guardians and Officers interested to have access to the Lunatic.

LX. And be it enacted, That in every Case of an Inquiry, Investigation, Dispute, or Appeal as to the Parish in which a Pauper Lunatic is settled, the Guardians, Clerks of the Guardians, Relieving Officers, and Overseers of every Union including any Parish, or of any Parish, which Parish respectively is interested in such Inquiry, Investigation, Dispute, or Appeal, and every Person duly authorized by them respectively, and the Clerk of the Peace of any County interested in such Inquiry, Investigation, Dispute, or Appeal, and every Person duly authorized by such Clerk of the Peace, shall at all reasonable Times be allowed free Access in the Presence of the Medical Attendant to the Lunatic to examine him as to the Premises.

Justices to make an Order upon the Officers of Unions and Parishes for Maintenance of Lunatics.

LXI. And be it enacted, That it shall be lawful for the Justice or Justices by whom any Lunatic shall be sent to an Asylum, registered Hospital, or licensed House, under the Powers of this Act, or for any Two Justices being Visitors of any Asylum to which a Lunatic shall be sent or removed, to make an Order upon the Treasurer of the Guardians or other Officer of the Union or Parish, or the Overseers of the Parish from which, or at the Instance of any Officer or Clergyman of which, such Lunatic shall have been sent or removed, for Payment to the Treasurer, Officer, or Proprietor of the Asylum, registered Hospital, or licensed House of the reasonable Charges of the Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic in such Asylum, Hospital, or House; and every Treasurer of the Guardians or Overseer on whom such Order shall be made shall, out of any Monies which may come into his Hands by virtue of his Office, from Time to Time pay to the said Treasurer, Officer, or Proprietor the Charges aforesaid.

If Lunatic adjudged to belong to some other Parish, Justices to make Orders upon such other Parish, or the Union to which it belongs, for his Maintenance

LXII. And be it enacted, That if, after any Lunatic shall have been sent to an Asylum, registered Hospital, or licensed House, it shall be adjudged that such Lunatic is settled in a Parish different from the Parish from which, or at the Instance of some Clergyman or Officer of which, he was sent to such Asylum, Hospital, or House, then and in such Case it shall be lawful for any Two Justices of the County from any Part of which any Lunatic shall have been sent, or for any Two Justices, Members of the Committee of Visitors of such Asylum, to make an Order or Orders upon the Treasurer of the Guardians of the Union, including any Parish, or of any Parish or the Overseers of the Parish in which such Lunatic shall be so adjudged to be settled, for Payment to the Treasurer of the Guardians or Overseers of the first-mentioned Union or Parish of all Expences incurred by or on behalf of such Union

or

or Parish in or about the Examination of such Lunatic, and his Conveyance to the Asylum, Hospital, or House, and of all Monies paid by the Treasurer of the Guardians, or the Overseers of such first-mentioned Union or Parish, to the Treasurer, Officer, or Proprietor of the Asylum, registered Hospital, or licensed House for the Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic, and incurred within Twelve Calendar Months previous to the Date of such Order, and also for Payment to the Treasurer, Officer, or Proprietor of the Asylum, registered Hospital, or licensed House, of the reasonable Charges of the future Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic; and every Treasurer of the Guardians or Overseer on whom any such last-mentioned Order shall be made shall, out of any Money which may come into his Hands by virtue of his Office, immediately pay to the Treasurer of the Guardians or Overseers of such first-mentioned Union or Parish the Amount of the Expences and Monies by such Order directed to be paid to him or them, and from Time to Time pay to the said Treasurer, Officer, or Proprietor of the Asylum, registered Hospital, or licensed House the future Charges aforesaid: Provided always, that the Guardians of any Union or Parish, or the Overseers of any Parish, Township, or Place, affected by such Order, may appeal against the same in like Manner as if the same were a Warrant of Removal; and in case of such Appeal the Guardians of the Union or Parish, or the Overseers of the Parish, Township, or Place, or the Clerk of the Peace of the County to which such Lunatic was chargeable before such Order was made, may defend such Appeal, and the Persons appealing or intending to appeal, and the Persons defending such Appeal, shall have all the same Powers, Rights, and Privileges, and be subject to the same Obligations, in all respects as in the Case of an Appeal against a Warrant of Removal.

If it is ascertained that a Lunatic is chargeable to a County, the Justices to make Order upon the Treasurer of such County for his Maintenance.

LXIII. And be it enacted, That if, either before or after any Lunatic shall have been sent to an Asylum, registered Hospital, or licensed House, it shall be ascertained or adjudged in due Course of Law that such Lunatic is chargeable to a County, it shall be lawful for any Two Justices, Members of the Committee of Visitors of such Asylum, or any Two Justices of the County in which such Asylum, registered Hospital, or licensed House is situate to make an Order or Orders upon the Treasurer of such County so chargeable as aforesaid for Payment to the Treasurer of the Guardians or Overseers of any Union or Parish of all Expences incurred by or on behalf of such Union or Parish in or about the Examination of such Lunatic, and his Conveyance to the Asylum, registered Hospital, or licensed House, and of all Monies paid by the Treasurer of the Guardians or Overseers of such Union or Parish to the Treasurer or an Officer or Proprietor of the Asylum, registered Hospital, or licensed House, for the Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic, and incurred within Twelve Calendar Months previous to the Date of such Order, and also for Payment to the Treasurer, Officer, or Proprietor of the Asylum, registered Hospital, or licensed House of the reasonable Charges of the future Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic; and every such Treasurer of a County on whom any such Order shall be made shall, out of any Monies which may come into his Hands by virtue of his Office, immediately pay to the Treasurer of the Guardians or the Overseers of such Union or Parish the Amount of the Expences and Monies by such Order directed to be paid to him or them, and from Time to Time pay to the said Treasurer, Officer, or Proprietor of the Asylum, registered Hospital, or licensed House the future Charges aforesaid.

Provision for the Reimbursement to a County of Monies paid on account of a Lunatic afterwards adjudged to belong to any Parish.

LXIV. And be it enacted, That if after any Lunatic shall have been sent to an Asylum, registered Hospital, or licensed House as aforesaid, and shall have been adjudged in due Course of Law to be chargeable to a County, such County shall afterwards procure in due Course of Law such Lunatic to be adjudged to be settled in any Parish, it shall be lawful for any Two Justices, Members of the Committee of Visitors of such Asylum, or any Two Justices of the County in which such Asylum, registered Hospital, or licensed House is situate, to make an Order upon the Treasurer of the Guardians of the Union, including any Parish, or of any Parish, or the Overseers of any Parish, for Payment to the Treasurer of the said County of all Expences and Monies paid by such last-mentioned Treasurer as herein-before is provided, and incurred within Twelve Calendar Months previous to such Order, and also for Payment to the Treasurer or Officer or Proprietor of the Asylum, registered Hospital, or licensed House of the reasonable Charges of the future Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic; and every such Treasurer of the Guardians or Overseer on whom any such Order shall be made shall, out of any Monies which may come into his Hands by virtue of his Office, immediately pay to the Treasurer of such County the Amount of the Expences and Monies by such Order directed to be paid to him, and from Time to Time pay to the said Treasurer, Officer, or Proprietor of the Asylum, registered Hospital, or licensed House the future Charges aforesaid.

Visitors may discharge a Lunatic on a Relative or Friend undertaking that he shall be no longer chargeable, &c.

LXV. And be it enacted, That in any Case where Application shall be made to the Committee of Visitors of any Asylum by any Relative or Friend of a Pauper Lunatic confined therein, requiring that he may be delivered over to the Custody and Care of such Relative or Friend, it shall be lawful for any Three Members of the Committee of Visitors aforesaid, if they shall think fit, and upon the Undertaking in Writing of such Relative or Friend to the Satisfaction of such Visitors that such Lunatic shall be no longer chargeable to any Union, Parish, County, or Borough, and shall be properly taken care of, and shall be prevented from doing Injury to himself or others, to discharge such Lunatic.

Justices to make Orders out of their respective Jurisdictions.

LXVI. And be it enacted, That it shall be lawful for any Justices, being Members of the Committee of Visitors of any Asylum, to make any such Order as aforesaid upon the Treasurer of the Guardians or Overseer of any Union or Parish, although such Union or Parish may not be within the Jurisdiction of such Justices, and that any such Justices may make any such Order as aforesaid upon the Treasurer of any County or Borough, although such Justices shall not have Jurisdiction therein.

LXVII. And

Persons aggrieved by an Order or Refusal may appeal to the Sessions.

LXVII. And be it enacted, That if any Person shall feel aggrieved by any Refusal of an Order of any Justice or Justices as aforesaid, such Person may appeal to the Justices at the next General or Quarter Sessions of the Peace for the County or Borough where the Matter of Appeal shall have arisen, the Person so appealing having given to the Justice or Justices against whom such Appeal shall be made Fourteen Days Notice of the Intention to make such Appeal, and the said Justices at such Sessions are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and such Determination as they shall make shall be final and conclusive to all Intents and Purposes whatsoever.

Money ordered to be paid by any Clerk, Overseer, Relieving Officer, or Treasurer to be levied (in case of Neglect to pay) by Distress.

LXVIII. And be it enacted, That if any Treasurer of a Board of Guardians, or any Relieving Officer or Overseer, or any Treasurer of any County, upon whom any Order of Justices for the Payment of Money under the Provisions of this Act shall have been made, shall, for the Space of Twenty Days next after due Notice of such Order, refuse or neglect to pay the Money so ordered to be paid, the said Money, together with the Expences of recovering the same, shall be recovered by Distress and Sale of the Goods of the Treasurer, Overseer, or Relieving Officer so refusing or neglecting, or any of them, by Warrant under the Hands and Seals of any Two Justices hereby authorized to make the Order for Payment of the Money aforesaid, or by an Action at Law against such Treasurer, Overseer, or Relieving Officer; and in case of any Action no Objection shall be taken to any Default or Want of Form in any Order of Admission or Maintenance, or in any Certificate or Adjudication under this Act, if such Order or Adjudication shall not have been appealed against, or if appealed against shall have been affirmed.

Power for Medical Persons, Guardians, and Overseers of Unions and Parishes to visit Pauper Patients of such Unions and Parishes confined in any Asylum.

LXIX. And be it enacted, That any Physician, Surgeon, or Apothecary to be appointed by the Guardians of any Union or Parish, or the Overseers of any Parish, and also the Guardians or any appointed Member of the Guardians of any Union or Parish, and also the Overseers of any Parish, shall be permitted, whenever they shall see fit, between the Hours of Eight in the Morning and Six in the Evening, to visit and examine any or every Pauper Lunatic belonging to such Union or Parish confined in any Asylum, registered Hospital, or licensed House: Provided always, that if the Medical Officer of any Asylum shall be of opinion that it will be injurious to any Lunatic to permit such Visit and Examination, and such Medical Officer shall state in Writing the Reasons why such Lunatic should not be visited and examined, and shall sign such Statement, and deliver the same to the Person or Persons so requiring to visit and examine such Lunatic, then and in such Case it shall be lawful for such Medical Officer to refuse such Visit and Examination.

When any Asylum can accommodate more than the Lunatics of the County or Borough, Visitors may order the Admission of other Lunatics.

LXX. And be it enacted, That whenever it shall appear to the Committee of Visitors of any Asylum that such Asylum is more than sufficient for the Accommodation of all the Pauper Lunaties of the County or Borough, Counties or Boroughs for which the same shall have been provided, the Committee of Visitors shall give Notice thereof by Advertisement in some Newspaper commonly circulated in such County or Borough, Counties or Boroughs, and it shall be lawful for such Visitors, and also for the Justices of a County or Counties in General or Quarter Sessions for such County or Counties, and the Justices of a Borough or Boroughs, at a special Meeting or Meetings, (subject nevertheless and without Prejudice to any Agreement in that Behalf with any voluntary Subscribers,) to make an Order for the Admission of so many Pauper Lunatics of any other County or Borough as to them shall seem expedient, under the Conditions and Regulations following; (that is to say,) that no such Lunatic shall be admitted into such Asylum without an Order and One Certificate according to the Form in Schedule (E.) No. 1., and endorsed by a Visitor of the said Asylum, or a Justice of some County or Borough to which such Asylum solely or jointly belongs, nor without an Undertaking by the Minute of the Guardians or signed by Two of the Overseers of the Union or Parish to which such Lunatic shall belong for the due Payment of the weekly Allowance and other Expences attendant upon the Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic during his Continuance in such Asylum, as well as for the Removal of such Lunatic from such Asylum within Three Days after due Notice given in Writing by the Superintendent of such Asylum: Provided always, that the Provision for the Maintenance of such Lunatics to be so admitted shall be fixed by the Visitors at such Rate as shall in their Judgment be sufficient to cover every Expence liable to be incurred on account of each such Lunatic, or at any higher Rate; but that so much of such Rate as shall exceed the Sum usually charged at such Asylum for the Maintenance of any Pauper Lunatic belonging to the County or Borough for which such Asylum shall be erected, or any Parish situate therein, shall be deemed to be and shall be leviable as any Monies hereby directed to be raised for erecting and providing an Asylum for any County or Borough.

Discharge and Removal of Lunatics from Asylums.

LXXI. And be it enacted, That it shall be lawful for any Three Members of the Committee of Visitors of any Asylum, by Writing under their Hands and Seals, to order the Removal or Discharge of any Person confined in any such Asylum, whether such Person shall be recovered or not, and also for any Three Members of the Committee of Visitors, by Writing under their Hands and Seals, by and with the Advice and Consent in Writing of the Medical Officer of such Asylum, to permit any Person who shall be confined in such Asylum, and shall be deemed convalescent, to be absent either wholly or partly from the Asylum, upon Trial, for such Period not exceeding One Month as such Visitors shall think fit, and to make such Allowance to such Person, not exceeding the Sum which he would cost if in the Asylum, which shall be and be deemed his Cost in the Asylum, and also, with the like Consent, to discharge therefrom any Person confined therein, whose Recovery may be certified by such Medical Officer; and every Person who shall have been sent to any Asylum as a Pauper Lunatic shall be safely kept therein until such Order for his Removal, Trial, or Discharge shall have been given as aforesaid; and

and if any Superintendent, Officer, or Servant in any Asylum shall, through wilful Neglect or Connivance, permit such Person in any Case to quit or escape from such Asylum, or be at large without such Order as aforesaid, he shall for every such Offence forfeit and pay any Sum not more than Twenty Pounds nor less than Two Pounds. Penalty on Officers, &c. allowing them to escape, &c.

LXXII. And be it enacted, That on the regular Discharge or Removal of any Pauper from any Asylum the necessary Expences attending the said Discharge or Removal of such Pauper shall be borne by the Union or Parish (if any) to which such Pauper shall then be deemed to belong, as herein-before is provided, or if such Pauper shall then be chargeable to a County as herein-before is provided, then by such County; and such Expences, being proved to the Satisfaction of and allowed by Two Justices for the County in which such Union, Parish, or Asylum shall be situate, or for the County to which such Pauper shall be chargeable, shall be paid by the Guardians or Overseers of such Union or Parish out of the Money raised therein for the Relief of the Poor, or by the Treasurer of such County out of the Rates of such County. Expences of the Removal or Discharge of a Pauper.

LXXIII. And be it enacted, That the Clerk of every Asylum shall, immediately on the Admission of any Person as a Lunatic into such Asylum, make an Entry with respect to such Lunatic in a Book to be kept for that Purpose, to be called "The Register of Patients," according to the Form and containing the Particulars specified in the Schedule (G.) No. 1. to this Act, except as to the Form of Disorder, the Entry as to which is to be supplied by the Medical Officer of the Asylum within One Month after the Admission of the Patient, and after the Second and before the End of the Seventh clear Day from the Day of the Admission of any Person as a Lunatic into any Asylum shall transmit to the Commissioners in Lunacy a Copy of the Order and Certificate or Certificates on which such Lunatic has been so received, together with a Statement to be made and signed by the Medical Officer of the Asylum, according to the Form in the said Schedule (E.) No. 3. to this Act annexed; and any Clerk omitting so to make such Entry, or to transmit such Copy and Statement, within the Time aforesaid, and every Medical Officer omitting to make or sign such Statement, shall for every such Offence forfeit the Sum of Twenty Pounds. Every Clerk receiving a Lunatic into an Asylum to make an Entry thereof in a certain Form. Copies of all Orders and Certificates of Admission, &c., to be transmitted to the Commissioners in Lunacy.

LXXIV. And be it enacted, That in every Asylum the Medical Officer thereof shall once in every Week enter into a Book to be kept for that Purpose, to be called "The Medical Journal," a Statement according to the Form in the said Schedule (G.) No. 3., showing the Number, Sex, and State of Health of all the Patients then in such Asylum, the Christian and Surname of every Patient then under Restraint, Seclusion, or under Medical Treatment, the Condition of the Asylum, and every Death, Injury, and Violence which shall have happened to or affected any Patient since the then last preceding Entry, and shall also enter into a Book, to be called "The Case Book," as soon as may be after the Admission of any Patient, the mental State and bodily Condition of every Patient at the Time of his Admission, and also the History from Time to Time of his Case whilst he shall continue in the Asylum; and such Books shall from Time to Time be regularly laid before the Visitors, for their Inspection and Signature; and every Medical Officer omitting to make such Entries or any of them shall for every such Offence forfeit the Sum of Twenty Pounds. Weekly Medical Journal and Case Book to be kept in every Asylum.

LXXV. And be it enacted, That in case of the Death of any Patient in any Asylum, a Notice and Statement, according to the Form in Schedule (E.) No. 4., of the Cause of the Death of such Patient, and the Name of any Person or Persons who were present at the Death, shall be drawn up and signed by the Clerk and Medical Officer of such Asylum, and a Copy thereof shall be by the Clerk transmitted to the Registrar of Deaths for the District, and to the Clerk of the Peace of the County or Borough, Counties or Boroughs, by which the Asylum is provided, and to the Commissioners in Lunacy, within Forty-eight Hours of the Death of such Patient, and also to the Relieving Officer or the Overseer of the Union or Parish or other Person who shall sign the Statement accompanying the Order for the Admission or Confinement of any Lunatic; and every Medical Officer or Superintendent who shall neglect or omit to draw up, sign, or transmit such Statement as aforesaid shall respectively forfeit and pay any Sum not more than Twenty Pounds nor less than Two Pounds. In case of the Death of a Lunatic, the Cause of Death to be stated, and sent to the Clerk of the Peace and Commissioners in Lunacy.

LXXVI. And be it enacted, That the Clerk of every Asylum shall, within Three clear Days after the Death, Discharge, or Removal of any Patient, make an Entry thereof in the said Register of Patients, according to the Form and containing the Particulars in the said Schedule (G.) No. 2. to this Act; and every such Clerk who shall not, within such Three clear Days after the Death, Discharge, or Removal of every Lunatic as aforesaid, make such Entry as aforesaid, shall forfeit and pay any Sum not less than Two Pounds nor exceeding Ten Pounds; and every such Clerk who shall knowingly and wilfully in such Entry untruly set forth any of the Particulars required shall be guilty of a Misdemeanor. Entries to be made of the Death, Discharge, or Removal of every Lunatic.

LXXVII. And be it enacted, That if any Superintendent, Officer, Nurse, Attendant, Servant, or other Person employed in any Asylum, under the Regulations of this Act, shall in any way abuse, ill-treat, or wilfully neglect any Lunatic confined therein, he shall be deemed guilty of a Misdemeanor. Penalty on Officers ill-treating Lunatics.

LXXVIII. And be it enacted, That every Complaint and Information of and for Offences against this Act, where any pecuniary Penalty is hereby imposed, may be made before One Justice; and such Justice may summon the Person complained of to appear at a Time and Place to be named in such Summons; and if he shall not appear accordingly, and upon Proof of the due Service of the Summons (either personally or by leaving the same at his last or usual Place of Abode), any Two Justices may issue their Warrant for apprehending such Person, and bringing him before any Two Justices; and any Two Justices shall and may, upon the appearing of such Person pursuant to such Summons, or upon such Person being apprehended with such Warrant, hear the Matter of every such Complaint and Information, by Examination Recovery of Penalties, and Application thereof.

tion of any Witnesses upon Oath, and make such Determination thereon as such Justices shall think proper; and upon Conviction of any Person such Justices may, if they shall think fit, reduce the Amount of the Penalty by this Act imposed for such Offence to any Sum not less than One Fourth of the Amount thereof, except where otherwise provided, and shall and may issue a Warrant under their Hands and Seals for levying such Penalty or reduced Penalty, and all Costs and Charges of such Summons, Warrant, Hearing, and all incidental Costs and Charges, by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall be lawful for any such Two Justices to order any Person so convicted to be detained and kept in the Custody of any Constable or other Peace Officer until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give Security to the Satisfaction of such Justices, by way of Recognizance or otherwise, for his Appearance before such Justices on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Time of taking any such Security; but if upon the Return of such Warrant of Distress it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty, and such Costs and Charges as aforesaid, and the same shall not be forthwith paid, or if it shall appear to the Satisfaction of such Justices, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereupon such Penalty, Costs, and Charges may be levied, such Justices shall and may, by Warrant under their Hands and Seals, commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty, and all such Costs and Charges as aforesaid, shall be sooner paid; and all such Penalties, when recovered, shall be paid into the Hands of the Treasurer of the Asylum for the County or Borough, or the united Counties or Boroughs, where the Offence shall be committed, or to the Secretary of the Commissioners in Lunacy, whichever shall prosecute for such Offence, and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty, and all Costs and Charges as aforesaid, shall be paid to the Owner of the Goods and Chattels so distrained.

Form of Conviction before Justices.

LXXIX. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act for which a pecuniary Penalty is imposed may cause the Conviction to be drawn up in the following Form, or in any other Form to the same Effect, as the Case may require, and that no Conviction under this Act shall be void through Want of Form:

'BE it remembered, That on the Day of in the Year of our Lord at in the County [*or* Borough] of *A.B.* was convicted before us of Her Majesty's Justices of the Peace for the said County [*or* Borough,] for that he the said did ; and we the said adjudge the said for his Offence to pay the Sum of Pounds.'

Power of Appeal to the Quarter Sessions.

LXXX. Provided always, and be it enacted, That any Person who shall think himself aggrieved by any Order or Determination of any Justices under this Act, other than Orders adjudicating as to the Settlement of any Lunatic Pauper, and providing for his Maintenance, may, within Four Calendar Months after such Order or Determination made or given, appeal to the Justices at General or Quarter Sessions, the Person appealing having first given at least Fourteen clear Days Notice in Writing of such Appeal, and the Nature and Matter thereof, to the Person appealed against, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices at General or Quarter Sessions, upon Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Appeal, or if they think proper adjourn the Hearing thereof until the next General or Quarter Sessions, and, if they see Cause, may reduce any Penalty or Forfeiture to not less than One Fourth of the Amount imposed by this Act, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices at General or Quarter Sessions shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Every City, Town, Liberty, &c., not being a Borough within the Meaning of this Act, to be annexed to and rated as Part of the County within which the same is situate.

LXXXI. And be it enacted, That every City, Town, Liberty, Parish, Place, or District, not being a Borough or Part of a Borough within the Meaning of this Act, shall for all the Purposes of this Act be annexed to and be treated and rated as Part of the County within which the same is situate, or if such City, Town, Liberty, Parish, Place, or District be situate partly in one County and partly in another, then to and as such one of the same Counties as One of Her Majesty's Principal Secretaries of State shall, by Writing under his Hand and Seal, direct, and shall contribute rateably to the Expences of the Asylum of the County to which it is or shall be so annexed, whether such Asylum has been provided before or shall be provided after the passing of this Act, and shall for the Purposes of this Act be within the Jurisdiction of the Justices of such County; and in every Case in which any such City, Town, Liberty, Parish, Place, or District as aforesaid shall be annexed to a County in which an Asylum has been already erected or provided, the present or any future Committee of Visitors of such Asylum shall, as soon as conveniently may be after the passing of this Act, or after such Annexation shall be made, fix a Sum to be paid by the City, Town, Liberty, Parish, Place, or District which is or shall be so annexed towards the Expences then already incurred in erecting or providing such Asylum in due Proportion to the Population of such City, Town, Liberty, Parish, Place, or District, and of the County to which it shall be annexed, according to the last Returns under the Authority of Parliament, and the same shall be paid by every such City, Town, Liberty, Parish, Place, or District, to the Treasurer of such

such Asylum, and shall be levied and raised by such City, Town, Liberty, Parish, Place, or District by a Rate to be made therein, in the same Manner as any Rate to be made therein for the Purpose of levying or raising any other Monies hereby directed to be levied and raised for the Purposes of this Act; and the Justices for the County to which such City, Town, Liberty, Parish, Place, or District is or shall be annexed as aforesaid, in General or Quarter Sessions, are hereby authorized and required to make such Rate as aforesaid; and the Sum so paid by such City, Town, Liberty, Parish, Place, or District shall be applied by the Treasurer of the Asylum to whom the same shall have been paid in such Manner as the Committee of Visitors shall direct, according to the Provisions and for carrying into execution the Purposes of this Act.

Council of every Borough to exercise the same Duties, &c. of erecting Asylums as are conferred upon Justices, &c.

LXXXII. And be it enacted, That the Council of every Borough which shall, by Writing under their Common Seal, give Notice to Her Majesty's Principal Secretary of State for the Home Department of the Intention of such Council to take upon itself the Duties, Powers, and Authorities herein-before imposed or conferred upon or given to the Justices of the Borough, shall from thenceforth be subject to, and have and exercise all the Duties, Powers, and Authorities of and for erecting and providing Asylums, and carrying into execution the Purposes of this Act, which by this Act are imposed or conferred upon or given to the Justices of such Borough, or upon any Committee of Visitors to be appointed as directed by this Act, and all Matters and Things which in this Act are required to be done at any General or Quarter Sessions may and shall thenceforth be done at any Meeting of the Council of such Borough; and all Notices which by this Act are required to be given to or by the Clerk of the Peace shall and may thenceforth be given to or by the Town Clerk of such Borough.

Committee appointed by Council to act as Committee of Visitors.

LXXXIII. And be it enacted, That it shall and may be lawful for the Council of any such Borough to confer upon any Committee to be appointed by such Council such of the Powers and Authorities which by this Act are conferred upon any Committee of Visitors to be appointed thereunder as to such Council shall seem fit.

Interpretation of Act.

LXXXIV. And be it enacted, That in this Act the Words and Expressions following shall have the several Meanings hereby assigned to them, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

"Borough" shall mean every Borough, Town, and City Corporate having a Quarter Sessions, Recorder, and Clerk of the Peace:

"County" shall mean every County, Riding and Division of a County, County of a City, County of a Town, and shall include every City, Town, Parish, Place, or District by this Act annexed to a County for the Purposes hereof:

"Lunatic" shall mean every Insane Person, and every Person being an Idiot or Lunatic, or of unsound Mind:

"Pauper" shall mean every Person maintained wholly or in part by or chargeable to any Parish, Union, County, or Borough, or sent to any Asylum, licensed House, or registered Hospital by any Justice or Officiating Clergyman and Overseer or Relieving Officer:

"Justice" shall mean Justice of the Peace:

"Overseer" shall mean Overseer of the Poor of any Parish, or any Person acting as such:

"Relieving Officer" and "Clerk of the Guardians" shall respectively mean such Relieving Officer and Clerk of the Guardians, and any Persons acting as such respectively:

"Parish" shall mean any Parish, Township, Vill, Tithing, extra-parochial Place, or Place maintaining its own Poor:

"Borough Rate" shall mean a Borough Fund or Rate, and any Funds assessed upon or raised in or belonging to any Borough in the Nature of Borough Rates, and applicable to the Purposes to which Borough Rates are applicable:

"County Rate" shall mean a County Rate, and any Funds assessed upon or raised in or belonging to any County in the Nature of County Rates, and applicable to the Purposes to which County Rates are applicable:

"Clerk of the Peace" shall mean every Clerk of the Peace, and every Person acting as such, or any Deputy duly appointed:

"Medical Officer" shall mean every Physician, Surgeon, and Apothecary who shall in his medical Capacity superintend or visit any Asylum:

"Treasurer of the Borough" shall mean every Officer who has the Custody of any Monies raised by a Borough Rate:

"Treasurer of the County" shall mean every Officer who has the Custody of any County Rate, or of any Rate of any City, Town, Parish, Place, or District by this Act annexed to a County for the Purposes hereof:

"Asylum" shall mean any Asylum, House, Workhouse, Building, or Place already erected or provided under the Provisions of an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals in* England, or under the Provisions of the said Act hereby repealed, or subject to the Provisions of the said Acts or either of them, or to be erected or provided under the Provisions of this Act: 48 G. 3. c. 96.

"Oath" shall include Affirmation or other Declaration or Solemnity lawfully substituted for an Oath in the Case of Quakers or other Persons exempted by Law from the Necessity of taking an Oath:

And Words and Expressions importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing the Masculine Gender shall include Females.

Not to extend to Bethlehem;

LXXXV. And be it enacted, That nothing in this Act contained shall extend to the Royal Hospital of *Bethlehem*, or any Building erected adjacent thereto, and used therewith.

only to England and Wales.

LXXXVI. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Alteration of Act.

LXXXVII. And be it enacted, That this Act may be amended or repealed during this present Session of Parliament.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

FORM of AGREEMENT for uniting Counties, Boroughs, and Lunatic Asylums maintained by voluntary Subscriptions [*as the Case may be*] for the Purpose of erecting or providing an Asylum [*or* additional Asylum *or* Accommodation] for the Reception of Lunatics.

IT is agreed this Day of by and between the Committees of Justices of the Peace for the County and Borough, or Counties and Boroughs, of or the Committee of the Subscribers of the Lunatic Asylum of [*as the Case may be*], severally appointed to treat for the uniting of the said County and Borough or Counties and Boroughs [*or* Lunatic Asylum, *as the Case may be*,] for the Purposes of an Act passed in the Year of Her Majesty Queen Victoria, intituled "An Act" [*here insert the Title of this Act*], that the said Counties, &c. [*as the Case may be*] shall henceforth be united for the Purposes of the said Act, and adopt in all respects the Provisions, Rules, Orders, and Regulations, and comply with all the Requisitions, prescribed by the said Act for Counties or Boroughs, &c. [*as the Case may be*] uniting for those Purposes; and that an Asylum for the Reception of Lunatics, with all necessary Buildings, Courts, Yards, and Outlets, shall be immediately provided and properly fitted up and accommodated for the Purposes mentioned in the said Act; and that the necessary Expences attending upon the providing, building, fitting up, Repairs, and Maintenance of the said Asylum shall be defrayed by the said County or Counties and Borough or Boroughs, and voluntary Lunatic Asylum, so united, in the following Proportions; (that is to say,)

The County of	Four Ninths of the said Expences.
The County of	Two Ninths of the same.
The Borough of	One Ninth of the same.
The Lunatic Asylum of	Two Ninths of the same [*as the Case may be*].

And it is further agreed, that the Committee of Visitors to superintend the building, Erection, and Management of the said County Lunatic Asylum shall be formed in the following Proportion: the Justices of the Peace for the said County of shall appoint the Justices of the Peace for the Borough of shall appoint and the Subscribers to the said Lunatic Asylum of shall appoint : And hereunto we, the undersigned, being the major Part of each of the Committees of Justices of the Peace for the said several Counties and Boroughs, and the major Part of the Committee of Subscribers to the said Lunatic Asylum, do, on the Part and Behalf of the said Counties and Boroughs and Lunatic Asylum, set our Hands and Seals, this Day of in the Year .

SCHEDULE (B.)

FORM of MORTGAGE and CHARGE upon the County or Borough Rates for securing the Money borrowed.

WE, the Chairman of the Court of Quarter Sessions of the Peace for the County of holden at the Day of and Two other of Her Majesty's Justices of the Peace for the said County, assembled in the said Court, [*or* we, the Mayor and Council of the Borough of *as the Case shall be*,] in pursuance of the Powers to us given by an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act" [*here insert the Title of this Act*], do hereby mortgage and charge all the Rates and Funds to be raised and paid within the said County [*or* Borough, *as the Case may be*], under the Description of County Rates or Borough Fund or Rates, with the Payment of the Sum of which of hath advanced and paid towards defraying the Expences of purchasing Lands, and for building and repairing, &c. [*as the Case shall be*] a Lunatic Asylum for the said County [*or* Borough, *or* the united Counties and Boroughs of, &c. *as the Case may be*], and we do hereby grant and confirm the same Rates and Funds unto the said his Executors, Administrators, and Assigns, for securing the Repayment of the said Sum of and Interest for the same after the Rate of per Centum per Annum, and do order the Treasurer for such County, &c. [*or* Borough, &c. *as the Case shall be*,] to pay the Interest of the said Sum of half-yearly, as the same shall become due, until the Principal shall be discharged, at the Times and in the Manner agreed upon between the said and the said Justices [*or* the said Mayor and Council, *as the Case may be*,] pursuant to the Directions of the said Act.

SCHE-

SCHEDULE (C.)

No. 1.

NAMES of all PAUPER LUNATICS in the ASYLUM at for the County or Borough or Counties or Boroughs of on the Day of 184 .

Names of those chargeable to Union or Parish.	Date of Admission.	Names of those chargeable to County.	Date of Admission.	Names of Criminals.	Fit for Removal.

This is a correct Return.

(Signed) Medical Officer.

Dated

No. 2.

NAMES of all PRIVATE LUNATICS in the ASYLUM for the County or Borough or Counties and Boroughs of on the Day of 184 .

A.B.
C.D.

This is a correct Return.

(Signed) Medical Officer.

Dated

SCHEDULE (D.)

FORM of ANNUAL RETURN.

A TRUE LIST of all LUNATICS and IDIOTS, chargeable to the Parishes comprised within [such Part of] the Union [as is situate] [*or* to the Parish of] in the County of specifying the Names, Sex, and Age of each, and whether dangerous or otherwise, and for what Length of Time they have been supposed to be of unsound Mind, and where confined, or how otherwise disposed of.

Name.	Age.	Sex.	Parish to which chargeable.	Where maintained.					Weekly Cost of Maintenance and Clothing	Whether Lunatic or Idiot.	Dangerous to himself or others.	Of dirty Habits.	For what Length of Time supposed to be of unsound Mind.	Observations.
				In a County or Borough Asylum, and what Asylum, and when sent thither.	In a licensed House, and where, and when sent thither.	In the Union or Parish Workhouse.	In Lodgings, or boarded out, and where.	Residing with Friends, and where.						

Signed by me this Day of 18 .

A.B.

Clerk to the Board of Guardians of the said Union,

[*or* Overseer of the said Parish.]

SCHE-

SCHEDULE (E.) No. 1.

ORDER for the Reception of a PAUPER PATIENT.

I *C.D.* [*in the Case of a Justice of the Peace, or in the Case of a Clergyman and Relieving Officer, &c.* we], the undersigned, having called to my [*or* our] Assistance a Physician [*or* Surgeon *or* Apothecary, *as the Case may be*], and having personally examined *A.B.*, a Pauper, and I *C.D.* [*or* we, *in the Case of a Clergyman and Relieving Officer, &c.*] being satisfied that the said *A.B.* is a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound or imbecile Mind], and a proper Person to be confined, I [*or* we, *as the Case may be,*] hereby direct you to receive the said *A.B.* as a Patient into your Asylum, Hospital, or House. Subjoined is a Statement respecting the said *A.B.*

(Signed) (*C.D.*)
* A Justice of the Peace for the City or Borough of [*or* an *or* the Officiating Clergyman of the Parish of].
Name.
The Relieving Officer of the Union or Parish of [*or* an Overseer of the Parish of].

* In the Case of a Lunatic not chargeable, to be signed by Two Justices.

STATEMENT.

Name of Patient, and Christian Name at Length.
Sex and Age.
Married, single, or widowed.
Condition of Life, and previous Occupation (if any).
The religious Persuasion, as far as known.
Previous Place of Abode.
Length of Time insane.
Whether first Attack.
Age (if known) on first Attack.
Whether subject to Epilepsy.
Whether suicidal or dangerous to others.
Previous Places of Confinement (if any).

I certify that to the best of my Knowledge the above Particulars are correctly stated.

(Signed)
[*To be signed by the Relieving Officer or Overseer.*]

Dated the Day of One thousand eight hundred

To Superintendent of the Asylum for the County of *or* the Lunatic Hospital of *or* Proprietor of the licensed House of [*describing the Asylum, Hospital, or House*].

FORM of MEDICAL CERTIFICATE in the Case of PAUPER PATIENTS.

I, being a Fellow [*or* Licentiate] of the Royal College of Physicians in London, [*or* a Graduate in Medicine of the University of *&c., or* a Member of the Royal College of Surgeons in London, *or* an Apothecary duly authorized to practise by the Apothecaries Company in London,] hereby certify that I have this day personally examined *A.B.*, the Person named in the accompanying Statement and Order, and that the said *A.B.* is a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound or imbecile Mind], and a proper Person to be confined.

(Signed) Name.
Place of Abode.

Dated this Day of One thousand eight hundred and

SCHE-

SCHEDULE (E.) No. 2.

ORDER for the Reception of a PRIVATE PATIENT.

I, the undersigned, hereby request you to receive *A.B.*, a Lunatic, [*or* an insane Person, *or* an Idiot, *or* a Person of unsound or imbecile Mind,] as a Patient into your Asylum. Subjoined is a Statement respecting the said *A.B.*

(Signed) Name.
Occupation (if any).
Place of Abode.
Degree of Relationship (if any), or other Circumstance of Connexion with the Patient.

Name of Patient, with Christian Name at Length.
Sex and Age.
Married, single, or widowed.
Condition of Life, and previous Occupation (if any).
The religious Persuasion, as far as known.
Previous Place of Abode.
Duration of existing Attack.
Whether first Attack.
Age (if known) on first Attack.
Whether subject to Epilepsy.
Whether suicidal or dangerous to others.
Previous Places of Confinement (if any).
Whether found lunatic by Inquisition, and Date of Commission.
Special Circumstances (if any) preventing the Patient being examined, before Admission, separately, by Two Medical Practitioners.
Special Circumstances (if any) preventing the Insertion of any of the above Particulars.

(Signed) Name.

Dated this Day of One thousand eight hundred and
To Superintendent of the Asylum for the County of [*describing the Asylum*].

FORM of MEDICAL CERTIFICATE in the Case of a PRIVATE PATIENT.

I, being a Fellow [*or* Licentiate] of the Royal College of Physicians in London, [*or* a Graduate in Medicine of the University of &c., *or* a Member of the Royal College of Surgeons in London, *or* an Apothecary duly authorized to practise by the Apothecaries Company in London,] hereby certify that, by the Direction of Justice of the Peace in and for the I have this Day separately from any other medical Practitioner [visited, *if applicable*, and] personally examined *A.B.*, the Person named in the accompanying Statement and Order, and that the said *A.B.* is a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of an unsound or imbecile Mind], and a proper Person to be confined. Subjoined is a Statement with respect to the mental and bodily Condition of the above-named Patient.

(Signed) Name.
Place of Abode.

Dated this Day of One thousand eight hundred and .

SCHEDULE (E.) No. 3.

NOTICE OF ADMISSION.

I HEREBY give you Notice, That *A.B.* was admitted into this Asylum as a Private [*or* Pauper] Patient on the Day of and I hereby transmit a Copy of the Order and medical Certificates [*or* Certificate] on which he was received.
Subjoined is a Statement with respect to the mental and bodily Condition of the above-named Patient.

(Signed)
Clerk of Asylum.

Dated the Day of One thousand eight hundred and .

STATEMENT.

I have this Day seen and examined the Patient mentioned in the above Notice, and hereby certify that with respect to mental State he [*or* she] and that with respect to bodily Health and Condition he [*or* she]

(Signed)
Medical Officer of Asylum.

Dated the Day of One thousand eight hundred and .

SCHE-

SCHEDULE (E.) No. 4.

FORM of NOTICE of DISCHARGE or DEATH.

I HEREBY give you Notice, That private [*or* a pauper] Patient, admitted into this Asylum on the Day of was discharged therefrom recovered [*or* relieved *or* not improved, by the Authority of *or* died therein in the Presence of], on the Day of

(Signed)
Clerk of the Asylum.

Dated the Day of One thousand eight hundred and

In case of Death, add, "I certify that the apparent Cause of Death of the said [as ascertained by post mortem Examination (*if so*),] was"

(Signed)
Medical Officer of the Asylum.

SCHEDULE (F.)

QUARTERLY LIST of LUNATIC PAUPERS within the Union of [*or* the Parish of] in the County or Borough of not in Asylums, registered Hospitals, or licensed Houses.

NAME.	Sex.	Age.	Lunatic from what Time.	Where placed.	When visited last.	In what Condition, and how often restrained.

I declare that I have personally examined the several Persons whose Names are specified in this List, on the Days set opposite to their Names, and that they are all [*or* all, except *A.B.*, *C.D.*, and *E.F.*] properly taken care of, and fit to be at large, and that these are the only pauper Lunatics, to the best of my Knowledge, of the Union [*or* Parish] of who are not in an Asylum or Hospital or House duly licensed for Lunatics.

(Signed) *A.B.*
Medical Officer of the said Union *or* Parish of

Dated the Day of One thousand eight hundred and

SCHE-

SCHEDULE (G.) No. 1.

REGISTRY OF ADMISSIONS.

REGISTER OF PATIENTS.*

Date of last previous Admission, if any.	No. in Order of Admission.	Date of Admission.	Christian and Surname at Length.	Sex. M.	Sex. F.	Age.	Condition as to Marriage. Married.	Condition as to Marriage. Single.	Condition as to Marriage. Widowed.	Condition of Life, and previous Occupation.	Previous Place of Abode.	County, Union, or Parish to which chargeable	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Form of mental Disorder.	Supposed Cause of Insanity.	Bodily Condition, and Name of Disease, if any.	Epileptics.	Congenital Idiots.	Duration of existing Attacks. Years.	Duration of existing Attacks. Months.	Duration of existing Attacks. Weeks.	Number of previous Attacks.	Age on first Attack.	Date of Discharge or Death.	Discharged. Recovered.	Discharged. Relieved.	Discharged. Not improved.	Died.	Observations.
	1	1846: Jan. 3	William Johnson	1	–	23	–	1	–	Carpenter	–	–	–	–	Melancholia	–	–	–	–	–	4	–	2	17	1846: Sept. 1	1				
	2																													
	3																													
	4	1848: June 9	William Johnson	1	–	25	–	1	–	–	–	–	–	–	–	–	–	–	–	7	–	–	3	–	1848: Dec. 2	1				
	5																													
	6																													
	7	1852: May 6	William Johnson	1	–	29	1	–	–	–	–	–	–	–	–	–	–	–	–	3	–	–	4	–	1853: June 8					
	8																													

* In the Case of an Asylum receiving both private and pauper Patients, a separate Register in the above Form to be kept for each Class.

SCHEDULE (G.) No. 2.

REGISTER OF DISCHARGES AND DEATHS.*

Date of Discharge or Death.	Date of last Admission.	No. in Register of Patients.	Christian and Surname at Length.	Sex.		Discharged.						Died.		Assigned Cause of Death.	Age at Death.		Observations.
						Recovered.		Relieved.		Not improved.							
				M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		M.	F.	
1846: Sept. 1 -	1846: Jan. 3 -	1	William Johnson	1	–	1											
1848: Dec. 2 -	1848: June 9 -	4	William Johnson	1	–	1											
1853: June 8 -	1852: May 6 -	7	William Johnson	1	–	–	–	–		–	–	1	–	Phthisis	27		

* In the Case of an Asylum receiving both private and pauper Patients, a separate Register in the above Form to be kept for each Class.

SCHEDULE (G.) No. 3.

FORM OF MEDICAL JOURNAL.*

Date.	Number of Patients.		Names of Patients under Restraint, and by what Means; and under Seclusion, and for what Period.		Names of Patients under Medical Treatment.		Report on State of Health of Patients, and Condition of Asylum.
	M.	F.	Males.	Females.	Males.	Females.	

* In the Case of an Asylum receiving both pauper and private Patients, a separate Journal to be kept in the above Form for each Class.

CAP. CXXVII.

An Act for the better securing the Payment of Small Debts. [9th *August* 1845.]

'WHEREAS it is expedient and just to give Creditors a further Remedy for the Recovery of Debts due to them:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person is or shall be indebted to any other in a Sum not exceeding Twenty Pounds besides Costs of Suit, by force of any Judgment obtained, or of any Order for the Payment thereof or of any Costs in any Court, which Judgment or Order shall have been obtained from any Court of competent Jurisdiction in *England*, it shall be lawful for the Creditor so having obtained a Judgment or Order to obtain a Summons from any Commissioner of the Court of Bankruptcy for the District in which such Debtor shall reside or be, or from any Court of Requests or Conscience, or Inferior Court of Record for the Recovery of Debts, or other Court for the Recovery of Small Debts, within the Jurisdiction of which such Debtor shall reside or be, having a Judge who shall be either a Barrister at Law, Special Pleader, or an Attorney who shall have practised as an Attorney for not less than Ten Years in one of Her Majesty's Superior Courts of Common Law at *Westminster*,

Creditor obtaining Judgment or Order in respect of a Debt not exceeding 20*l.* may summon the Debtor before a Commissioner of Bankrupts or Court of Requests, &c.

minster, which Summons such Commissioner of the Court of Bankruptcy or such Court shall be authorized and required to grant, according to the Form in Schedule (A.) hereunto annexed, upon the Application of such Creditor by any Petition or Note in Writing, according to the Form in Schedule (B.) hereunto annexed; and the Debtor, appearing before such Commissioner or Court at the Time to be appointed in such Summons, shall be examined by the said Commissioner or Court, and shall, if the Creditor think fit, be interrogated before such Commissioner or Court by the Creditor summoning him, touching the Manner and Time of his contracting his Debt, the Means or Prospect of Payment he then had, the Property or Means of Payment he still hath or may have, the Disposal he may have made of any Property since contracting such Debt; and such Creditor shall also, if such Commissioner or Court shall think fit, be examined by the said Commissioner or Court touching his Claim against the said Debtor, and shall, if the Debtor think fit, be interrogated before such Commissioner or Court by the said Debtor touching the said Claim against him; and it shall be lawful for such Commissioner or Court to make an Order on the said Debtor for the Payment of his Debt by Instalments or otherwise; and in case such Debtor shall not attend as required by the said Summons, and shall not allege a sufficient Excuse for not attending, or shall if attending refuse to disclose his Property, or his Transactions respecting the same, or respecting the contracting of the Debt, or shall not make Answer thereof to the Satisfaction of the Commissioner or Court, or shall appear to such Commissioner or Court to have been guilty of Fraud in contracting the Debt, or of having wilfully contracted it without reasonable Prospect of being able to pay it, or of having concealed or made away with his Property in order to defeat his Creditors, or if he appears to have the Means of paying the same by Instalments or otherwise, and shall not pay the same at such Times as the Commissioner or Court shall order, or as the Court shall have ordered in which the original Judgment shall have been obtained or Order made, then in any of the said Cases it shall be lawful for such Commissioner or the Judge of such Court to order such Debtor to be committed, for any Time not exceeding Forty Days, to the Common Gaol wherein the Debtors under Judgment and in Execution of the Superior Courts of Justice may be confined within the County, City, Borough, or Place in which such Debtor shall be resident, or to any other Gaol or Debtors Prison within the same County, City, Borough, or Place which shall by any Declaration of One of Her Majesty's Principal Secretaries of State be allowed as a Place of Imprisonment under this Act, so long as such Declaration shall remain in force and unrevoked.

On Debtor appearing he may be examined by the Commissioner or Court.

Creditor may also be examined.

If Debtor fail to attend, or to make satisfactory Answer, or shall appear to have been guilty of Fraud, &c. he may be committed.

II. And be it enacted, That every Bailiff and Messenger to whom any such Order shall be issued, or who shall be acting as an Officer of the High Bailiff of *Westminster* or *Southwark* in the Execution of any such Order issued to such High Bailiff, shall be thereby empowered to take the Body of the Person against whom such Order shall be made, and all Constables and other Peace Officers within their several Jurisdictions shall aid in the Execution of every such Order; and no Protection, or Interim or other Order issuing out of any Court of Bankruptcy or for the Relief of Insolvent Debtors, nor any Certificate obtained after such Order for Imprisonment under this Act, shall be available to any Debtor imprisoned under such Order as aforesaid.

How Order shall be executed.

III. And be it declared and enacted, That no Imprisonment under this Act shall in anywise operate as Satisfaction or Extinguishment of any Debt or Demand; but any Person imprisoned under this Act, who shall have paid or satisfied the Debt or Demand, or the Instalments thereof payable, and Costs remaining due at the Time of the Order of Imprisonment being made, and all subsequent Costs, shall, upon Entry of such Payment endorsed on the Order of Imprisonment, signed by the Plaintiff or his Attorney, be discharged out of Custody by Leave of a Commissioner or Judge of the Court in which the Order of Imprisonment was made.

Imprisonment not to extinguish Debt; but on Payment thereof, &c. Debtor to be discharged.

IV. And be it enacted, That the Judge of every Court of Requests or Conscience, and of every Inferior Court of Record for the Recovery of Debts, and of every other Court for the Recovery of Small Debts, of which the Judge is a Barrister at Law or Special Pleader, or an Attorney of Ten Years standing of one of Her Majesty's Superior Courts of Common Law at *Westminster*, in which Court Proceedings shall be had for the Recovery of any Debt or Demand within the Jurisdiction of the said Court, shall have the like Powers, in the Suit instituted for Recovery of such Debt or Demand, of examining the Parties to the Suit, and, upon Occasion of pronouncing Judgment therein, if Judgment be given for the Plaintiff, shall have the like Powers of further examining the Parties, and, in the several Cases herein-before specified, of committing the Defendant to Prison, which he might exercise under the Provision herein-before contained, if Judgment for such Debt or Demand had been obtained in his Court, and the Judgment Creditor had obtained a Summons for such Defendant from the same Court under this Act; and all the Provisions of this Act shall be deemed to apply to such Case as if such Summons had been obtained.

Certain Courts to have the like Powers in original Suits.

V. Provided always, and be it enacted, That in any City, Town, or District wherein there are several Courts for the Recovery of Small Debts, neither of the said Courts shall have any Power under this Act in respect of any Debt which shall have been sued for in the other of the said Courts in the same City, Town or District, unless such other of the said Courts shall not have a Judge qualified as herein-before specified.

Where several Courts exist in the same Town, &c. Business not to be transferred.

VI. And be it declared and enacted, That in making Application to any Commissioner or Court as aforesaid, or taking any Proceedings under this Act, or under the Act of the last Session of Parliament, intituled *An Act to amend the Law of Insolvency, Bankruptcy, and Execution*, or under an Act made in the Sixth Year of the Reign of Her Majesty, intituled *An Act for the Relief of Insolvent Debtors*,

Application, &c. need not be made by Counsel or Attorney. 5 & 6 Vict. c. 116.

Debtors, it shall not be requisite for any Party, whether Creditor or Debtor, to employ either Counsel or Attorney or Solicitor.

Affidavits in Bankruptcy and Insolvency may be sworn before Keepers of Prisons.

VII. And be it enacted, That any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in *England* to be used in Matters of Bankruptcy or Insolvency, or under or by virtue of any Statute relating to Bankrupts or Insolvent Debtors, or of this Act, may be sworn before the Visiting or other Justice, or if within Twelve Hours none such shall attend, then by the principal Keeper or Gaoler of such Prisons or Gaols respectively, and they and he shall be respectively authorized and required to administer the Oath upon any such Affidavit or Affidavits.

Actual Necessaries of Judgment Debtors not to be seized.

VIII. 'And whereas it is expedient to protect the actual Necessaries of or belonging to Judgment 'Debtors from being seized in Execution;' be it enacted, That from and after the passing of this Act the Wearing Apparel and Bedding of any Judgment Debtor or his Family, and the Tools and Implements of his Trade, the Value of such Apparel, Bedding, Tools, and Implements not exceeding in the whole the Value of Five Pounds, shall not be liable to Seizure under any Execution or Order of any Court against his Goods and Chattels.

Jurisdiction of Courts may be altered.

IX. And be it enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to enlarge the Jurisdiction of any such Court of Requests or Conscience, or Inferior Court of Record for the Recovery of Debts, or other Court for the Recovery of Small Debts, to all Debts and Demands, whether on Balance of Account or otherwise, or Damage arising out of any express or implied Agreement, not exceeding Twenty Pounds, and in such Cases as Her Majesty, with the Advice aforesaid, may think fit, to enlarge the District of any such Court, or, where any Part of the District of such Court is comprised within the Jurisdiction of any other like Court, to contract the same, and also to make any Alteration or Regulation for the holding or sitting of any such Court, both as to Time and Place, any thing in any Act constituting any such Court to the contrary notwithstanding; and all Powers and Authorities now vested in any such Court, the Jurisdiction or District whereof shall be so enlarged, or the District whereof shall be so contracted, shall apply and extend to the Jurisdiction or District given or limited under the Powers of this Act, and that as fully as if such Jurisdiction or District had been given by the Act or Acts establishing or regulating such Court and its Proceedings; provided always, that no such Order shall take effect in respect of any Court which shall not have a Judge who is either a Barrister at Law or Special Pleader, or an Attorney of one of Her Majesty's Superior Courts of Common Law at *Westminster* who shall have practised as an Attorney for at least Ten Years; and in any Court in which there shall be no Judge qualified as aforesaid the Person or Persons to whom the Appointment of Judge, or, if there be no Judge, to whom the Appointment of any Clerk of the Court, belongs, or the Majority of such Persons, who shall be present at a Meeting called for the Purpose, shall within Three Calendar Months next after the making of any such Order, and also within Three Calendar Months next after any Vacancy of the said Office of Judge, appoint a Judge, qualified as aforesaid, subject to the Approval of Her Majesty, to be signified under the Royal Sign Manual; and in default of any such Appointment as aforesaid it shall be lawful for Her Majesty to appoint a Judge, qualified as herein-before provided, for the Court in which such Default shall have been made; provided always, that no Judge, Clerk, or Officer of any Court whose Emoluments shall be increased under this Act, nor any Person or Persons whose Franchise or Right of Appointment to any Office in any Court shall become more valuble under this Act, shall be entitled to any Compensation for any such Increase of Emoluments, or increased Value of any such Franchise or Right of Appointment, if the same, or the Value of the same, shall be diminished or taken away by any Alteration in the Constitution of the said Court, or otherwise, by Act of Parliament: Provided also, that Notice of the Intention of Her Majesty, with the Advice of Her Privy Council, to take into consideration the Expediency of making any such Order, and of the Time when the same will be considered, shall be given in the *London Gazette* One Calendar Month at least before the same shall be so considered.

Removal of Judges of Inferior Courts.

X. And be it enacted, That every Judge of any such Court of Requests, or Conscience, or Inferior Court of Record for the Recovery of Debts, or other Court for the Recovery of Small Debts, shall be removable by the Lord Chancellor for Misbehaviour or Incapacity.

Who shall be competent to hold the Court.

XI. And be it enacted, That in all Cases of Debts and Demands which were not within the Jurisdiction of the Court before the passing of this Act, and also whenever the Number of Commissioners present at any Court shall not be sufficient for the Trial of Causes according to the Constitution of the Court before the passing of this Act, the Judge shall act alone, with all the Powers of the Court, and shall determine all Questions, as well of Fact as of Law, in the Causes which shall be brought before him.

Appointing of Deputy to act during the Absence of the Judge.

XII. And be it enacted, That in all Cases of Illness or unavoidable Absence, the Cause whereof shall be entered in the Minutes of the Court, it shall be lawful for the Judge, or, in case of the Inability of the Judge, for the Commissioners, or the Person or Persons to whom the Appointment of the Judge belongs, to appoint a Deputy, qualified as is herein-before provided in the Case of the Judge, to act for him during such Illness or unavoidable Absence; and it shall also be lawful for the Judge, with the Approval of the Person or Persons to whom the Appointment of Judge belongs, and of One of Her Majesty's Principal Secretaries of State, to appoint a Deputy, qualified as aforesaid, to act for him for any Time or Times not exceeding in the whole One Calendar Month in any consecutive Period of Twelve Calendar Months; and any Deputy so appointed, while acting under such Appointment, shall have all the Powers and perform all the Duties of such Judge: Provided always, that, independently of the Power herein contained, every Judge shall have the same Power of appointing a Deputy or Deputies

Deputies to hold his Court for all Cases of Debts and Demands within the Jurisdiction of the Court as it was constituted before the passing of this Act which he has under the Act or Acts according to which the Court is now constituted, and that such Deputy or Deputies, if qualified as is herein-before provided in the Case of the Judge or in the Case of any Deputy appointed before the passing of this Act, if approved by One of Her Majesty's Principal Secretaries of State, shall have in all Cases within the extended Jurisdiction of the Court the Powers and Privileges, and be subject to the same Liabilities, and perform all the Duties of such Judge while acting under such Appointment.

Execution of Process in Westminster and Southwark.

XIII. And be it enacted, That, until Parliament shall otherwise direct, the Execution of all Process issuing out of any of the last-mentioned Courts, the Jurisdiction of which shall include the City and Liberty of *Westminster* or any Part thereof, shall belong to the High Bailiff of *Westminster*, and out of any Court the Jurisdiction of which shall include the Borough of *Southwark*, or any Part thereof, shall belong to the High Bailiff of *Southwark*.

Power for Judge to frame a Table of Fees.

XIV. And be it enacted, That the Judge of any such Court, the Jurisdiction or District whereof shall be extended under the Powers of this Act, shall, subject to the Approval of One of Her Majesty's Principal Secretaries of State, frame a Table of Fees to be payable by the Suitors of such Court or Courts in respect of every Proceeding therein; and a Table of such Fees shall be put in some conspicuous Place in the Court House and in the Clerk's Office; and the Fees on every Proceeding shall be paid, in the first instance, by the Plaintiff or Party on whose Behalf such Proceeding is to be had, on or before such Proceeding; and all such Fees shall be received by the Clerk or Clerks of such Court, who shall account to the other Officers of such Court for the Amount or Proportion thereof which shall be payable to them respectively, and shall also in the Month of *March* in every Year render to One of Her Majesty's Principal Secretaries of State an Account of all such Fees which shall have been received in the Year ending on the last Day of *December* then next preceding: Provided always, that it shall be lawful for the Secretary of State to lessen the Amount of the Fees to be taken in any One or more of the Courts the Jurisdiction or District whereof shall be extended as aforesaid, in such Manner as to him shall seem fit, and again to increase such Fees, so that the Scale of Fees given in the Schedule to this Act marked (C.) be not in any Case surpassed: Provided also, that in all Cases where any Judge, Clerk, or other Officer of any such Court shall have been paid by Salary instead of Fees, such Judge, Clerk, or other Officer shall continue to receive such Salary in respect of the Business now within the Jurisdiction of such Court, and in respect of the Business under the Powers of this Act, such Fees applicable thereto as are set out in the said Schedule (C.), or such additional Salary instead of such Fees as the Secretary of State shall direct; and all Sums payable in the Name of Fees to any such Judge, Clerk, or other Officer, over and above the Amount of such Salary, shall be applicable for such Purposes and in the Manner prescribed by the Act or Acts of Parliament under which such Court is constituted; and that in awarding Compensation to any Judge, Clerk, or Officer of any such Court under the Provisions of the said Act of the last Session of Parliament, Account shall be taken of the Fees and Emoluments to which he shall become entitled under this Act, and any Increase of his Fees and Emoluments under this Act shall go in diminution of the Amount to be awarded to him for such Compensation.

Fees in Courts of Bankruptcy.

XV. And be it enacted, That the Registrars of the Court of Bankruptcy shall be entitled to take the Fees on every Proceeding had under this Act before or under the Authority of any Commissioner of the Court of Bankruptcy in his District which are specified in the Schedule marked (D.) hereunto annexed, and the Messengers and Ushers of the Court of Bankruptcy shall be severally entitled to have the same Fees which are provided as the Bailiffs and Serjeants Fees in the Schedule (C.) hereunto annexed, subject to such Alterations as may be made in the said several Fees by the Court of Bankruptcy, so as not to exceed the Scales of Fees herein provided.

Fees, &c. payable under any existing Acts not to be affected.

XVI. Provided always, and be it enacted, That nothing herein-before contained shall extend to or affect any Fees or Salary payable by virtue of any existing Act or Acts for Business or Proceedings in any Court for the Recovery of Small Debts, except such Business or Proceedings as shall be had under or by virtue of this Act; but it shall be lawful for the Judge of any Court, with the Approval of One of Her Majesty's Principal Secretaries of State, to alter the Fees receivable under the Act or Acts under which his Court is now constituted, but not so as to exceed the Scale of Fees given by such Act or Acts respectively.

Poundage to be demanded from Suitors upon Sums claimed.

XVII. And be it enacted, That for raising a Fund for providing a Court House and Offices for any Court of Requests, or other Court for the Recovery of Small Debts, and for other Purposes herein-after mentioned, the Clerk or Clerks of any such Court in which and while it shall be necessary to raise such Fund shall demand and receive from the Plaintiff in every Suit brought in that Court, before he shall issue any Summons in that Suit, the Sum of Sixpence when the Debt or Damage claimed shall not exceed Twenty Shillings, and for every Claim exceeding Twenty Shillings One Fortieth Part thereof (neglecting any Sum less than Three-pence in estimating such Fortieth Part), or other such Sum, in either Case not exceeding the Rates herein-before mentioned, as the Secretary of State from Time to Time shall order, which Sum shall be paid in all Cases in the first instance by the Plaintiff upon Suit brought in such Court, and shall be considered as Costs in the Cause; and the Clerk or Clerks of the Court shall keep an Account of all Monies so paid to him or them, and shall account for the same to the Judge of such Court for the Time being, and the Amount thereof shall accumulate, to form a General Fund for such

such Court, and shall be applied in providing a Court House and Offices, or in defraying the Rent and Taxes, Stationery, and other necessary Expences of holding and carrying on the Business of such Court, in such Manner as the Court for the Time being, with the Approval of the Secretary of State, shall direct.

Summonses to Witnesses.

XVIII. And be it enacted, That either of the Parties to the Suit or any other Proceeding before any such Commissioner or in any such Court may obtain Summonses to Witnesses, to be served by a Messenger or Bailiff, with or without a Clause requiring the Production of Books and Writings in their Possession or Control, and in any such Summons any Number of Names may be inserted; and every Person on whom any such Summons shall be personally served within the Jurisdiction of the Court, and to whom at the same Time Payment or Tender of his Expences shall have been made, on such Scale of Allowance as shall be from Time to Time settled by the Court of Bankruptcy or Judge of any such Court as aforesaid, as the Case may be, with the Approval of One of Her Majesty's Principal Secretaries of State, and who shall refuse or neglect, without sufficient Cause, to appear, or to produce any Books or Writings required by such Summons to be produced, and also every Person present in Court who shall be required to give Evidence, and who shall refuse to be sworn and give Evidence, shall forfeit and pay such Fine not exceeding Five Pounds as the Commissioner or Judge shall set on him, and Payment of such Fine shall be enforced in like Manner as Payment of any Debt recovered by Judgment of any Court of competent Jurisdiction; and the whole or any Part of such Fine in the Discretion of the Judge, after deducting the Costs, shall be applicable toward indemnifying the Party injured by such Refusal or Neglect, and the Remainder thereof shall be applicable to the Expences of the Court in which the Fine was imposed.

Lists of unclaimed Suitors Money to be made out and put up in the Court.

XIX. And be it enacted, That the Clerk or Clerks of every such Court shall in the Month of *March* in each Year make out a correct List of all Sums of Money belonging to Suitors in the Court which shall have been paid into Court, and which shall have remained unclaimed for the Space of Twelve Calendar Months before the First Day of the Month of *January*, specifying the Names of the Parties for whom or on whose Account the same were so paid into Court; and a Copy of such List shall be put up and remain during Court Hours in some conspicuous Part of the Court House, and at all Times in the Clerk's Office.

All Suitors Money paid into Court and unclaimed for Six Years, to go into the Court Fund.

XX. And be it enacted, That all Sums of Money which shall have been paid into any such Court to the Use of any Suitor or Suitors thereof, and which shall have remained unclaimed for the Period of Six Years before the passing of this Act, and which are now in the Hands of any Commissioner, Trustee, Judge, or Officer of such Court, or otherwise held in trust for such Suitors, and all further Sums of Money which shall hereafter be paid into any such Court to the Use of any Suitor or Suitors thereof, shall, if unclaimed for the Period of Six Years after the same shall have been so paid into Court, vest in and belong to the Judge or Judge and Commissioners of such Court for the Time being, in trust for the general Purposes of such Court, and shall form a General Fund for the Payment of all Debts due on behalf of the Court, and the necessary Expences of holding or carrying on the Business of such Court.

Power to remove Suits exceeding 10*l.* into Superior Courts.

XXI. And be it enacted, That any Suit to be instituted in any such Court, wherein the Claim or Demand shall exceed the Sum of Ten Pounds shall be removable by Certiorari or otherwise into any of Her Majesty's Superior Courts of Common Law at *Westminster*, or into the Court of Common Pleas at *Lancaster* by Leave of a Judge of any one of the said Courts, and upon such Terms as he shall order.

Power to execute Warrants and levy Executions out of Jurisdiction.

XXII. And be it enacted, That in all Cases where final Judgment shall have been obtained in any such Court, and a Warrant or Execution shall have issued against the Goods and Chattels of the Defendant, or an Order for his Commitment shall have been made, under this Act, and the Defendant, or his Goods and Chattels, shall be out of the Jurisdiction of such Court, it shall be lawful for the Officer charged with such Warrant, Execution, or Order of Commitment to apply to any Justice of the Peace acting for any County, Division, or Place in which the Defendant, or his Goods and Chattels, shall then be, upon Proof being made upon Oath (which Oath such Justice shall be empowered to administer) that the Person or Goods and Chattels of such Defendant is or are believed to be within the County, Division, or Place where such Justice of the Peace shall act, such Justice of the Peace shall sign or endorse his Name upon the said Warrant, Execution, or Order of Commitment, and thereupon the said Officer charged therewith shall take and seize the Person or the Goods and Chattels of the Defendant, wheresoever the same shall be found within the County, Division, or Place for which such Justice of the Peace shall act, and all Constables and other Peace Officers shall be aiding and assisting within their respective Districts in the Execution of the said Warrants, Executions, or Orders.

Powers of 7 & 8 Vict. c. 96. applicable to this Act.

XXIII. And be it declared and enacted, That all the Enactments of the said Act of the last Session of Parliament, and of the several Acts under which the said several Courts are now held or constituted, shall within their several Districts be deemed to apply to every Proceeding under this Act, so far as the same are applicable, and not repugnant to the Provisions of this Act.

Interpretation of Terms in the Act.

XXIV. And be it enacted, That in the Construction of this Act the Word "Judge" shall be construed to include every Person being either a Barrister at Law or a Special Pleader, or an Attorney of one of Her Majesty's Superior Courts of Common Law at *Westminster* who shall have practised as an Attorney for at least Ten Years in one of Her Majesty's Superior Courts of Common Law at *Westminster*,

minster, who, according to the Constitution of the Court, presides in any such Court as aforesaid, or acts as Judge or Assessor therein, whether by the Title of Judge, or Barrister, or County Clerk, Assessor, or Steward or Deputy Steward, or by any other Style or Title whatsoever; and the Word "Person" shall include a Body Corporate; and every Word importing the Singular Number or Masculine Gender shall include also several Persons or Things, and Females as well as Males, unless the Context shall require another Construction.

Application of Act.

XXV. And be it enacted, That this Act shall apply only to *England*.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

YOU are hereby required to appear before [*set forth the Court's Style*] at [ ], on the Day of next, to answer such Questions as may be put to you touching the not having paid to *A. B.* of [ ] the Sum of £ [ ] recovered in a certain Judgment [*or* Order] of [*set forth the Style or other sufficient Description of the Court that gave the Judgment or made the Order*].

To *C. D.* of [ ].

By Order of the Court,
Signed

SCHEDULE (B.)

BE pleased to summon *C. D.* of [ ] to answer touching the Debts due to me by the Judgment [*or* Order] of the Court of [*set forth the Style or other sufficient Description of the Court which gave the Judgment or made the Order*] on my Behalf.

Signed [*Party's Name*] of [ ].

SCHEDULE (C.)

JUDGE'S FEES.	On Demands not exceeding 40*s.*		On Demands not exceeding £5		On Demands exceeding £5. and not exceeding £10.		On Demands exceeding £10.	
	s.	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*
For every Summons	0	6	1	0	2	0	3	0
For every Hearing or Trial	2	0	2	6	7	6	10	0

CLERK'S FEES.	On Demands not exceeding 40*s.*		On Demands exceeding 40*s.* and not exceeding £5.		On Demands exceeding £5. and not exceeding £10.		On Demands exceeding £10.	
	s.	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*
For entering every Plaint, Petition, or Note	0	6	1	0	1	6	2	0
Issuing every Summons or Subpœna	0	6	1	0	1	6	2	0
Every Hearing or Trial	1	0	1	6	2	0	2	6
Adjournment of any Cause or Hearing	0	3	0	4	0	6	0	8
Swearing any Witness, Plaintiff, or Defendant	0	4	0	6	0	8	1	0
Entering and drawing up every Judgment, Decree, or Order	0	6	1	0	1	6	2	0
Copy of every Order or Judgment	0	3	0	6	1	0	1	3
Every Nonsuit	0	6	1	0	2	0	2	6
Paying Money into Court, and entering same in Books	0	3	0	4	0	6	0	8
Every Receipt on Payment of Money out of Court, exclusive of Stamp	0	4	0	6	1	0	1	3
Issuing every Attachment, Precept, Order, or Execution	1	0	1	6	2	6	3	0
Taking Recognizance of Security for Costs	-	-	-	-	2	6	3	0
Taxing Costs	1	0	1	0	2	0	3	0

Bailiff's and Serjeant's Fees.	On Demands not exceeding 40s.		On Demands exceeding 40s. and not exceeding £5.		On Demands exceeding £5. and not exceeding £10.		On Demands exceeding £10.	
	s.	d.	s.	d.	s.	d.	s.	d.
For calling every Plaintiff or Defendant - -	0	2	0	3	0	5	0	6
For serving every Summons, Order, or Subpœna within One Mile of the Court House - - -	0	4	0	6	0	10	1	0
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House -	0	2	0	3	0	4	0	4
For the Execution of any Warrant, Precept, or Attachment against the Goods or Body - - -	1	0	1	6	2	6	3	0
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House -	0	2	0	3	0	4	0	4
If an Assistant Serjeant should be necessary, in the Judgment of the Court, then for Assistant -	0	6	1	0	2	0	2	6
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House -	0	2	0	3	0	4	0	4
For carrying every Plaintiff, Defendant, or Delinquent to Prison (including all Expences and Assistants), for every Mile - - - - -	0	6	0	6	0	6	0	6

SCHEDULE (D.)

Fees to be taken by the Registrars of the Courts of Bankruptcy.

	If Debt is under £5.		If £5. and under £10.		£10. and not exceeding £20.	
	s.	d.	s.	d.	s.	d.
On filing Application for Summons - - -	0	6	0	9	1	0
For Summons - - - - -	0	6	0	9	1	0
Order - - - - - -	1	0	1	6	2	0
For every Examination - - - - -	0	6	0	9	1	0
For every Warrant - - - - -	0	6	0	9	1	0
On filing Affidavits or other Documents - - -	0	6	0	9	1	0
For every Search - - - - -	0	6	0	9	1	0
For registering every Order - - - - -	0	6	0	9	1	0
For Copies of any Documents filed, 1½d. per Folio of Ninety Words.						

CAP. CXXVIII.

An Act to make further Regulations respecting the Tickets of Work to be delivered to Silk Weavers in certain Cases. [9th *August* 1845.]

5 G. 4. c. 96.

'WHEREAS by an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled '*An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between 'Masters and Workmen*, it was enacted, amongst other things, that "with every Piece of Work given 'out by the Manufacturer to a Workman to be done there shall (if both Parties are agreed) be delivered 'a Note or Ticket in such Form as the said Parties shall mutually agree upon:" And whereas it is 'expedient that, so far as relates to Silk Weavers, such further Provision should be made for Delivery 'to them of a Note or Ticket of Work as herein-after is expressed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* in the Year One thousand eight hundred and forty-five when any Manufacturer of Silk Goods or of Goods made of Silk mixed with other Materials, or the Agent of any such Manufacturer, gives out to a Weaver of such Goods a Piece of Warp to be woven, such Manufacturer or Agent shall at the same Time deliver to such Weaver (unless both Parties shall by Writing under their respective Hands agree to dispense therewith) a printed or written Ticket, signed by

Manufacturer to deliver with Warp a Ticket of Work.

by such Manufacturer or Agent, containing the following Particulars of the Agreement between such Manufacturer or Agent and such Weaver; (that is to say,)

The Count or Richness of the Warp or Cane:

The Number of Shoots or Picks required in each Inch:

The Number of Threads of Weft to be used in each Shoot:

The Name of the Manufacturer, or the Style of the Firm under which he carries on Business:

The Weaver's Name, with the Date of the Engagement:

And the Price in Sterling Money agreed on for executing each Yard Imperial Standard Measure of Thirty-six Inches of such Work in a workmanlike Manner:

And such Manufacturer or Agent delivering such Ticket shall make or cause to be made, and shall preserve until the Work contracted to be done shall have been completed or paid for, a Duplicate of such Note or Ticket.

Ticket to be Evidence in Disputes;

II. And be it enacted, That in the event of any Dispute between the Manufacturer or his Agent and the Workmen, such Ticket and the said Duplicate thereof shall be required to be produced, and shall, together or either of them, be Evidence of all things mentioned therein, or respecting the same.

Work to be produced in order to Adjudication.

III. Provided always, and be it enacted, That where the Subject of Dispute relates to the alleged improper or imperfect Execution of any Work delivered to any Manufacturer or his Agent, such Piece of Work shall be produced, in order to Adjudication, or if not produced shall be deemed and taken to have been sufficiently and properly executed.

Power of summoning Witnesses.

IV. And be it enacted, That if any of the Parties to the said Complaint shall make Oath before any Justice having Cognizance of such Complaint that he or she believes that the Attendance of any Person as a Witness will be material to the hearing of such Complaint, such Justice may summon such Person, having been paid or tendered a reasonable Sum for his Expences, to appear and give Evidence on Oath before him at a Time and Place set forth in the said Summons; and if any Person so summoned shall not appear at the Time and Place set forth in the said Summons, and shall not make Excuse for the Default to the Satisfaction of such Justice, and if the due Service of the Summons be proved, or if such Person appearing according to the Summons shall not submit to be examined as a Witness, then such Justice may adjudge such Person so making default in appearing or refusing to give Evidence to pay such Penalty not exceeding Five Pounds as such Justice shall think fit, and the Party so adjudged to pay such Penalty shall pay the same accordingly.

Service of Summons.

V. And be it enacted, That every Summons required by this Act shall be served by delivering the same to the Person summoned, or by leaving the same at his or her usual Place of Abode, Twenty-four Hours at least before the Time appointed by the Summons for such Person to appear.

Levying and Application of Penalty.

VI. And be it enacted, That if any such Penalty or Costs so adjudged by any Justice to be paid is not paid immediately upon Adjudication such Justice may issue his Warrant to distrain and sell the Goods and Chattels of the Person so adjudged to pay the same for the Amount thereof, with Costs; and the Proceeds of such Distress, after paying the Penalty and Costs, and the Costs of such Distress and Sale, shall be paid over to the Person convicted; and the said Penalty shall be paid over to the Sheriff or other proper Officer of the County, City, Borough, or Place in which such Conviction shall take place, for Her Majesty's Use, and shall be returned to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.* 3 G. 4. c. 46.

Recovery of Wages and Sums due for Work.

VII. And be it enacted, That if any Silk Manufacturer or other Party employing, contracting, or engaging with any Person for any Work in any Branch of the said Manufacture, or connected therewith or incidental thereto, or for specific Work, or otherwise, and whether such Person is to be paid according to the Nature or Amount of the Work done, the Time employed, or any other Manner, shall not from Time to Time pay and discharge all such Sums of Money and Wages as shall be justly due and payable to any such Person, it shall be lawful for a Justice of the Peace, on Complaint made for that Purpose, to summon such Manufacturer or other Party to appear at a Time and Place to be named in such Summons, and for any Two or more Justices of the Peace to hear and determine such Complaint, and order Payment of such Sum as shall appear to such Justices to be justly due and payable, together with Costs for Loss of Time and recovering the same, and in default of Payment immediately, or within such Period as the said Justices shall direct, the said Justices shall issue their Warrant to levy the same by Distress and Sale of the Goods and Chattels of the said Manufacturer or other Party; and the said Justices, if they shall think fit, may also, by Order in Writing, authorize such Person to return his Work unfinished; and such Justices shall also fine such Manufacturer or other Party for such Neglect of Payment, if the First Offence Five Pounds, and for the Second Ten Pounds, and Five Pounds extra for every succeeding Offence, unless the said Manufacturer or other Party shall deliver to the said Person employed a Notice in Writing, within Four-and-twenty Hours after such Refusal to pay to the said Person employed the Amount of Wages due, stating the Reasons for such Refusal in full, and that the said Manufacturer or other Party intends to have such Work arbitrated.

No Certiorari to be allowed.

VIII. And be it enacted, That no Order or Conviction or Proceeding touching the same respectively shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and that when any Distress shall have been made for levying any Money by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making the same a Trespasser on account of any Defect or Want of Form in the Summons, Warrant, Conviction, Warrant of Distress, or other Proceedings in relation thereto, nor shall the Party distraining be deemed a Tres-

passer from the Beginning on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for special Damage (if any) by Action on the Case.

Alteration of Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. CXXIX.

An Act for raising the Sum of Nine millions and twenty-four thousand nine hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-five. [9th *August* 1845.]

CAP. CXXX.

An Act to apply the Sum of Ten millions eight hundred sixty-nine thousand two hundred and thirty-nine Pounds One Shilling and Seven-pence out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-five, and to appropriate the Supplies granted in this Session of Parliament. [9th *August* 1845.]

§ I. There shall be applied, for the Service of the Year 1845, £10,869,239 1*s.* 7*d.* out of the Consolidated Fund.

II. The Treasury may cause £10,869,239 1*s.* 7*d.* of Exchequer Bills to be made out in manner prescribed by 48 *G.* 3. *c.* 1., 4 & 5 *W.* 4. *c.* 15., and 5 & 6 *Vict. c.* 66.

III. The Clauses, &c. in recited Acts extended to this Act.

IV. Interest on Exchequer Bills.

V. Bank of England may advance £10,869,239 1*s.* 7*d.* on the Credit of this Act, notwithstanding 5 & 6 *W.* & *M. c.* 20.

VI. Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VII. Monies raised by Exchequer Bills to be applied to Services voted by the Commons.

VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

IX. The Treasury to issue £289,351 18*s.* 5*d.* the Surplus of Ways and Means, and £500,000 now in the Exchequer, to complete the Aids granted for 1843 and 1844.

X. Monies coming into the Exchequer by 8 & 9 *Vict. c.* 1.—£9,379,600 by Exchequer Bills, 8 & 9 *Vict. c.* 23.—£9,024,900 by Exchequer Bills, 8 & 9 *Vict. c.* 129.—and £10,869,239 1*s.* 7*d.* 289,351*l.* 18*s.* 5*d.*, and £500,000 by this Act, applied as hereafter expressed.

XI. There shall be applied,

£ 6,943,720	0	0	For Naval Services, to the 31st *March* 1846, *viz.*
1,289,543	0	0	For Wages to 40,000 Seamen and Marines, &c.
610,545	0	0	For Victuals, &c. in the Navy.
129,092	0	0	For Salaries, &c. of the Admiralty Office.
11,608	0	0	For Registry Office of Seamen, &c.
39,545	0	0	For the Navy Scientific Departments.
131,047	0	0	For Naval Establishments at home.
22,957	0	0	For Naval Establishments abroad.
690,630	0	0	For Wages of Artificers, &c. at home.
41,995	0	0	For Wages of Artificers, &c. abroad.
1,199,141	0	0	For Naval Stores, &c.
486,346	0	0	For new Works in Naval Establishments.
19,758	0	0	For Medicines, &c.
118,457	0	0	For Naval miscellaneous Services.
729,640	0	0	For Naval Half Pay.
489,549	0	0	For Military Pensions.
158,487	0	0	For Civil Pensions.
131,405	0	0	To defray the Charge of Transports, &c.
91,673	0	0	To defray the Charge of Convicts, Home Department.
544,774	0	0	For Mail Packet Service.
7,528	0	0	For retired Allowance to 300 Naval Captains.
XII. 6,534,699	0	0	For Army Services, from 1st *April* 1845 to 31st *March* 1846, *viz.*
3,430,499	0	0	For Forces in United Kingdom and Stations abroad (except the *East Indies*).
155,099	0	0	For General Staff Officers, &c.
89,412	0	0	For Allowances to Officers, &c. of Public Military Departments.
13,200	0	0	For Royal Military Asylum, &c.
86,168	0	0	For Volunteer Corps.
56,593	0	0	For Services of former Years.
14,148	0	0	For Rewards for distinguished Military Services.
73,000	0	0	For certain General Officers.
62,000	0	0	For Full Pay for Retired Officers.

	£441,000	0	0	For Half Pay for Retired Officers.	
	52,252	0	0	For Half Pay, &c. to Officers of disbanded Foreign Corps, &c.	
	141,848	0	0	For Pensions to Widows.	
	105,000	0	0	For Compassionate List, &c.	
	1,220,553	0	0	For *Chelsea* and *Kilmainham* Hospitals, &c.	
	38,500	0	0	For Superannuations in Military Public Departments.	
	361,805	0	0	For Commissariat Department.	
	47,328	0	0	For Half Pay of Commissariat Department.	
	146,294	0	0	For Disembodied Militia.	
§ XIII.	There shall be issued,				
	£2,142,122	0	0	For Ordnance Services for 1845–6, *viz.*	
	499,924	0	0	For Ordnance Military Corps.	
	299,333	0	0	For Commissariat and Barrack Supplies, &c.	
	89,178	0	0	For Ordnance Offices at the *Tower* and *Pall Mall.*	
	208,573	0	0	For Ordnance and Barrack Establishments.	
	117,550	0	0	For Wages of Artificers, &c. in the Ordnance Department.	
	213,246	0	0	For Ordnance Stores for Land and Sea Service.	
	488,483	0	0	For Ordnance and Barrack Works, &c.	
	62,753	0	0	For Scientific Branch of Ordnance Department.	
	163,082	0	0	For Non-effective Ordnance Services.	
XIV.	18,404,500	0	0	To pay off Exchequer Bills charged on the Aids of 1845.	
	500,000	0	0	To discharge Supplies granted for 1844, &c.	
XV.	100,000	0	0	For Civil Contingencies	To 31st *March* 1846.
	112,217	0	0	For Repairs of Public Buildings, Furniture of Public Offices, &c.	
	6,500	0	0	For a Palm House in the Royal Botanic Garden at *Kew*	
	8,395	0	0	For providing Accommodation for Houses of Parliament	
	85,000	0	0	For New Houses of Parliament	
	14,000	0	0	For rebuilding the Home Office, &c.	
	3,836	0	0	For *Holyhead* Harbour, &c.	
	50,000	0	0	For *Caledonian* Canal	
	24,661	0	0	For Public Buildings, *Ireland*	
	9,000	0	0	For *Kingstown* Harbour	
	150,000	0	0	For constructing Harbours of Refuge and Packet Harbour at *Holyhead.*	
	1,200	0	0	For repairing *St. Margaret*'s Church, *Westminster.*	
XVI.	39,350	0	0	For both Houses of Parliament	To 31st *March* 1846.
	55,900	0	0	For Salaries, &c. at the Treasury	
	17,450	0	0	For the Home Department	
	74,000	0	0	For Salaries, &c. in the Foreign Department	
	21,000	0	0	For the Colonial Department	
	39,000	0	0	For Salaries, &c., at the Privy Council, &c.	
	2,000	0	0	For Lord Privy Seal	
	34,056	0	0	For Office of Paymaster General	
	15,919	0	0	For Comptroller General of Exchequer, &c.	
	2,630	0	0	For State Paper Office	
	3,240	0	0	For Ecclesiastical Commissioners for *England*	
	52,770	0	0	For the Poor Law Commissioners	
	52,383	0	0	For the Mint	
	13,400	0	0	For Public Records	
	2,612	0	0	For Salaries, &c. of the Jewel Office, Tower of *London*	
	10,967	0	0	For Salaries, &c. of Inspectors of Factories, &c.	
	22,471	0	0	For Offices of Chief Secretary to Lord Lieutenant, &c. *Ireland*	
	5,018	0	0	For Paymaster of Civil Services, *Ireland*	
	3,157	0	0	For Board of Public Works, *Ireland*	
	221,588	0	0	For Stationery, &c. for Government Departments	
	4,950	0	0	For Printing, &c. by Queen's Printer, *Ireland*	
	1,815	0	0	For Salaries of Officers, *Scotland*	
	6,464	0	0	For Household of Lord Lieutenant of *Ireland*	
	39,000	0	0	For Foreign and Secret Services	
XVII.	32,000	0	0	For Law Charges, &c.	
	11,720	0	0	For Prosecutions under Laws relating to Coin	
	130,000	0	0	For Charges formerly paid out of County Rates	
	15,100	0	0	For Expences of Sheriffs, Salaries of Officers of the Exchequer, &c.	

	£13,368	0	0	For Salaries, &c. of Officers of Insolvent Debtors Court	
	18,361	0	0	For *Parkhurst* Prison	
	16,218	0	0	For *Pentonville* Prison	
	28,118	0	0	For *Milbank* Prison	
	4,025	0	0	For Criminal Lunatics	
	8,172	0	0	For Inspectors of Prisons	
	67,810	0	0	For Law Expences, *Scotland*	
	69,109	0	0	For Law Expences, *Ireland*	
	33,000	0	0	For the Police of *Dublin*	
	7,267	0	0	For Convict Depôt in *Dublin*, &c.	
	6,000	0	0	For a Prison for Criminal Lunatics, *Dublin*	
	62,350	0	0	For Convicts at home, &c.	
	250,000	0	0	For Convicts at *New South Wales*, &c.	
§ XVIII.	2,006	0	0	For certain Professors *Oxford* and *Cambridge*	
	4,540	0	0	For *London* University	To 31st *March* 1846.
	300	0	0	For Royal *Irish* Academy	
	300	0	0	For Royal *Hibernian* Academy	
	5,910	0	0	For Royal *Dublin* Society	
	52,020	0	0	For Buildings at *British Museum*	
	6,217	0	0	For purchasing Collections for same	
	1,500	0	0	For National Gallery	
	8,850	0	0	For Geological Survey, &c.	
	5,839	0	0	For Observatories at *Toronto*, &c.	
	1,500	0	0	For Monuments of Sir *Sydney Smith*, &c.	
	4,875	0	0	For purchasing Collections for the *British Museum*	
	2,000	0	0	For Statues of *Hampden*, &c.	
	75,000	0	0	For Public Education	
	75,000	0	0	For Education, *Ireland*	
	4,911	0	0	For School of Design	
	7,380	0	0	For Grants to *Scottish* Universities	
	2,100	0	0	For *Belfast* Academical Institution	
	42,040	0	0	For the *British Museum* to *Lady Day* 1846.	
XIX.	3,410	0	0	For Civil Establishment of the *Bahama Islands*, &c.	
	4,049	0	0	For ditto of the *Bermudas*	
	3,070	0	0	For ditto of *Prince Edward's Island*	
	400	0	0	For *Sable Island*, &c.	
	13,680	0	0	For Civil Establishments on the Western Coast of *Africa*	
	12,000	0	0	For *St. Helena*	
	7,219	0	0	For *Western Australia*	
	3,171	0	0	For *South Australia*	
	5,829	0	0	For *Port Essington*	
	7,486	0	0	For the *Falkland Islands*	
	1,023	0	0	For *Heligoland*	
	18,394	0	0	For *West India* Colonies	
	11,353	0	0	For *British North American* Provinces, &c.	
	18,895	0	0	For *Indian* Department in *Canada*	
	10,495	0	0	For Colonial Land and Emigration Board	
	48,800	0	0	For Salaries, &c. of Justices in *West Indies*, &c.	To 31st *March* 1846.
	6,000	0	0	For Education of emancipated Negro Population	
	35,000	0	0	For Support of captured Negroes, &c.	
	24,000	0	0	For Commissions for suppressing the Slave Trade	
	110,750	0	0	For Consular Establishment	
	80,000	0	0	For *British* Settlement at *Hong Kong*, &c.	
	18,000	0	0	For Ministers at Foreign Courts	
	22,565	0	0	For *New Zealand*	
XX.	80,300	0	0	For Retired Allowances to Public Officers	
	5,700	0	0	For *Toulonese* and *Corsican* Emigrants, &c.	
	1,850	0	0	For National Vaccine Institution	
	3,000	0	0	For Refuge for Destitute	
	11,800	0	0	For *Polish* Refugees, &c.	
	4,932	0	0	To pay Allowances formerly paid from Civil List, &c.	
	2,146	0	0	For Charities, &c. *Scotland*	
	13,029	0	0	For House of Industry, *Dublin*	
	1,000	0	0	For Female Orphan House	
	2,500	0	0	For *Westmoreland* Lock Hospital	

	£ 1,000	0	0	For Lying-in Hospital, *Dublin* - - -	To 31st *March* 1846.
	1,500	0	0	For Dr. *Stevens'* Hospital - - -	
	3,500	0	0	For Fever Hospital, &c. *Dublin* - - -	
	500	0	0	For Hospital for Incurables - - - -	
	35,630	0	0	For Protestant Dissenting Ministers, *Ireland* - -	
	7,340	0	0	For Charitable Allowances, *Ireland* - -	
§ XXI.	1,500	0	0	For Health of Towns Commission.	
	3,400	0	0	For Criminal Law Commission.	
	6,000	0	0	For Survey of *Ireland*.	
	2,597	0	0	For Improvement of the *Shannon*.	
	782	0	0	For *British* Ambassador's House at *Paris*.	
	13,000	0	0	For ditto at *Constantinople*.	
	50,000	0	0	For Steam to *India*.	
	16,600	0	0	For Militia, *Canada*.	

XXII. Supplies to be applied only for the Purposes aforesaid.

XXIII. Rules to be observed in the Application of the Sum appropriated to Half Pay. Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c. Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since *July* 1828. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.

XXIV. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXV. Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required by 7 & 8 *Vict.* c. 104., indemnified.

XXVI. Half Pay allowed to the Officers of the *Manx* Fencibles.

XXVII. Half Pay Allowances to Chaplains of Regiments not being in possession of Ecclesiastical Benefices derived from the Crown.

XXVIII. By 7 & 8 *Vict.* c. 104. a Sum was appropriated to be paid to Half Pay Officers, the Surplus of which is hereby authorized to be disposed of as Her Majesty shall direct.

XXIX. Widows and Persons claiming Pensions shall make the required Declaration.

XXX. Declarations to be made as specified in 5 & 6 *W.* 4. c. 62.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

N.B.—*The Continuance of such of the following Acts as are temporary will be known (where it is not expressly stated) by referring to the following List, according to the corresponding Letter at the End of the Title.*

(*a*) *For* 31 *Years, &c.* [i.e. *to the End of the next Session*] *from a Day named in the Act.*
(*b*) *For* 31 *Years, &c. from the passing of the Act.*

The following are all PUBLIC ACTS; *to each of which is annexed a Clause in the Form following:*

"And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and "shall be judicially noticed as such."

Cap. i.

An Act to enable the Mayor and Commonalty and Citizens of the City of *London* to raise a Sum of Money at a reduced Rate of Interest, to pay off the Monies now charged on the Tolls and Duties payable by virtue of several Acts for improving the Navigation of the River *Thames* Westward of *London* Bridge, within the Liberties of the City of *London;* and to amend some of the said Acts. [24th *April* 1845.]

Cap. ii.

An Act for uniting the *Birmingham* and *Liverpool* Junction Canal Navigation Company with the *Ellesmere* and *Chester* Canal Company. [8th *May* 1845.]

Cap. iii.

An Act for altering and enlarging the Powers and Provisions of the Acts relating to the *Forth* and *Clyde* Navigation. [8th *May* 1845.]

Cap. iv.

An Act for the Construction of a Dock, Wharf, Walls, and other Works by the *Birkenhead* Dock Commissioners at *Birkenhead* in the County of *Chester.* [8th *May* 1845.]

Cap. v.

An Act for amending the Acts relating to the Docks at *Kingston-upon-Hull,* and for enlarging one of the said Docks. [8th *May* 1845.]

Cap. vi.

An Act for paving, lighting, watching, cleansing, and otherwise improving the Parish of *Wallasey* in the County of *Chester;* and for establishing a Police, and also a Market, within the said Parish; and for other Purposes. [8th *May* 1845.]

[*Saving the Rights of the Crown,* § 324.]

Cap. vii.

An Act to incorporate the Members of the Institution called "The *London* Orphan Asylum," and to enable them the better to carry on their charitable Designs. [8th *May* 1845.]

Cap. viii.

An Act to enable the Corporation of the Amicable Society for a perpetual Assurance Office to lend Money upon Mortgage for the Purpose of Investment, and also to confer other Powers upon the said Society. [8th *May* 1845.]

Cap. ix.

An Act for repairing the Road from the South End of *Sparrows Herne* on *Bushey Heath,* through *Watford, Berkhampstead Saint Peter,* and *Tring,* in the County of *Hertford,* into the Town of *Aylesbury* in the County of *Buckingham.* [8th *May* 1845.]

[4 *G.* 4. *c.* lxiv. *repealed,* § 1. *Tolls to be paid but once a Day for passing through the Gates between Sparrows Herne and Bourne End Mill, nor between Bourne Mill and Mr. Senior's House,* § 12. *Act to continue in force from the Third Monday after the passing for Twenty-one Years, and to the End of the Session following,* § 23.]

Cap. x.

An Act for making and maintaining a Turnpike Road from the Turnpike Road leading from *Bromyard* to *Stourport*, at or near to *Stanford Bridge* in the Parish of *Stanford*, to the Turnpike Road leading from *Clifton* to *Worcester* at or near to *Ham Bridge* in the Parish of *Clifton-on-Teme* in the County of *Worcester*. (*a*) [8th *May* 1845.]

[*Only One Toll to be paid on the Road daily*, § 16. *Persons having paid Toll to return Toll-free*, § 17. *No more Money to be laid out on any Road than is taken thereon*, § 25. *No Tolls to be taken or Money laid out in Towns*, § 25.]

Cap. xi.

An Act to amend the Acts relating to the Docks and Harbour of *Liverpool*. [20th *May* 1845.]

Cap. xii.

An Act to alter the Provisions of an Act for lighting with Gas the Town of *Bradford* and the Neighbourhood thereof, within the Parish of *Bradford* in the West Riding of the County of *York*. [20th *May* 1845.]

Cap. xiii.

An Act for abolishing the *Sunday* Toll authorized by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for paving the Streets and Lanes in the Town and Borough of* Southwark, *and certain Parts adjacent in the County of* Surrey, *and for cleansing, lighting, and watching the same, and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances therein;* and for altering and amending the same Act; and for other Purposes. [20th *May* 1845.]

Cap. xiv.

An Act for completing the Line of the *Glasgow, Parkhead,* and *Woodend* Turnpike Roads, for incorporating the same with the Roads under the Charge of the *Glasgow* and *Shotts* Road Trustees, and for the further Improvement and Maintenance of the said several Roads. (*b*) [20th *May* 1845.]

Cap. xv.

An Act for the better paving, lighting, and improving the Borough of *Chester*, and for establishing new Market Places therein. [30th *June* 1845.]

Cap. xvi.

An Act for establishing a Market in the Town and Borough of *Stoke-upon-Trent* in the County of *Stafford*. [30th *June* 1845.]

Cap. xvii.

An Act for amending the Acts relating to the Street leading to *Clerkenwell Green;* and for extending such Street, and making new Streets out of the same. [30th *June* 1845.]

Cap. xviii.

An Act for the better lighting the Town and Suburbs of *Paisley* with Gas. [30th *June* 1845.]

Cap. xix.

An Act for granting more effectual Powers for supplying with Water the Inhabitants of the Town and County of the Town of *Nottingham*, and certain Places adjacent thereto, in the County of *Nottingham*. [30th *June* 1845.]

Cap. xx.

An Act to authorize the Erection of Sea Walls and Works, and a Jetty, at the Town or Parish of *Cromer* in the County of *Norfolk*, and otherwise to provide for protecting the said Town and Parish from the further Encroachment of the Sea. [30th *June* 1845.]

Cap. xxi.

An Act for the better ascertaining and collecting the Poor and other Rates in the Parish of *Battersea* in the County of *Surrey*. [30th *June* 1845.]

Cap. xxii.

An Act to carry into effect an Arrangement between the Corporation of the Royal Naval School and the Committee for managing the Patriotic Fund for the Admission of Pupils into the said School. [30th *June* 1845.]

Cap. xxiii.

An Act to alter and enlarge the Powers and Provisions of the Acts for making a Dock or Docks at *Southampton*. [30th *June* 1845.]

Cap. xxiv.

An Act to amend the Acts for building a Bridge over the River *Avon* from *Clifton* to the opposite Side of the River in the County of *Somerset*. [30th *June* 1845.]

Cap. xxv.

An Act for improving and maintaining the Harbour or Port of *Boddam* in the County of *Aberdeen*. [30th *June* 1845.]

[*Act not to extend to Ships of War or Vessels employed by the Ordnance, Customs, Excise, Commissioners of Northern Lighthouses, or Trinity House*, § 84.]

Cap. xxvi.

An Act for enabling *William Jackson* Esquire to build and maintain a new Church in the Township of *Claughton-cum-Grange* in the County of *Chester*. [30th *June* 1845.]

[*Saving the Rights of the Bishop of Chester*, § 31.]

Cap. xxvii.

An Act for enabling *William Potter* Esquire to build and maintain a new Church in the Township of *Claughton-cum-Grange* in the County of *Chester*. [30th *June* 1845.]

[*Saving the Rights of the Bishop of Chester*, § 31.]

Cap. xxviii.

An Act to enable the North *British* Insurance Company to purchase Annuities, to take and hold Property, and to invest Money and Stock upon Mortgage; and for other Purposes relating to the said Company. [30th *June* 1845.]

Cap. xxix.

An Act for the better Regulation and Management and for the Extension of the Slaughter Houses and Market Accommodation in the City of *Glasgow;* and for other Purposes in relation thereto. [30th *June* 1845.]

Cap. xxx.

An Act for repairing certain Roads between *Stokenchurch* and the Borough of *New Woodstock* in the County of *Oxford*, and several other Roads communicating therewith. (*a*) [30th *June* 1845.]

[*Persons having paid Toll to return Toll-free*, § 12. *Trustees may reduce the Tolls for Lime or Chalk for Manure*, § 17. *Saving the Rights of the University and City of Oxford*, § 24.]

Cap. xxxi.

An Act to enable the *Glasgow, Garnkirk, and Coatbridge* Railway Company to improve the Gauge of their Rails. [30th *June* 1845.]

Cap. xxxii.

An Act for making a Railway from the *Lancaster and Carlisle* Railway to *Birthwaite* in the Parish of *Windermere*, to be called "The *Kendal and Windermere* Railway." [30th *June* 1845.]

Cap. xxxiii.

An Act for completing the Line of the *Chester and Holyhead* Railway, and for amending the Act relating to the said Railway. [30th *June* 1845.]

Cap. xxxiv.

An Act for enabling the *York and North Midland* Railway Company to alter the Line of the *York and Scarborough* Railway near the City of *York*. [30th *June* 1845.]

Cap. xxxv.

An Act for extending the *Manchester, Bury, and Rossendale* Railway to the Towns of *Blackburn, Burnley, Accrington*, and *Colne*. [30th *June* 1845.]

Cap. xxxvi.

An Act for making a Railway from *Leeds* by *Dewsbury* to *Huddersfield*, all in the West Riding of the County of *York*, and for improving the Communication by Railway between the Towns of *Leeds* and *Huddersfield* and the Town of *Manchester*. [30th *June* 1845.]

Cap. xxxvii.

An Act for making a Railway from the Town of *Dunstable* to join the *London and Birmingham* Railway near *Leighton Buzzard* in the County of *Bedford*. [30th *June* 1845.]

Cap. xxxviii.

An Act for enabling the *Leeds and Bradford* Railway Company to make a Railway from *Shipley* to *Colne*, with a Branch to *Haworth*. [30th *June* 1845.]

Cap. xxxix.

An Act for making a Railway from *Huddersfield* in the West Riding of the County of *York* to or near *Penistone* in the same Riding, there to form a Junction with the *Sheffield, Ashton-under-Lyne, and Manchester* Railway, to be called "The *Huddersfield and Sheffield Junction* Railway." [30th *June* 1845.]

Cap. xl.

An Act for making a Railway from the *Great Western* Railway at or near *Reading* to the Towns of *Newbury* and *Hungerford*, and also to join the *South-western* Railway at or near *Basingstoke*. [30th *June* 1845.]

Cap. xli.

An Act for the Consolidation of the *Yarmouth and Norwich* and *Norwich and Brandon* Railway Companies, and for authorizing the Construction of certain Works at *Norwich* in connexion with the *Yarmouth and Norwich* Railway. [30th *June* 1845.]

Cap. xlii.

An Act for making a Railway from *Shrewsbury* in the County of *Salop* to *Ruabon* in the County of *Denbigh*, to be called "The *Shrewsbury, Oswestry, and Chester Junction* Railway." [30th *June* 1845.]

Cap. xliii.

An Act for making a Railway from the Town of *Bedford* to join the *London and Birmingham* Railway near *Bletchley* in the County of *Buckingham*. [30th *June* 1845.]

Cap. xliv.

An Act for making a Railway from *Blackburn* to *Bolton* in the County of *Lancaster*, to be called "The *Blackburn, Darwen, and Bolton* Railway." [30th *June* 1845.]

Cap. xlv.

An Act for making a Railway from *Lowestoft* in the County of *Suffolk* to the *Yarmouth and Norwich* Railway at *Reedham* in the County of *Norfolk*, and for improving the Harbour of *Lowestoft*. [30th *June* 1845.]

Cap. xlvi.

An Act to enable the *Monkland and Kirkintilloch* Railway Company to improve the Gauge of their Rails. [30th *June* 1845.]

Cap. xlvii.

An Act to authorize the *Newcastle-upon-Tyne and North Shields* Railway Company to make a Railway from *North Shields* to the Village of *Tynemouth*, and also a Branch from the present Line to the public Quay adjoining the River *Tyne* at *Newcastle*. [30th *June* 1845.]

Cap. xlviii.

An Act for making a Railway from *Ely* to *Huntingdon*. [30th *June* 1845.]

Cap. xlix.

An Act to empower the *Midland* Railway Company to extend the said Railway from *Nottingham* to *Newark* and *Lincoln*. [30th *June* 1845.]

Cap. l.

An Act for making a Railway from a Place in the Parish of *Bole* in the County of *Nottingham*, near to the Town and Port of *Gainsborough*, to the Town and Port of *Great Grimsby* in the Parts of *Lindsey* in the County of *Lincoln*, with Branches to the District or Place called *New Holland*, and to the Town of *Market Rasen*, to be called "The *Great Grimsby and Sheffield Junction* Railway." [30th *June* 1845.]

Cap. li.

An Act for making a Branch Railway from the *Hull and Selby* Railway to *Bridlington*, and for other Purposes relating to the *Hull and Selby* Railway. [30th *June* 1845.]

Cap. lii.

An Act to enable the *Brighton, Lewes, and Hastings* Railway Company to make a Branch Railway from *Southover, Lewes*, to join the *London and Brighton* Railway at *Keymer*. [30th *June* 1845.]

Cap. liii.

An Act for making a Railway from the *Great Western* Railway to the City of *Salisbury* and Town of *Weymouth*, with other Railways in connexion therewith, to be called "The *Wilts, Somerset, and Weymouth* Railway." [30th *June* 1845.]

Cap. liv.

An Act for amending the Acts relating to the *Manchester and Leeds* Railway, and for making a Branch therefrom to *Burnley*, and for extending the *Oldham* and *Heywood* Branches. [30th *June* 1845.]

Cap. lv.

An Act for making a Railway from *Lynn* to *Ely*, with Branches therefrom. [30th *June* 1845.]

Cap. lvi.

An Act to empower the *Midland* Railway Company to make a Branch from the said Railway near *Syston* in the County of *Leicester* to the City of *Peterborough*. [30th *June* 1845.]

Cap. lvii.

An Act for authorizing the Sale of the *Whitby and Pickering* Railway to the *York and North Midland* Railway Company, and for enabling the said Company to make certain Deviations or Alterations in the Line of the *Whitby and Pickering* Railway. [30th *June* 1845.]

Cap. lviii.

An Act for enabling the *York and North Midland* Railway Company to make a Branch Railway from the Line of the *York and Scarborough* Railway, in the Township of *Seamer*, to *Bridlington*. [30th *June* 1845.]

Cap. lix.

An Act for amending an Act of the Forty-first Year of the Reign of His Majesty King *George* the Third relating to the Port of *Newcastle-upon-Tyne*; and for granting further Powers and for establishing and maintaining an efficient River Police, and for regulating the said Port. [30th *June* 1845.]

Cap. lx.

An Act for constructing Docks, Walls, Warehouses, and other Works in *Birkenhead*. [30th *June* 1845.]

[*Saving Rights of the Crown*, § 67. *Acts not to extend to Ships of War or Vessels employed by the Ordnance, Customs, Excise, Post Office, or Trinity House*, § 68. *Saving the Rights of the Trinity House*, § 69.]

Cap. lxi.

An Act for constructing Docks at *Wexford*, to be called "The *Castle Hill* Docks," and for the Regulation and Management thereof. [30th *June* 1845.]

[*Saving the Rights of the Trinity House*, § 85.; *of the Crown*, § 86.; *and of the Wexford Harbour Commissioners*, § 87.]

Cap. lxii.

An Act to amend the Acts relating to the *Hungerford* and *Lambeth* Suspension Foot Bridge Company, hereafter to be called "The *Charing Cross Bridge* Company," and for granting further Powers to the said Company. [30th *June* 1845.]

[*Act not to prejudice Property of the Hungerford Market Company*, § 43. *Saving the Rights of the London Gas Company*, § 44.]

Cap. lxiii.

An Act for better supplying with Gas the Township of *Pudsey* and the Village of *Farsley*, and the Neighbourhood thereof, all in the Parish of *Calverley* in the West Riding of the County of *York*. [30th *June* 1845.]

Cap. lxiv.

An Act for better supplying with Gas the Borough of *Devonport*. [30th *June* 1845.]

Cap. lxv.

An Act for better supplying with Gas the Town and Neighbourhood of *Plymouth*. [30th *June* 1845.]

Cap. lxvi.

An Act to enlarge the Powers of the *Birmingham* and *Staffordshire* Gas Light Company. [30th *June* 1845.]

Cap. lxvii.

An Act for better supplying with Gas the Town and Neighbourhood of *Taunton* in the County of *Somerset*. [30th *June* 1845.]

Cap. lxviii.

An Act for better supplying with Water the Towns of *Scarborough* and *Falsgrave* in the Parish of *Scarborough* in the County of *York*. [30th *June* 1845.]

Cap. lxix.

An Act for uniting the *Vauxhall* and *Southwark* Water Companies into One Company, to be called The *Southwark* and *Vauxhall* Water Company, and for extending the Works of the said Company. [30th *June* 1845.]

[*Saving the Rights of London Corporation*, § 45.; *of Commissioners of Sewers*, § 46.; *and of Commissioners for improving the Waterside Division of Bermondsey*, § 49. *Act not to affect Property of the Duke of Cornwall*, § 50.]

Cap. lxx.

An Act to alter, enlarge, and amend an Act for supplying with Water the Town and Neighbourhood of *Huddersfield* in the West Riding of the County of *York*. [30th *June* 1845.]

Cap. lxxi.

An Act for supplying the Borough and County of *Newcastle-upon-Tyne* and the Borough of *Gateshead* in the County of *Durham*, and the Neighbourhoods thereof, with Water, from *Whittle Dean* in the Parish of *Ovingham*, and other Places in *Northumberland*. [30th *June* 1845.]

Cap. lxxii.

An Act to enable the *Shaws Water* Joint Stock Company to increase the Supply of Water for driving Mills and Machinery near the Town of *Greenock*, and for the Use of the Inhabitants of the said Town and Harbours thereof. [30th *June* 1845.]

Cap. lxxiii.

An Act to regulate the loading of Ships with Coals in the Port of *Newcastle-upon-Tyne*. [30th *June* 1845.]

[*Act to continue in force for Twenty-one Years*, § 47.]

Cap. lxxiv.

An Act for better assessing and collecting the Poor Rates, Highway Rates, and Church Rates in the Parish of *Hemel Hempsted* in the County of *Hertford*. [30th *June* 1845.]

Cap. lxxv.

An Act to alter and extend some of the Provisions contained in the Act of Parliament constituting "The Standard Life Assurance Company." [30th *June* 1845.]

Cap. lxxvi.

An Act for conferring on the *Edinburgh* Life Assurance Company certain Privileges of a Corporate Body, and as such to sue and be sued, to hold Property, and for other Purposes relating thereto. [30th *June* 1845.]

Cap. lxxvii.

An Act for amending the Act establishing "The West of *London* and *Westminster* Cemetery Company;" and for enabling the Company to raise a further Sum of Money. [30th *June* 1845.]

[7 *W.* 4. & 1 *Vict. c.* cxxx. *repealed*, § 1. *Company may raise* £21,731 5*s. by new Shares*, § 4.]

Cap. lxxviii.

An Act to enable the Master, Wardens, and Commonalty of Watermen and Lightermen of the River *Thames* to invest their Poor's Fund and the Endowment Fund of the Free Watermen and Lightermen's Asylum in the Purchase of Land or on Mortgage, and to hold Lands for the Purposes of the said Funds. [30th *June* 1845.]

Cap. lxxix.

An Act for the more easy and speedy Recovery of Small Debts within the Town of *Crediton* in the County of *Devon*, and other Places in the same County. [30th *June* 1845.]

Cap. lxxx.

An Act to authorize the *London and Greenwich* Railway Company to let on Lease the *London and Greenwich* Railway, and for amending the Acts relating to such Railway. [21st *July* 1845.]

Cap. lxxxi.

An Act for making a Railway from *Belfast* to *Ballymena* in the County of *Antrim*, with Branches to *Carrickfergus* and *Randalstown*. [21st *July* 1845.]

Cap. lxxxii.

An Act to empower the *North British* Railway Company to purchase the *Edinburgh and Dalkeith* Railway, and to alter Part of the Line of the said Railway and of the *North British* Railway, and to construct certain Branch Railways in connexion therewith. [21st *July* 1845.]

Cap. lxxxiii.

An Act to enable the *Lancaster and Carlisle* Railway Company to alter the Line of such Railway, and to make a Branch therefrom; and for other Purposes relating thereto. [21st *July* 1845.]

Cap. lxxxiv.

An Act for enabling the *York and North Midland* Railway Company to make a Railway from the Line of the *York and North Midland* Railway to *Harrogate*. [21st *July* 1845.]

Cap. lxxxv.

An Act for making a Railway from the *Eastern Counties and Thames Junction* Railway, near the Mouth of the River *Lea* to *North Woolwich*. [21st *July* 1845.]

Cap. lxxxvi.

An Act for authorizing the Sale of the *Guildford Junction* Railway. [21st *July* 1845.]

Cap. lxxxvii.

An Act for making a Railway from *Waterford* to *Kilkenny*, with a Branch to *Kells*, in the County of *Kilkenny*. [21st *July* 1845.]

Cap. lxxxviii.

An Act for making a Railway from *Exeter* to *Crediton* in the County of *Devon*. [21st *July* 1845.]

Cap. lxxxix.

An Act for improving the Navigation of the River and Bay leading to the Borough of *Bridgwater*; for maintaining the present Bridge, and extending the Quays within the Borough; and for forming a Communication by Road and by Railway between the Quays and the *Bristol and Exeter* Railway. [21st *July* 1845.]

[34 *G.* 3. *c.* cv. *repealed*, § 1. *Saving the Rights of the Trustees of the Bridgwater Markets*, § 3.; *and of the Bridgwater and Taunton Canal Company*, § 100.]

Cap. xc.

An Act for authorizing the Consolidation of the *Sheffield and Rotherham* Railway with the *Midland* Railways, and for making a Branch Railway from and other Works in connexion with the said *Sheffield and Rotherham* Railway. [21st *July* 1845.]

Cap. xci.

An Act to amend the Acts relating to the *Edinburgh and Glasgow* Railway; and to authorize the Formation of additional Branches. [21st *July* 1845.]

Cap. xcii.

An Act for enabling the *Newcastle and Darlington Junction* Railway Company to purchase the *Brandling Junction* Railway; and to enable the said Company to make certain Branch Railways, Stations, and Works; and for other Purposes. [21st *July* 1845.]

Cap. xciii.

An Act for making a Railway from *Southampton* to *Dorchester*, with a Branch to the Town of *Poole*. [21st *July* 1845.]

Cap. xciv.

An Act to amend the Act relating to the *Eastern Union* Railway Company, and to raise a further Sum of Money for the Purposes of the said Undertaking. [21st *July* 1845.]

[*Power to raise* 50,000*l. by new Shares*, § 2.]

Cap. xcv.

An Act to authorize an Extension of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway to near *Cumnock*; and to amend the Acts relating to such Railway. [21st *July* 1845.]

Cap. xcvi.

An Act for effecting a Railway Communication between *Dundalk* and *Enniskillen*. [21st *July* 1845.]

Cap. xcvii.

An Act for making a Railway from the *Eastern Union* Railway at *Ipswich* to *Bury Saint Edmunds*. [21st *July* 1845.]

Cap. xcviii.

An Act for making a Railway from *Londonderry* to *Enniskillen*. [21st *July* 1845.]

Cap. xcix.

An Act to authorize the *Chester and Birkenhead* Railway Company to extend the said Railway from *Grange Lane* to *Bridge End*, all in *Birkenhead;* and to amend the Acts relating to the said Railway. [21st *July* 1845.]

Cap. c.

An Act for making a Railway from *Whitehaven* in the County of *Cumberland* to a Point of Junction with the *Furness* Railway in the Parish of *Dalton* in the County Palatine of *Lancaster*, to be called "The *Whitehaven and Furness Junction* Railway." [21st *July* 1845.]

Cap. ci.

An Act for amending the Act relating to the *Manchester, Bury, and Rossendale* Railway. [21st *July* 1845.]

Cap. cii.

An Act to enable the *Great North of England* Railway Company to make a Branch Railway, to be called "The *Great North of England and Richmond* Railway," in the County of *York*. [21st *July* 1845.]

Cap. ciii.

An Act for altering the Line of the *Blackburn and Preston* Railway; and for amending the Act relating thereto. [21st *July* 1845.]

Cap. civ.

An Act for making a Railway from *Leeds* to *Thirsk*, with Branches therefrom. [21st *July* 1845.]

Cap. cv.

An Act for making a Railway from the *Sheffield, Ashton-under-Lyne, and Manchester* Railway at *Stalybridge* to the *Manchester and Leeds* Railway at *Kirkheaton*, with a Branch therefrom; and for consolidating into One Undertaking the said proposed Railway and the *Huddersfield* Canal Navigation. [21st *July* 1845.]

Cap. cvi.

An Act for making and maintaining a Railway from *Porth Dyllaen* in the Parish of *Edern* to *Bangor* in the County of *Carnarvon*, to be called "The *North Wales* Railway." [21st *July* 1845.]

Cap. cvii.

An Act to amend the Act relating to the *Taw Vale* Railway and Dock. [21st *July* 1845.]

Cap. cviii.

An Act for making a Railway to connect the *Manchester and Birmingham* and *Sheffield, Ashton-under-Lyne, and Manchester* Railways, near *Guides Bridge;* and for other Purposes connected with the said *Manchester and Birmingham* Railway. [21st *July* 1845.]

Cap. cix.

An Act for amending the Act relating to the *Ashton, Stalybridge, and Liverpool Junction* Railway, and for making a Branch therefrom to *Ardwick*. [21st *July* 1845.]

Cap. cx.

An Act to enable the *Eastern Counties* Railway Company to make a Deviation from the Line of their authorized Railway between *Ely* and *Peterborough*. [21st *July* 1845.]

Cap. cxi.

An Act for making a Railway to connect the *Manchester and Birmingham* and *Liverpool and Manchester* Railways in the Parish of *Manchester*, and also to *Altrincham* in the County of *Chester*, to be called "The *Manchester South Junction and Altrincham* Railway." [21st *July* 1845.]

Cap. cxii.

An Act for making a Railway from *Stafford* to *Rugby*. [21st *July* 1845.]

Cap. cxiii.

An Act for making a Branch Railway from the *London and Brighton* Railway to or near to the Town of *Horsham* in the County of *Sussex*. [21st *July* 1845.]

Cap. cxiv.

An Act to amend the Act* relating to the *Ulster* Railway Company; and to enable the said Company to make a Railway from *Portadown* to *Armagh*. [21st *July* 1845.]

* 6 & 7 W. 4. c. xxxiii.

Cap. cxv.

An Act to authorize the *North Wales* Mineral Railway Company to extend their Line to *Ruabon*, and to make a Branch Railway from *Rhos Robin* to *Minera*, and to raise additional Capital for those Purposes. [21st *July* 1845.]

[*Company empowered to raise an additional Capital of* 150,000*l.*, § 8.]

Cap. cxvi.

An Act for enabling the *North Union* Railway Company and the *Ribble* Navigation Company to make a Branch or Connexion Railway from the *North Union* Railway to the *Victoria* Quay in *Preston;* and for amending and enlarging the Powers and Provisions of the several Acts relating to such Railway and Navigation respectively. [21st *July* 1845.]

Cap. cxvii.

An Act for uniting the *Sankey Brook* Navigation with the *Saint Helen's and Runcorn Gap* Railway; and for other Purposes. [21st *July* 1845.]

[*Provisions of* 11 *G.* 4. *&* 1 *W.* 4. *c.* l. *relating to Shares, Committee, &c., repealed,* § 2.]

Cap. cxviii.

An Act for enabling the *Great North of England, Clarence, and Hartlepool Junction* Railway Company to make a Branch Railway; and for amending the Acts relating to the said Railway. [21st *July* 1845.]

Cap. cxix.

An Act for making a Railway from *Dublin* to *Mullingar* and *Longford*, to be called "The *Midland Great Western* Railway of *Ireland*." [21st *July* 1845.]

Cap. cxx.

An Act for making a Railway from the Market Town of *Cockermouth* to the Port and Harbour of *Workington* in the County of *Cumberland*. [21st *July* 1845.]

Cap. cxxi.

An Act for making a Railway from *Richmond* in the County of *Surrey* to the *South-western* Railway at *Battersea* in the same County, to be called "The *Richmond* Railway." [21st *July* 1845.]

Cap. cxxii.

An Act for making a Railway from *Cork* to *Bandon*. [21st *July* 1845.]

Cap. cxxiii.

An Act for enabling the *Liverpool* and *Manchester* Railway Company to extend and enlarge the said Railway, and to make certain Branch Railways, and for amending and enlarging the Powers of the several Acts relating to the said Railway. [21st *July* 1845.]

Cap. cxxiv.

An Act to authorize the Extension of the *Great Southern and Western* Railway to the City of *Cork*, with a Branch Railway to the City of *Limerick*. [21st *July* 1845.]

Cap. cxxv.

An Act to amend the several Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company; and to enable the said Company to make Three several Branch Railways. [21st *July* 1845.]

[*Company empowered to make Branch Railways to Blackpool, Lytham, and to Lytham Docks,* § 1.]

Cap. cxxvi.

An Act for making a Railway from *Lynn* to *East Dereham*. [21st *July* 1845.]

Cap. cxxvii.

An Act for making a Railway from *Middlesbro'* to or near the Town of *Redcar* in the North Riding of the County of *York*, to be called "The *Middlesbro' and Redcar* Railway." [21st *July* 1845.]

Cap. cxxviii.

An Act to enable the *Dublin and Drogheda* Railway Company to make a Branch Railway to *Howth;* and to amend the Acts relating to such Company. [21st *July* 1845.]

Cap. cxxix.

An Act for making a Railway from the Town of *Newry* to the Town of *Enniskillen*. [21st *July* 1845.]

Cap. cxxx.

An Act for making a Railway from *Drogheda* to *Portadown*, with a Branch to *Navan*. [21st *July* 1845.]

Cap. cxxxi.

An Act for making and maintaining a Railway from the City of *Waterford* to the City of *Limerick*, with Branches. [21st *July* 1845.]

[*Company empowered to make a Branch to Gibbett Hill*, § 26.]

Cap. cxxxii.

An Act for lighting with Gas the Town and Township of *Glossop* in the County of *Derby*. [21st *July* 1845.]

Cap. cxxxiii.

An Act for consolidating the Management of the Bridges over the *Clyde* at *Glasgow*; for rebuilding the Bridge over the said River opposite *Stockwell Street* in the City of *Glasgow*; for erecting a temporary Bridge for the Use of the Public; for erecting across the said River an Iron Bridge for Foot Passengers, on the existing Bridge opposite to *Portland Street* of *Laurieston* being taken down; and other Purposes. [21st *July* 1845.]

Cap. cxxxiv.

An Act for improving the Markets in the Borough and Town of *Totnes* in the County of *Devon*, and for better supplying the Borough with Water. [21st *July* 1845.]

Cap. cxxxv.

An Act for better supplying with Water the Town of *Wolverhampton* in the County of *Stafford*. [21st *July* 1845.]

Cap. cxxxvi.

An Act for making Two new Streets, with Improvements and Waterworks, within the Town of *Lyme Regis* in the County of *Dorset*, and for watching and lighting the said Town. [21st *July* 1845.]

Cap. cxxxvii.

An Act for supplying with Water the Royal Burgh of *Dundee* and Suburbs thereof. [21st *July* 1845.]

Cap. cxxxviii.

An Act for better supplying with Water the Town and Township of *Blackburn* in the County Palatine of *Lancaster*. [21st *July* 1845.]

Cap. cxxxix.

An Act for amending the Acts relative to the improving of the Pier and Port of *Hartlepool* in the County of *Durham*. [21st *July* 1845.]

Cap. cxl.

An Act for making and maintaining Reservoirs in the Parish of *Kendal* in the County of *Westmorland*. [21st *July* 1845.]

Cap. cxli.

An Act to effect Improvements in the Borough of *Manchester* for the Purpose of promoting the Health of the Inhabitants thereof. [21st *July* 1845.]

Cap. cxlii.

An Act for the Improvement of the Borough of *Belfast*. [21st *July* 1845.]

[40 *G.* 3. *c.* 37. (I.), 56 *G.* 3. *c.* lvii., *and* 3 *&* 4 *Vict. c.* cviii. *repealed, and this Act to take effect*, § 1.]

Cap. cxliii.

An Act for better paving, lighting, cleansing, regulating, and improving the Parish of *Saint Luke Chelsea* (exclusive of the District of *Hans Town*) in the County of *Middlesex*. [21st *July* 1845.]

[*Saving the Rights of the Governor and Company of Chelsea Waterworks*, § 232.; *of London and Imperial Gas Light Companies*, § 233.]

Cap. cxliv.

An Act to make Provision for the Payment of the Debts of the Mayor, Jurats, Bailiffs, and Burgesses of the Borough of *Quinborowe* in the County of *Kent*; and for other Purposes. [21st *July* 1845.]

Cap. cxlv.

An Act for more effectually constituting and regulating the Court of Record within the Borough of *Manchester*, and for extending the Jurisdiction of the said Court. [21st *July* 1845.]

Cap. cxlvi.

An Act for regulating legal Proceedings by and against "The Reversionary Interest Society," and for granting certain Powers to the said Society. [21st *July* 1845.]

Cap. cxlvii.

An Act to facilitate the winding up of the Affairs of the Agricultural and Commercial Bank of *Ireland.* [21st *July* 1845.]

Cap. cxlviii.

An Act for altering and amending certain Acts relating to the *Forth* and *Clyde* Navigation and the *Edinburgh* and *Glasgow* Union Canal, and for forming a Junction between the said Navigation and Canal. [21st *July* 1845.]

Cap. cxlix.

An Act to amend an Act for draining the Low Grounds and Cars in the Parish of *Keyingham* and other Places in the East Riding of the County of *York.* [21st *July* 1845.]

Cap. cl.

An Act for making and maintaining in repair a complete Line of Turnpike Road from *Shepley Lane Head* to the *Barnesley* and *Grange Moor* Turnpike Road at or near *Redbrooke* Plantation in the Parish of *Darton,* all in the West Riding of the County of *York.* [21st *July* 1845.]

[6 *G.* 4. *c.* cliv. *repealed,* § 1. *Half Toll only in Cases where full Toll shall have been paid on the Grange Moor Road,* § 31. *Act to commence on the Third Thursday after the passing, and to continue for* 21 *Years, and to the End of the then next Session,* § 41.]

Cap. cli.

An Act for repairing and maintaining the Road from *Harwell* to *Streatley* in the County of *Berks.* [21st *July* 1845.]

[5 *G.* 4. *c.* cxxxix. *repealed,* § 1. *Payment of One full Toll to clear all Gates in same Day,* § 11. *Act to commence on the Third Wednesday after the passing, and to continue for* 21 *Years, and to the End of the then next Session,* § 22.]

Cap. clii.

An Act for making a Railway to be called "The *Wear Valley* Railway," from and out of the *Bishop Auckland and Weardale* Railway to *Frosterley,* with a Branch terminating at or near *Bishopley Crag* in *Stanhope in Weardale,* all in the County of *Durham.* [31st *July* 1845.]

Cap. cliii.

An Act for making a Railway from *Aberdeen* to *Friockheim* and *Guthrie,* with Branch Lines to *Montrose* and *Brechin,* to be called "The *Aberdeen* Railway." [31st *July* 1845.]

Cap. cliv.

An Act for altering the Line of the *Norwich and Brandon* Railway, and for making a Branch therefrom to *East Dereham* in the County of *Norfolk.* [31st *July* 1845.]

Cap. clv.

An Act to amend the Acts relating to the *Bristol and Exeter* Railway, and to authorize the Formation of a Junction Railway and several Branch Railways connected with the same. [31st *July* 1845.]

Cap. clvi.

An Act for enabling the *London and Birmingham* Railway Company to take a Lease of the *West London* Railway. [31st *July* 1845.]

Cap. clvii.

An Act for making a Railway from the Royal Burgh of *Dundee* in the County of *Forfar* to the Royal Burgh or City of *Perth* in the County of *Perth,* to be called "The *Dundee and Perth* Railway." [31st *July* 1845.]

Cap. clviii.

An Act for making a Railway from *Burntisland* in the County of *Fife* to the City of *Perth,* with certain Branches therefrom, to be called "The *Edinburgh and Northern* Railway." [31st *July* 1845.]

Cap. clix.

An Act for making a Railway from the *Taff Vale* Railway near *Ynys Meyrick* to *Aberdare,* with a Branch therefrom, to be called "The *Aberdare* Railway." [31st *July* 1845.]

Cap. clx.

An Act for making a Railway from the Termination of the *Polloc and Govan* Railway at *Rutherglen* to *Hamilton,* and to the *Wishaw and Coltness* Railway at *Motherwell,* to be called "The *Clydesdale Junction* Railway." [31st *July* 1845.]

Cap. clxi.

An Act for making a Railway from the City of *Perth,* by *Stirling,* to the *Edinburgh and Glasgow* Railway, to be called The *Scottish Central* Railway. [31st *July* 1845.]

Cap. clxii.

An Act for making a Railway from *Carlisle* to *Edinburgh* and *Glasgow* and the North of *Scotland*, to be called "The *Caledonian* Railway." [31st *July* 1845.]

Cap. clxiii.

An Act for making a Railway from *Newcastle-upon-Tyne* to *Berwick-upon-Tweed*, with Branches therefrom, to be called "The *Newcastle and Berwick* Railway." [31st *July* 1845.]

Cap. clxiv.

An Act for making a Railway from the *Edinburgh and Hawick* Railway to the Town of *Hawick* in the County of *Roxburgh*. [31st *July* 1845.]

Cap. clxv.

An Act to amend the Acts relating to the *London and South-western* Railway, and to authorize Extensions thereof from the *Nine Elms* Terminus to a Point near to *Waterloo* and *Hungerford* Bridges in the Parish of *Saint Mary Lambeth*, and to the *Thames* at *Nine Elms* in the Parish of *Battersea*, all in the County of *Surrey*. [31st *July* 1845.]

[*Company empowered to raise the further Sum of* 80,000*l.*, § 4.]

Cap. clxvi.

An Act for making a Railway from *Liverpool* to *Wigan*, *Bolton*, and *Bury*, with several Branches therefrom. [31st *July* 1845.]

Cap. clxvii.

An Act to enable the *South-eastern* Railway Company to make or complete a Branch Railway from the *South-eastern* Railway at *Tunbridge* to *Tunbridge Wells*. [31st *July* 1845.]

Cap. clxviii.

An Act to enable the Company of Proprietors of the *Thames* and *Medway* Canal to raise a further Sum of Money; and to amend the Acts relating to the said Company; and to enable the said Company to widen, extend, and maintain a Railway from *Gravesend* to *Rochester*. [31st *July* 1845.]

[*Power to raise* 85,000*l. by new Shares*, § 2.]

Cap. clxix.

An Act to authorize the Company of Proprietors of the *Monmouthshire* Canal Navigation to make a Railway from *Newport* to *Ponty Pool;* and to enlarge the Powers of the several Acts relating to the said Company. [31st *July* 1845.]

Cap. clxx.

An Act for making a Railway from the City or Royal Burgh of *Perth* to or near to the Town or Royal Burgh of *Forfar*. [31st *July* 1845.]

Cap. clxxi.

An Act to enable the *Manchester and Leeds* Railway Company to raise an additional Sum of Money; and to amend the several Acts relating to the said Company. [31st *July* 1845.]

[*Power to raise* 350,000*l.*, § 3.]

Cap. clxxii.

An Act for making a Railway from the *Manchester and Leeds* Railway at *Wakefield* to the Towns of *Pontefract* and *Goole*, with certain Branches therefrom. [31st *July* 1845.]

Cap. clxxiii.

An Act for deepening, regulating, and otherwise improving *Falmouth* Harbour in the County of *Cornwall*, and for forming Basins, Docks, and other Works in *Penryn Creek* in the aforesaid Harbour; and for other Purposes. [31st *July* 1845.]

[*Saving the Rights of the Crown*, § 242.; *of Duchy of Cornwall*, § 243.; *and of Bishop of Exeter*, § 245. *Act not to extend to Ships of War, or to Vessels employed by the Customs, Ordnance, or Excise, or the Crown, nor to the Trinity House*, § 241.]

Cap. clxxiv.

An Act to alter and amend some of the Provisions of the Acts relating to the *Cromford* Canal. [31st *July* 1845.]

Cap. clxxv.

An Act for better supplying with Water the Town and Parish of *Sheffield* in the County of *York;* and for amending the Act relating thereto. [31st *July* 1845.]

Cap. clxxvi.

An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town of *Saint Helens* in the County Palatine of *Lancaster*, and for establishing and regulating a Market therein. [31st *July* 1845.

Cap. clxxvii.

An Act for more effectually paving, cleansing, lighting, and otherwise improving the Parish of *Saint Mary Magdalen Bermondsey* in the County of *Surrey*. [31st *July* 1845.]

Cap. clxxviii.

An Act for improving Parts of the City of *Westminster*. [31st *July* 1845.]

[*Saving the Rights of Dean and Chapter of Westminster*, § 115.; *of Commissioners of Sewers*, § 116.; *and of Gas and Water Companies*, § 121.]

Cap. clxxix.

An Act for embanking and reclaiming from the Sea certain Lands now under Water, or subject to be overflowed by the Tide in the Lake, Lough, or Estuary called *Tacumshin* otherwise *Tacumshin Lake* in the County of *Wexford*. [31st *July* 1845.]

[*Saving the Rights of Lords of Manors*, § 37. *General Saving of Rights*, § 39.]

Cap. clxxx.

An Act for extinguishing Garden Pennies, Small Tithes, and *Easter* Offerings within the Parish of *Saint Matthew Bethnal Green* in the County of *Middlesex*, and for providing a Fund for the Payment of the Stipend of the Rector of the said Parish. [31st *July* 1845.]

Cap. clxxxi.

An Act to rectify a Mistake in an Act of the present Session relating to the *Leeds and Bradford* Railway. [4th *August* 1845.]

Cap. clxxxii.

An Act for making a Railway to be called "The *Glasgow Junction* Railway," with Branches. [4th *August* 1845.]

Cap. clxxxiii.

An Act to enable the *Birmingham and Gloucester* Railway Company to make Extension Lines at *Gloucester*, a Branch at *Stoke Prior*, and a Junction with the *Midland* Railway at *Aston juxta Birmingham*. [4th *August* 1845.]

Cap. clxxxiv.

An Act for making a Railway from *Oxford* to *Worcester* and *Wolverhampton*. [4th *August* 1845.]

Cap. clxxxv.

An Act to amend the Acts relating to the *London and South-western* Railway; and to authorize the *London and South-western* Railway Company to buy, and the *Guildford Junction* Railway Company to sell, the *Guildford Junction* Railway. [4th *August* 1845.]

Cap. clxxxvi.

An Act to enable the *South-eastern* Railway Company to widen certain Parts of the *London and Greenwich* Railway. [4th *August* 1845.]

Cap. clxxxvii.

An Act for making a Railway from *Londonderry* to *Coleraine*, with a Branch to *Newtown Limavady*. [4th *August* 1845.]

Cap. clxxxviii.

An Act for making a Railway from the City of *Oxford* to the Town of *Rugby*. [4th *August* 1845.]

Cap. clxxxix.

An Act for making a Railway from the *Midland* Railway in the Parish of *Sawley* in the County of *Derby* to the Parish of *Alfreton* in the same County, together with several Branch Railways communicating therewith, to be called "The *Erewash Valley* Railway." [4th *August* 1845.]

Cap. cxc.

An Act for making a Railway to be called "The *South Wales* Railway." [4th *August* 1845.]

Cap. cxci.

An Act for making a Railway from *Monmouth* to *Hereford*, with Branches therefrom to *Westbury*, and to join the *Forest of Dean* Railway. [4th *August* 1845.]

Cap. cxcii.

An Act for making a Railway from *Glasgow* to *Crofthead* near the Town or Village of *Neilston*, to be called "The *Glasgow, Barrhead, and Neilston Direct* Railway." [4th *August* 1845.]

Cap. cxciii.

An Act to amend the Acts for regulating the Pipe Water of the City of *Dublin*, and to enable the Lord Mayor, Aldermen, and Burgesses of the Borough of the City of *Dublin* to extend the Supply of Pipe Water to the several Parishes or Portion of Parishes situate in the City and County of *Dublin*, and adjoining to the Borough of the said City of *Dublin*, but outside the Boundary thereof. [4th *August* 1845.]

[*Saving the Powers of Commissioners for Paving*, § 59.]

Cap. cxciv.

An Act for lighting, draining, cleansing, and improving the Hamlets or Liberties of *Duddeston* and *Nechells* in the Parish of *Aston* near *Birmingham* in the County of *Warwick*. [4th *August* 1845.]

[*Act not to affect the Rights of Lords of Manors*, § 231.]

Cap. cxcv.

An Act for more effectually maintaining, improving, and repairing the Road leading from the City of *Glasgow* to *Yoker Bridge*, and certain Roads communicating therewith. (*a*) [4th *August* 1845.]

[5 *G.* 4. *c.* cxi. *repealed*, § 1. *One Toll only to be paid on same Day for passing and repassing any Number of Times through any of the Gates, except with a fresh Load*, § 12.]

Cap. cxcvi.

An Act to enable the *London and Croydon* Railway Company to widen and improve the *London and Croydon* Railway, and also a Portion of the *London and Greenwich* Railway. [8th *August* 1845.]

Cap. cxcvii.

An Act to enable the *South-eastern* Railway Company to alter and extend the *Canterbury, Ramsgate, and Margate* Branch of the said *South-eastern* Railway, and to make a Branch therefrom to *Deal*, and to purchase the *Canterbury and Whitstable* Railway; and for other Purposes connected with the said Railway. [8th *August* 1845.]

Cap. cxcviii.

An Act for consolidating the *Bolton and Leigh*, the *Kenyon and Leigh Junction*, the *Liverpool and Manchester*, and the *Grand Junction* Railway Companies. [8th *August* 1845.]

Cap. cxcix.

An Act for making a Railway from the *Brighton and Chichester* Railway to *Portsmouth*, with a Branch to *Fareham*. [8th *August* 1845.]

Cap. cc.

An Act to enable the *Brighton, Lewes, and Hastings* Railway Company to make a Railway from *Bulverhithe* in the County of *Sussex* to *Ashford* in the County of *Kent*. [8th *August* 1845.]

Cap. cci.

An Act for enabling the *Eastern Counties* Railway Company to make a Railway from *Cambridge to Huntingdon*. [8th *August* 1845.]

Cap. ccii.

An Act for making additional Docks and other Works at the Haven of the Town and Port of *Great Grimsby;* and for amending the Acts relating to the said Haven. [8th *August* 1845.]

[36 *G.* 3. *c.* xcviii. 39 *G.* 3. *c.* lxx. *and* 9 *Geo.* 4. *c.* cxiii. *repealed*, § 1. *Capital to be* £420,000, § 9. *Act not to extend to Ships of War or Vessels employed by the Crown, Ordnance, Customs, Excise, or Post Office, or the Trinity House of Hull*, § 117. *Saving the Rights of the Hull Dock Company*, § 118.; *or of Crown*, § 119. *General Saving*, § 120.]

Cap. cciii.

An Act for making a Railway from the *London and Blackwall* Railway at *Stepney* to the *Eastern Counties* Railway. [9th *August* 1845.]

Cap. cciv.

An Act for removing Doubts relating to the Collection of certain Portions of the Borough Rates of the City and County of *Bristol*. [9th *August* 1845.]

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

N.B.—*To each of these Acts is annexed a Clause in the Form following:*

" And be it further enacted, That this Act shall be printed by the several Printers to the Queen's " most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy " thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, " and others."

Cap. 1.

AN Act for the disposing of Part of the Estates of the late *Charles Calvert* Esquire, in pursuance of the Directions of a certain Decree of the High Court of Chancery, and for confirming the Sale of such Parts thereof as have been sold. [20th *May* 1845.]

Cap. 2.

An Act for inclosing Lands in the Parish of *Foulmire* in the County of *Cambridge.* [20th *May* 1845.]

[41 *G.* 3. *c.* 109. *and* 1 *&* 2 *G.* 4. *c.* 23. *to form Part of this Act,* § 1. *Allotment to be set out for Clay Pits,* § 58. *and for Recreation of Inhabitants,* § 59. *and for Ladies of the Manor and Lord of the Rectory Manor,* § 60. *Allotment to Rector for Glebe and Common Rights,* § 61. *Allotment to Rector, &c. to be let to the Poor to be cultivated by Spade Husbandry,* § 62. *Saving of Manorial Rights,* § 108. *General Saving,* § 109.]

Cap. 3.

An Act to empower *John Douglas Edward Henry* Duke of *Argyll* to charge the Dukedom and Estate of *Argyll* with certain Provisions to the Marchioness of *Lorne,* and to the younger Children of the Marriage between her and the Marquis of *Lorne.* [30th *June* 1845.]

Cap. 4.

An Act for amending an Act of Parliament passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for confirming and carrying into effect a Partition and Division of the Real and Personal Estate of* William Molyneux *Esquire, deceased, and for other Purposes therein mentioned.* [30th *June* 1845.]

Cap. 5.

An Act for enabling the Honourable *Percy Barrington,* Second Son of the Right Honourable *William Keppel* Viscount *Barrington,* a Minor, and *Louisa Higgins* Spinster, also a Minor, to execute Settlements of the Fortune of the said *Louisa Higgins,* prior to and in contemplation of the Marriage between the said *Percy Barrington* and the said *Louisa Higgins.* [30th *June* 1845.]

Cap. 6.

An Act to repeal so much of an Act for inclosing Lands in the Parish of *Saint Mary* in or near the Borough of *Leicester* as relates to the Regulation and Management of the Freemen's Allotments; and to make other Provisions in lieu thereof. [30th *June* 1845.]

[44 *G.* 3. *repealed in part,* § 1. *General Saving,* § 51.]

Cap. 7.

An Act for inclosing Lands in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham.* [30th *June* 1845.]

[41 *G.* 3. *c.* 109. *and* 1 *&* 2 *G.* 4. *c.* 23. *to form Part of this Act,* § 1. *Allotments to be set out for Recreation of the Inhabitants,* § 53. *Land may be set out for a Cemetery,* § 54.; *and to Lords of Manor for Right of Soil,* § 55.; *and for Tithes,* § 56. *Vicar may lease his Allotment for Twenty-one Years, with Consent of Patron and Bishop of the Diocese,* § 73. *General Saving,* § 173.]

Cap. 8.

An Act for inclosing Lands in the Townships of *Spoad, Treverward, Purlogue, Menutton, Pentrehodrey, Hobarris,* and *Hobendrid* in the Parish of *Clun* within the Manor or Lordship of *Clun* in the County of *Salop.* [30th *June* 1845.]

[41 *G.* 3. *c.* 109. *and* 1 *&* 2 *G.* 4. *c.* 23. *to form Part of this Act,* § 1. *Allotment to be set out to Lord of Manor for Right of Soil,* § 58. *Saving of Manorial Rights,* § 91. *Preserving Rights of the Lord of the Honor to Mines,* § 92.]

Cap. 9.

An Act to amend an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for the Division of the Rectory of* Winwick *in the County Palatine of* Lancaster. [21st *July* 1845.]

Cap. 10.

An Act for authorizing Building Leases to be granted of Parts of the Estate devised by the Will of *William Turner* Esquire, deceased, the Investment of Monies bequeathed by the same Will in the Purchase or on Mortgage of Real Estates, and for other Purposes. [21st *July* 1845.]

Cap. 11.

An Act to alter and amend an Act of the Eleventh Year of King *George* the Fourth, for inclosing Lands in the Parishes of *Kidwelly, Saint Mary in Kidwelly, Saint Ishmael,* and *Pembrey* in the County of *Carmarthen.* [21st *July* 1845.]

[*Provisions of* 11 *G.* 4. *&* 1 *W.* 4. *c.* 16. *extended to this Act,* § 1. *Repeal of such Parts of recited Act as relate to the Appointment of the Commissioners,* § 2. *Saving the Rights of the Crown,* § 12.]

Cap. 12.

An Act to extend the Provisions of an Act of the Eleventh Year of King *George* the Third, Chapter Ten, relating to *Morden College.* [31st *July* 1845.]

Cap. 13.

An Act to authorize Grants in Fee and Leases for long Terms of Years for Building Purposes of the Settled Estate of *John Hawkins* Esquire, deceased, situate in *Cheetham* in the Parish of *Manchester* in the County of *Lancaster.* [31st *July* 1845.]

Cap. 14.

An Act to authorize the Sale of the Fee Simple of Part of the Settled Estates of Miss *Elizabeth Mainwaring Ellerker* and Miss *Harriet Mainwaring Ellerker* deceased, situate in the County of *York,* and for applying the Monies to arise by such Sale in Payment of Incumbrances affecting the said Estates, and laying out the Residue of such Monies in the Purchase of other Estates. [31st *July* 1845.]

Cap. 15.

An Act for granting Building and Farming Leases of the Estates in *Surrey* devised by the Will of the Right Honourable *Frederick John* Lord *Monson* deceased; and for other Purposes. [31st *July* 1845.]

Cap. 16.

An Act for vesting the Freehold and Copyhold Estates devised by the Wills of *Francis Gildart* and *John Gildart,* Esquires, deceased, in Trustees for Sale. [31st *July* 1845.]

Cap. 17.

An Act to enable the Trustees of Sir *Thomas White*'s Charity Estates in the City of *Coventry* to make Sale of Part of such Charity Estates; and for other Purposes. [4th *August* 1845.]

Cap. 18.

An Act for enabling *Richard Ellison* Esquire and his Trustees to grant Leases of the *Fossdyke* Navigation in the County of *Lincoln;* and for other Purposes. [4th *August* 1845.]

Cap. 19.

An Act to amend an Act of the Fourth Year of King *George* the Third, for enabling the Vicar of *Rochdale* in the County of *Lancaster* to grant a Lease or Leases of the Glebe Lands belonging to the Vicarage. [4th *August* 1845.]

Cap. 20.

An Act to enable the Warden and Scholars, Clerks of *Saint Mary College of Winchester* near *Winchester*, to carry into effect a Contract entered into by them for the Sale of certain Parts of the Estates belonging to the said College in the *Isle of Wight*, and to invest the Purchase Money in other Estates for the Benefit of the said College. [8th *August* 1845.]

Cap. 21.

An Act for vesting certain Lands and other Hereditaments devised by the Will of Sir *Thomas Coxhead* deceased in Trustees, upon trust to sell the same, and to grant Leases thereof for building and other Purposes. [8th *August* 1845.]

Cap. 22.

An Act to enable the Trustees of the Will of the late *William Henry Robinson* Esquire to raise Money by way of Mortgage of his Real Estates, for the Purposes therein mentioned. [8th *August* 1845.]

Cap. 23.

An Act to enable Sir *Robert Keith Dick* of *Prestonfield* Baronet, Heir of Entail in possession of the Entailed Estates of *Prestonfield* and *Corstorphine* in the County of *Edinburgh*, to feu and sell certain Parts of the said Estates, and to bear the Surname of *Cunyngham* and Arms of "*Cunyngham* of *Lamburghtoun*" alongst with the Surname and Arms of *Dick* of *Prestonfield*. [8th *August* 1845.]

Cap. 24.

An Act to enable the Assignees of the Estate of *Thomas Blayds Molyneux*, a Bankrupt, to sell his Real Estates, discharged from a Jointure, and certain Portions and Legacies charged thereon. [8th *August* 1845.]

Cap. 25.

An Act to revive and extend the Powers of Sale and Exchange, and the Powers to make Conveyances in Fee, and Demises for Building Purposes, respectively contained in the Will of *John Rigby Fletcher* Esquire, deceased, and to enable the Trustees to grant Leases of Coal and other Mines under the Lands devised by his said Will; and to authorize the Appointment of new Trustees of the Settlement thereby made of the Testator's Real Estate; and for other Purposes. [8th *August* 1845.]

Cap. 26.

An Act for authorizing the Sale of certain Portions of the Real Estates devised by the Will and Codicils of *John Bowes* late Earl of *Strathmore*, and for authorizing the Purchase of other Real Estates, including Lands held for long Terms of Years, to be settled to the Uses of the said Will and Codicils, and for extending the Power of granting Mining Leases given by the said Will; and for other Purposes. [8th *August* 1845.]

Cap. 27.

An Act to vest the Estates and Property constituting the Trust Estate of The Blue-Coat Charity School in *Birmingham* in the County of *Warwick* in new Trustees upon consolidated Trusts, and to provide for the Management of the said Estates and Property, and for the good Government of the said School; and for other Purposes. [8th *August* 1845.]

Cap. 28.

An Act to carry into effect a Partition between *John Michael Severne* Esquire and *Anna Maria* his Wife, and others, of Estates in the Counties of *Worcester*, *Salop*, *Warwick*, *Oxford*, and *Leicester*. [8th *August* 1845.]

Cap. 29.

An Act to enable the Trustees of the Will of the Most Noble *Francis* late Duke of *Bridgewater* to carry into execution certain Articles of Agreement made and entered into by them with the Right Honourable *Francis Egerton* commonly called Lord *Francis Egerton*, and to raise Money for the Purposes expressed in the said Articles of Agreement; and for other Purposes. [8th *August* 1845.]

Cap. 30.

An Act for authorizing and enabling Sales to be made of Estates respectively situate in the Parishes of *Evercreech*, *East Pennard*, and in *Bruton*, and in other Parishes or Places in the County of *Somerset*, devised by the Will of *Thomas Sampson* Esquire, deceased; and for other Purposes. [8th *August* 1845.]

Cap. 31.

An Act to authorize the Sale of Settled Estates of the Most Honourable the Marquis of *Donegall* in *Ireland*, in order to pay off Mortgage and other Incumbrances. [8th *August* 1845.]

Cap. 32.

An Act for carrying into effect a Contract between the Governors and Trustees of Sir *William Paston*'s Free School at *North Walsham* in the County of *Norfolk* and *Robert Rising* Esquire, for the Sale to the said *Robert Rising* of an Estate belonging to the said Governors and Trustees, and for applying Part of the Purchase Money in discharge of certain Debts due from them, and investing the Surplus in the Purchase of other Estates, to be settled to the same Trusts. [8th *August* 1845.]

Cap. 33.

An Act for enlarging the Powers contained in the Will of the Most Honourable *Robert* Marquess of *Westminster* deceased to grant Building Leases of the Estates devised by the said Will, in the Parishes of *Saint George Hanover Square* and *Saint John the Evangelist* within the Liberty of *Westminster* in the County of *Middlesex*; and for other Purposes. [9th *August* 1845.]

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TO THE

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AN

INDEX TO THE STATUTES

OF

THE UNITED KINGDOM,

VOLUME THE SEVENTEENTH,

Containing the Acts passed 7 & 8 Vict. and 8 & 9 Vict. (1844, 1845.)

☞ In this Index the Acts which relate to Ireland or Scotland exclusively are classed under those General Heads; but arranged in Subdivisions according to the several Subjects, with References to and from other Parts of the Index.

Acts relating to Bridges, Canals, Docks, Ferries, Harbours, Piers, Ports, and other Works of the like Nature, to the draining and inclosing of Lands, to Railways and Turnpike Roads, the watching, paving, lighting, &c. of Towns, and to Companies, in particular, are classed, according to their Subjects, under the general Title *Local Acts.*

The Acts commonly called Estate Acts will be found under the Title *Private Acts.*

The Public Local and Personal Acts are referred to in the Roman Numerals, by which their Series is distinguished in the respective Sessions.

Minute References are also made from one Head to another; and from the various Heads under which the Subject may be looked for, to the Head under which the Statute is actually entered.

(*Pr.*) denotes Private Acts printed by the Queen's Printer, the printed Copies whereof may be given in Evidence.

A.

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1. For amending an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council;* and to extend its Jurisdiction and Powers, 7 & 8 *Vict.* c. 69. [Further amended by 8 & 9 *Vict.* c. 30. *post.*]
2. Her Majesty, by Order in Council, may provide for the Admission of an Appeal from any Colony, although there shall not be a Court of Error or of Appeal in such Colony; and may revoke such Orders. Orders may be either general or special. General Orders to be published. Nothing herein to affect the present Powers for regulating Appeals from the Colonies, § 1.
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5. Mode of proceeding to make the Assessments of the Duties in the Year in which any Order is made for annexing any privileged or other Place to a Parish for the Purposes of the said Acts, § 4.
6. Execution of the Powers of the Acts by the Commissioners declared valid, although not within the Times prescribed for that Purpose, § 5.
7. Penalty on Persons refusing to appear before the Commissioners to be appointed Assessors, or submit to be appointed, 10*l.*, § 6.
8. Recital of 49 *G.* 3. *c.* 32. and *c.* 110. granting Duties of 1*s.* and 6*d.* on Offices and Employments. Commissioners of the Treasury empowered to appoint Commissioners for executing the recited Acts, with relation to the said Duties, § 7.
9. To continue for Five Years and to amend the Acts for authorizing a Composition for Assessed Taxes, 8 & 9 *Vict.* c. 36.
10. Assessments for the Year ending 5th *April* 1846 on Persons compounding under this Act to remain to the same Amount for the Term of Five Years; and Compositions under former Acts may be renewed for the like Term. Form of Contract of Composition, § 1.
11. Articles kept for Trade or by Persons in Partnership, or to be let for Hire, not to be compounded for. Enumeration of Articles to be compounded for, § 2.
12. Persons assessed for the Year ending the 5th *April* 1846, may compound on the Amount assessed in that Year, paying an additional Duty of Five Pounds *per Cent.*, § 3.
13. Persons who have compounded under former Acts may renew their Compositions under this Act. Duties to be paid on renewed Compositions, § 4.
14. The additional Duty granted by 3 & 4 *Vict. c.* 17. to be charged under this Act, § 5.
15. Persons who since compounding have increased their Establishments more than double, or who have compounded on a less Duty than they ought to have done, may compound *de novo*, § 6.

16. Persons

16. Persons who have compounded under former Acts giving Notice of Reduction in their Establishment not to renew their Compositions, but may compound *de novo*, § 7.
17. Persons having diminished their Establishment during their Residence abroad and those Persons residing abroad not to compound, § 8.
18. Persons having compounded and reduced their Establishments may compound *de novo* on the Assessment of 1846, § 9.
19. Persons who keep taxable Articles not included in a renewed Contract of Composition may compound for the same by a separate Contract, § 10.
20. Compounders entitled to the like Privileges of increasing Establishments, &c. as under former Acts. Exceptions as to certain Descriptions of Dogs, § 11.
21. Persons compounding for Servants, Carriages, and Horses at the higher Rates of Duty entitled to keep free of Duty Servants, Carriages, and Horses chargeable at lower Rates, § 12.
22. Persons assessed or having compounded for a Carriage at a lower Rate of Duty entitled to substitute for it in their Composition Contract a Carriage at a higher Rate. Persons having compounded for a Carriage at a lower Rate of Duty entitled to set up under their Composition a Carriage chargeable at a higher Rate, on Payment of the Difference of Duty, § 13.
23. Compositions with Persons afterwards succeeding to Estates on the Death of any Person, or on Marriage, and increasing their Establishments beyond a certain Extent, to cease, with Power to compound *de novo*, § 14.
24. Composition Contracts of married Women to cease, § 15.
25. Commissioners and Officers acting in the Execution of the Acts relating to Assessed Taxes to execute this Act. Powers and Provisions of former Acts to remain and to be applied to the Compositions under this Act, § 16.
26. Persons intending to compound or to renew any Composition to give Notice thereof, together with a Statement of the Articles of Composition, § 17.
27. Persons assessed in Places other than where they reside to deliver Certificates of Assessments to the Surveyor, § 18.
28. Surveyor to examine Notices of Intention to compound or renew Compositions, and to deliver the same with his Certificate to the Commissioners, § 19.
29. Errors or Mistakes in Compositions may be amended, § 20.
30. Composition Contracts not liable to Stamp Duty, § 21.

Auctions and Auctioneers.

1. To repeal the Duties of Excise on Sales by Auction, and to impose a new Duty on the Licence to be taken out by all Auctioneers in the United Kingdom, 6 & 9 *Vict.* *c.* 15.
2. Duties on Sales by Auction repealed, § 1.
3. New Duty on Auctioneers Licences throughout the United Kingdom, § 2.
4. New Duty to be under the Management of the Commissioners of Excise, and recoverable, &c. under the Provisions of this and other Acts of Excise, § 3.
5. Licences to be taken out and to be renewed annually, § 4.
6. Auction Licence not necessary in certain Cases, § 5.
7. 6 *G.* 4. *c.* 81. *s.* 8. repealed, and One Excise Licence to be sufficient, § 6.
8. Auctioneer before he shall commence any Sale, shall suspend or affix a Ticket or Board containing his full Christian and Surname and Place of Residence, § 7.
9. Licence to be produced, on demand, or a Deposit of Ten Pounds made, on pain of One Month's Imprisonment, § 8.

Australia, See Western Australia.

B.

Bailiffs.

1. For regulating the Bailiffs of Inferior Courts, 7 & 8 *Vict.* *c.* 19.
2. Bailiffs to be appointed by the Judge of the Court, § 1.
3. Bailiffs to give Security, § 2.
4. Bailiffs taking Fees other than those allowed to be discharged, § 3.
5. Remedies against Officers of the Court guilty of Extortion or Misconduct, § 4.
6. Persons forging Process, &c. guilty of Felony, § 5.
7. Sale not to be till Three Days after Execution, § 6.
8. Penalty for assaulting Bailiffs, or rescuing Persons or Goods taken in Execution, § 7.
9. Limitation of Actions, &c., § 8.
10. Meaning of "Judge," § 9.

Bank of England and Bank Notes.

1. To regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of *England* certain Privileges for a limited Period, 7 & 8 *Vict.* *c.* 32.
2. Bank to establish a separate Department for the Issue of Notes, § 1.
3. Management of the Issue by Bank of *England*, § 2.
4. Proportion of Silver Bullion to be retained in the Issue Department, § 3.
5. All Persons may demand of the Issue Department Notes for Gold Bullion, § 4.
6. Power to increase Securities in the Issue Department, and issue additional Notes, § 5.
7. Account to be rendered by the Bank of *England*, § 6.
8. Bank of *England* exempted from Stamp Duty upon their Notes, § 7.
9. Bank to allow £180,000 *per Annum*, § 8.
10. Bank to allow the Public the Profits of increased Circulation, § 9.
11. No new Bank of Issue, § 10.
12. Restriction against Issue of Bank Notes, § 11.
13. Bankers ceasing to issue Notes may not resume, § 12.
14. Existing Banks of Issue to continue under certain Limitations, § 13.
15. Provision for united Banks, § 14.
16. Duplicate Certificate to be published in the Gazette. Gazette to be Evidence, § 15.
17. In case Banks become united Commissioners to certify the Amount of Bank Notes which each Bank was authorized to issue, § 16.
18. Penalty on Banks issuing in excess, § 17.
19. Issuing Banks to render Accounts, § 18.
20. Mode of ascertaining the average Amount of Bank Notes of each Banker in circulation during the first Four Weeks after 10th *October* 1844, § 19.

21. Com-

21. Commissioners of Stamps and Taxes empowered to cause the Books of Bankers containing Accounts of their Bank Notes in Circulation to be inspected. Penalty for refusing to allow such Inspection, § 20.
22. All Bankers to return Names once a Year to the Stamp Office, § 21.
23. Bankers to take out a separate Licence for every Place at which they issue Notes or Bills. Proviso in favour of Bankers who had Four such Licences in force on the 6th of *May* 1844, § 22.
24. Compensation to certain Bankers named in the Schedule, § 23.
25. Bank of *England* to be allowed to compound with Issuing Banks. Limitations of Compositions, § 24.
26. Compositions to cease on 1st *August* 1856, § 25.
27. Banks within Sixty-five Miles of *London* may accept, &c. Bills, § 26.
28. Bank to enjoy Privileges, subject to Redemption, § 27.
29. Interpretation Clause, § 28.

Bankruptcy.

1. To substitute a Declaration for an Oath in Cases of Bankruptcy, 8 & 9 *Vict. c.* 48.
2. Bankrupts may be examined after making and signing Declaration, § 1.
3. Penalty for making false Declaration, § 2.
4. Not to affect Right of Commissioners to commit for unsatisfactory Answers, &c., § 3.

See *Insolvency.*

Banks, See Joint Stock Banks.

Barristers (Arbitrating).

1. To enable Barristers appointed to arbitrate between Counties and Boroughs to submit a Special Case to the Superior Courts, 7 & 8 *Vict. c.* 93.
2. Arbitrating Barrister, upon receiving a Requisition in Writing from Treasurer of the County or Visiting Justices of the Prison, &c. may state a Special Case, touching any Matter referred to him, for the Opinion of a Superior Court, § 1.
3. In case Barrister die before making his Award another one to be chosen, § 2.

Bastardy, See Poor, 88.

Bequests of Stock.

1. To amend the Law respecting Testamentary Dispositions of Property in the Public Funds, and to authorize the Payment of Dividends on Letters of Attorney in certain Cases, 8 & 9 *Vict. c.* 97.
2. 1 *G.* 1. *c.* 19. All Shares of Public Stocks standing in the Books of the Bank of *England* in the Name of any deceased Person may be transferred by the Executors, notwithstanding any specific Bequests. Bank may require all the Executors to join in the Transfer of Stock, § 1.
3. Bank not to register specific Bequests, § 2.
4. Powers of Attorney to be given for Receipt of Dividends in certain Cases, § 3.

Bills of Exchange.

1. To continue until the First Day of *January* One thousand eight hundred and fifty-one an Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury, 8 & 9 *Vict. c.* 102.
2. 2 & 3 *Vict. c.* 37. continued as in Title, § 1.

Books, See Customs, 15—19.

Borough and Watch Rates.

1. For the better collecting Borough and Watch Rates in certain Places, 8 & 9 *Vict. c.* 110.
2. Overseers for Parts of Parishes and Places within Boroughs to raise District Rates, § 1.
3. District Rates to be allowed and published, § 2.
4. Persons aggrieved may appeal, § 3.
5. District Rates to be sufficient to raise the Amount required. Collectors to account. Surplus of District Rate to be paid to the Treasurer. Separate Rate made by Overseers for raising Watch Rates to be accounted for, and Surplus paid to the Treasurer, § 4.
6. Persons rated may be excused on account of Poverty, § 5.
7. Watch Rates to be charged only upon Persons liable thereto, § 6.
8. For Recovery of Rates, § 7.
9. Overseer may be appointed for Two or more Parts of Parishes, § 8.

Bridges and Ferries. See Local Acts.

Buildings in the Metropolis. See Metropolitan Buildings.

Butter and Cheese.

1. To repeal certain Acts for regulating the Trade in Butter and Cheese, 7 & 8 *Vict. c.* 48.
2. 4 *W.* & *M. c.* 7., 36 *Geo.* 3. *c.* 86., and 38 *Geo.* 3. *c.* 73. repealed, § 1.

C.

Canals (*Particular*), See Local Acts.

Canal Companies.

1. To empower Canal Companies and the Commissioners of Navigable Rivers to vary their Tolls, Rates, and Charges on different Parts of their Navigations, 8 & 9 *Vict. c.* 28.
2. Canal Companies authorized to vary their Tolls or Rates on different Portions of their Canals; and also, from Time to Time, to reduce and again advance their Tolls or Rates, § 1.
3. Tolls to be charged equally to all Persons under the like Circumstances, § 2.
4. Act not to apply to existing Companies until a Meeting of Shareholders have determined thereupon, nor in other Cases until approved by Trustees or Proprietors, and Notices thereof duly published, § 3.
5. Saving Rights specifically reserved to Canal Companies and others by existing Acts of Parliament, § 4.

6. Canal Companies subject to a Limitation of Profits not to raise their Dues so as to exceed the Maximum of Profits, § 5.
7. Nothing herein to exempt any Canal, &c. from any general Act, § 6.
8. To enable Canal Companies to become Carriers of Goods upon their Canals, 8 & 9 *Vict.* *c.* 42.
9. Enabling Canal Companies to carry Goods on their Canals, or Canals communicating therewith, § 1.
10. Company to be subject to the Bye Laws of any other Company upon whose Canal they may act as Carriers, § 2.
11. Canal Companies may provide Boats and Power for hauling and tracking Vessels of other Persons, § 3.
12. Tolls, &c. to be charged equally to all Persons, § 4.
13. Company may sue and be sued as Carriers, and may prefer Indictments, § 5.
14. Provisions in force relating to Common Carriers to apply to such Companies, § 6.
15. Companies empowered to contract with other Canal Companies, § 7.
16. Canal Companies empowered to lease their Tolls, § 8.
17. Lessees to be deemed Collectors, § 9.
18. Lessee making default to be removed, § 10.
19. Power to re-let Tolls, § 11.
20. Act not to apply to Canals vested in Shareholders, until approved of at a Meeting, or in other Cases by Proprietors, and Notices inserted in Gazettes, &c., § 12.
21. Act not to exempt Canal Companies from any general Act, § 13.

Cheese, See Butter and Cheese.

Church Building.

1. For the further Amendment of the Church Building Acts, 8 & 9 *Vict.* *c.* 70.
2. Explanation and Extension of the Provisions of 3 *G.* 4. *c.* 72. *s.* 30. Claims of Persons to Pews in the old Church to be investigated, and if proved such Persons to have Pews in the new Church, on the same Terms as in the old one, § 1.
3. Incumbent of old Church and his Successors to be Incumbent of new Church, § 2.
4. Former Proceedings under 3 *G.* 4. *c.* 72. *s.* 30. valid, § 3.
5. Where any Part of a Cathedral Church has been accustomed to be used as a Parochial Church, a Transfer of the Rights, Endowments, &c. belonging to such Parochial Church may, with certain Consents, be made by the Church Building Commissioners to a new Church; and the Parochial Church shall thenceforth be under the same Control and subject to the same Laws as to Repairs as exist with respect to the Cathedral Church, § 4.
6. Parish heretofore united with another shall be disunited after new Church built therein, § 5.
7. Appointment of Churchwardens for a District Chapelry and consolidated Chapelry, § 6.
8. Appointment of Churchwardens for an additional Church, the Site whereof has been accepted by the Commissioners, § 7.
9. No such Churchwarden to be by virtue of his Office Overseer of the Poor, § 8.
10. Explanation and Amendment of Part of 59 *G.* 3. *c.* 134. as to Formation of consolidated Chapelries. Minister thereof to be a Perpetual Curate, § 9.
11. Offices of the Church may be performed therein. Apportionment of Fees, § 10.
12. Pew Rents may be fixed for the Minister and Clerk of any consolidated Chapelry, where the Commissioners have granted Money for its Erection, § 11.
13. Commissioners may in certain Cases make Grants in aid of the Erection of a Church for such consolidated Chapelry, § 12.
14. How the Freehold of Sites for Churches, &c. shall vest, § 13.
15. Land obtained for a Burial Ground for any Parish may be declared by the Commissioners Part of such Parish for that Purpose, although not within the Bounds of such Parish, § 14.
16. Church of a District Parish may be resigned by the Incumbent of original Parish; such Resignation to operate in the same Manner as Avoidance of Church of the original Parish, § 15.
17. Boundaries of new Parishes or Districts may be altered, although Five Years may not have elapsed since such new Parishes or Districts were formed, § 16.
18. Church of a District Chapelry and Church augmented by the Ecclesiastical Commissioners for *England* to be a perpetual Curacy, and Minister a Perpetual Curate, § 17.
19. Licence of Minister of a new Church (without a District) not void by reason of the Avoidance of the Parish Church, unless revoked by Bishop, § 18.
20. The Purchase Money of Lands sold under the Provisions of recited Acts need not be paid into Bank of *England,* though it may amount to or exceed 200*l.*, but may be paid to Trustees, § 19.
21. The Purchase Money of Lands sold under 58 *G.* 3. *c.* 45. and belonging to an Incumbent in right of his Living, may be paid to and applied by the Governors of Queen *Anne*'s Bounty for the Benefit of the Incumbent, § 20.
22. Such Purchase Money may be paid to the Treasurer of Queen *Anne*'s Bounty, and his Receipt shall be a valid Discharge, § 21.
23. Apportionment of Bequests, &c. and also of Charges, to be made by the Court of Chancery. 52 *G.* 3. *c.* 101.—§ 22.
24. Agreement as to Right of Nomination entered into before building or Consecretion of any new Church to be binding, § 23.
25. Assent of the Commissioners to any Conveyance or other Instrument shall be testified by their Seal. Unless so testified, the Instrument shall not be registered, § 24.
26. Application of former Church Building Acts to this Act, § 25.

Clerk of the Crown in Chancery.

1. To amend so much of an Act of the Fifth and Sixth Years of His late Majesty as relates to the Salary of the Clerk of the Crown in Chancery; and to make other Provisions in respect of the said Office, 7 & 8 *Vict.* *c.* 77.
2. 5 & 6 *W.* 4. *c.* 47. in part repealed. Salary of 1,000*l. per Annum* to be paid to the Clerk of the Crown, § 1.
3. Officers, Clerks, &c. entitled to Superannuation out of Fee Fund.
4. Deficiency of Fee Fund to be paid out of Consolidated Fund, § 3.

Clerks to Attornies and Solicitors.

1. For the Relief of Clerks to Attornies and Solicitors who have omitted to enrol their Contracts; and for amending the Law relating to the Enrolment of such Contracts, and to the Disabilities of such Clerks, in certain Cases, 7 & 8 *Vict.* *c.* 86.
2. Indemnity to Clerks who have neglected to enrol their Contracts, § 1.
3. Where Persons neglect to enrol their Contracts within the Time allowed, the Court may order the Service to commence from the Execution, § 2.
4. Provisions of 34 *G.* 3. *c.* 14. as to the Enrolment of Contracts repealed, § 3.
5. Neglect of Attornies, &c. in taking out their annual Certificates not to disqualify their Clerks, § 4.

Coals.

1. To continue until the Fifth Day of *July* One thousand eight hundred and sixty-two the Acts for regulating the Vend and Delivery of Coals in *London* and *Westminster*, and in certain Parts of the adjacent Counties; and to alter and amend the said Acts, 8 & 9 *Vict.* *c.* 101.
2. 1 & 2 *W.* 4. *c.* 76. 1 & 2 *Vict.* *c.* 101. continued, except as altered, § 1.
3. Duties extended to Coals brought by Railway, § 2.
4. Application of Duty of One Penny *per* Ton on Coals, &c. after 31st December 1845, § 3.
5. Duty to be laid out and form an accumulating Fund for Improvements till appropriated by Parliament, § 4.
6. The Corporation and Board of Trade may agree upon a Sum to be paid to the Corporation for Redemption of Annuities, § 5.
7. Power to make Bye Laws, § 6.
8. Authentication of Bye Laws, § 7.
9. Justices may proceed by Summons in the Recovery of Penalties, § 8.
10. Expences of Act, § 9.

Coffee, See Customs.

Colonial Posts, See Posts.

Colonies and Plantations.

1. For giving additional Powers to the Commissioners for the Relief of certain of Her Majesty's Colonies and Plantations in the *West Indies*, 7 & 8 *Vict.* c. 17.
2. Proviso in 3 & 4 *Vict.* *c.* 40., limiting the Time for making Applications for Extension of Time for Repayment of Loans, repealed, and Commissioners enabled to grant such Extension, § 1.
3. Grants for Extension of Time need not be recorded, § 2.
4. Commissioners may transfer Securities, &c., § 3.
5. Conveyances by Commissioners to have the same Effect as if executed by Her Majesty, § 4.

See *Post Office.*

Commissioners of Woods, Forests, &c.

1. For auditing the Accounts of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, 7 & 8 *Vict.* *c.* 89.
2. Commissioners for auditing the Public Accounts shall audit the Accounts of the Commissioners of Woods, &c. Proviso, § 1.
3. Accounts when audited and declared to be kept of Record in the Land Revenue Record Office, § 2.
4. Records in the Land Revenue Record Office to be valid, § 3.

Commissioners of Navigable Rivers, See Canal Companies.

Companies, See Incorporated Companies; Local Acts.

Constables, See County Rates; High Constables; Parish Constables.

Controverted Elections.

1. To amend the Law for the Trial of controverted Elections of Members to serve in Parliament, 7 & 8 *Vict.* *c.* 103.
2. Repeal of 9 *G.* 4. *c.* 22. and Part of 42 *G.* 3. *c.* 106. and 47 *G.* 3. *c.* 14.—§ 1.
3. What shall be deemed Election Petitions, § 2.
4. Recognizances to be entered into by Petitioners, § 3.
5. Sureties to make Affidavits of Sufficiency, and to be described, § 4.
6. Examiner of Recognizances to be appointed, § 5.
7. Provision for temporary Disability of Examiner, § 6.
8. How Recognizances are to be entered into, § 7.
9. Option of paying Money into the Bank instead of finding Security. Declaration of Trust, § 8.
10. Where Money has been paid into the Bank, the Examiner of Recognizances to order Payment of Expences, and transfer the Residue to the Account of the Party, § 9.
11. No Petition to be received unless endorsed by the Examiner of Recognizances, § 10.
12. Names of Sureties to be kept in the Office of the Examiner of Recognizances, and to be open to Inspection, § 11.
13. Sureties may be objected to, § 12.
14. Notice of Objections to be published in the Office of the Examiner, and Copies may be taken, § 13.
15. Examiner of Recognizances to decide on the Objections, § 14.
16. In case of Death of a Surety, the Money may be paid into the Bank, § 15.
17. Examiner of Recognizances to report whether or not Sureties are objectionable, § 16.
18. How Petitions may be withdrawn, § 17.
19. Proceedings when the Seat becomes vacant, or the sitting Member declines to defend his Return, § 18.
20. Voters may become a Party to oppose the Petition, § 19.
21. Members having given Notice of their Intention not to defend shall be admitted as Parties, § 20.
22. At the Beginning of every Session the Speaker to appoint a General Committee, § 21.
23. If the House disapprove the first Appointment a new Appointment to be made, § 22.
24. Disapproval may be general or special, § 23.
25. Members not disapproved by the House may be again named in the Warrant, § 24.
26. For what Time the Appointment shall be, § 25.
27. Cases of Vacancy to be made known to the House, and Proceedings suspended, § 26.
28. Cases in which the General Committee shall be dissolved, § 27.
29. How Vacancies shall be supplied, and Re-appointments made, § 28.
30. Speaker to fix the Time and Place of first Meeting of Committee. General Committee to be sworn, § 29.

31. Members necessary to enable the Committee to act, § 30.
32. Committee to regulate their own Proceedings, § 31.
33. Clerk to keep Minutes of Proceedings to be laid before the House, § 32.
34. During any Suspension, the Speaker may adjourn any Business before the General Committee, § 33.
35. Members wholly excused from serving, § 34.
36. Names of Members claiming to be excused to be called over, § 35.
37. Members temporarily excused from serving, § 36.
38. Members temporarily disqualified from serving, § 37.
39. A corrected List, distinguishing the excused or disqualified Members, to be printed and distributed with the Votes, § 38.
40. List may be further corrected during Three Days, § 39.
41. Selection of Members to serve as Chairmen of Election Committees, § 40.
42. List to be divided in Five Panels, § 41.
43. General Committee to correct the Panels from Time to Time, § 42.
44. Power to transfer to another Panel the Names of Members obtaining Leave of Absence, § 43.
45. For supplying Vacancies, and increasing the Chairmen's Panel, § 44.
46. Members upon Chairmen's Panel to make Regulations, § 45.
47. Election Petitions to be referred to the General Committee. List of Petitions to be made, § 46.
48. Where Notice of Vacancy, or that the sitting Member declines to defend, is received by the General Committee, Proceedings to be suspended, § 47.
49. Provision for Cases where more than One Petition, § 48.
50. Committees to be chosen for Petitions according to their Order in the List, § 49.
51. Notice to be given when any Committee will be chosen. Notice of Suspension to be given, § 50.
52. Provision for Cases where the sitting Member does not defend, and no Party has been admitted to defend, &c. § 51.
53. General Committee empowered to change the Day for choosing Select Committee, § 52.
54. Notice of Petitions and Panels, § 53.
55. Lists of Voters intended to be objected to shall be delivered to the Clerk of the General Committee, § 54.
56. Select Committee to be chosen, § 55.
57. In case of Disagreement, the General Committee to adjourn, § 56.
58. Chairman to be chosen by the Members on the Chairmen's Panel, and his Name communicated to the General Committee, § 57.
59. When Committee chosen the Parties to be called in, § 58.
60. General Committee to proceed in order with all the Petitions appointed for that Day, § 59.
61. Parties may object to disqualified Members, § 60.
62. If General Committee allow the Disqualification a new Committee to be chosen, § 61.
63. In the new Committee Members not before objected to may be included, § 62.
64. Notice to be sent to every Member chosen, § 63.
65. If any Member chosen proves a Disqualification another Committee to be chosen, § 64.
66. Select Committee to be reported to the House, § 65.
67. Members of Select Committee to be sworn, § 66.
68. Members of said Committee not present within One Hour after the Meeting of the House to be taken into Custody by the Serjeant at Arms, § 67.
69. If any such Member is not present within Three Hours after the Meeting of the House the Proceedings to be adjourned, § 68.
70. All the Members not attending after Adjournment, the Committee to be discharged, § 69.
71. Petitions and Lists to be referred to the Committee, and Time and Place of Meeting appointed by the House, § 70.
72. Committees not to adjourn for more than Twenty-four Hours, without Leave, &c., § 71.
73. Committee-man not to absent himself. Committee not to sit until all be met; on Failure of all meeting within One Hour to adjourn, § 72.
74. Absentees to be directed to attend the House, § 73.
75. Committee not to be dissolved by the Death or Absence of not more than Two Members, § 74.
76. If any Committee is reduced to less than Three by the Non-attendance of its Members, it shall be dissolved unless by Consent, § 75.
77. Committees to be attended by a Short-hand Writer, § 76.
78. Committee empowered to send for and examine Persons, Papers, and Records. Witnesses misbehaving may be reported to the House, and committed to the Custody of the Serjeant at Arms, § 77.
79. How Oaths to be administered, § 78.
80. Giving false Evidence to be Perjury, § 79.
81. Evidence to be confined to Objections specified in the Lists, § 80.
82. Committee to decide, and to report their Decision to the House, § 81.
83. Committees may report their Determination on other Matters to the House, § 82.
84. When Committee is deliberating, the Room to be cleared, &c., § 83.
85. Questions to be decided by a Majority, § 84.
86. Names of Members voting for or against any Resolution to be reported to the House, § 85.
87. Committees to be appointed for Petitions standing over on a Prorogation of Parliament, § 86.
88. Committees not dissolved by the Prorogation of Parliament, § 87.
89. Costs when incurred by Petitioners, § 88.
90. Costs when incurred by Parties opposing Petitions, § 89.
91. Costs when incurred where no Party appears to oppose a Petition, § 90.
92. Costs upon frivolous Objections, § 91.
93. Costs upon unfounded Objections, § 92.
94. Costs how to be ascertained, § 93.
95. Persons appointed to tax Costs empowered to take Affidavits, § 94.
96. Recovery of Costs, § 95.
97. Persons paying Costs may recover a Proportion from other Persons liable thereto, § 96.
98. Recognizances when to be estreated, &c., § 97.
99. Returning Officer may be sued for neglecting to return any Person duly elected, § 98.
100. Commencement of Act, § 99.
101. Provision for Election Petitions remaining at the close of the present Session, § 100.

Copyhold and Customary Lands, See Manorial Rights.

Conveyances, See Leases; Real Property; Satisfied Terms; Transfer of Property.

Copyright (*International*).

1. To amend the Law relating to International Copyright, 7 & 8 *Vict. c.* 12.
2. Repeal of International Copyright Act, 1 & 2 *Vict. c.* 59. —§ 1.
3. Her Majesty, by Order in Council, may direct that Authors, &c. of Works first published in Foreign Countries shall have Copyright therein within Her Majesty's Dominions, § 2.
4. If the Order applies to Books, the Copyright Law as to Books first published in this Country shall apply to the Books to which the Order relates, with certain Exceptions, § 3.
5. If the Order applies to Prints, Sculptures, &c., the Copyright Law as to Prints or Sculptures first published in this Country shall apply to the Prints, Sculptures, &c. to which such Order relates, § 4.
6. Her Majesty may, by Order in Council, direct that Authors and Composers of Dramatic Pieces and Musical Compositions first publicly represented and performed in Foreign Countries shall have similar Rights in the *British* Dominions, § 5.
7. Particulars to be observed as to Registry and to Delivery of Copies, § 6.
8. In case of Books published anonymously, the Name of the Publisher to be sufficient, § 7.
9. The Provisions of the Copyright Amendment Act as regards Entries in the Register Book of the Company of Stationers, &c. to apply to Entries under this Act, § 8.
10. As to expunging or varying Entry grounded in wrongful first Publication, § 9.
11. Copies of Books wherein Copyright is subsisting under this Act printed in Foreign Countries other than those wherein the Book was first published prohibited to be imported, § 10.
12. Officer of Stationers Company to deposit Books, &c. in the *British Museum*, § 11.
13. Second or subsequent Editions, § 12.
14. Orders in Council may specify different Periods for different Foreign Countries and for different Classes of Works, § 13.
15. No Order in Council to have any Effect unless it states that reciprocal Protection is secured, § 14.
16. Orders in Council to be published in Gazette, and to have same Effect as this Act, § 15.
17. Orders in Council to be laid before Parliament, § 16.
18. Orders in Council may be revoked, § 17.
19. Translations, § 18.
20. Authors of Works first published in Foreign Countries not entitled to Copyright except under this Act, § 19.
21. Interpretation Clause, § 20.

Cornwall (*Duchy of*).

1. To confirm and enfranchise the Estates of the Conventionary Tenants of the ancient Assessionable Manors of the Duchy of *Cornwall*, and to quiet Titles within the County of *Cornwall* as against the Duchy; and for other Purposes, 7 & 8 *Vict. c.* 105.
2. Charter 11 *Edw.* 3. recited. Assessionable Manors mentioned in the Schedules. Conventionary Tenements held of such Manors by Assessional Grants. Nature of the Estates created by such Grants. Confirmation of the Estates of the Conventionary Tenants of the unsold Manors, § 1.
3. Appointment of Commissioners, § 2.
4. For Appointment of new Commissioners on Vacancies, § 3.
5. Neglect of Commissioners to attend Three Meetings to be considered a Refusal to act, § 4.
6. Commissioners may be removed in case of Misconduct or becoming interested Parties, § 5.
7. Commissioners to make a Declaration before acting, § 6.
8. For Appointment of a Secretary to the Commissioners, § 7.
9. Minutes of Proceedings to be kept, and to be Evidence and open for Inspection, § 8.
10. Remuneration of the Commissioners and their Secretary, § 9.
11. Times and Places of Meetings of the Commissioners, and as to the Notices to be given of the same, § 10.
12. As to other Notices to be given, § 11.
13. Two Commissioners may act, § 12.
14. Commissioners to inquire of and ascertain Conventionary Tenements, and the Boundaries, Identity, and Situation thereof, and all Lands, Mines, and Minerals belonging to the Duke of *Cornwall* within the Assessionable Manors, § 13.
15. Commissioners to determine the annual Sums for which casual Payments and Services may be justly commuted, § 14.
16. All Persons claiming Interest in Conventionary Tenements to send in a Statement of their Claims to the Commissioners, § 15.
17. Persons may appear by Agents, but not by Counsel, § 16.
18. Persons may appoint Agents by Power of Attorney, § 17.
19. Claims of Conventionary Tenants to be established unless objected to, § 18.
20. Parties in possession to be deemed to have *primâ facie* Title, § 19.
21. Commissioners may frame and circulate Forms, &c. § 20.
22. Commissioners to employ Surveyors and others, and summon Witnesses, and order the Production of Documents, § 21.
23. Commissioners to order Payment of Expences of Witnesses and other Expences, § 22.
24. The general Expences to be borne by the Duke of *Cornwall* and the other Persons interested in certain Proportions, § 23.
25. Mode of Payment, § 24.
26. Expences on Neglect or Default of Payment to be recovered by Distress, § 25.
27. Power for Persons having limited Estates to charge Expences on the Estate, § 26.
28. Power for the Duke to advance Money on account of the Expences of the Act, and Provision for his being repaid, § 27.
29. Commissioners to keep Accounts, § 28.
30. Summons and Order of the Commissioners to have the same Effect, and be enforced, as if made by a Judge's Order, § 29.
31. Power for Commissioners, Surveyors, and all other Persons employed by them, to enter on the Lands, and erect Marks. Penalty for obstructing them, or removing such Marks, § 30.
32. Commissioners to make an Award as to the Matters of which they are herein-before directed to inquire, § 31.
33. Tin Bounds excepted from the Inquiry and Award, § 32.
34. Commissioners may use Maps made for the Purposes of the Tithe Commutation, § 33.
35. Commissioners may apportion annual Sum to be payable for each Tenement or Manor among different Parts of the Tenement or different Tenements of the Manor, § 34.

36. Commissioners may annex Schedules to their Award, § 35.
37. Deposit of Award, and Meeting for hearing Objections. Amendment of Award, § 36.
38. Rehearing Parties requiring Rehearing to give Security for Costs, § 37.
39. Award to be signed after final Rehearing, § 38.
40. Award to be in Triplicate, and to be deposited in certain Offices, and Copies and Extracts thereof to be furnished, § 39.
41. Award to be conclusive in all future Questions as to the Subject Matters thereof, § 40.
42. After the Execution of the Award, all Conventionary Tenements held of the unsold Manors to become Freehold of the Manors of which they have been held, subject to the Payment of the annual Sums fixed by the Award, § 41.
43. The Act not to confirm Conventionary Tenements first granted within Sixty Years, § 42.
44. Special Grants may be made by the Duke of *Cornwall* in Compensation for Lands first granted within Sixty Years, § 43.
45. The Act not to confirm Profits à prendre let in Convention, § 44.
46. Power for the Commissioners to award Lands in Compensation of Common of Pasture or Turbary, § 45.
47. The Freehold Tenements to be subject to the same Estates as the Conventionary Tenements, § 46.
48. After the Award, Purprestures and Encroachments may be abated, § 47.
49. Award may be appealed against by any Person to Her Majesty in Council, § 48.
50. And may be appealed against by the Duke of *Cornwall*, § 49.
51. After Appeal, the Award may be altered, § 50.
52. Commissioners may make several Awards, § 51.
53. Final Apportionment of Expences to be made and deposited in the same Manner as the Award, § 52.
54. All Mines and metallic Minerals under Conventionary Lands, and all Mines, Minerals, Stone, and Substrata and other Profits under and of other Lands in the unsold Manors, to belong to the Duke of *Cornwall*, § 53.
55. Similar Provision as to the Mines and metallic Minerals within the sold Manors, § 54.
56. Right of the Duke of *Cornwall* and his Lessees to enter and work Mines, Minerals, Stone, and Substrata, making Compensation for Damage to the Surface, and for Use of Stone and Water, § 55.
57. Compensation in case of Dispute to be settled by Two Justices or by the Vice Warden, at the Option of the Party liable. Justices or Vice Warden to take the Assistance of Surveyor, &c. No Compensation to become payable for Twelve Calendar Months after Entry, except under certain Circumstances, § 56.
58. Compensation to be paid to the Person in possession or Receipt of the Rents and Profits, § 57.
59. For the Benefit of himself and others (if any), interested, § 58.
60. When the Person in possession, &c. is under Disability or unknown, Compensation to be paid into the Court of the Vice Warden of the Stannaries, § 59.
61. Notice to be given before Entry to search or work Mines except in Waste Lands, § 60.
62. And Security for Damage, § 61.
63. After Determination of Entry, and in other Events, Security to be given up, § 62.
64. Provision in case of the Change of the Registrar of the Court of the Vice Warden, § 63.
65. Vice Warden to make Orders as to Monies for the Time being in the Hands of the Registrar, § 64.
66. Remedies for Recovery of Compensation by Action and otherwise, § 65.
67. Compensation may be made by a periodical Sum, and for continuing Damage, § 66.
68. The Duke not liable for Damage done by his Lessees or others, § 67.
69. No Compensation to be made for Damage to Waste or Demesne Land, § 68.
70. Right of the Duke of *Cornwall* and his Lessees to remove Buildings and Works, or to allow the same to remain, § 69.
71. No Damage to be done to any House, Building, Park, Garden, or Pleasure Ground, § 70.
72. The Claims of the Duke of *Cornwall* generally to be barred by the Lapse of Sixty Years, § 71.
73. The Claims of the Duke not to be kept alive by putting a Manor in charge, of which the Land shall be Part, § 72.
74. Claims of the Duke of *Cornwall* to Mines to be barred by the Possession of the Land, and exclusively working the Mines for Sixty Years, § 73.
75. Or by the Possession of the Land for One hundred Years, § 74.
76. Rents, &c. in charge with the proper Officer to be deemed in charge, § 75.
77. Time as to Reversions not to begin to run till they fall into possession, § 76.
78. Nor to Hereditaments which have been granted for limited Estates till such Estates fail, § 77.
79. Estates to remain subject to all Rents and Duties, § 78.
80. Proviso as to Rent, § 79.
81. Act not to bar any Claim of the Duke as to Property comprised in the Award, § 80.
82. Nor to prejudice the Rights of existing Lessees or Grantees, if Claims be prosecuted within One Year, § 81.
83. In case of Claims being prosecuted by such Lessees, Act not to prejudice the Rights of Parties against whom the Claims are made, § 82.
84. Rights established by Lessees to determine with the Grant or Lease, § 83.
85. Act not to affect the Privileges of the Tinners, § 84.
86. Nor extend to Royalties, Liberties, Offices, or Franchises let in Convention, § 85.
87. Nor to navigable Rivers, Estuaries, Branches of the Sea, or Sea Shore, § 86.
88. Act not to affect the Act of 2 & 3 *W.* 4. *c.* 100.—§ 87.
89. Provisions for Limitations of Actions, &c. to apply only to Lands, &c. in *Cornwall*, § 88.
90. Actions for any thing done under the Act to be commenced within Three Months, § 89.
91. Orders, &c. not to be void for Want of Form, § 90.
92. Power of Attorney, &c. free of Stamp Duty, § 91.
93. Interpretation of Act, § 92.
94. Provision during the Minority of His Royal Highness *Albert Edward* now Duke of *Cornwall*, § 93.

See *Queen and Royal Family*.

Coroners (*County*).

1. To amend the Law respecting the Office of County Coroner, 7 & 8 *Vict. c.* 92.
2. 58 *G.* 3. *c.* 95., repealed, § 1.
3. Petition for Division of Counties, § 2.

4. Preparation of Petition, § 3.
5. Division of the County into Districts, § 4.
6. Districts to be assigned to Coroners, § 5.
7. Provision for Coroners already acting in Districts, § 6.
8. List of Places in each District to be made, § 7.
9. Detached Parts to form Parts of Counties by which they are surrounded, § 8.
10. Election to be held in the District. Who to elect, § 9.
11. Sheriff to hold a Special County Court for Election of Coroner. If Election not determined on the View, then to proceed to take a Poll. Duration of Poll, § 10.
12. Places for taking the Poll at Elections for Coroners, § 11.
13. Sheriff may erect Polling Booths for taking the Poll at. No Voter to poll out of the District where his Property lies. In case of a Parish not included in any District, § 12.
14. Poll Clerks to be appointed and sworn. Inspector of Poll Clerks. Electors to be sworn. Oath, § 13.
15. Punishment for Perjury, § 14.
16. Custody of Poll Books and final Declaration of the Poll, § 15.
17. Expences of Sheriff, &c. to be paid by the Candidates, § 16.
18. Coroners may compel Attendance of Jurors and Witnesses. Coroner to certify Defaulters to the Clerk of the Peace; who shall enter them on the Roll of Fines. Proviso, § 17.
19. Coroner not to act professionally in Prosecutions where he shall have sat as Coroner in the same Case, § 18.
20. Coroner, although elected for a District, shall be considered as Coroner for the whole County, except, &c., § 19.
21. Present and future Coroners (except during Illness, &c. of Coroner for another District, or in case of Vacancy in the Office,) to hold Inquests only within the District to which they shall have been assigned or elected, § 20.
22. Coroners to be paid travelling Expences where Inquisition shall not be taken, § 21.
23. Coroners to be paid when they act for Sheriffs, § 22.
24. Coroners for detached Places to continue to hold Inquests. 6 & 7 *Vict. c.* 12.—§ 23.
25. Expences of Inquests occasioned to any County with respect to any detached Part of any other County, § 24.
26. Coroners for particular Places excepted out of this Act. § 25.
27. Provisions of Act as to Expences to extend to the Cinque Ports, § 26.
28. To what Places this Act shall not extend, § 27.
29. Meaning of "County," § 28.
30. Not to affect the Royal Prerogative, § 29.
31. Act to extend only to *England*, § 30.

Counties, See Barristers; Detached Parts of Counties.

County Rates.

1. For facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties, 7 & 8 *Vict. c.* 33.
2. Justices of the Peace shall send Precepts directly to Guardians of Unions for Payment of County Rates, &c. Guardians to pay such Rates. County Treasurer to receive the same, § 1.
3. If Guardians fail to pay such Rates, the Justices may issue Warrants to the Overseers of Parishes, &c. to pay the same, § 2.
4. If the Overseers, &c. fail to pay, the Justices may levy the Rate by Distress and Sale, § 3.
5. Parishes not in arrear with Contributions to be reimbursed by those which are in arrear, § 4.
6. Justices may issue Precepts to the Overseers of Parishes, &c. not comprised in Unions, or only partly within the Jurisdiction of the Justices, without the Intervention of the High Constable, § 5.
7. Delivery of Precepts, &c. by Post, and Evidence thereof, § 6.
8. Where Special Sessions are required to be holden Notice of the same to be sent to each Justice, § 7.
9. High Constable now appointed at Quarter Sessions to be appointed at Special Sessions, § 8.
10. High Constables to take only the Oath for due Execution of their Office, § 9.
11. Construction of the Words "Parish," "Union," "Guardians," § 10.
12. To amend the Laws relating to the assessing of County Rates, 8 & 9 *Vict. c.* 111.
13. Justices of the Sessions to appoint Committees for assessing County Rates, § 1.
14. Meetings of Committee, § 2.
15. Committee may appoint a Clerk, § 3.
16. Committees may require Returns of the annual Value of the Property in any Parish liable to be assessed, with the Date of the last Valuation. Such Returns to be laid before a Vestry Meeting previous to their being presented to the Committee, § 4.
17. Declaration of the Property liable to the County Rate, § 5.
18. Meaning of "full and fair annual Value," § 6.
19. Committees empowered to inspect Rates, Assessments, Valuations, &c., § 7.
20. Penalty on Overseers or others refusing to attend or produce Documents, § 8.
21. Committees may cause new Valuations to be made, § 9.
22. Allowances and Compensation to Persons employed in the Execution of this Act, § 10.
23. If Parish Officers neglect or make false Returns, Expences of Valuations to be paid by Parishes, § 11.
24. When Committee have prepared a County Rate differing in Value from the preceding, they shall cause it to be printed and distributed to the acting Justices and Overseers of the Poor. Overseers to submit the Rate to a Vestry Meeting, § 12.
25. Notice of the Time within which Objections may be made to the proposed Rate to be sent to the Overseers, § 13.
26. Notice to be given when Rate will be taken into consideration by Court of General or Quarter Sessions, § 14.
27. Rate to be deemed valid after Confirmation by Court of General or Quarter Sessions, § 15.
28. Appeal. Notice of Appeal, § 16.
29. Hearing and determining Appeals, § 17.
30 Penalty on Persons obstructing Overseers, &c., § 18.
31. Penalties and Forfeitures, Costs and Charges, may be levied by Distress and Sale of Offenders Goods. Committal. Application of Penalties, § 19.
32. Sessions to determine Costs of Appeal and of Valuation ordered by Sessions, § 20.
33. Costs of Valuations directed by Committee, § 21.
34. Applying Provisions of former Acts to this Act, § 22.
35. County Rate not to be assessed otherwise than as directed by 5 & 6 *W.* 4. *c.* 76.—§ 23.

36. The Act extended to all Places having separate Commission of the Peace, and to all Rates of the nature of County Rates, § 24.

Court of Chancery.

1. For amending certain Acts of the Fourth and Fifth Years of the Reign of Her Majesty, for facilitating the Administration of Justice in the Court of Chancery; and for providing for the Discharge of the Duties of the Subpœna Office after the Death, Resignation, or Removal of the present Patentee of that Office, 8 & 9 *Vict. c.* 105.
2. The Term of Five Years, within which certain Rules, Orders, and Regulations were directed by the first-recited Act to be made, extended to Ten Years, § 1.
3. All Rules, &c. to be deemed General Rules, &c., § 2.
4. 3 & 4 *W.* 4. *c.* 94. in part repealed; and after the Removal of the Patentee of the Subpœna Office Duties of that Office to be discharged and Fees received by Clerks of Records and Writs. Application of the Fees. Lord Chancellor may fix an earlier Time for transferring the Duties, § 3.

Courts of Queen's Bench and Common Pleas.

1. For abolishing the separate Seal Office of the Courts of Queen's Bench and Common Pleas, 8 & 9 *Vict. c.* 34.
2. 6 *G.* 4. *c.* 89. Abolition of Offices of Receiver General and Comptroller of the Seal, § 1.
3. Writs, &c. in Courts of Queen's Bench, Common Pleas, and Exchequer to be sealed by the Masters of those Courts respectively, &c., § 2.
4. Commissioners of the Treasury may direct certain Sums of Money to be paid to the Clerk of the Hanaper, § 3.

Courts (*Inferior*), See Bailiffs.

Courts-martial, See East Indies.

Courts and Prisons, See District Courts and Prisons.

Criminal Proceedings, See Fees.

Customs.

1. To amend the Laws relating to the Customs, 7 & 8 *Vict.* c. 16. [*Repealed by* 8 & 9 *Vict. c.* 84.]
2. Commencement of Act, § 1.
3. *Regulation.* Ship not to be cleared until Coal Owner or Agent has delivered to Collector Two Fitters Certificates, One of which to be retained and the other delivered to the Master for Production at the Port of Delivery, § 2.
4. Tobacco Stalks to be deemed Tobacco, § 3.
5. *Smuggling.* Persons on board Foreign Mail Packets, having contraband Goods on board, liable to Detention, and to a Penalty of 100*l.*, § 4.
6. Several Persons concerned in the same Offence may be sued by One Information, § 5.
7. Persons having been before convicted of an Offence against the Customs may, upon a Verdict passing against them, be sentenced to hard Labour, § 6.
8. Persons previously convicted may be held to Bail for full Amount of Penalty, § 7.
9. *Duties.* Alteration of certain Duties imposed by 5 & 6 *Vict. c.* 47.—§ 8.
10. Additional Duty of Five *per Cent.* upon Amount of Duties on Articles in the Table, § 9.
11. Vinegar or Acetous Acid to be charged with Duty according to Strength, § 10.
12. Repeal of Duty on Olive Oil Flasks, § 11.
13. Repeal of Duties on Alpaca and Llama Wool, and on certain Articles when partly wrought up, § 12.
14. Repeal of 5 & 6 *W.* 4. *c.* 66. *s.* 2. respecting the Entry of Coffee the Produce of *British* Possessions in *East Indies*, § 13.
15. To reduce, under certain Circumstances, the Duties payable upon Books and Engravings, 7 & 8 *Vict. c.* 73. [*Repealed by* 8 & 9 *Vict. c.* 84.]
16. Her Majesty, by Order in Council, may reduce the Duties on Foreign Books and Prints in Cases in which Copyright is allowed to the Country of Export under 7 & 8 *Vict. c.* 12.—§ 1.
17. And may reduce the Duties on Books and Prints in favour of Countries with which Her Majesty has Treaties of Reciprocity. If any Treaty be conditional, Order to state the Fulfilment of the Condition, § 2.
18. Power to Her Majesty in Council to revoke any Orders, § 3.
19. Orders to be published in the Gazette; and to be laid before Parliament, § 4. and 5.
20. To alter and amend certain Duties of Customs, 8 & 9 *Vict. c.* 12. [*Repealed by c.* 84. *post.*]
21. 5 & 6 *Vict.* c. 47. Duties repealed, § 1.
22. Duties imposed, § 2.
23. Duties how to be recovered. 3 & 4 *W.* 4. *c.* 56.—§ 3.
24. Value of Goods entered Inwards to be stated in the Entry and attested by the Importer, § 4.
25. To repeal the several Laws relating to the Customs, 8 & 9 *Vict. c.* 84.
26. Commencement of Act, § 1.
27. 28. Certain Acts repealed; except as to Duties due, Penalties incurred, or Offences committed, § 2. [*See Statutes repealed.*]
29. All Orders in Council, Bonds, and Licences, and all Acts done under repealed Acts, to be valid, notwithstanding the Repeal, § 3.
30. For the Management of the Customs, 8 & 9 *Vict. c.* 85.
31. Commencement of Act, § 1.
32. Board of Customs, Appointment of, § 2.
33. Commissioners subject to the Control of the Treasury, § 3.
34. Orders to be under the Hands of the Commissioners, § 4.
35. Previous Appointments to remain in force, § 5.
36. Appointment of necessary Officers of Customs. Salaries and Allowances, and Securities, § 6.
37. Persons employed by Customs deemed Officers for such Service. Duties of Officers performed by Persons and at Places appointed by Commissioners, § 7.
38. Officers taking any Fee or Reward not allowed shall be dismissed. Penalty for offering Fee, § 8.
39. Previous Appointments and Securities to remain in force, § 9.
40. Declaration on Admission to Office, § 10.
41. Hours of Attendance and Division of Service in those Hours, § 11.
42. Officers of Customs not liable to serve parochial and other local Offices, § 12.
43. Holidays, § 13.
44. Collector in *London* to pay Duties daily to Receiver General, § 14.
45. In *London* Debentures and Orders to be paid by Receiver General. Payments at Out-ports by Collector, § 15.
46. Commissioners of Customs may close Accounts of Collectors, § 16.

47. Salaries

47. Salaries not subject to Duties, § 17.
48. All Monies received by Receiver General of Customs in *England* shall be paid into the Bank of *England*, § 18.
49. Money for ordinary Payments may be retained, § 19.
50. Bank to keep an Account, to be returned to the Customs for Inspection, § 20.
51. Money carried to the Exchequer to be written off at the Bank, § 21.
52. Receiver General may draw on the Bank to pay Drawbacks, &c. Drafts to be countersigned by Comptroller General, § 22.
53. Officers of the Exchequer to be furnished with Appropriation Papers, § 23.
54. On the Death or Removal of Receiver General, the Balance to vest in his Successor, § 24.
55. Receiver General to keep Account, § 25.
56. Punishment for Forgery on Receiver General, Transportation for Life, § 26.
57. Commissioners of Customs, Collectors, &c. authorized to administer Oaths, § 27.
58. Commissioners of Her Majesty's Customs, Surveyors General, &c., may examine Witnesses on Oath. False Oath deemed Perjury, § 28.
59. Lands and Buildings already taken for the Service of Her Majesty's Customs to be vested in the Secretary of the Customs for the Time being, § 29.
60. And also all Lands, &c. to be hereafter purchased for the Use of the Customs, § 30.
61. Secretary, under Authority of Commissioners, may sell or let Lands vested in them, § 31.
62. Monies produced by Sale of such Lands to be paid to the Receiver General, § 32.
63. After Payment, Purchasers to stand possessed of the Lands, &c., § 33.
64. Treasury may authorize Persons to survey and mark out Lands for Watch-houses, &c., § 34.
65. Bodies Politic, &c. may contract for the Sale, § 35.
66. Persons refusing to sell or to accept the Consideration offered, Two Justices may put Her Majesty's Officers into Possession, and a Jury shall be summoned, who shall find the Compensation to be made, § 36.
67. Lands that are suitable may be taken in lieu of such as have been marked out, § 37.
68. If any Person be dissatisfied with Verdict, Appeal may be made to the Court of Exchequer in *England* or *Ireland*, or to the Court of Session, &c. in *Scotland*, § 38.
69. Jury, in ascertaining Compensation for Premises, to settle Proportion to be paid to Lessees, § 39.
70. Security to be given for Costs, § 40.
71. Upon delivering up Lands to the Owners, all Erections for the public Service to be removed, making Compensation to Owners, § 41.
72. Purchase Money belonging to incapacitated Persons, &c. to be paid to the proper Officer of the Exchequer for their Use, § 42.
73. Barons of the Exchequer, &c. on Petition of Parties interested, to order the Application of Money, § 43.
74. On the Death, Removal, or Resignation of Officer of Exchequer, Stocks and Securities shall vest in Successor, § 44.
75. Gardens not to be affected, § 45.
76. Documents signed by Three Commissioners of the Treasury to be deemed the Act of the whole Commissioners, § 46.
77. Act to be registered in Royal Court of *Jersey*, § 47.
78. For the general Regulation of the Customs, 8 & 9 *Vict.* *c.* 86.
79. Commencement of Act, § 1.
80. INWARDS.—*General Provision.* No Goods to be landed nor Bulk broken before Report and Entry. Times and Places of landing and Care of Officers. Goods not reported or entered to be forfeited. If Bulk illegally broken, Master to forfeit 100*l.* Certain Articles may be landed without Entry, § 2.
81. *Manifest.* All *British* Ships to have Manifests. Particulars of Manifest, § 3.
82. Manifest to be produced to Officers in Colonies, § 4.
83. Manifest if wanting, or if Goods missing, Master to forfeit 100*l.*, § 5.
84. Manifest to be produced within Four Leagues; and Copies delivered to Officers, who shall transmit Copies to Port of Destination. Master not producing, to forfeit 100*l.*, § 6.
85. Master within Twenty-four Hours and before breaking Bulk shall report. Particulars of Report. Penalty on Failure, 100*l.*, § 7.
86. Bond to maintain *Africans*, § 8.
87. Packages reported "Contents unknown," may be opened and examined, § 9.
88. Master to deliver Manifest, and, if required, Bill of Lading or Copy; and answer Questions as to Voyage; on Failure, to forfeit 100*l.*, § 10.
89. Part of Cargo reported for another Port, § 11.
90. Ship to come quickly to Place of unlading, and bring to at Stations for boarding Officers. Mooring Places for Tobacco Ships, § 12.
91. Goods unshipped from the importing Vessel, or landed contrary to the Regulations of the Commissioners of Customs, forfeited. Penalty on Persons concerned, § 13.
92. Officers to board Ships; to have free Access to all Parts; may seal or secure Goods, and open Locks. Goods concealed, forfeited. If Seal, &c. broken, Master to forfeit 100*l.*, § 14.
93. Commissioned Ships, *British* or Foreign, having Goods on board, Person in charge to deliver an Account, or forfeit 100*l.* Such Ships liable to Search, § 15.
94. After Fourteen Days, Officers may land Goods not entered, and certain Goods before Fourteen Days. Duties and Charges not paid in Three Months, Goods may be sold, § 16.
95. Where Goods remain on board a Vessel beyond the Time allowed by Law, the Vessel and Goods may be detained until the Expence of guarding the Goods is paid, § 17.
96. Bill of Entry to be delivered. Duplicates. Bill of Entry signed shall be the Warrant, § 18.
97. Unauthorized Persons not to be permitted to make Entries. Proviso, § 19.
98. Not valid unless agreeing with Manifest, Report, and other Documents; and Description of Goods. Goods not properly entered forfeited, § 20.
99. Goods by Number, Measure, or Weight. Goods *ad valorem*. Declaration of Value. Penalty on Persons not authorized, § 21.
100. If Goods under-valued Officers may detain them. Valuation and Ten *per Cent.* to be paid to Importer. Goods to be sold for the Benefit of the Crown, § 22.
101. Value of Goods entered Inwards to be stated in the Entry, and attested by the Importer, § 23.
102. Bill of Sight, if Goods be not known. Importer to examine, and make perfect Entry in Three Days, § 24.
103. Or Goods to be taken to Queen's Warehouse; and in One Month may be sold, § 25.
104. Where Goods are entered by Bill of Sight a Deposit equal in Amount to the Duties is to be made, § 26.

105. Case

105. Case in which no Part of the Goods in a Package shall be delivered without perfect Entry of the whole, § 27.
106. Importer or Agent to endorse the Bill of Sight with Particulars of the Goods, and sign the same, § 28.
107. Goods landed by Bill of Sight fraudulently concealed to be forfeited, § 29.
108. If Goods damaged on Voyage, an Abatement of Duties to be allowed. When Claim to be made, § 30.
109. Officers to examine Damage, and state Proportion, or choose Two Merchants to assess Damage, § 31.
110. No Abatement for certain Goods, § 32.
111. Returned Goods; entered by Bill of Store, if Property be not changed; if Foreign Goods, Duties to be paid again; or Goods may be warehoused. Certain Goods may not be returned for Home Use. Returned Tobacco, § 33.
112. Bill of Store to be issued by Searcher. Agent to declare Name of his Employer. Consignee to declare who is Proprietor. Proprietor to declare to Identity, and Property unchanged; then Entry by Bill of Store to be granted. Goods, the Property of Persons resident abroad, may be entered by Bill of Store, if Property not changed, § 34.
113. Surplus Stores subject as Goods. If not excessive may be entered for private Use, or be warehoused for the Use of the Ship, § 35.
114. Goods from Possessions abroad. Master to deliver Certificate, § 36.
115. Power to the Lords of the Treasury to require Certificates of Production. Goods imported without required Certificates deemed Foreign; and Foreign Goods imported from a *British* Possession deemed to be imported from a Foreign Country, § 37.
116. Certificate of Growth of Sugar, Coffee, Cocoa, and Spirits. Master to declare to Certificate, § 38.
117. Certificate of Sugar from Limits of *East India* Company's Charter. Master to declare to Certificate, § 39.
118. *East India* Sugar warehoused at the *Cape of Good Hope*, and imported from thence, § 40.
119. Certificate of Wine, Produce of *Cape of Good Hope*. Master to declare to Certificate, § 41.
120. Goods of *Guernsey, Jersey,* &c. Duty-free; with Exceptions, § 42.
121. Master to deliver Certificate of Produce, and declare to Certificate, § 43.
122. Treasury may permit Produce of Colonial Fisheries to be imported from *Guernsey*, § 44.
123. Vessels with Stone from *Guernsey,* &c. not to be piloted, § 45.
124. Fish, *British* taking and curing, and Lobsters, free of Duty on Importation. Declaration of Master, § 46.
125. Certificate of Blubber, Train Oil, &c. *British* Colonial taking. Declaration of Master and Importer, § 47.
126. Before Entry of Blubber, &c. of *British* fishing, Master and Importer to make Declaration of the same, § 48.
127. Importation direct, § 49.
128. Goods the Property of the Crown sold after Importation charged with Duty, § 50.
129. Foreign Goods derelict, &c. and Droits of Admiralty, to be subject to same Duties as on Importation, § 51.
130. An Abatement of Duty to be made in respect of certain wrecked Goods damaged; but no such Abatement to be made in respect of the Goods herein stated, § 52.
131. Persons having such Goods in possession, without Notice, &c. liable to a Penalty of 100*l.* Lord of Manor or Salvor may retain such Goods on giving Bond for Payment of Duties, § 53.
132. Goods reported to Customs as jetsam, &c., and not claimed within Twelve Months, to be deemed condemned as Droits of Admiralty. In case of satisfactory Claim, § 54.
133. Goods under Excise Permit Regulations. Officers of Excise may attend Delivery, § 55.
134. Commissioners of Customs may direct certain Goods to be stamped, § 56.
135. Orders for stamping Goods to be published, § 57.
136. Penalty on forging such Stamps 200*l.*, § 58.
137. Times and Places for landing Goods, § 59.
138. Goods to be unshipped, &c. at the Expence of Importer, § 60.
139. Foreign Fish to be landed and entered under the Directions of the Commissioners of Customs, § 61.
140. Timber to be piled at the Expence of the Importer, so as to enable the Officer of Customs to measure it, § 62.
141. Prohibitions and Restrictions, absolute or modified, § 63.
142. But Goods may be warehoused for Exportation only, although prohibited. Exceptions, § 64.
143. Certain Goods to be entered to be warehoused for Exportation only, § 65.
144. Outwards.—*General Provision.* Goods not to be shipped till Entry of Ship and Entry of Goods and Cocket granted, nor till cleared; nor Stores without Victualling Bill. Proper Times and Places and Officers. Forfeiture, § 66.
145. Ships to be cleared, or Master to forfeit 100*l.*, § 67.
146. Victualling Bill for Stores, § 68.
147. *Ship's Entry.* Master to deliver Certificate of Clearance of last Voyage, and to make Entry Outwards. Particulars of Entry. Penalty. Stiffning Order, § 69.
148. *Entry of Goods.* Bill of the Entry to be delivered. Particulars. Payment of Duties. Cocket to be granted. Person entering Goods responsible for Use of Cocket, § 70.
149. Goods for Drawback or Bounty. Duty Goods. Goods under Restriction, § 71.
150. Manner of Entry for Drawback or from Warehouse, § 72.
151. No Drawback on Tobacco not properly manufactured; and Penalty on Persons fraudulently attempting to obtain Drawback, § 73.
152. Goods not entitled to Drawback if of less Value than claimed. Penalty for Entry of such Goods, § 74.
153. On Entry Outwards of Goods entitled to Drawback, Bond for due exporting shall be given, § 75.
154. Stamp on Plate Bond reduced, § 76.
155. Coals, Export Bond to *British* Possessions, § 77.
156. *Clearance of Goods.* Packages to be endorsed on Cocket. Marks and Numbers, and total Quantities. Bounty, Drawback, or Duty Goods, or Goods under particular Conditions. Goods not cleared forfeited, § 78.
157. Production of Cocket. Shipping Bill. Order of Searcher of Shipment, § 79.
158. Coals brought Coastwise may be exported without landing, § 80.
159. Account of Value of Exports to be delivered to the Searcher, § 81.
160. Goods for Excise Drawback. Notice to Officer of Excise. Shipment certified, § 82.
161. Officer of Excise may attend Examination, § 83.
162. Goods for Duty, Bounty, or Drawback, &c. brought for Shipment, § 84.
163. Searcher may open any Package; but if correct, must repack, § 85.

164. *Clearance of Ship.* Content to be delivered to Searcher. Particulars. Cockets to be delivered by Shippers to Searcher to be filed. Master to declare to Content. Clearance notified on Content, on File, and on Victualling Bill, and in Book, § 86.
165. File of Cockets and Victualling Bill delivered to Master as the Clearance, § 87.
166. In Ballast. Master to answer Questions. Clearance notified on Victualling Bill and in Book, § 88.
167. Slate and Slates and Chalk to be deemed Ballast, § 89.
168. Part of former Cargo reported for Exportation. Copy of Report to be the Clearance, § 90.
169. If any Passengers, Master may enter Baggage in his Name. Ship with Baggage only deemed to be in Ballast, § 91.
170. In Ballast, Master may enter Goods for private Use of Self and Crew. Privilege; 20*l.* Master, 10*l.* Mate, 5*l.* Crew. Master to clear the Goods. Ship to be deemed in Ballast, § 92.
171. Officers may board any Ship after Clearance. Goods on board, and not in Cocket, 20*l.* Penalty. Cocket falsified 100*l.* Penalty, § 93.
172. Ships to bring to at Stations, § 94.
173. *Debenture Goods.* Entry in Name of real Owner, or of the Commissioner Merchant, § 95.
174. Declaration as to Exportation, and to Property, and Right to Drawback on Bounty. If Drawback, &c. be not purchased, Name of Person entitled to be declared, § 96.
175. Agent may pass Entry and receive Drawback, and make the Declaration, and answer Questions for Owner not resident. Joint Stock Company, § 97.
176. Property of Persons abroad consigned here to an Agent, and exported by him on account of Owner, § 98.
177. Shipment within Three Years, and Payment within Two Years, § 99.
178. Issuing and passing Debenture, § 100.
179. Certificate of landing in *Isle of Man*, § 101.
180. Licensed Lighterman only to Ship Debenture or warehoused Goods. Commissioners may grant Licence, and require Bond. Licences in force, § 102.
181. Warehouse or Debenture Goods not exported, or if re-landed, or carried to *Guernsey*, &c. without Entry forfeited, § 103.
182. Drawback on Duties on Wine allowed for Officers in the Navy, § 104.
183. Persons entering such Wine for Drawback to declare the Name and Rank of Officer claiming the same, § 105.
184. Officers leaving the Service, &c., such Wine permitted to be transferred to others, § 106.
185. Pursers of Her Majesty's Ships of War may ship Tobacco for Use of Crew, free of Duty, on giving Bond, § 107.
186. Purser removed from One Ship to another may tranship Tobacco, with Permission of Collector, § 108.
187. Limiting the Quantity of Tobacco, § 109.
188. Times and Places for shipping Goods, § 110.
189. Penalty for exporting prohibited Goods, § 111.
190. Prohibitions or Restrictions, absolute or modified, § 112.
191. *General Provisions.* All Trade by Sea from one Part of the United Kingdom to another, or to the *Isle of Man*, to be deemed Coastwise, and no Part to be deemed beyond the Seas. Proviso for Dutiable Goods carried into the *Isle of Man*, § 113.
192. Lords of Treasury to regulate what shall be deemed trading by Sea under this Act, § 114.
193. Coasting Ship confined to coasting Voyage, § 115.
194. Before Goods be laden or unladen, Notice of Intention or of Arrival to be given, and proper Documents to issue, § 116.
195. Particulars in Notice; within Twenty-four Hours of Arrival for unlading; for lading, to state last Voyage and Clearance, § 117.
196. From and to *Ireland* with certain Goods, the Master must attend to deliver Notice, &c. Penalty, § 118.
197. After Notice given of lading Goods on board Coasting Ships Collector may grant a general Sufferance. Bond for certain Goods, § 119.
198. Master of Coasting Vessel to keep a Cargo Book. Penalty for false Entries in such Book, § 120.
199. Accounts of Foreign Goods, and of Goods subject to Coast Duty, to be delivered to Collector, § 121.
200. Transire to be delivered to Collector before Goods unladen. Excise Duties, § 122.
201. Collector in certain Cases may grant general Transire for Coasting Vessels. Commissioners of Customs may grant general Transires, § 123.
202. Coast-waiter, Landing-waiter, or Searcher may go on board and examine any Coasting Ship, § 124.
203. Times and Places for landing and shipping, § 125.
204. Goods prohibited or restrained, § 126.
205. Terms used in Acts:—"Ship," "Master," "Owner or Owners," "Mate," "Seaman," "*British* Possession," "Her Majesty," "Limits of *East India* Company's Charter," "Collector and Comptroller," "Officer," "Warehouse," "Queen's Warehouse," § 127.
206. *Malta* deemed to be in *Europe*, § 128.
207. Weights; Measures, § 129.
208. Collector to take Bonds in respect of Goods relating to the Customs, § 130.
209. Bonds entered into with the Concurrence of the Lords of the Treasury or the Commissioners of the Customs for the due Performance of any thing relating to the Customs to be valid in Law, § 131.
210. Mode of ascertaining Strength of Foreign Spirits, § 132.
211. Vinegar or Acetous Acid to be charged with Duty according to Strength, § 133.
212. Spirits, although mixed, to pay Duties as such, § 134.
213. Officers of Customs to take Samples of Goods, § 135.
214. Time of an Importation and of an Exportation defined. Arrival and Departure of a Ship defined, § 136.
215. Return of Duty overpaid, § 137.
216. Tonnage or Burden of Ships how ascertained, § 138.
217. Ships, when not liable to Tonnage Rate under 4 & 5 *W.* 4. *c.* 32.—§ 139.
218. Officers may refuse Master of *British* Ship unless entered on Register, § 140.
219. Falsifying Documents, § 141.
220. Authority of an Agent may be required, § 142.
221. False Declaration. Penalty, § 143.
222. Printed Lists of prohibited Books to be exposed at Custom Houses, § 144.
223. So much of 9 *G.* 4. *c.* 93. as provides for taking the Prices of Sugar the Produce of *British* Possessions in *America*, &c., to apply to Sugar the Produce of *British* Possessions within the Limits of the *East India* Company's Charter, § 145.
224. Seizures. Ship to include Tackle, &c., § 146.
225. Restoration of seized Goods, Ships, &c., § 147.
226. Remission of Forfeitures and Penalties by Commissioners, on Proof of Innocence of Owners and Master, § 148.
227. Ships not bringing to at Stations, Masters to forfeit 100*l.*, § 149.

228. Officers

228. Officers may be stationed in any Port. Accommodation of Officers, § 150.
229. Power to charge Rent in Queen's Warehouse, § 151.
230. Power to sell Goods not cleared from Queen's Warehouse, § 152.
231. Power for Her Majesty to appoint Ports and legal Quays, § 153.
232. Averment of Offence, § 154.
233. Commissioners may appoint Sufferance Wharfs, § 155.
234. No Ships engaged in the Carriage of Letters to import or export Goods, § 156.
235. Fitters Certificates, § 157.
236. Persons entering or clearing Ships, &c. as Agents, to be licensed, and give Bond. Exceptions, § 158.
237. Treasury may revoke Licence, § 159.
238. Not to extend to Clerks or Servants of Individuals, § 160.
239. Agent may appoint Clerks to act for him only, § 161.
240. Treasury may extend Regulations to other Ports, § 162.
241. For granting Duties of Customs, 8 & 9 *Vict. c.* 90.
242. 3 & 4 *W.* 4. *c.* 56. Commencement of Act, § 1.
243. Instead of all other Duties of Customs (except on Corn, &c.), there shall be paid and allowed the Duties and Drawbacks specified in the Tables annexed, § 2.
244. Duties on Corn, &c. to be raised, &c. in the same Manner as Duties mentioned in this Act, § 3.
245. An additional Duty of 4*d. per* Gallon to be levied upon Spirits, and of Five *per Cent.* upon all other Articles, § 4.
246. Goods having paid Duties imposed by former Acts to be entitled to Drawbacks, § 5.
247. Goods in Warehouse to be liable to the Duties imposed by this Act, § 6.
248. Duties and Drawbacks to be under the Management of the Commissioners of Customs, § 7.
249. Additional Duties to be levied on Foreign Merchandize, &c., § 8.
250. 59 *G.* 3. *c.* 54. to apply to all Foreign Powers as well as United States and *Portugal*, and to Duties on Goods as well as on Ships, § 9.
251. Recited Act not to be construed as granting Powers beyond subsisting Treaties, § 10.
252. Her Majesty, with Advice of Privy Council, to declare the Powers with whom Treaties are subsisting, § 11.
253. Lords of Treasury may reduce Duties on Ships or Goods of Countries under Reciprocity, § 12.
254. Manufactures of *Gibraltar*, &c. from Foreign Materials deemed Foreign, § 13.
255. Certain Produce of the State of *Maine* to be treated as the Produce of *New Brunswick*, § 14.
256. Drawback on the Exportation of Foreign Rice or Paddy, § 15.
257. Conditions on which such Drawback is to be paid, § 16.
258. Warehousing of Goods, § 17.
259. *Cape of Good Hope* deemed to be within Limits of Charter; Mauritius as *West Indies*, § 18.
260. Produce of Limits of Charter imported from *Malta* or *Gibraltar*, § 19.
261. An Account of the Amount of Hereditary Revenues of the Crown to be kept separate, § 20.
262. Not to affect the Hereditary Revenue in *Scotland*, § 21.
263. Duties to be paid into the Exchequer, and carried to the Consolidated Fund, § 22.
264. Duties due before the passing of this Act, but levied after, to be deemed Duties under this Act, and appropriated as such, § 23.
265. To grant certain Bounties and Allowances of Customs, 8 & 9 *Vict. c.* 92.
266. Commencement of Act, § 1.
267. Bounties allowed upon the Exportation of Refined Sugar, § 2.
268. Bond to be given for the due Exportation, § 3.
269. Candy in Packages of Half Hundred Weight, § 4.
270. Sugar crashed for Exportation, § 5.
271. Different Sorts of crashed Sugar to be kept separate, § 6.
272. Sample Loaves to be provided. Proviso for Double Refined Sugar. Proviso for Patent Sugar, § 7.
273. Sugar entered not equal to the Standard shall be forfeited, § 8.

See *Exportation; Isle of Man.*

D.

Debtors and Creditors.

1. For facilitating Arrangements between Debtors and Creditors, 7 & 8 *Vict. c.* 70.
2. Petition, § 1.
3. Preliminary Examination. Disqualifications. Meeting of Creditors, § 2.
4. President, § 3.
5. First Meeting of Creditors, § 4.
6. Second Meeting of Creditors, § 5.
7. Confirmation. Certificate. Protection, § 6.
8. Temporary Protection, § 7.
9. Vesting of Estate, § 8.
10. Audit, § 9.
11. Examinations, § 10.
12. Special Meetings, § 11.
13. Meeting of Creditors, § 12.
14. Certificate, § 13.
15. Rules and Orders, § 14.
16. Interpretation of Act, § 15.

Deeds, See Transfer of Property; Real Property.

Defamatory Words.

1. To amend an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law respecting defamatory Words and Libel*, 8 & 9 *Vict.* c. 75.
2. In Cases of Action for Libel in *Ireland*, where Defendant shall plead Matters allowed by 3 & 4 *W.* 4. *c.* 42. and pay Money into Court, such Payment to be of same Effect as if required by said Act, § 1.
3. Defendant not to file such Plea without paying Money into Court by way of Amends, § 2.

Dioceses, See Ecclesiastical Jurisdictions.

Detached Parts of Counties.

1. To annex detached Parts of Counties to the Counties in which they are situated, 7 & 8 *Vict. c.* 61.
2. Detached Portions of Counties to be Part of the County by which they are surrounded, § 1.
3. Detached Parts to belong to adjoining Hundred, &c., or to form a separate Hundred, § 2.

4. Provision as to Special and Petty Sessions, § 3.
5. Error in stating Name of County not to invalidate legal Documents, § 4.
6. Saving of Ecclesiastical Rights, § 5.
7. Saving the Rights of certain Coroners, § 6.
8. Act not to extend to alter or affect the Land Tax or Assessed Taxes in detached Portions of Counties, § 7.

District Churches, See Marriages.

District Courts and Prisons.

1. To extend the Powers of the Act for encouraging the Establishment of District Courts and Prisons, 7 & 8 *Vict. c.* 50.
2. Agreements contemplated by the recited Act may be contingent on Grant of Sessions of the Peace, § 1.
3. Repeal of 5 & 6 *Vict. c.* 53. *s.* 41. as to Divisions of united Districts, § 2.
4. Provisions as to Divisions of any united District whether Grant made before or after Confirmation of Agreement, § 3.
5. Secretary of State to appoint Surveyor General of Prisons, § 4.

Dissenters, See Meeting Houses.

Docks, See Local Acts.

Documentary Evidence.

1. To facilitate the Admission in Evidence of certain official and other Documents, 8 & 9 *Vict. c.* 113.
2. Certain Documents to be received in Evidence without Proof of Seal or Signature, &c. of Person signing the same, § 1.
3. Courts, &c. to take judicial Notice of Signature of Equity or Common Law Judges, &c., § 2.
4. Copies of Private Acts, printed by Queen's Printer, Journals of Parliament, and Proclamations, admissible as Evidence, § 3.
5. Persons forging Seal, Stamp, or Signature of certain Documents, or print any Private Act with false Purport, guilty of Felony, § 4.
6. Not to extend to Scotland, § 5.
7. Alteration of Act, § 6.
8. Commencement of Act, § 7.

Dog Stealing.

1. For the further Prevention of the Offence of Dog Stealing, 8 & 9 *Vict. c.* 47.
2. Certain Provisions of 7 & 8 *G.* 4. *c.* 29. repealed, § 1.
3. Punishment for stealing Dogs. First Offence. Second Offence, § 2.
4. Penalty for having Possession of stolen Dogs, or of their Skins. First Offence. Second Offence, § 3.
5. Penalty for compounding for Offences against this Act, § 4.
6. Apprehension of Offenders, § 5.
7. Penalty for receiving Money to restore stolen Dogs, § 6.
8. Offenders may be remanded, or admitted to Bail, § 7.
9. If Penalties not paid Justices to commit Offenders, § 8.

Draining, See Local Acts and Settled Estates.

Duchy of Cornwall, See Cornwall (Duchy of).

E.

East Indies.

1. To remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the *East Indies*, 7 & 8 *Vict. c.* 18.
2. Any Officer who may convene or confirm Courts-martial for the Queen's Troops, or for the *East India* Company's Troops, may convene or confirm Courts-martial for any Troops under his actual Command, § 1.
3. Offenders may be tried wheresoever they may be serving or the Offence may have been committed, § 2.
4. Her Majesty may authorize Commanders-in-Chief to delegate Power of confirming Sentences of General Courts-martial, § 3.
5. No other Confirmation necessary, except in certain Cases, § 4.
6. Confirmation of Sentences of Death on Commissioned Officers, § 5.
7. Act not otherwise to affect Laws now in force, § 6.
8. Act to extend only to the *East Indies*, § 7.
9. Continuance of Act as to Her Majesty's Forces, § 8.

Ecclesiastical Jurisdictions.

1. To suspend, until the Thirty-first Day of *December* One thousand eight hundred and forty-seven, the Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions, and for obtaining Returns from and the Inspection of the Registries of such Jurisdictions, 7 & 8 *Vict. c.* 68.
2. Temporary Provisions relating to Ecclesiastical Courts continued, § 1.
3. Registrars of Ecclesiastical Courts to make certain Returns to Secretary of State, § 2.
4. Registrars to report on State of Offices to Secretary of State who may direct Surveys, § 3.
5. Registrar who to include, § 4.

Education, See Poor, 1—6.

Elections, See Controverted Elections.

Engravings, See Customs, 15—19.

Engrossing, See Forestalling, &c.

Evidence, See Documentary Evidence.

Excise.

1. To repeal the Duty of Excise on Vinegar, and to make the Duties and Drawbacks now payable on Flint Glass the same as on Bottle Glass, 7 & 8 *Vict. c.* 25.

2. After passing of this Act the Duties and Regulations for securing the Duty on Vinegar to cease, save as to any Arrear of Duty or Penalty. Commissioners of Treasury may remit certain of the Duties on Vinegar, &c. before the passing of this Act, § 1.
3. Vinegar Makers to take out Licences as heretofore, § 2.
4. Vinegar Makers to make Entry of their Premises and Utensils with the Excise, § 3.
5. Vinegar Makers having Stills to use them only subject to such Rules as the Commissioners of Excise direct, § 4.
6. From 5th *July* 1844 the present Duties and Drawbacks on Flint Glass to cease; other Duties and Drawbacks granted and allowed in lieu thereof, § 5.
7. New Duties and Drawbacks to be under the Management of the Commissioners of Excise, § 6.
8. For making the Charge on Flint Glass an Account to be made out at the End of each Six Weeks of the whole Quantity of Glass charged with Duty, and of the whole Weight of Glass weighed within such Period; and, in lieu of Two-pence charged by 1 & 2 *Vict. c.* 44. Three Farthings *per* Pound additional to be charged on all Excess above Forty *per Centum*, § 7.
9. The Regulation of 1 & 2 *Vict. c.* 44., that no Drawback be allowed on Glass not worth Five-pence *per* Pound, exclusive of the Duty, repealed as to Flint Glass, § 8.
10. The Enactment of 1 & 2 *Vict. c.* 44., that Shades of uncoloured Flint Glass shall not be flattened out except as thereby allowed, repealed, § 9.
11. Flint Glass Maker not to flatten out any Shade, nor cast or press any Flint Glass into Panes of the Dimensions of Six Inches by Four, § 10.
12. Nothing herein to affect the Provision of 1 & 2 *Vict. c.* 44. *s.* 92.—§ 11.
13. Makers of Flint Glass enabled to make and store Glass not to be sold or consumed before the Time appointed for the Duty now payable to cease, § 12.
14. Glass may be taken out of Store before 6th *July*, Notice being given, on Payment of full Duty, § 13.
15. Makers of Flint Glass not securing or fraudulently removing Glass so intended to be stored liable to full Duty, together with Penalties, § 14.
16. To continue, until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and forty-six, certain of the Allowances of the Duty of Excise on Soap used in Manufactures, 7 & 8 *Vict. c.* 51.
17. Certain Allowances of the Duty on Soap to be continued, § 1.

See *Auctions and Auctioneers.*

Execution, See Insolvency.

Exportation.

1. To repeal the Duties of Customs due upon the Exportation of certain Goods from the United Kingdom, 8 & 9 *Vict. c.* 7.
2. Export Duties on Cement Stone and Flint, Clay, and China Stone, Coals, Culm or Cinders, repealed, § 1.

F.

Factories.

1. To amend the Laws relating to Labour in Factories, 7 & 8 *Vict. c.* 15.
2. Commencement of Act, § 1.
3. Restriction on Power of Inspectors and Sub-Inspectors. Their Exemption from certain Duties, § 2.
4. Power of Inspectors and Sub-Inspectors, § 3.
5. Protection of Inspectors and Sub-Inspectors, 24 *G.* 2. c. 44., § 4.
6. Office of Factory Inspectors, § 5.
7. Management of the Office, and regulating the Duties of the Inspectors, &c., § 6.
8. Persons beginning to occupy a Factory to send Notice to the Office of Factory Inspectors, § 7.
9. Certifying Surgeons to be appointed by an Inspector, § 8.
10. Form of Surgical Certificate, § 9.
11. Certificates not given by certifying Surgeon must be by Persons duly authorized, and countersigned by a Magistrate, § 10.
12. Surgical Certificates to be given at the Factory, § 11.
13. Agreement between Mill Occupier and certifying Surgeon, § 12.
14. Inspector may fix Surgeon's Fees, § 13.
15. New Surgical Certificate not required for Persons at present employed. Inspectors and Sub-Inspectors may annul Certificates, § 14.
16. Certificates of real Age may be obtained, § 15.
17. Certificate to be obtained before the Person is employed, and to serve only for One Factory, § 16.
18. Surgical Certificates may be dispensed with for Seven or Thirteen Days, § 17.
19. Lime washing and other washing of the Interior of Factories, § 18.
20. Protection of Workers in wet-spinning Flax Mills, § 19.
21. Mill-gearing not to be cleaned while in Motion, § 20.
22. Machinery to be guarded, § 21.
23. Notice to be given of Accidents causing bodily Injury, § 22.
24. Certifying Surgeon to examine into the Causes and Extent of Accidents, and report thereon, § 23.
25. Prosecution for Compensation by an Inspector, § 24.
26. Application of Compensation when recovered, § 25.
27. For ensuring Regularity in the Observance of Time, § 26.
28. Registers to be kept in every Factory, § 27.
29. An Abstract of this Act, and certain Notices, to be hung up in every Factory, § 28.
30. Children may be employed in Factories at Eight Years of Age, § 29.
31. Time of Children's Work, § 30.
32. How Children may be employed on Three alternate Days of the Week, § 31.
33. Women to be employed as young Persons, § 32.
34. Provision for recovering lost Time by Stoppage of the Machinery, § 33.
35. Provision for recovering Time lost by partial Stoppages, § 34.
36. Work to cease on *Saturday* at Half past Four, § 35.
37. Additional Regulations as to Meal Times, § 36.
38. Additional Regulations as to Holidays, § 37.
39. Additional Regulations for the Attendance of Children at School, § 38.
40. Occupier of Factory to obtain School Certificate, and to pay School Fees. Inspector may, by Notice, annul the Certificate of any Schoolmaster found unfit, § 39.
41. Repeal of Part of 3 & 4 *W.* 4. *c.* 103.—§ 40.
42. Occupier of the Factory to be liable for Offences against this Act in the first instance, § 41.
43. Notice of Complaints of unguarded Machinery, § 42.

44. Inspector or Sub-Inspector to give Notice of dangerous Machinery. Upon Application by the Occupier Arbitrators may be appointed to examine the Machinery, § 43.
45. Complaints to be preferred within Two Months, § 44.
46. Proceedings under this Act may be had before any Justices. Penalties may be recovered as in 5 *G.* 4. *c.* 18. Power of distraining Goods in Factory where Occupier is convicted, § 45.
47. Issue of Summons for Offences against Act, § 46.
48. Compelling Parties to appear and bring Register, § 47.
49. Inspectors and Sub-Inspectors competent Witnesses, § 48.
50. Justices may enforce Attendance of Witnesses, § 49.
51. Inspectors and Sub-Inspectors may summon Offenders and Witnesses, § 50.
52. In case of Partnership, One Name sufficient for Summons, § 51.
53. Evidence of Employment, § 52.
54. Surgical Certificates to be Proof of Age, § 53.
55. Proof of Age of Persons alleged to be Sixteen, § 54.
56. Proof of Age of Persons alleged to be Eighteen, § 55.
57. Penalties for employing Children and young Persons longer than allowed by the Act, § 56.
58. Penalty on Parents for allowing Children to be employed contrary to this Act, or neglecting to cause them to attend School, § 57.
59. Penalty for not Lime-washing or otherwise washing the Interior of the Factory, § 58.
60. Penalty for not fencing Machinery, § 59.
61. Penalty for not fencing dangerous Machinery after Notice, § 60.
62. Penalty for obstructing Inspectors or Sub-Inspectors, § 61.
63. Penalty for obstructing Inspectors or Sub-Inspectors in the Night, § 62.
64. Offences which shall be punishable by Fine or Imprisonment, § 63.
65. Penalty for Offences not otherwise specified, § 64.
66. Penalty in case of Second and subsequent Convictions, § 65.
67. Application of Penalties, § 66.
68. How former Conviction may be proved, § 67.
69. Convictions to be filed amongst the Records of the County, § 68.
70. No Appeal from Convictions, except in certain Cases, § 69.
71. Appeal, § 70.
72. Who are to exercise the Powers of Justices, § 71.
73. Exemptions of Silk Factories, § 72.
74. Interpretation Clause. Exception to the Term Factory. Exemption when packing finished Goods. Exemption in favour of Mechanics, § 73.

Farm Buildings, See Incendiarism.

Fees in Criminal Proceedings.

1. For the Abolition of certain Fees in Criminal Proceedings, 8 & 9 *Vict.* *c.* 114.
2. Extending the Provisions of 55 *G.* 3. *c.* 50. respecting the Discharge of certain Prisoners without Payment of Fees, § 1.
3. Certain Fees heretofore payable to Clerks of Assize, &c., out of the County Rates to cease, § 2.

Ferries, See Local Acts.

Forest of Dean.

1. To extend until the First Day of *January* One thousand eight hundred and forty-five, and to the End of the then next Session of Parliament, the Time within which Conveyances may be made on behalf of the Crown of, and Disputes settled with regard to Encroachments in the Forest of *Dean*, 7 & 8 *Vict.* *c.* 13.
2. The Time for granting certain Conveyances of Encroachments extended to 1st *January* 1845, § 1.
3. Conveyances already granted confirmed, § 2.
4. Disputes now pending or which may arise respecting Rights to Leases, &c. of Encroachments to be settled by the Verderors, § 3.
5. Powers of 1 & 2 *Vict.* *c.* 42. extended to this Act, § 4.

Forestalling, Regrating, and Engrossing.

1. For abolishing the Offences of forestalling, regrating, and engrossing, and for repealing certain Statutes passed in restraint of Trade, 7 & 8 *Vict.* *c.* 24.
2. Offences of badgering, engrossing, forestalling, and regrating abolished, § 1.
3. Repeal of certain Acts and Parts of Acts, § 2.
4. Acts repealed as to *Great Britain* by 12 *G.* 3. *c.* 71. to be repealed as to *Great Britain* and *Ireland*, § 3.
5. Nothing in this Act to apply to spreading false Rumours, § 4.

See *Statutes repealed.*

G.

Game.

1. To extend an Act of the Ninth Year of King *George* the Fourth, for the more effectual Prevention of Persons going armed by Night for the Destruction of Game, 7 & 8 *Vict.* *c.* 29.
2. Punishments and Forfeitures imposed by the recited Act on Persons by Night destroying Game or Rabbits in any open or inclosed Land to apply to Persons by Night destroying Game or Rabbits on any public Road, &c., § 1.

Games.

1. To amend the Law concerning Games and Wagers, 8 & 9 *Vict.* *c.* 109.
2. Repeal of Part of 33 *H.* 8. *c.* 9.—§ 1.
3. What shall be sufficient Evidence that a House is a common Gaming House, § 2.
4. Power of Justices may be exercised under Warrant, § 3.
5. Penalties on Gaming House Keepers, &c. § 4.
6. Proof of Gaming for Money, &c. not necessary in support of Informations for Gaming, § 5.
7. Commissioners of Police may authorize Superintendent and Constables to enter Gaming Houses and seize all Instruments of Gaming and take into Custody all Persons found therein, § 6.
8. Police Superintendent may search for Instruments of Gaming, § 7.
9. What shall be deemed Evidence of Gaming, § 8.
10. Indemnity of Witnesses, § 9.

11. Justices

11. Justices may grant Billiard Licences at Licensing Sessions, § 10.
12. Places kept for public Billiard Tables to be licensed. 9 *G.* 4. *c.* 61. Notice that such Places are licensed for Billiards to be put up, § 11.
13. Penalties for Offences against Tenor of Licences, § 12.
14. When Billiard Playing shall not be allowed, § 13.
15. Empowering Constables to visit licensed Houses, § 14.
16. Repeal of 16 *C.* 2. *c.* 7. 10 *W.* 3. (*I.*) 9 *Anne c.* 14. 11 *Anne* (*I.*) 5 *&* 6 *W.* 4. *c.* 41. and Part of 18 *G.* 2. *c.* 34. —§ 15.
17. Pending Actions and Informations to be discontinued, § 16.
18. Cheating at Play to be punished as obtaining Money by false Pretences, § 17.
19. Wagers not recoverable at Law, § 18.
20. Proceedings under feigned Issues abolished, § 19.
21. Appeal to Quarter Sessions, § 20.
22. Distress not unlawful for Want of Form, § 21.
23. Plaintiff not to recover after Tender of Amends, § 22.
24. Limitation of Actions, § 23.
25. Construction of Terms, § 24.
26. Conviction, &c. not to be quashed for Informality, &c., § 25.

Gaming.

1. To stay Proceedings for Three Calendar Months, and till the End of the present Session of Parliament, in certain Actions under the Provisions of several Statutes for the Prevention of excessive Gaming, and to prevent any Proceedings being taken under those Statutes during such limited Time, 7 *&* 8 *Vict. c.* 3.
2. Proceedings commenced by common Informers, or Persons other than the actual Losers, for Penalties incurred by playing at or betting on certain Games to be stayed on Application to the Court in which they were commenced or to a Judge, § 1.
3. The like Remedy in Cases where Penalties may have been incurred under the Irish Acts, § 2.
4. Restricting Proceedings by any common Informer, &c. under any of the above Provisions after the passing of this Act, § 3.
5. Actions not to be brought without the Consent of the Attorney General, § 4.
6. Limiting the Duration of this Act, § 5.
7. Further to stay, until the End of the next Session of Parliament, Proceedings in certain Actions under the Provisions of several Statutes for the Prevention of excessive Gaming; and to prevent any similar Proceedings being taken under those Statutes during such further limited Time, 7 *&* 8 *Vict. c.* 58.
8. Suspending Actions for Penalties, § 1.
9. When Actions are prosecuted contrary to Provisions of this Act a Verdict to be found for Defendant, § 2.
10. Continuing Provisions of recited Act, § 3.

See *Indemnity.*

Geological Survey.

1. To facilitate the Completion of a Geological Survey of *Great Britain* and *Ireland*, under the Direction of the First Commissioner for the Time being of Her Majesty's Woods and Works, 8 *&* 9 *Vict. c.* 63.
2. Power to enter Lands, break Surface, and affix Marks. Satisfaction to be made for Damage, § 1.
3. Penalty on obstructing Survey or removing Marks, § 2.
4. Damages how to be paid, § 3.
5. Recovery of Penalties, § 4.
6. Plea of General Issue, § 5.
7. Interpretation of Act, § 6.

Glass.

1. To repeal the Duties and Laws of Excise on Glass, 8 *&* 9 *Vict. c.* 6.
2. 6 *G.* 4. *c.* 81. 1 *&* 2 *Vict. c.* 44. 3 *&* 4 *Vict. c.* 22. 7 *&* 8 *Vict. c.* 25. After 5th *April* 1845, the Duties and Drawbacks on Glass to cease, save as herein excepted, and as to Arrears and Penalties, § 1.
3. The Treasury may grant an Allowance in respect of the Duties on the Stock in hand of Manufacturers of and Dealers in Crown or Plate Glass or Manufacturers of Bottle Glass, of which an Account has been taken by the Officers of Excise, § 2.
4. Glass exported on Excise Drawback not to be imported without Repayment of such Drawback, § 3.

See *Excise.*

Gold and Silver Wares.

1. To amend the Laws now in force for preventing Frauds and Abuses in the marking of Gold and Silver Wares in *England*, 7 *&* 8 *Vict. c.* 22.
2. 13 *G.* 3. *c.* 59. and *s.* 7. of 38 *G.* 3. *c.* 69. repealed, except as to Offences already committed, § 1.
3. Forging or counterfeiting any Die for marking Gold or Silver Wares, or knowingly uttering the same; marking Wares with forged Die, or uttering; forging any Mark of any Die, or uttering; transposing or removing Marks, or uttering; having in possession any such, knowing, &c.; cutting or severing Marks with Intent to affix upon other Wares; affixing any Mark cut or severed from any other Ware; or fraudulently using genuine Dies; Felony: Punishment, § 2.
4. Penalty on Dealer selling, &c. or having in his Possession any Wares with forged Marks, § 3.
5. Dealers to be exempted on certain Cases. Not to exempt Persons from the Consequences of uttering with guilty Knowledge, § 4.
6. Where any Alterations or Additions are made, the Ware so altered or added to shall be again assayed, and marked as new, and Duty paid upon the whole. Proviso for Cases where an Addition only is made to any Ware. Penalty upon any Dealer altering or adding to any Ware without bringing same to be re-assayed and re-marked, or if only on certain Weight, without procuring the Assent of any Company thereto; and upon every Dealer selling such Ware without the same being marked; and such Ware to be seized, § 5.
7. Dealers to be exempted in certain Cases, § 6.
8. If any Officer of any of the Halls shall mark any base Metal with any Die, &c. such Company to be liable to a Penalty of 20*l.*; the Officer to be dismissed, and every such Ware to be seized, § 7.
9. Dealer to enter every Place wherein he shall carry on his Business or deposit Wares, &c. Penalty, 5*l.*, § 8.
10. Penalty for any Dealer erasing, obliterating, or defacing any Mark, § 9.
11. Recovery and Application of Penalties, § 10.

12. Upon Information given upon Oath against Persons suspected of having in possession illegal Wares, &c. Justices may grant Search Warrant. Nothing herein to authorize the Search for or Seizure of Wares not required to be marked, § 11.
13. False Dies and Wares seized, how to be disposed of, § 12.
14. Limitation of Actions. Venue local. Notice of Action. General Issue. Tender of Amends. Costs, § 13.
15. Construction and Interpretation of Terms. "Base Metal," "Dealer," "Die," "Her Majesty," "Mark," "Ware," § 14.
16. After 1st *October* 1844 Gold Wares of a certain Standard to be marked with a Crown and the Figures 22 instead of the Lion passant, § 15.
17. Extending the Powers, Penalties, and Provisions concerning the Marks formerly used to the Marks directed to be made use of by this Act, § 16.
18. Limitation of Act, § 17.
19. Commencement of Act, § 18.

Government Debentures, See Three and a Half per Cent. Annuities, 2.

Greenwich Hospital.

1. To enable the Commissioners of *Greenwich* Hospital to widen and improve *Fisher Lane* in *Greenwich;* and for other Purposes connected with the Estates of the said Commissioners, 8 & 9 *Vict. c.* 22.
2. Commissioners of *Greenwich* Hospital empowered to widen *Fisher Lane*, &c., § 1.
3. Power to purchase Houses, Lands, &c., § 2.
4. If Houses, &c. not purchased or valued within a certain Time, Powers of Purchase to cease, § 3.
5. Parties surveying not to be deemed Trespassers, § 4.
6. Authorizing incapacitated Persons and others to treat with the Commissioners for the Purchase of Buildings, &c., § 5.
7. Messuages, &c. when conveyed to be settled to the same Uses, § 6.
8. In case Parties refuse to treat, the Value, &c. to be settled by a Jury, § 7.
9. Jury not to award Compensation for Injury or Damage, without the Consent of Commissioners of *Greenwich* Hospital unless Notice of such Claim shall have been given, § 8.
10. Penalty on Sheriff, Jury, &c. making default, § 9.
11. By whom Expences shall be paid, § 10.
12. Minute of all Judgments to be deposited with the Clerk of the Peace for the County, § 11.
13. Application of Compensation Money when exceeding 200*l.*, belonging to incapacitated Persons, § 12.
14. When less than 200*l.*, and exceeding 20*l.*, § 13.
15. When not exceeding 20*l.*, § 14.
16. In case of not making out Title, of Absence, or of Refusal to convey, the Money to be paid into the Bank, § 15.
17. In case of disputed Titles, Persons in possession to be deemed peremptorily entitled to the Money, § 16.
18. Court of Chancery may order reasonable Expences of Purchases and Costs to be paid by the said Commissioners, § 17.
19. Expences of Titles to be paid by the said Commissioners, § 18.
20. How such Costs are to be ascertained, § 19.
21. How Price of Land to be ascertained in case of Difference, § 20.
22. Lands, &c. to vest in Commissioners after Payment or Tender of Purchase Money, § 21.
23. Determination of Differences as to Consideration for Release of Hereditaments from Charges, § 22.
24. When Part only of Hereditaments so charged are required, the Apportionment of Charge may be settled by Agreement, § 23.
25. Where Part of Hereditaments taken, remaining Portion to be subject to whole of Charge, § 24.
26. As to Apportionment of Rent of Hereditaments where Part only required for Purposes of the Act, § 25.
27. Compensation to Leaseholders, § 26.
28. Compensation to yearly Tenants, § 27.
29. Parties claiming Satisfaction in respect of unexpired Terms to produce Leases, § 28.
30. Incumbrancer, on Tender of Amount due, immediately to assign Interests to Commissioners, § 29.
31. In case Mortgage Money amount to more than the Value of the Premises, the Mortgagors, on Payment of Value of Hereditaments, to assign their Interest to Commissioners, § 30.
32. Powers given to Commissioners to apply to Purchases already made as well as to Purchases to be made, § 31.
33. Power to arch over Drains, &c., § 32.
34. Power to stop up certain Roads, § 33.
35. After Formation of new Street, same to be a public Highway, § 34.
36. Roads and Ways not to be stopped up till *Fisher Lane* widened, § 35.
37. Passage between *Ship Dock* and *Ship Tavern* to be opened before said Roads, &c. are stopped up, § 36.
38. Power of Commissioners to lease Mines, &c. for Twenty-one Years authorized by 10 *G.* 4. *c.* 25. extended to leasing them for Forty-two Years, subject to the Provisions in the said Act, § 37.
39. Public Act, § 38.

H.

Harbours, See Local Acts.

High Constables, See County Rates.

Highways.

1. To extend certain Provisions in the Act for consolidating and amending the Laws relating to Highways in *England*, 8 & 9 *Vict. c.* 71.
2. Extending Provisions of 5 & 6 *W.* 4. *c.* 50.—§ 1.
3. Recited Act and this Act to be as One, § 2.

Highway Rates.

1. To continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads, 8 & 9 *Vict. c.* 59.
2. 4 & 5 *Vict. c.* 59. continued as in Title. Recited Act further continued, § 1.

Horses (Slaughtering of).

1. To amend the Law for regulating Places kept for slaughtering Horses, 7 & 8 *Vict.* *c.* 87.
2. New Licences to be annual, § 1.
3. Justices in Quarter Sessions may cancel Licences, § 2.
4. Persons wantonly or cruelly ill-treating any Horse to be liable to Penalty, § 3.
5. Power for Constables to enter licensed Places, § 4.
6. Penalty for obstructing Inspectors, § 5.
7. Penalty for Inspector neglecting his Duty, § 6.
8. Offences may be heard by Two Justices. Penalties how to be recovered and applied, § 7.
9. Limitation as to summary Proceedings, § 8.
10. Appeal to Quarter Sessions, § 9.
11. Meaning of certain Words used in this Act, § 10.

Hosiery Manufacturers, See Tickets of Work.

Incendiarism.

1. To amend the Law as to burning Farm Buildings, 7 & 8 *Vict.* *c.* 62.
2. Setting fire to any Farm Building, § 1.
3. Setting fire to Farm Produce or Implements in Farm Buildings, § 2.
4. Males under Eighteen Years of Age may be whipped in addition to any other Sentence, § 3.
5. Act deemed Part of recited Act, § 4.

I.

Inclosing Lands in general.

1. To facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands; to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of general and local Inclosure Acts; and to provide for the Revival of such Powers in certain Cases, 8 & 9 *Vict.* *c.* 118.
2. Appointment of Commissioners, § 1.
3. Chairman of Commissioners. Style of Commissioners. To have a Common Seal, § 2.
4. Commissioners to make annual Reports; and also special Reports, § 3.
5. Power to appoint and remove Assistant Commissioners, &c., § 4.
6. Appointments under this Act limited to Five Years, § 5.
7. Salaries and Allowances, § 6.
8. Allowances and Salaries to be paid out of the Consolidated Fund, § 7.
9. Commissioners and Assistant Commissioners to make a Declaration, § 8.
10. Documents of the Tithe Commissioners may be used. Power to summon Witnesses, § 9.
11. Commissioners may delegate Powers to Assistant Commissioners, § 10.
12. Descriptions of Land subject to be inclosed under this Act, § 11.
13. Wastes of Manors and Lands subject to indefinite Common Rights at all Times not to be inclosed without previous Direction of Parliament, § 12.
14. *New Forest* and *Forest of Dean* excepted, § 13.
15. Land within certain Distances of large Towns not to be inclosed without the previous Direction of Parliament, § 14.
16. Village Greens not to be inclosed; but Provision may be made for preserving the Surface and fixing Boundaries, § 15.
17. Persons interested in Lands for Purposes of Applications, &c., § 16.
18. Where the Crown is interested, who shall be substituted, § 17.
19. Where Duke of *Cornwall* is interested, who shall be substituted, § 18.
20. Provision for Persons jointly interested, § 19.
21. In case of Disability, Commissioners to name Substitutes, § 20.
22. Attornies may be appointed by Persons interested. Form of Power of Attorney, § 21.
23. Proportional Interests how estimated, § 22.
24. Proportional Interests of Lords of Manors, § 23.
25. Commissioners to frame Forms of Applications, &c., § 24.
26. Upon Application to the Commissioners, an Assistant Commissioner to inquire into the Expediency of proposed Inclosure, § 25.
27. Assistant Commissioner to report on Application, § 26.
28. Commissioners to embody the Conditions of proposed Inclosure in a Provisional Order, and to take Consents of Parties interested, § 27.
29. Separate Applications for separate Tracts, § 28.
30. Consent of the Lord of the Manor, § 29.
31. Allotments for Exercise and Recreation may be required as Conditions of Inclosure, § 30.
32. Allotments for labouring Poor, § 31.
33. Acts for the Inclosure of Lands in pursuance of the Reports of the Commissioners to be deemed Public General Acts, § 32.
34. Meeting for appointing Valuer, § 33.
35. Instructions to Valuer, § 34.
36. Valuer may be assisted by an Assistant Commissioner, § 35.
37. Alterations in the Instructions to Valuer by Commissioners not to be acted upon unless sanctioned by a Majority of the Persons interested, § 36.
38. A Surveyor may be appointed where the Parties interested think fit, § 37.
39. Form of Declaration by Valuer, § 38.
40. Power to set out Boundaries of Parishes. Appeal on Questions of Boundary, § 39.
41. Non-attendance of Jurymen, § 40.
42. Juries subject to same Regulations as if returned for any Court at *Westminster*, § 41.
43. Costs of Appeal, § 42.
44. Security for Costs to be taken by the Commissioners, § 43.
45. Persons dissatisfied with Determination of Commissioners may appeal to Court of Queen's Bench, § 44.
46. Power to straighten Boundaries, § 45.
47. Valuer to hold Meetings, § 46.
48. Claims to be delivered in Writing, § 47.
49. Statement of Claims to be deposited for Examination. Claims to be heard and determined by Valuer, subject to Appeal to Commissioners, § 48.
50. Titles not to be determined by Valuer, Commissioners, or Assistant Commissioners, § 49.
51. Encroachments within Twenty Years, § 50.
52. Schoolhouses, &c. not to be deemed Encroachments, § 51.
53. Encroachments of Twenty Years standing to be deemed ancient Inclosures, § 52.
54. Rights in respect of Tofts to be allowed, § 53.
55. Rights not sustainable in Law to be allowed upon Proof of Sixty Years Usage, § 54.
56. Schedule

56. Schedule of Claims allowed by Valuer to be made and deposited for Inspection. Claims may be reheard by Commissioners or an Assistant Commissioner, § 55.
57. Appeal against Determination of the Commissioners, § 56.
58. Determination of Commissioners not appealed against conclusive, § 57.
59. Actions not to abate, § 58.
60. Commissioners may award Costs, § 59.
61. Differences may be submitted to Arbitration, § 60.
62. Power to Valuer to make Watercourses, &c., § 61.
63. Power to alter Roads and Ways, § 62
64. Appeal to Quarter Sessions, § 63.
65. Trial of Appeal, § 64.
66. Roads to be fenced, § 65.
67. Expences of making and altering Roads, § 66.
68. Roads to be repaired by the Parish after Certificate by Two Justices of the Peace, § 67.
69. Private Roads, § 68.
70. Rights of Common may be suspended, § 69.
71. Course of Husbandry may be directed, § 70.
72. Compensation for growing Crops, § 71.
73. Allotment for Repair of Roads, § 72.
74. Allotments for public Purposes, § 73.
75. Provision for awarding Allotments for Exercise to Individuals, subject to the Obligation of permitting it to be used, § 74.
76. Allotments for the labouring Poor may be made subject to a Corn Rent-charge, to vary and be recoverable as a Tithe Rent-charge, § 75.
77. Allotment to the Lord of the Manor, § 76.
78. Allotment of Residue, § 77.
79. The Rent-charges payable out of Allotments for the labouring Poor to be allotted to Persons entitled under the Inclosure, § 78.
80. Separate Allotments to be made in respect of separate Titles, § 79.
81. Several Allotments may by Consent be laid together, § 80.
82. Cultivated Land and Buildings to be allotted to the Proprietor, § 81.
83. Regard to be had to the Situation of Homesteads, § 82.
84. Allotments to be fenced, § 83.
85. If Interest in Land is sold before Allotment is made the Valuer to make the Allotment to the Purchaser, § 84.
86. Allotments to be made to Representatives of Parties dying, § 85.
87. Old Inclosures may be allotted, with Consent, § 86.
88. Allotments to Freemen and other Classes of Persons entitled to Common Rights to be made to Trustees, § 87.
89. Power to sell such Allotments. Application of Purchase Money, § 88.
90. Meeting of Persons so entitled for giving Instructions to Valuer, § 89.
91. Partitions may be made, § 90.
92. Costs of Partitions, § 91.
93. Exchanges, § 92.
94. Wills and Settlements not to be affected, § 93.
95. Tenure of the Allotments, § 94.
96. Leases at Rack Rent may be voided, § 95.
97. Seigniories not affected, except with Consent, § 96.
98. Minerals under regulated Pastures may be reserved, while Minerals under Lands to be held in Severalty are relinquished, § 97.
99. Right to Minerals under Land inclosed existing distinct from the Property in the Surface, and not compensated upon Inclosure not to be affected, § 98.
100. Trees to be allotted with the Land, § 99.
101. Cattle not to be depastured on Roads, § 100.
102. Alteration may be made in Allotments, § 101.
103. Valuer to draw up a Report and annex thereto a Map of the Claims, § 102.
104. Report to be deposited for Inspection, § 103.
105. Award to be drawn up by the Valuer, and confirmed by the Commissioners, § 104.
106. Confirmation of Award to be conclusive Evidence that the Directions of this Act have been obeyed, § 105.
107. Allotments to be in compensation of previous Rights, § 106.
108. Allotments may be subdivided by supplemental Order, § 107.
109. Allotment for the labouring Poor shall be managed by the Allotment Wardens, § 108.
110. Such Allotments how to be left, § 109.
111. Recovery of Gardens on Nonpayment of Rent, &c., § 110.
112. Possession, how to be recovered from Tenant holding over, § 111.
113. Rents of Allotment, how to be applied, § 112.
114. Regulated Pastures may be set out, § 113.
115. Conversion into regulated Pasture to be deemed an Inclosure, § 114.
116. Rule of rating to be established, § 115.
117. Property of Soil of regulated Pastures, § 116.
118. Election of Field Reeves, § 117.
119. Duties of Field Reeves, § 118.
120. Provision for rateable Increase or Diminution of Rights, § 119.
121. Expences to be raised by Rate, § 120.
122. Power to apply the Act to Pastures already stinted, § 121.
123. Expences of Application of Act to Pastures already stinted, § 122.
124. Power to enter Land for Surveys, &c., § 123.
125. Expences of Inclosures, § 124.
126. Estimates of Expences to be approved of at public Meeting, § 125.
127. Remedies in case of Nonpayment of Expences, § 126.
128. Power to make additional Rate, § 127.
129. Commissioners may remove Valuers, § 128.
130. Valuer not to purchase Lands in the Parish for Seven Years after the Award, § 129.
131. Repayment to Consolidated Fund, § 130.
132. Persons attending Meetings to pay their own Expences, § 131.
133. Expences of Witnesses, § 132.
134. Power to mortgage Allotments, § 133.
135. Power to sell Parts of Allotments, § 134.
136. Sales of Parts of Allotments how to be made, § 135.
137. Commissioners to receive and apply Purchase Money, § 136.
138. Application of Compensation Money of Parties under Disabilities, § 137.
139. Investment of Surplus when 200*l.* or upwards. § 138.
140. Payment of Dividends in the meantime, § 139.
141. Application of Money under 200*l.*, § 140.
142. Under 20*l.*, § 141.
143. Sale of Land by Valuer for Expences, § 142.
144. Conveyances to be made by Commissioners, § 143.
145. Application of Purchase Monies, § 144.
146. Notice may be given to Reversioners, § 145.
147. Copies of Award to be made and deposited, § 146.

148. Exchanges

148. Exchanges may be made of Land not subject to be inclosed, § 147.
149. Division of intermixed Lands, § 148.
150. Inconvenient Allotments for the Poor and public Purposes may be exchanged for Land more convenient, § 149.
151. Notices of such Exchanges and Divisions to be given, § 150.
152. Expences of Exchanges and Divisions, § 151.
153. Commissioners may remedy Defects and Omissions of Awards under local Acts of Inclosure, or under 6 & 7 *W.* 4. *c.* 115.—§ 152.
154. Commissioners may revive Powers under local Inclosure Acts lost by Lapse of Time or otherwise, § 153.
155. Commissioners may appoint Persons to complete Proceedings in an imperfect Inclosure, § 154.
156. Commissioners to give Notice before proceeding to amend Awards under Local Act, § 155.
157. Proviso for Cases where Dealings have been had with Land on Faith of Inaccuracies, &c. proposed to be rectified, § 156.
158. Commissioners may confirm Awards or Agreements made under supposed Authority of 6 & 7 *W.* 4. *c.* 115.—§ 157.
159. Power to reduce the Number of Trustees under local Act where a sufficient Number of Persons qualified cannot be found, § 158.
160. Penalties and Forfeitures how recoverable, § 159.
161. Distress, how to be made, § 160.
162. Distress not unlawful for Informality, § 161.
163. Notices, how to be given, § 162.
164. Advertisements, Awards, &c. free of Duty, § 163.
165. Persons giving false Evidence, &c. to be guilty of a Misdemeanor, § 164.
166. Limitation of Actions, § 165.
167. Proceedings not to be removed by Certiorari, § 166.
168. Interpretation Clause, § 167.
169. Act to extend only to *England* and *Wales*, § 168.

Inclosing Lands in particular Places, See Local Acts.

Incorporated Companies.

1. For consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature, 8 & 9 *Vict. c.* 16.
2. Act to apply to all Companies incorporated by Acts hereafter to be passed, § 1.
3. Interpretations in this Act, "the special Act," "prescribed," "the Undertaking," § 2.
4. Interpretations in this and the special Act, "Number," "Gender," "Lands," "Lease," "Month," "Superior Courts," "Oath," "County," "Justice," "Two Justices," "The Company," "Directors," "Shareholders," "Secretary," § 3.
5. Short Title of the Act, § 4.
6. Form in which Portions of this Act may be incorporated with other Acts, § 5.
7. *Distribution of Capital.* Capital to be divided into Shares, § 6.
8. Shares to be Personal Estate, § 7.
9. Shareholders, § 8.
10. Registry of Shareholders. Distribution of Capital, § 9.
11. Addresses of Shareholders, § 10.
12. Certificates of Shares to be issued to the Shareholders § 11.
13. Certificate to be Evidence, § 12.
14. Certificate to be renewed when destroyed, § 13.
15. *Transfer of Shares.* Transfer of Shares to be by Deed duly stamped, § 14.
16. Transfers of Shares to be registered, &c., § 15.
17. Transfer not to be made until Calls paid, § 16.
18. Closing of Transfer Books, § 17.
19. Transmission of Shares by other Means than Transfer to be authenticated by a Declaration, § 18.
20. Proof of Transmission by Marriage, Will, &c., § 19.
21. Company not bound to regard Trusts, § 20.
22. Subscriptions to be paid when called for, § 21.
23. *Payment of Calls.* Power to make Calls, § 22.
24. Interest to be paid on Calls unpaid, § 23.
25. Power to allow Interest on Payment of Subscriptions before Call, § 24.
26. Enforcement of Calls by Action, § 25.
27. Declaration in Action for Calls, § 26.
28. Matter to be proved in Action for Calls, § 27.
29. Proof of Proprietorship, § 28.
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32. Forfeiture to be confirmed by a General Meeting, § 31.
33. Sale of forfeited Shares, § 32.
34. Evidence as to Forfeiture of Shares, § 33.
35. No more Shares to be sold than sufficient for Payment of Calls, § 34.
36. On Payment of Calls before Sale the forfeited Shares to revert, § 35.
37. *Remedies against Shareholders.* Execution against Shareholders to the Extent of their Shares in Capital not paid up, § 36.
38. Reimbursement of such Shareholders, § 37.
39. *Power to borrow Money*, § 38.
40. Power to reborrow, § 39.
41. Evidence of Authority for borrowing, § 40.
42. Mortgages and Bonds to be stamped, § 41.
43. Rights of Mortgagees, § 42.
44. Application of Calls, notwithstanding Mortgage, § 43.
45. Rights of Obligees, § 44.
46. Register of Mortgages and Bonds, § 45.
47. Transfers of Mortgages and Bonds to be stamped, § 46.
48. Transfers of Mortgages and Bonds to be registered, § 47.
49. Payment of Interest on Monies borrowed, § 48.
50. Transfers of Interest to be stamped, § 49.
51. Repayment of Money borrowed at a Time fixed, § 50.
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53. Interest to cease on Expiration of Notice to pay off Mortgage on Bond, § 52.
54. Arrears of Interest, when to be enforced by Appointment of a Receiver. Arrears of Principal and Interest, § 53.
55. Appointment of Receiver, § 54.
56. Access to Account Books by Mortgagees, § 55.
57. *Loans.* Power to convert Loan into Capital, § 56.
58. New Shares to be considered same as original Shares, § 57.
59. If old Shares at Premium new Shares to be offered to the Shareholders, § 58.
60. Shares to vest in the Parties accepting; otherwise to be disposed of by the Directors, § 59.

61. If not at a Premium, to be issued as Company think fit, § 60.
62. *Consolidation of Shares.* Power to consolidate Shares into Stock, § 61.
63. Proprietors of Stock may transfer the same, § 62.
64. Register of Stock, § 63.
65. Proprietors of Stock entitled to Dividends, § 64.
66. Application of Capital, § 65.
67. *General Meetings.* Ordinary Meetings to be held half-yearly, § 66.
68. Business at Ordinary Meetings, § 67.
69. Extraordinary Meetings, § 68.
70. Business at Extraordinary Meetings, § 69.
71. Extraordinary Meetings may be required by Shareholders, § 70.
72. Notice of Meetings, § 71.
73. Quorum for a General Meeting, § 72.
74. Chairman at General Meetings, § 73.
75. Business at Meetings and Adjournments, § 74.
76. Votes of Shareholders, § 75.
77. Manner of voting, § 76.
78. Regulations as to Proxies, § 77.
79. Votes of joint Shareholders, § 78.
80. Votes of Lunatics and Minors, &c., § 79.
81. Proof of a particular Majority of Votes only required in the Event of a Poll being demanded, § 80.
82. *Appointment and Rotation of Directors.* Number of Directors, § 81.
83. Power to vary the Number of Directors, § 82.
84. Election of Directors, § 83.
85. Existing Directors continued on failure of Meeting for Election of Directors, § 84.
86. Qualification of Directors, § 85.
87. Cases in which Office of Director shall become vacant, § 86.
88. Shareholder of an incorporated Joint Stock Company not disqualified by reason of Contracts, § 87.
89. Rotation of Directors, § 88.
90. Supply of occasional Vacancies in Office of Directors, § 89.
91. *Powers of Directors.* Powers of the Company to be exercised by the Directors, § 90.
92. Powers of the Company not to be exercised by the Directors, § 91.
93. Proceedings of Directors. Meetings of Directors, § 92.
94. Permanent Chairman of Directors, § 93.
95. Occasional Chairman of Directors, § 94.
96. Committees of Directors. Powers of Committees, § 95.
97. Meetings of Committees, § 96.
98. Contracts by Committee or Directors how to be entered into, § 97.
99. Proceedings to be entered in a Book, and to be Evidence, § 98.
100. Informalities in Appointment of Directors not to invalidate Proceedings, § 99.
101. Directors not to be personally liable. Indemnity of Directors, § 100.
102. *Auditors.* Election of Auditors, § 101.
103. Qualification of Auditors, § 102.
104. Rotation of Auditors, § 103.
105. Vacancies in Office of Auditor, § 104.
106. Failure of Meeting to elect Auditor, § 105.
107. Delivery of Balance Sheet, &c. by Directors to Auditor, § 106.
108. Duty of Auditors, § 107.
109. Powers of Auditors, § 108.
110. *Accountability of Officers.* Security to be taken from Officers intrusted with Money, § 109.
111. Officers to account, on demand, § 110.
112. Summary Remedy against Parties failing to account, § 111.
113. Officers refusing to deliver up Documents, &c. to be imprisoned, § 112.
114. Where Officer about to abscond a Warrant may be issued in the first instance, § 113.
115. Sureties not to be discharged, § 114.
116. *Accounts.* Accounts to be kept, § 115.
117. Books to be balanced, § 116.
118. Inspection of Accounts by Shareholders at stated Times, § 117.
119. Balance Sheet to be produced at the Meeting, § 118.
120. Book-keeper to allow Inspection of the Accounts at the appointed Times, § 119.
121. *Dividends.* Previously to Declaration of Dividends a Scheme to be prepared, § 120.
122. Dividends not to be made so as to reduce Capital, § 121.
123. Power to Directors to set apart a Fund for Contingencies, §122.
124. Dividend not to be paid unless all Calls paid, § 123.
125. *Bye Laws.* Power to make Bye Laws for the Officers of the Company, § 124.
126. Fines for Breach of such Bye Laws, § 125.
127. Bye Laws to be so framed as that Penalties may be mitigated, § 126.
128. Evidence of Bye Laws, § 127.
129. *Arbitration.* Where Questions are to be determined by Arbitration, Arbitrators to be appointed within Fourteen Days after Notice, § 128.
130. Vacancy of Arbitrator to be supplied, § 129.
131. Appointment of Umpire, § 130.
132. Board of Trade empowered to appoint an Umpire, on Neglect of the Arbitrators, in case of Railway Companies, § 131.
133. Power of Arbitrators to call for Books, &c., § 132.
134. Costs to be in the Discretion of the Arbitrators, § 133.
135. Submission to Arbitration to be made Rule of Court, § 134.
136. *Notices.* Service of Notices upon Company, § 135.
137. Service by Company on Shareholders, § 136.
138. Notices to joint Proprietors of Shares, § 137.
139. Notices by Advertisement, § 138.
140. Authentication of Notices, § 139.
141. Proof of Debts in Bankruptcy, § 140.
142. Tender of Amends, § 141.
143. *Recovery of Damages and Penalties.* Provision for Damages not otherwise provided for, § 142.
144. Distress against the Treasurer, § 143.
145. Method of proceeding before Justices in Questions of Damages, &c., § 144.
146. Publication of Penalties, § 145.
147. Penalty for defacing Boards used for such Publication, § 146.
148. Penalties to be summarily recovered before Two Justices, § 147.
149. Penalties may be levied by Distress, § 148.
150. Imprisonment in default of Distress, § 149.
151. Distress how to be levied, § 150.
152. Distress not unlawful for Want of Form, § 151.
153. Application of Penalties, § 152.
154. Penalties to be sued for within Six Months, § 153.
155. Damage to be made good in addition to Penalty, § 154.
156. Penalty on Witnesses making default, § 155.
157. Transient Offenders, § 156.
158. Form of Conviction, § 157.
159. Proceedings not to be quashed for Want of Form, § 158.
160. *Appeal.*

160. *Appeal.* Parties allowed to appeal to Quarter Sessions on giving Security, § 159.
161. Court to make such Order as they think reasonable, § 160.
162. *Access to special Act.* Copies of special Act to be kept and deposited, and allowed to be inspected, § 161.
163. Penalty on Company failing to keep or deposit such Copies, § 162.
164. Act not to extend to *Scotland*, § 163.
165. For recovering Calls against Shareholders residing in *Scotland*, § 164.

Indemnity.

1. To indemnify Witnesses who may give Evidence during this Session before either House of Parliament touching Gaming Transactions, 7 & 8 *Vict. c.* 7.
2. All Persons implicated in Gaming Transactions, who may be examined before any Select Committee of the Lords or Commons, and shall make a faithful Disclosure, indemnified, § 1.
3. Witnesses not to be indemnified unless they shall have a Certificate of having made a faithful Disclosure, § 2.
4. To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-five, 7 & 8 *Vict. c.* 10.
5. To indemnify Persons connected with Art Unions, and others, against certain Penalties, 7 & 8 *Vict. c.* 109.
6. Art Unions, and the Members thereof, and other Persons, discharged from all Suits, &c. to which they might be liable touching the Purchase or Distribution of Works of Art by Chance previous to the Periods herein mentioned, § 1.
7. To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-six, 8 & 9 *Vict. c.* 24.
8. To extend the Indemnity of Members of Art Unions against certain Penalties, 8 & 9 *Vict. c.* 57.
9. Indemnity of Members of Art Unions continued, § 1.

See *Gaming.*

Inferior Courts, See Bailiffs.

Insolvency.

1. To amend the Law of Insolvency, Bankruptcy, and Execution, 7 & 8 *Vict. c.* 96.
2. Petition for Protection from Process may be presented to any Court of Bankruptcy without any Notice given, § 1.
3. Form of Petition. Petition and Schedule to be verified by Affidavit in the Form specified, § 2.
4. Forthwith after filing of Petition a Notice to be given to Creditors and advertised in the Gazette, &c., and a public Sitting of the Court appointed for first Examination of Petitioner and Choice of Creditors Assignee. Commissioner may reject or remove the Person so chosen, § 3.
5. Property of Petitioner to vest in Assignees for the Time by virtue of the Appointment, § 4.
6. Upon Petition being filed, Commissioner to have the like Power for Seizure of the Property of the Petitioner, and the Examination of him and other Persons, as in Bankruptcy, § 5.
7. Any Prisoner in Execution upon Judgment in an Action for Debt, not being a Trader, or being a Trader whose Debts are less than 300*l.*, may by Petition be protected from Process and from being detained in Prison for any Debt mentioned in his Schedule, and if so detained, Commissioner may order his Discharge, § 6.
8. If Petitioner be in custody, and is not entitled to be discharged he may be brought up by Warrant, § 7.
9. In case of Death of Petitioner, § 8.
10. Wearing Apparel, Bedding, working Tools, &c. of the Value of Twenty Pounds excepted from the Operation of the Act, § 9.
11. Official Assignee may act until Creditors Assignee appointed; may sell the Property if Commissioner so order, and make Allowance to Petitioner for his Support. Property vested in Official Assignee to go to his Successor. If Petition dismissed, all Acts theretofore done according to the Act to be good and valid, § 10.
12. Assignees may execute Powers which the Petitioner might have executed for his own Benefit, § 11.
13. Where Lease accepted by Assignees, the Petitioner not liable for the Rent. Assignees not determining whether to accept the Lease, the Lessor may apply to the Court, § 12.
14. Assignees may sue in their own Names; may make Composition for Debts; may submit Differences to Arbitration. Proviso for Consent of Creditors to Compositions and Arbitrations, § 13.
15. Creditors to vote according to Balance due to them on an Account fairly stated, § 14.
16. Where the Petitioner is beneficially entitled to Stock, the Commissioner may order a Transfer, § 15.
17. Suits not to be abated by Death or Removal of Assignees, § 16.
18. Goods in Possession, Order, or Disposition of Petitioner, whereof he was reputed Owner, to be deemed his Property, § 17.
19. Distress not to be available for more than One Year's Rent, § 18.
20. Voluntary Preference fraudulent and void as against Assignees. Proviso, § 19.
21. Provisions of 3 *G.* 4. *c.* 39. extended to the Assignees of Insolvent Petitioners, § 20.
22. Warrant of Attorney and *Cognovit actionem* not to be acted upon against Property of Insolvent Petitioner after filing his Petition, § 21.
23. Final Order to protect the Person of the Petitioner from Process in respect of the Debts or Sums herein particularly mentioned. Specification of Debts, &c. not necessary in Final Order, § 22.
24. If Prisoner be detained for any Claim in respect of which he is protected Commissioner may order his Discharge, § 23.
25. If it appear to Commissioner that any Debts of the Petitioner were contracted by Fraud or Breach of Trust, &c. no Day to be named for making the Final Order for Protection; but if otherwise, a Notice of such Day to be given, § 24.
26. Sums payable by way of Annuity to be deemed Debts, and the Annuitants to be Creditors for the Value thereof, § 25.

27. Final

27. Final Order may extend to Process for Contempt in Nonpayment of Money, and to Costs incurred by Creditor, but subject to Taxation, § 26.
28. Adjournment of Consideration of Final Order, § 27.
29. If Final Order refused, or adjourned *sine Die*, the Court, after the Lapse of such Time as it thinks just, having regard to the Insolvency and the Conduct of the Insolvent, may make an Order to protect him from further Imprisonment in respect of the Debts, &c. mentioned in his Schedule, § 28.
30. Petitioner taken or detained after obtaining such Order may be discharged, § 29.
31. Where Error in Schedule without Fraud, Act to operate upon the actual Amount of Debt, § 30.
32. How Dividend to be made. Notice of Sittings. Examination of Objections and Claims. Commissioner may require Proof of Debts, § 31.
33. Outstanding Debts, &c. may be sold by Order of the Commissioner, § 32.
34. Proceedings not liable to Stamp Duty, nor Sales to Auction Duty, § 33.
35. Sum to be paid on Prosecution of Petition, § 34.
36. Remuneration to Official Assignee, § 35.
37. Fees, § 36.
38. Proceedings or a Copy thereof, duly signed, receivable in Evidence, § 37.
39. Rules and Orders made under recited Act to be applicable to this Act, § 38.
40. Persons wilfully omitting any thing in Schedule guilty of a Misdemeanor, and liable to Three Years Imprisonment. Indictment need only set out the Substance of the Offence charged, § 39.
41. Wilfully making a false Oath or Affirmation punishable as if guilty of Perjury, § 40.
42. The Lord Chancellor may issue a Fiat in Bankruptcy against a Trader having filed a Declaration of Insolvency, upon the Petition of the Trader himself, § 41.
43. Lord Chancellor may attach the Country Commissioners to Districts, § 42.
44. Minute of Petitions filed to be transmitted to Secretary of Bankrupts, § 43.
45. Lord Chancellor authorized to give necessary Directions where Courts shall sit, § 44.
46. Lord Chancellor empowered to appoint a Taxing Officer. Tenure of Office, Duties, and Removal. General Provision as to Business of Taxing Officer, § 45.
47. Sum to be paid on the Taxation of Bills, § 46.
48. Sums received by the Master to be paid into the Bank of *England*, after deducting such Sum as the Lord Chancellor thinks fit for the Expences of Office, § 47.
49. In case of Sickness or other reasonable Cause, the Duty of the Master may be performed by Deputy, § 48.
50. Registrars, &c. who now receive the Surplus of certain Fees to be paid in future solely by Salary, § 49.
51. Fees to be accounted for, § 50.
52. Retiring Pension to Registrars, § 51.
53. Compensation to *T. A. Warburton* for having performed the Duties of Deputy Registrar, § 52.
54. Court may send a Registrar to take Proof of Debts, &c. where expedient. Examinations to be taken down, § 53.
55. Style of Deputy Registrars of the Court of Bankruptcy, § 54.
56. Repealing Provisions in 5 & 6 *W.* 4. *c.* 29. as to Fees receivable by Accountant in Bankruptcy, § 55.
57. Salary of Accountant, § 56.
58. Arrest upon Final Process in an Action for Debt not exceeding Twenty Pounds and Costs abolished, § 57.
59. Persons in Execution at the Time of passing this Act where the Debt shall not exceed Twenty Pounds and Costs shall be discharged on Application to a Judge. Proviso for Discharge fraudulently obtained. Sheriffs, &c. not liable as for Escape. Judgment to remain in force notwithstanding the Discharge of the Debtor, § 58.
60. Power of Imprisonment for Fraud, § 59.
61. Execution against the Goods, § 60.
62. Execution not to issue till after Default in Payment of Instalment, § 61.
63. Power to suspend Execution in certain Cases, § 62.
64. Execution to be suspended on Payment of Debt and Costs, § 63.
65. Bailiffs made answerable for Neglect of Levy, § 64.
66. Remedies against Bailiffs and other Officers, § 65.
67. Execution against the Goods to be within the Provisions of 7 & 8 *Geo.* 4. *c.* 17.—§ 66.
68. Landlord's Lien for Rent restrained, § 67.
69. Claims as to Goods taken in Execution to be adjudicated in Court, § 68.
70. Distress not unlawful for Want of Form, § 69.
71. Compensations to Persons whose Emoluments will be diminished, § 70.
72. Inquiry into Amount of Compensation, § 71.
73. Appointment of Assessors of Inferior Courts, § 72.
74. Construction of the Act, § 73.
75. Recited Act not to be affected except as herein provided, § 74.

International Copyright, See Copyright.

IRELAND.

Archbishops and Bishops.

1. To enable Archbishops and Bishops in *Ireland* to charge their Sees with the Costs incurred by them in defence of their Rights of Patronage in certain Cases; and also to enable Tenants for Life and other Persons having limited Interests in Estates in *Ireland* to charge said Estates with the Costs incurred by them in asserting their Rights to Ecclesiastical Patronage in certain Cases, 8 & 9 *Vict.* *c.* 51.
2. Every Archbishop and Bishop, Defendant in Actions for Right of Patronage, may charge the Costs of such Actions on the Revenues of the See. Judge to certify for Costs, § 1.
3. On obtaining Judge's Certificate, Money for defraying Costs, &c. may be raised by Mortgage, § 2.
4. Mortgage to contain a Covenant for Payment of Principal and Interest, § 3.
5. For Recovery of Monies due on Mortgages, § 4.
6. No Mortgagee to recover more than One Year's Interest, &c. after Avoidance, § 5.
7. For regulating Payment of Principal and Interest, and Proportions of Interest on Avoidance. Principal Monies may be charged on Estates of the See in Trust, in lieu of borrowing, § 6.
8. Mortgages not to interfere with Power of leasing, § 7.

9. Who may charge Costs of *Quare impedit.* Such Costs to be determined by Master of Common Pleas in *Ireland*, § 8.
10. Costs to be charged on Lands, &c. specified in Master's Certificate, § 9.
11. Liability of such Lands, &c. limited, § 10.
12. Plaintiff may charge his Costs, &c. if nonsuited, provided the Judge certifies that they ought to be charged, § 11.
13. Construction of Act, § 12.
14. To what Suits Provisions of this Act shall extend, § 13.

Arms.

1. To supply an Omission in an Act of the Sixth and Seventh Years of Her present Majesty, for amending and continuing the Laws in *Ireland* relative to the registering of Arms, and the Importation, Manufacture, and Sale of Arms, Gunpowder, and Ammunition, 7 & 8 *Vict.* *c.* 100.
2. 6 & 7 *Vict.* *c.* 74. *s.* 49. to have the Effect intended, notwithstanding the Omission, § 1.
3. Recited Act and this Act to be construed as One Act, § 2.

Assaults.

1. To continue for Five Years an Act of the Second and Third Years of Her present Majesty, for the better Prevention and Punishment of Assaults in *Ireland*, 7 & 8 *Vict.* *c.* 23.
2. 2 & 3 *Vict.* *c.* 77. continued as in Title.

Assistant Barristers.

1. For regulating the Criminal Jurisdiction of Assistant Barristers as to certain Counties of Cities and Counties of Towns in *Ireland*, 8 & 9 *Vict.* *c.* 80.
2. The Criminal Jurisdiction of the Assistant Barristers for the Counties named in the Schedule extended to the Counties of Cities and Towns therein named; and General Sessions of the Peace to be held for such Counties of Cities and Towns, § 1.
3. General or Quarter Sessions heretofore held in Counties of Cities and Towns by Assistant Barristers to be valid, § 2.

Bank Notes, Bank of Ireland.

1. To regulate the Issue of Bank Notes in *Ireland*, and to regulate the Repayment of certain Sums advanced by the Governor and Company of the Bank of *Ireland* for the Public Service, 8 & 9 *Vict.* *c.* 37.
2. Restriction on Bankers by 21 & 22 *G.* 3. (*Ireland*) repealed. Authorizing certain Banking Copartnerships to carry on Business in *Dublin* or within Fifty Miles thereof, § 1.
3. Interest at the Rate of Three and a Half *per Centum per Annum* made payable to the Bank, § 2.
4. Bank shall manage the Public Debt of *Ireland*, and pay Dividends without Expence to Government, § 3.
5. Bank Corporation may be dissolved on Notice after 1st *January* 1855, § 4.
6. Repeal of so much of 33 *G.* 2. *c.* 14. *s.* 15. (*I.*) as prohibits public Officers from being Partners in Banks, § 5.
7. Bank of *England* Notes not a legal Tender in *Ireland*. Proviso, § 6.
8. Oaths to be taken by Directors, &c. of the Bank of *Ireland*, § 7.
9. Bankers claiming to be entitled to issue Bank Notes to give Notice to Commissioners of Stamps and Taxes. Commissioners to certify existing Banks of Issue and Limitation of Issue. Prohibiting Issue by uncertified Bankers, § 8.
10. Provision for united Banks, § 9.
11. Duplicate of Certificate to be published in the Gazette. Gazette to be Evidence, § 10.
12. In case Banks become united, Commissioners to certify the Amount of Bank Notes which each Bank was authorized to issue, § 11.
13. Banks entitled to the Privilege of issuing Notes may relinquish the same, § 12.
14. But not resume the Issue, § 13.
15. Limitation of Bank Notes in Circulation, § 14.
16. Issue of Notes for Fractional Parts of a Pound prohibited, § 15.
17. Issuing Banks to render Accounts weekly, § 16.
18. What shall be deemed to be Bank Notes in Circulation, § 17.
19. Commissioners of Stamps to make a monthly Return, § 18.
20. Mode of ascertaining the average Amount of Bank Notes of each Banker in Circulation, and Gold Coin during the First Four Weeks after the 6th Day of *December* 1845, § 19.
21. What shall be taken in the Account of Coin held by any Banker. Silver Coin not to exceed the Proportion of One Quarter of Gold, § 20.
22. Commissioners of Stamps and Taxes empowered to cause the Books of Bankers, containing Accounts of their Bank Notes in Circulation, and of Gold Coin, to be inspected. Penalty for refusing to allow such Inspection, § 21.
23. All Bankers to return their Names once a Year to the Stamp Office, § 22.
24. Penalty on Banks issuing in excess, § 23.
25. Notes for less than 20*s.* not negotiable in *Ireland*, § 24.
26. Notes for 20*s.* and above, and less than 5*l.*, to be drawn in certain Form, § 25.
27. Penalty for Persons other than Bankers hereby authorized issuing Notes payable on demand for less than Five Pounds, § 26.
28. Penalty for Persons other than Bankers hereby authorized uttering or negotiating Notes, Bills of Exchange, &c., transferrable, for Payment of 20*s.* or less than Five Pounds, § 27.
29. Not to prohibit Checks on Bankers, § 28.
30. Mode of enforcing Penalties, § 29.
31. Companies to sue and be sued in the Names of their Officers, § 30.
32. Provision in case of Determination of existing Agreement between Bank of *Ireland* and *Tipperary* Joint Stock Bank, 7 & 8 *Vict.* *c.* 32.—§ 31.
33. Interpretation of Act, § 32.

Boroughs, See Counties of Cities.

Charitable Donations and Bequests.

1. For the more effectual Application of Charitable Donations and Bequests in *Ireland*, 7 & 8 *Vict.* *c.* 97.
2. 3 *G.* 3. (*I.*), 40 *G.* 3. (*I.*), repealed, save as to any thing done before Commencement of this Act, § 1.
3. Commissioners of Charitable Donations and Bequests for *Ireland* appointed, § 2.
4. Removal and Appointment of such Commissioners, § 3.
5. How

5. How many Commissioners may act, § 4.
6. Chairman of Commissioners, § 5.
7. Religious Questions to be referred to Committees, § 6.
8. Appointment of Officers, § 7.
9. Salaries and Expences, § 8.
10. Minutes of Proceedings to be kept, § 9.
11. Commissioners to report, § 10.
12. Property, &c. belonging to Body Corporate created by recited Act 40 *G.* 3. (*I.*) vested in Commissioners under this Act, § 11.
13. Commissioners may sue for Recovery of Charitable Donations, &c. withheld, &c. Proceedings not to be undertaken till submitted to Attorney or Solicitor General, § 12.
14. Actions not abated by Dissolution of Corporation created by 40 *G.* 3., but same may be prosecuted by Commissioners under this Act, § 13.
15. Commissioners not to pay Costs to Attornies, &c. unless Amount approved by the Treasury, § 14.
16. Persons or Bodies may by Deed vest Lands, &c. in the Commissioners, in trust for Roman Catholic Ministers in *Ireland*, § 15.
17. Deeds to be registered, § 16.
18. Archbishops, &c. not to alien or demise Lands, &c. enjoyed by them under this Act, § 17.
19. Commissioners of Charitable Donations, &c. may lease said Lands, &c. with Consent of Archbishop, &c. of Church of *Rome*, § 18.
20. Vicar General and Registrar of Prerogative Court to make Return to Commissioners of Charitable Donations, &c. of every Charitable Donation contained in any Will entered in the Office of such Vicar General, &c., § 19.
21. Accounts of the Commissioners to be audited by Chief or Second Remembrancer of the Exchequer in *Ireland*, § 20.
22. Who may examine Persons on Oath respecting such Accounts, § 21.
23. Commencement of Act, § 22.

Colleges.

1. To enable Her Majesty to endow new Colleges for the Advancement of Learning in *Ireland*, 8 & 9 *Vict. c.* 66.
2. Grant of 100,000*l.* out of the Consolidated Fund for building new Colleges in *Ireland*, § 1.
3. Commissioners of Public Works to be Trustees for providing Buildings and Lands necessary for the Colleges, § 2.
4. Commissioners of Public Works to be a Corporation for the Purposes of this Act, § 3.
5. Power to Commissioners of Public Works to purchase or rent Buildings, Lands, &c. which may be required for said Colleges, § 4.
6. Consolidation of Lands Clauses Consolidation Act with this Act, § 5.
7. Commissioners of Public Works to obtain Surveys, Plans, and Specifications, and submit same to Treasury, § 6.
8. Commissioners of Public Works to lay Accounts before Parliament, § 7.
9. Proceedings in Actions by and against the Commissioners of Public Works, § 8.
10. Restraint on Alienation of Property, § 9.
11. Her Majesty to be Visitor of the new Colleges, § 10.
12. Statutes made for the Discipline of the Colleges to be laid before Parliament, § 11.
13. Grant of 21,000*l.* annually out of Consolidated Fund for endowing new Colleges, § 12.
14. Fees may be taken in addition to Stipends, and for the Benefit of the College, § 13.
15. Lecture Rooms to be assigned for religious Instruction, § 14.
16. Where Students shall dwell, § 15.
17. Licence of Tutors and Masters of Boarding Houses, § 16.
18. Endowment of Halls for Students, § 17.
19. Commissioners of Public Works may make Loans to Companies incorporated for founding Halls, § 18.
20. Religious Teachers to be endowed by private Benefactions, § 19.
21. Colleges to make Reports to Her Majesty, to be laid before Parliament, § 20.

See Education.

Commissioners of Bankruptcy, See Purchasers.

Commissioners of Public Works.

1. To enable the Commissioners of Public Works in *Ireland* to accept a certain Sum of Money in satisfaction of their Mortgage on the Branch Canals communicating with the Grand Canal in *Ireland*, 7 & 8 *Vict. c.* 98.
2. On Payment of 10,000*l.* by the Grand Canal Company the Branch Canals herein set forth to vest in the Company, § 1.
3. Commissioners of Public Works to reconvey Mortgages, § 2.

Constables.

1. For the Appointment of additional Constables for keeping the Peace near Public Works in *Ireland*, 8 & 9 *Vict. c.* 46.
2. Additional Head and other Constables may be appointed by the Lord Lieutenant to keep the Peace near the Works of Railways, &c. in Ireland. § 1.
3. Expence of additional Head and other Constables to be paid by the Company or Parties carrying on such Works, § 2.
4. If the Company or Parties neglect to pay the Expence, it may be recovered at the Suit of Her Majesty's Attorney General for *Ireland*, or by Distress and Sale of the Goods of the Company, § 3.

Counties of Cities and Boroughs.

1. To amend and explain certain Provisions of an Act of the Third and Fourth Years of Her present Majesty, for annexing certain Parts of certain Counties of Cities to adjoining Counties, for making further Provision for Compensation of Officers in Boroughs, for limiting the Borough Rate, and for continuing an Act to restrain the Alienation of Corporate Property in *Ireland*, 8 & 9 *Vict. c.* 121.
2. All that Part of the old County of the Town of *Drogheda* situate on the South Side of the River *Boyne*, and not included within the Boundaries of the present Borough of *Drogheda*, shall be annexed to the County of *Meath*, § 1.
3. Such District to continue liable to its Proportion of the Debt due by the old County of the Town of *Drogheda*, § 2.
4. The Contribution payable by the whole Precinct severed from *Drogheda* towards the old Debts of *Drogheda* to be apportioned

apportioned on the Two Districts of which the said Precinct consists in the Counties of *Louth* and *Meath*. The Proportions to be levied and paid over, &c. in like Manner as the whole Contribution was levied and paid, § 3.
5. The Treasurer of the County of *Louth* shall furnish to the Treasurer of the County of *Meath* a Statement of certain Arrears and Credits, § 4.
6. Such District not to be liable for preceding Debts or Instalments due by the County of *Meath*, § 5.
7. Provision for fixing the Proportion in which the Barony to which such Addition shall be made is to be assessed to Grand Jury Cess, § 6.
8. Grand Jury, with the Approval of Judge, to adjust the Proportions of Grand Jury Cess. Proportions and Valuations to be entered in County Books. Provision for Valuation under the 6 & 7 *W.* 4. *c.* 84.—§ 7.
9. A District taken from the County of *Louth*, and annexed to *Drogheda* under the Corporation Acts, shall be exempted and exonerated from the former Debts due by *Drogheda*, § 8.
10. Court of Conscience, *Drogheda*, to have Jurisdiction to Extent of Forty Shillings, § 9.
11. The Acts of the Justices of the Peace for the County of *Kilkenny* heretofore done relating to the District herein mentioned shall be as valid as if the same had been Part of the County of *Kilkenny*, § 10.

Court of Chancery, See Taxing Master.

Courts of Law, Superior.

1. To regulate and reduce the Expences of the Offices attached to the Superior Courts of Law in *Ireland*, payable out of the Consolidated Fund, 7 & 8 *Vict.* *c.* 107.
2. Offices abolished, § 1.
3. Compensation for Offices abolished, § 2.
4. New Officers, Assistants, and Clerks, § 3.
5. New Establishments to be formed from the old, § 4.
6. Proviso as to Salaries of *A. Bushe*, Esq., and Hon. *D. Plunket*, § 5.
7. Officers to hold no other Office, and to have no other Emolument than Salary, § 6.
8. How Appointments shall be made, § 7.
9. Commissioners of Treasury empowered to increase or diminish Establishment, § 8.
10. Receipt of Law Fund Duties by Officers discontinued, § 9.
11. Writs, &c. to be prepared by Attornies, § 10.
12. Writing Clerks to be employed for preparing Enrolments and Office Copies, § 11.
13. Searching Clerks, § 12.
14. Salaries to Searching Clerks. Limiting Compensation for Loss of Appointment. Future Appointments, § 13.
15. Suitors Money to be paid into the Bank of *Ireland*, § 14.
16. All Monies deposited in Court by Suitors to be paid into the Bank of *Ireland*, § 15.
17. Seal Fees abolished, § 16.
18. Separate Seals to be provided for Law and Equity Sides of the Court, § 17.
19. Schedules deemed Part of this Act, § 18.
20. Salaries to be paid quarterly out of Consolidated Fund. Incidental Expences, § 19.
21. Certificate to be produced on Application for Payment of Salary, § 20.
22. Masters shall superintend and direct subordinate Officers in the several Courts, § 21.
23. Courts may remove or fine Officers for Misconduct, § 22.
24. Act not to bar Remedies for Misconduct in Officers, § 23.
25. All Offices in the Courts shall be executed in Person, except in Cases of Illness or Leave of Absence, and then by Deputy appointed with Consent of the Judge, § 24.
26. Provision in case of temporary Absence, § 25.
27. Authority to employ Clerks who may have Leisure in other Departments of the Master's Office, § 26.
28. In case of Incapacity of Principal to appoint, and on Vacancies, Chief Justice may appoint a Person to execute Offices till Vacancy is supplied, § 27.
29. Officers authorized to take Affidavits in the several Courts, § 28.
30. Administration of Affidavits, &c. to Persons confined by Illness or in Custody, § 29.
31. The Judge opening the Court on the First Day of Term shall examine the State of the Records there, § 30.
32. Officers of the Courts hereafter to be appointed disabled from practising as Barristers or Attornies, § 31.
33. Master may appoint a Retailer of Stamps and Forms as heretofore, § 32.
34. No Officer shall participate in Profits of Retailer of Stamps, &c., § 33.
35. Superannuation Allowances granted to Officers upon Retirement, § 34.
36. Regulating Abatement from Salaries of Officers, § 35.
37. Taxing Officer, § 36.
38. Vacancy in Office of Taxing Office how to be supplied, § 37.
39. Place of Taxation, § 38.
40. Tables of Fees, Allowances, and Charges, and Rules to regulate the Principles of Taxation, to be prepared, § 39.
41. Pursuivant of the Court of Exchequer abolished, and his Duties transferred to the Serjeant-at-Arms, § 40.
42. Commencement of Act, § 41.

Criminal Lunatics, See Insane Persons.

Crown Debts, See Purchasers.

Drainage.

1. To amend an Act of the Sixth Year of Her present Majesty, for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in *Ireland*, 8 & 9 *Vict.* *c.* 69.
2. 5 & 6 *Vict.*, *c.* 89. Apportioned Expences of Works to be carried on Lands, § 1.
3. Provisions in recited Act as to Charge on Lands to apply to Land of the same Proprietor, § 2.
4. The Proprietors may give other Security in lieu of the Lands so situate, § 3.
5. The whole of the Lands chargeable shall be described in the Declaration, § 4.
6. The Commissioners to cause Memorandum of Declaration to be drawn up and registered, § 5.
7. Declarations heretofore made to be registered, § 6.
8. No Appeal, unless Notice in Writing within Twenty-one Days after Declaration, § 7.
9. Power to borrow Money to pay Interest pending Execution of Works, § 8.
10. Certificate of Loans may be transferred by Endorsement, § 9.
11. Commissioners may make Certificates payable within certain Periods, § 10.

12. Commissioners to determine by Ballot the Order in which Certificates shall be paid, § 11.
13. The Commissioners may, on Notice, pay off Certificates, § 12.
14. Commissioners may invest Funds, § 13.
15. Power to sue and be sued, § 14.
16. Commissioners may in Declaration refer to Maps and Schedules, § 15.
17. Assents to be in the Form in Schedule, § 16.
18. Production of Assents to be Proof of Execution, § 17.
19. Officers to give Security, § 18.
20. Security for Sums heretofore advanced, § 19.
21. Value of Lands, § 20.
22. Interpretation of Act, § 21.

Dublin (County of), See Grand Jury Presentments.

Education.

1. To amend Two Acts passed in *Ireland* for the better Education of Persons professing the Roman Catholic Religion, and for the better Government of the College established at *Maynooth* for the Education of such Persons, and also an Act passed in the Parliament of the United Kingdom for amending the said Two Acts, 8 & 9 *Vict. c.* 25.
2. Trustees of the College of *Maynooth* incorporated, § 1.
3. Such Corporate Body may take and possess any personal Property, and also Lands not exceeding the annual Value of 3,000*l.*, exclusive of the Property already acquired by the Trustees, § 2.
4. Lands, &c. now possessed by the Trustees of *Maynooth* College to vest in the said Body Politic and Corporate, § 3.
5. Provision made for Salaries of the President, Vice President, Officers, and Professors, and for an increased Number of Professors, § 4.
6. Provision for the Senior Students on the *Dunboyne* Establishment, § 5.
7. Provision made for 500 Free Students, 250 in the Three Senior Classes, and 250 in the Four Junior Classes, § 6.
8. Provision for the Expence of Commons and other Necessaries, § 7.
9. Commissioners of Public Works to be Commissioners for Repairs to *Maynooth* College, and for the Erection of additional Buildings, and furnishing same, § 8.
10. Power to Commissioners of public Works to purchase or provide necessary Buildings, Lands, &c., § 9.
11. The Expence of Buildings, &c. for such College, not exceeding 30,000*l.*, to be paid out of the Consolidated Fund, § 10.
12. Sums payable by this Act to be charged on the Consolidated Fund, § 11.
13. Audit of the Expenditure under this Act, § 12.
14. So much of the recited Acts as appoints the Persons herein mentioned to be Visitors of the College repealed, § 13.
15. Appointment of Visitors of the College, § 14.
16. Visitations to be held Once in the Year, § 15.
17. Additional Visitations, when ordered by the Lord Lieutenant, § 16.
18. Authority of Visitors not to affect the Exercise of the Roman Catholic Religion, § 17.
19. Visitorial Powers in Matters of Religion, § 18.
20. Minutes of the Proceedings of Visitors to be kept, § 19.
21. Alteration of the Act, § 20.

Excise.

1. To continue for Five Years so much of an Act of the Second and Third Years of Her present Majesty, as enables Justices to grant Warrants for entering Places in which Spirits are sold without Licence in *Ireland*, 7 & 8 *Vict. c.* 82.
2. Certain Provisions of 2 & 3 *Vict. c.* 79. continued for Five Years, § 1.
3. Provisions of recited Act to apply to this Act, except as hereby altered, § 2.

Fisheries.

1. To amend an Act of the Sixth Year of Her present Majesty, intituled *An Act to regulate the* Irish *Fisheries;* and to empower the Constabulary Force to enforce certain Provisions respecting the *Irish* Fisheries, 7 & 8 *Vict. c.* 108.
2. Constabulary Force empowered to carry into effect certain Regulations of the Fishery Act and of this Act, § 1.
3. Regulations for the Observance of the annual and weekly Close Seasons. Regulations against Fishing with Lights, &c. at Night, § 2.
4. Inspector of Fisheries empowered to receive Evidence to enable Commissioners to alter the close Seasons in any River or District, § 3.
5. Commissioners empowered to alter Close Season on shorter Notice than directed by 5 & 6 *Vict. c.* 106.—§ 4.
6. Power to Commissioners to suspend, for a fixed Period, the Oyster Fishery in any particular Locality, § 5.
7. Such Decision to be published, § 6.
8. Use of Seine Net lawful for Herrings, § 7.
9. When the Commissioners have defined the Mouth of any River, a Copy of such Definition to be deposited with the Clerk of the Peace; and a certified Copy thereof to be Evidence, § 8.
10. For the further Amendment of an Act of the Sixth Year of Her present Majesty, for regulating the *Irish* Fisheries, 8 & 9 *Vict. c.* 108.
11. Treasury may appoint an additional Commissioner for Fisheries; and allow him a Salary, § 1.
12. The Use of illegal Weirs and Nets to be subject to the same Penalties as for Erection, § 2.
13. Commissioners empowered to suspend the Use of and remove illegal Weirs and Nets in Places prohibited, § 3.
14. Appeal to Judge of Assize, § 4.
15. No Persons other than those entitled under 5 & 6 *Vict. c.* 106. to use Nets, &c. on the Coast of *Ireland.* Penalty, § 5.
16. Persons re-erecting or using Weirs decided to be illegal subject to a Penalty for each Day the same may remain, § 6.
17. Application to Presentment Sessions for Compensation for malicious Injury to legal Fishing Weirs. Grand Jury to adjudicate. Traverse, § 7.
18. In case of Injury done on the Verge of Two or more Counties, the Amount may be apportioned thereon, § 8.
19. Commissioners to define Distances from Mouths of Rivers, § 9.
20. Additional Powers to enforce Observance of the weekly and other Close Times, § 10.
21. Size of the Meshes of the Nets, § 11.
22. Commissioners may alter the Size of Meshes in certain Localties, § 12.
23. Stamp Duty in the Appointment of Water Bailiff, § 13.
24. Power

24. Power to prohibit the Use of Engines injurious to Fisheries, § 14.
25. Commissioners may permit the Use of Trammel or other Nets during the Daytime, § 15.
26. Oyster Beds below lowest Water of Spring Tide not to be deemed private Property, unless held by Charter or Prescription, § 16.
27. Power to make Oyster Beds, § 17.
28. Persons stealing from such Beds guilty of Larceny, § 18.
29. Power to dredge during Part of Close Time for Oysters to supply Beds, § 19.
30. Commissioners to make Bye Laws for Improvement of Oyster Fisheries, § 20.
31. Proprietors of Oyster Beds may appoint Water Bailiffs, § 21.
32. Decisions and Judgments of Commissioners to be recorded, and Copies to be Evidence, § 22.
33. Penalties and Forfeitures to be recovered and applied as directed by *5 & 6 Vict. c.* 106.—§ 23.
34. Commissioners to have same Powers, Authorities, and Privileges under this Act as under *5 & 6 Vict. c.* 106. —§ 24.
35. Interpretation of Words in this Act, § 25.
36. "Salmon" to include Pollen or Fresh-water Herring, § 26.

Grand Jury Presentments.

1. To consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of *Dublin*, *7 & 8 Vict. c.* 106.
2. Acts and Parts of Acts repealed, 26 *G.* 3. (*I.*) in part. 43 *G.* 3. *c.* xxv. 50 *G.* 3. c. lx. 51 *G.* 3. *c.* xxxvi. in part, § 1.
3. No Presentment for raising Money except at *Easter* Term. Grand Jurors Oath, § 2.
4. Grand Jury shall transact Business in open Court, in such Place as Judges of Queen's Bench shall appoint; and shall be called over each Morning, § 3.
5. *Appointment of County Officers.* Grand Jury shall appoint Secretary, § 4.
6. Secretary shall not be also the Clerk of the Peace, &c. § 5.
7. Lord Lieutenant in Council shall appoint Number of Districts for Surveyors, and Salaries. Grand Jury shall fix Boundaries. No Barony to be divided. § 6.
8. A Board of Engineers shall examine and give Certificates to Persons qualified and desirous of being appointed Surveyors, § 7.
9. Duties of District Surveyors, § 8.
10. Surveyors may be dismissed by Lord Lieutenant or Grand Jury, § 9.
11. On Death, Resignation, or Dismissal of present Collectors, Grand Jury shall appoint Collectors of County Cess, § 10.
12. Collector shall enter into Security. Grand Jury to fix the Poundage to be allowed. Proviso, § 11.
13. *Duty of Collectors.* Collectors may be suspended or dismissed for Negligence by Finance Committee, § 12.
14. *Presentments on County at large.* Grand Jury may present on County at large for building, repairing, &c. of Court Houses, § 13.
15. Providing for insufficient or incommodious Sessions Houses, § 14.
16. Secretary of the Grand Jury may advertise for Plans, &c., § 15.
17. Sites of Courts and Sessions Houses, § 16.
18. Rents of Court and Sessions Houses, § 17.
19. Commissioners of Public Works may sell old Court Houses, § 18.
20. For providing Fuel, &c. for Court Houses, § 19.
21. Rent of Petty Sessions Houses, § 20.
22. Salaries of Sessions House Keepers, &c., § 21.
23. Erecting Milestones, &c., § 22.
24. Support of Fever Hospitals and Dispensaries, § 23.
25. Erection of Fever Hospitals, § 24.
26. Idiot Wards in connexion with Lunatic Asylums, § 25.
27. Expences of Boards of Health, § 26.
28. Lunatic Asylums, Erection of, where necessary, § 27.
29. Maintenance of Lunatic Asylums, § 28.
30. Repayment of Advances for Lunatic Asylums, § 29.
31. Rents for same, § 30.
32. Fees to Coroners, § 31.
33. Certificates of Inquests held by Coroner, § 32.
34. Coroner to summon as Medical Witness the nearest qualified Practitioner, § 33.
35. Payment of Medical Witnesses. Ordinary Examination One Guinea. Post-mortem Examination Two Guineas. Grand Jury may present for Fees to Medical Witnesses, § 34.
36. No Presentment if Coroner has not attended, § 35.
37. Maintenance of Constabulary, § 36.
38. Remuneration to Constables, &c. for bodily Injuries, § 37.
39. Superannuation to Magistrates, &c., § 38.
40. Special Constables, § 39.
41. Prosecutors and Witnesses, § 40.
42. Rewards for Information, § 41.
43. Rewards for Apprehension of Offenders, § 42.
44. Removal of Offenders, § 43.
45. Maintenance of deserted Children, § 44.
46. Salaries of County Officers, as per Schedule, § 45.
47. Clerk of Crown to make Return of Fees, § 46.
48. Further Presentment in Cases of Special Commissions, § 47.
49. Presentment for Secretary shall include Stationery, § 48.
50. Registry Books and Lists, § 49.
51. Weights and Measures, § 50.
52. Suing Officers, &c., § 51.
53. Valuation Commissioners, § 52.
54. Lowering Hill, building and repairing Bridges, Gullets, &c. either on County or Barony, § 53.
55. Where Road or Stream is a Boundary, § 54.
56. Presentments on Baronies for widening and repairing Road, and filling up Ditches. Barony Pounds, § 55.
57. Footpaths, making and repairing, § 56.
58. Repairs of Roads and Footpaths by Contract not exceeding Five Years, § 57.
59. New Roads, Application being previously lodged with Secretary, and Notice served on Occupier, § 58.
60. Surveys for new Roads may be authorized on Certificate of Justices, § 59.
61. New Road not to be used for certain Time; Penalty Twenty Shillings, § 60.
62. Stopping up old Road, § 61.
63. Board of Works, on Requisition from Post Office, may repair Post Roads, § 62.
64. The Board may employ Persons to execute the Works in certain Cases, § 63.
65. Power of the Board over Works executed by them, § 64.
66. Grand Jury shall present Sums to be expended for such Roads, &c., § 65.

67. Expence of Bridges to be partly in County of *Dublin* and partly in adjoining County, § 66.
68. *Mode of making Presentments.* Magistrates and Associated Cess-payers shall hold Presentment Sessions. Magistrates shall appoint Chairman, § 67.
69. Grand Jury each Presenting Term shall fix Districts, Places, and Times for Presentment Sessions, § 68.
70. Collectors shall make Returns of One hundred highest Cess-payers in each District to Grand Jury, § 69.
71. Grand Jury shall fix Number of Cess-payers to be appointed with Magistrates, not less than Five nor more than Twelve, for each District; and shall reduce List furnished by Collectors to Treble that Number, § 70.
72. Manner of determining the Persons who shall be associated with the Justices to constitute Presentment Sessions Districts, § 71.
73. Secretary of Grand Jury shall notify Appointment to such Cess-payers. Justices and Cess-payers to subscribe Declaration, § 72.
74. Two Cess-payers shall be selected at Baronial Sessions, and shall, with Justices, constitute Presentment Sessions for County at large, § 73.
75. Applications for Presentments, § 74.
76. Presentments to be made in Barony in which larger Part of the Work is situate, § 75.
77. Applications shall be lodged with Secretary Twenty-one Days before Presentment Sessions. Secretary shall have an Abstract and Index printed, and posted in District, § 76.
78. District Surveyor may make Application at Sessions for necessary Works not otherwise applied for, § 77.
79. Manner and Form of Application, § 78.
80. Applications shall be considered and decided on at Sessions. Sessions shall then adjourn to some Day not sooner than Twenty-one Days after Fiating Day of Presenting Term, § 79.
81. Mode of Proceeding if Sessions refuse to approve of necessary Work, § 80.
82. Sessions may approve of Contract for Five Years, § 81.
83. In Cases of Absence or Death of Party making the Application, Sessions shall decide, § 82.
84. Secretary shall have Schedules of approved Applications printed, and shall lay same before Grand Jury, § 83.
85. Grand Jury to consider and decide on all Applications, fixing Amount and Time for Execution of Works, § 84.
86. Grand Jury shall not make Presentments, unless on Application approved of at Sessions, except in Cases of sudden Damages, and in Cases otherwise provided for, § 85.
87. Secretary shall have Abstracts of fiated Presentments printed, and Tenders for Contracts advertised for. Tenders shall be delivered in sealed Envelopes, § 86.
88. At adjourned Sessions Tenders shall be opened and dealt with. If no Tender or Proposal approved of by Sessions Work may be given in charge to District Surveyor, § 87.
89. Form of Security, § 88.
90. Secretary shall keep Book with Particulars of Contract, § 89.
91. *Mode of Payment.* Grand Jury shall appoint Finance Committee, § 90.
92. Meetings of Finance Committee. Three a Quorum, § 91.
93. District Sessions shall appoint Road Wardens, § 92.
94. Chairman of each adjourned Presentment Sessions shall certify Amount payable to each Contractor or other Person, § 93.
95. Contractors desirous of Payment shall give Notice to District Surveyor and Road Warden. Finance Committee, on being satisfied as to Execution of Work, may give Order for Payment, § 94.
96. If Finance Committee refuse Payment, Contractor may appeal, § 95.
97. Finance Committee, Twenty-one Days before each Presenting Term, shall make up half-yearly County Accounts, and each Barony Account shall be kept separate, § 96.
98. *Mode of raising County Rate.* Clerk of Crown, within Fourteen Days after Fiat, shall make out List of Presentments. Finance Committee to ascertain Proportion to be raised off each Barony, § 97.
99. Until Valuation under 6 & 7 *W.* 4. shall be completed, Apportionment of Baronial Charges shall be according to Poor Law Valuation, § 98.
100. Finance Committee shall issue Warrant to Collector for levying the Sums to be raised. A Transcript to be sent to the Churchwardens. A Meeting to be convened for appointing Applotters. If no Applotment made within Twenty Days Collector shall himself applot, § 99.
101. Payment to Applotters and Clerk of Union, § 100.
102. Grand Jury Cess may be levied by Distress, or Collector may summon before Justices, § 101.
103. Cess shall be paid by Person in occupation when Levy made, § 102.
104. Collectors shall pay into Bank the Sums received each Month, and shall furnish Finance Committee with Statement, Vouchers of Payments, &c. Collectors improperly collecting or not using due Diligence may be dismissed, § 103.
105. Collectors Fees shall be added to Applotment, § 104.
106. Notices how to be promulgated, § 105.
107. Secretary shall cause Abstracts of Presentments and Contracts to be printed, with an Abstract of Accounts of Finance Committee and of the Appointment, § 106.
108. Contractor shall pay his Labourers in Money. Penalty for paying or attempting to pay in Goods. May be summoned for Wages, § 107.
109. Contractor neglecting to perform Contract may, with his Sureties, be summoned before Petty Sessions, § 108.
110. Any Two Justices at Petty Sessions may order Sums not exceeding Twenty Pounds for repair of sudden Damage to Bridge, or Ten Pounds to Road, &c., § 109.
111. Penalty for giving Money for any Appointment, § 110.
112. Power reserved to make Presentment under Act, 7 *G.* 4. *c.* 74. Proviso, § 111.
113. Power to re-present Arrears as originally presented, § 112.
114. Certain Arrears now due and Balances to be re-presented by Instalments, § 113.
115. County Buildings may be insured, § 114.
116. Grand Juries may exchange short Lines with Trustees of Turnpike Trusts, § 115.
117. No Toll on Turnpike Roads for travelling less than 100 Yards, § 116.
118. Expences of repairing Road from *Dublin* to *Blackrock* to be raised One Third on City, One Third on Barony of *Rathdown*, and One Third on Barony of *Dublin*, § 117.
119. If Grand Jury neglect, Commissioners of Works to repair Road, and Grand Jury to present Expence thereof, § 118.
120. Parties contracting for Repairs of said Road to furnish Statement and Account and to attend Grand Juries, § 119.

121. Repayment

121. Repayment of Money advanced out of Consolidated Fund, § 120.
122. Court shall make Order if Grand Jury refuse, § 121.
123. Compensation for malicious Injury. Notice to be given within Six Days to Churchwardens. Application to be made to Sessions, and disposed of by Grand Jury, § 122.
124. Applications when to be made, § 123.
125. Persons injured to give in Examinations within Three Days, and declare whether they know the Party committing the Damage, § 124.
126. When Presentment is opposed or Application disallowed Jury may be sworn to try the Matter, § 125.
127. No Presentment for Compensation to be removed by Certiorari, nor Traverse allowed, nor Action in Cases provided for, § 126.
128. Mode of obtaining Compensation for Injury committed near Boundary of the County, § 127.
129. No Fees to be taken for such Presentments, § 128.
130. Justices at Quarter Sessions shall divide County into Two Coroners Districts. In Cases of sudden Death, Sub-Inspector of Constabulary, &c. shall give Notice thereof to Coroner, § 129.
131. Head Constable shall be Inspector of Weights and Measures, § 130.
132. Committee may be appointed to superintend Court Houses, § 131.
133. Offices of Inspector of Accounts and of Treasurer of County of *Dublin* abolished, § 132.
134. Compensation to Officers, § 133.
135. Presentment may be traversed, § 134.
136. Presentments for new Roads, &c. may be traversed for Damages, § 135.
137. Contractor and Surveyors may take Materials for Roads, &c. Damage to be assessed by Three Appraisers, § 136.
138. Materials not to be taken to Injury of Road or Building, § 137.
139. *Nuisances and Penalties.* Regulation of Drivers, § 138.
140. No House to be built within 20 Feet of Centre of Road. What deemed to be the Centre of the Road, § 139.
141. Persons who scour or fill up Ditches on Sides of Roads without Consent of Surveyor or Road Warden, or Occupiers omitting to scour their Ditches, &c. for Water to pass through after Notice, or Persons committing Nuisances herein described, liable to Penalty, § 140.
142. Dung, &c. on public Road may be taken away by any one having Permission of the Surveyor, § 141.
143. Forfeiture for laying Rubbish on Roads. Justices may issue Warrant for killing dangerous Dogs, § 142.
144. Cattle found straying on Road may be impounded where Owner is unknown; and Nuisances may be abated, § 143.
145. Contractor, &c. not liable to Penalty except as herein, § 144.
146. Surveyors may require Occupiers to prune Trees; in default may summon before Justices, § 145.
147. Penalty on Persons obstructing Surveyors or Contractors or injuring County Works, § 146.
148. Constables, &c. shall report Nuisances, § 147.
149. No Stamp Duty upon Contracts and Recognizances under this Act. Proceedings for Breach of Contract, § 148.
150. Forfeitures to be levied by Distress and Sale. Application thereof, § 149.
151. The Party distraining not to be a Trespasser in consequence of any Irregularity, § 150.
152. General Issue may be pleaded, § 151.
153. Justices not to take Money for Affidavits, § 152.
154. Money to be in present Currency. Schedules Part of Act. Notices not to be impeached on technical Grounds, § 153.
155. Form of Conviction, § 154.
156. Limitation of Actions, § 155.
157. Interpretation of Act, § 156.
158. Commencement of Act, § 157.
159. To amend an Act of the last Session, for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of *Dublin*, 8 & 9 *Vict.* c. 81.
160. So much of recited Act as empowers the Lord Lieutenant to direct Sums required by the Commissioners to be advanced out of the Consolidated Fund repealed, except as to Things heretofore done, § 1.
161. The Commissioners of the Treasury, with the Approbation of the Lord Lieutenant, empowered to direct Advances to be made for such Purposes, § 2.
162. And to declare the Terms upon which such Advances shall be made, &c., § 3.
163. Before each Presenting Term the Lord Lieutenant shall cause an Estimate to be made of Sums payable to the Exchequer by the said County during the ensuing Year; and upon Production of the Certificate of the Chief or Under Secretary of the Amount, the Grand Jury shall present the same; to be levied together with and as other County Charges, § 4.
164. Certificate of Sums so payable shall be sent to Finance Committee half-yearly; and the Amount shall be paid by the Finance Committee, § 5.
165. County Officers shall be paid by Finance Committee out of any surplus Funds of the present Year, § 6.
166. The Grand Jury shall present the Amount so paid, § 7.
167. And at each presenting Term the Grand Jury shall present in advance for Salaries of County Officers, § 8.
168. Finance Committee may repay Sums expended in Repair of sudden Damage to Bridges, &c., § 9.
169. Repeal of Part of recited Act as to withholding Salaries, &c. of County Officers, for Neglect, &c., § 10.
170. The Grand Jury, with the Sanction of the Court, may suspend Salaries of County Officers, and make Regulations as to Payments, &c., § 11.
171. This Act to be read in conjunction with recited Act, § 12.

Horse Duty, See Licences.

Insane Persons.

1. For the Establishment of a Central Asylum for Insane Persons charged with Offences in *Ireland;* and to amend the Act relating to the Prevention of Offences by Insane Persons, and the Acts respecting Asylums for the Insane Poor, in *Ireland;* and for appropriating the Lunatic Asylum in the City of *Cork* to the Purposes of a District Lunatic Asylum, 8 & 9 *Vict.* c. 107.
2. Commissioners of Public Works to be Trustees for providing Buildings and Lands necessary for the Establishment of a Central Asylum for Criminal Lunatics, § 1.
3. Commissioners of Public Works to be a Corporation for the Purposes of this Act, § 2.
4. Power to Commissioners of Public Works to purchase or rent Buildings, Lands, &c. which may be required for such Central Asylum, § 3.
5. Consolidation of this Act with Lands Clauses Consolidation Act, § 4.

6. Com-

6. Commissioners of Public Works to obtain Surveys, Plans, and Specifications, and submit same to the Treasury, § 5.
7. Commissioners of Public Works to lay Accounts before the Commissioners of the Treasury, § 6.
8. Proceedings in Actions by and against the Commissioners of Public Works, § 7.
9. When Central Asylum established, the Lord Lieutenant empowered to order the Removal of Criminal Lunatics to such Asylum, § 8.
10. Lord Lieutenant to appoint the Officers and Servants of Central Asylum, and Lord Lieutenant and Council to make Rules and Regulations for the Government thereof, § 9.
11. Persons not to be committed as dangerous Lunatics, unless upon Information upon Oath, § 10.
12. Lord Lieutenant may discharge a Person committed as a dangerous Lunatic who is duly certified to him to have become of sound Mind, or to have ceased to be a dangerous Lunatic, § 11.
13. Lord Lieutenant may direct Persons under Sentence of Imprisoment or Transportation, who become insane, to be removed to Central Asylum, § 12.
14. The District Lunatic Asylums may receive as many Patients as they can accommodate, the Care and Maintenance of whom shall be provided for as heretofore, § 13.
15. Lord Lieutenant authorized to make Orders in Council for the Enlargement of District Lunatic Asylums, § 14.
16. Asylums may be appropriated for the exclusive Reception of particular Classes as to Disease of Pauper Lunatics, § 15.
17. Powers of recited Acts to apply to this Act, § 16.
18. Manner of proceeding where any County, &c. shall be taken out of any District and removed to any new District, § 17.
19. Lunatic Wards, &c. connected with Houses of Industry, § 18.
20. *Cork* Lunatic Asylum shall become a District Lunatic Asylum for the County and the City of *Cork*, and of such other County, if any, as shall be added thereto, § 19.
21. Grand Juries of *Cork*, &c. shall make Presentments for Support of such Asylum, § 20.
22. Asylum vested in Commissioners under 1 & 2 *G.* 4. *c.* 33. —§ 21.
23. Lord Lieutenant may make Rules and Regulations for the holding of Lectures, § 22.
24. Lord Lieutenant to appoint Inspectors of Lunatics, and Functions of Inspectors General of Prisons vested in them, § 23.
25. Inspectors to visit Asylums and inquire into the Management thereof, § 24.
26. Registry of Admissions, of Discharges and Deaths, and Medical Journal, to be kept, § 25.
27. Interpretation Clause, § 26.
28. Act to extend only to *Ireland*, § 27.

Joint Stock Companies.

1. For facilitating the winding up the Affairs of Joint Stock Companies in *Ireland* unable to meet their pecuniary Engagements, 8 & 9 *Vict. c.* 98.
2. If any incorporated commercial or trading Company, or any other Body of Persons associated together for commercial or trading Purposes as herein described, shall commit any Act which is hereby deemed an Act of Bankruptcy on the Part of such Company, a Commission of Bankruptcy may issue against the same, and be prosecuted in like Manner as against other Bankrupts, subject to the Provisions herein-after made, § 1.
3. Bankruptcy of Company not to be construed to be the Bankruptcy of any Member individually, § 2.
4. Declaration of Insolvency in pursuance of a Resolution of the Board of Directors under the Common Seal of the Company, or signed by the Chairman, and attested by the Solicitor of the Company, and filed in the Office of the Secretary of Bankrupts, to be an Act of Bankruptcy, § 3.
5. Company not paying, securing, or compounding for a Judgment Debt, upon which the Plaintiff might sue out Execution within Fourteen Days after Notice requiring Payment, an Act of Bankruptcy, § 4.
6. Company disobeying Order of any Court of Equity, &c. for Payment of Money after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy, § 5.
7. Creditor filing an Affidavit of Debt in One of the Superior Courts, and issuing a Writ thereon, if the Company do not within a Month pay, secure, or compound to the Satisfaction of the Creditor, or satisfy a Judge of their Intention to defend on the Merits, and enter an Appearance to the Action, an Act of Bankruptcy, § 6.
8. Assignees of the Estate of a Company may maintain Action to recover a Debt; and any Person may claim under a Commission against a Company any Debt due on the Balance of Accounts, § 7.
9. Member's Share not to be set off against a Demand which the Assignees of the Estate and Effects of a Company adjudged Bankrupt may have against such Member, § 8.
10. No Action, &c. by a Creditor of a Company, so far as concerns his Recourse against the Person or Property of any individual Member, to affect his Right to issue or prove under a Commission against the Company for any Debt remaining unsatisfied; and a Commission, or a Proof or Proceeding thereon, not to affect any Action by a Creditor, so far as concerns his Recourse to the Person or Property of any Individual Member, § 9.
11. The Law and Practice in Bankruptcy to extend, so far as applicable, to Commissions under this Act, § 10.
12. The Commissioner may order the Directors of a Company adjudged Bankrupt, &c. to prepare and file a Balance Sheet and Accounts, and to make Oath of the Truth thereof; and the Commissioner may make Allowance out of the Estate for the Preparation thereof, § 11.
13. Persons ordered by the Commissioner to prepare the Balance Sheet to be under the like Obligation to surrender at the last Examination under the Commission, and to submit to be examined, &c., and to incur such Danger or Penalty for not conforming, &c. as is now provided against a Bankrupt, § 12.
14. Persons ordered to prepare the Balance Sheet to have the same Freedom from Arrest, &c. as a Bankrupt, § 13.
15. The Commissioner, before Adjudication, may summon any Person, whether a Member of the Company or not, to give Evidence as to the Trading and any Act of Bankruptcy; and after Adjudication the Commissioner may summon and examine any Person who is suspected to have Property of the Company in his Possession, or to be indebted to the Company, &c., and compel him to produce Books, &c. § 14.
16. As to Costs where a Person summoned under a Commission against a Company was a Member thereof, § 15.
17. Penalty on Members (other than those who are ordered to prepare the Balance Sheet) and on other Persons wilfully

fully concealing the Estate of the Company, 100*l.*, and double the Value of the Estate concealed, and Allowance to Persons other than Members of the Company for making Discovery thereof, § 16.

18. The Commissioner, after Adjudication, may order any Treasurer, &c., or Solicitor or Agent of the Bankrupt, to deliver to the Official Assignee, or to the Bank of *Ireland*, all Monies and Securities in his Custody or Power which he is not by Law entitled to retain as against the Bankrupt or his Assignees, § 17.
19. If any Person disobey any Rule or Order of the Commissioner duly made, the Commissioner to commit him to Prison, there to remain until he conform, or until the Commissioner or Lord Chancellor shall otherwise order, § 18.
20. The Commissioner may direct the Assignees of the Estate of a Company adjudged bankrupt to petition the Court of Chancery for Directions for winding up the Affairs of the Company, upon which Petition an Order of Reference may be made, and Accounts taken, and upon the Confirmation of Master's Report a Receiver may be appointed, § 19.
21. The Court of Chancery may make Order to individual Claims of Members in respect of the Transactions of the Company, § 20.
22. The Lord Chancellor, with the Advice and Consent of the Master of the Rolls, to make Rules and Orders as to the Form and Mode of Proceeding for settling and enforcing Contribution to be made by Members of Company, and the Practice to be observed by the Court of Chancery and the Masters in such Proceeding, § 21.
23. The Act 41 *G.* 3. (U.K.) *c.* 90. to extend to Decrees or Orders made by the Court of Chancery in any Suit under this Act, § 22.
24. Previous to passing the last Examination the Commissioner shall inquire into the Cause of the Failure of a Company, and after the last Examination shall cause a Copy of the Balance Sheet to be transmitted to the Board of Trade, and certify the Cause of the Failure, and any special Circumstances, and annex a Copy of any Examinations deemed material, § 23.
25. After the Commissioners shall have certified to the Board of Trade the Cause of the Failure of such Company, the Queen, upon the Recommendation of the Board of Trade, may revoke and make void any Privileges granted the Company, and determine the Company, § 24.
26. After the Court shall have certified to the Board of Trade the Cause of the Failure of any Company adjudged bankrupt, the Board may cause the Papers to be laid before the Attorney General, who shall direct as to any Proceedings thereon, § 25.
27. Until Determination of Company by the Crown, it shall be considered as subsisting for the original Purposes, and, notwithstanding such Determination, shall be considered as subsisting so far as necessary for winding up, § 26.
28. Notwithstanding Determination of Company in any other Manner, the same to be considered as subsisting so long as any Matters remain unsettled, § 27.
29. Any Member of a Company adjudged bankrupt, with Knowledge of or in contemplation of a Bankruptcy, destroying or falsifying Books, &c. of the Company, or making false Entries, &c., guilty of a Misdemeanor, § 28.
30. If Joint Stock Company shall have Establishments or carry on Business in *England* and *Ireland*, it shall be deemed an *English* Company if Head Office shall last have been in *England*, or an *Irish* Company if Head Office shall last have been in *Ireland*, § 29.
31. Construction of Act, § 30.

Judgments, See Purchasers.

Jurors Books.

1. For making further Regulations for more effectually securing the Correctness of the Jurors Books in *Ireland*, 8 & 9 *Vict. c.* 67.
2. Repeal of Part of Section 9. of 3 & 4 *W.* 4. *c.* 91.—§ 1.
3. Jury Lists, when allowed and signed by the Justices, to be numbered in their Presence with the consecutive Numbers 1, 2, 3, &c., and a General List to be made out, and then to be signed by the Justices. The General List to be copied into a Book to be called the Jurors Book, § 2.
4. The Jury Lists, &c. to be placed among the Records in the Office of the Clerk of the Peace, and be open for Inspection, § 3.
5. Jurors Book may be corrected by the Court of Queen's Bench or by a single Judge, upon Complaint made thereof, § 4.
6. High Constables and Collectors required to cause Lists to be printed, § 5.
7. Grand Jury at Assizes, &c. to present Sum of Money for Expence of printing Lists, § 6.

Licences to let Horses.

1. To transfer the Collection of the Duty on Licences to let Horses for Hire in *Ireland* from the Commissioners of Stamps to the Commissioners of Excise, 7 & 8 *Vict. c.* 67.
2. Duties of 55 *G.* 3. *c.* 19. on Licences for letting Horses to Hire in *Ireland* put under the Management of the Commissioners of Excise, § 1.
3. Powers of former Acts relating to such Licences to be put in force by the Commissioners of Excise, § 2.
4. Powers of Excise Acts to be put in force with respect to the Duty transferred, § 3.

Limitation of Actions, See Real Property.

Linen and Hempen Manufactures.

1. To amend and continue for Five Years, and to the End of the next Session of Parliament, certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland*, 7 & 8 *Vict. c.* 47.
2. Continuation of Acts, 5 & 6 *W.* 4. *c.* 27. 3 & 4 *Vict. c.* 91., and 5 & 6 *Vict. c.* 68.—§ 1.
3. Further Powers granted to Justices in awarding the Penalties assigned by the Act 5 & 6 *W.* 4. *c.* 27.—§ 2.
4. Fairs and Markets for Linen to be held between Ten and Two o'Clock throughout the Year, § 3.
5. Public Act, § 4.
6. Act to extend to *Ireland* only, § 5.

Lis Pendens, See Purchasers.

Loan Societies.

1. To amend an Act of the last Session, to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in *Ireland*, 7 & 8 *Vict. c.* 38.
2. Recovery of Amounts due to Loan Societies on Notes or Securities, § 1.
3. Application of the Enactments, &c. of the recited Act to the *Irish* Reproductive Loan Fund Institution, § 2.

Lunatics and Lunatic Asylums, See Insane Persons.

Marriages.

1. For Marriages in *Ireland;* and for registering such Marriages, 7 & 8 *Vict. c.* 81.
2. After 31st *March* 1845 all Rules prescribed by the Rubrick to continue to be observed. Marriages shall be solemnized on Production of Registrar's Certificate, § 1.
3. Nothing herein to affect the Right of granting Special Licences. Notice to be given to Surrogate before Licence. Entry of Notices. Fee for Entry. No Security required before granting Licence. Notice void after Three Months, § 2.
4. Roman Catholic Marriages not affected, § 3.
5. Marriages between Parties one or both of whom are Presbyterians may be solemnized in certified Meeting Houses, § 4.
6. Banns to be published in Cases where both of the Parties to be married are Members of Presbyterian Congregations, § 5.
7. Notice of the Names, Places of Abode, and Time of Residence of the Parties to be given to the Minister Six Days before Publication of Banns, § 6.
8. Each Presbytery to appoint Ministers to certify Meeting Houses. Registry thereof, § 7.
9. Such Ministers to grant Licences for Marriages to be solemnized in Presbyterian Meeting Houses. Minister to give Security, § 8.
10. Before Licence granted One of the Parties to appear before the Minister and to take a certain Oath, &c., § 9.
11. Person applying for a Licence to produce from the Minister of the Congregation of which such Person shall be a Member a Certificate in a given Form, § 10.
12. Caveat may be lodged with the Minister against Grant of Licence, § 11.
13. Marriages of Quakers and Jews, § 12.
14. Notice of intended Marriage to be given to the Registrar of the District. Proviso, § 13.
15. Registrar to keep Notices in a Book, § 14.
16. Notices to be published, § 15.
17. After Seven Days, or Twenty-one Days, Certificate of Notice to be given, upon demand, § 16.
18. Forms of Certificates to be furnished. Certificates for Marriage by Licence to be distinguishable from other Certificates, § 17.
19. Issue of Registrar's Certificate may be forbidden, § 18.
20. Who are to give Consent if Parties are under Age, § 19.
21. Who to give Consent in case of Incapacity of Parents and Guardians, § 20.
22. Registrar may grant Licences for Marriage. Registrar to give Security. Proviso, § 21.
23. Certificate to be given before the Licence is granted, § 22.
24. Caveat may be lodged with Registrar against Grant of Licence or Certificate, § 23.
25. Marriages not to be solemnized until after Twenty-one Days after Entry of Notice, unless by Licence, § 24.
26. New Notices required after Three Months, § 25.
27. Registrar's Certificate or Licence to be delivered to the Person by or before whom the Marriage is solemnized, § 26.
28. Places of Worship may be registered for solemnizing Marriages therein, § 27.
29. On Removal of the Congregation, the new Place of Worship may be immediately registered instead of the one disused, § 28.
30. Marriages may be solemnized in such registered Places in the Presence of Two Witnesses, § 29.
31. Marriages may be celebrated before the Registrar at his Office, § 30.
32. Marriage Fees to the Registrar, § 31.
33. Proof of Residence of Parties, or of Consent, &c., not necessary to establish the Marriage, § 32.
34. Bishops, with Consent of Patrons, may licence Chapels for the Solemnization of Marriages in populous Places, § 33.
35. Appropriation of Fees on Marriages performed in such Chapels, § 34.
36. Patron or Incumbent may appeal to the Archbishop against such Licences, § 35.
37. Notice of such Licences to be affixed in Chapels, § 36.
38. Marriages performed in such Chapels to be under the same Regulations as those performed in Parish Churches, § 37.
39. Option to Parties to be married at Parish Church, § 38.
40. Bishop, with Consent of Archbishop, may revoke such Licences, § 39.
41. In which Case Registers to be sent to the Incumbent of the Parish Church, § 40.
42. Registrars of Dioceses to send to the Register Office yearly Lists of licensed Chapels within their Districts. List of all Chapels and Buildings registered to be printed, § 41.
43. Marriages under this Act cognizable, § 42.
44. Persons vexatiously entering Caveat liable to Costs and Damages, § 43.
45. Persons making false Declarations, &c. guilty of Perjury, § 44.
46. Persons unduly solemnizing Marriage guilty of Felony, § 45.
47. Solemnizing Marriage without Publication of Banns, &c., § 46.
48. Registrars unduly issuing Certificates guilty of Felony, § 47.
49. Limitation of Prosecution, § 48.
50. Marriages void if unduly solemnized with the Knowledge of both Parties, § 49.
51. 9 *G.* 2. (*I.*) and 23 *G.* 2. (*I.*) repealed; but Act not to affect existing Enactments respecting degraded Clergymen, § 50.
52. In fraudulent Marriages, the guilty Party to forfeit all Property accruing from the Marriage, as in 4 *G.* 4. *c.* 76. —§ 51.
53. A General Registry Office to be provided in *Dublin*, § 52.
54. Lord Lieutenant to appoint Officers, and fix the Salaries of Registrar General and other Officers, § 53.
55. Salaries to be paid out of the Consolidated Fund, § 54.
56. Regulations for Conduct of Officers to be framed under Directions of Lord Lieutenant, § 55.
57. Annual Abstract of Registers to be laid before Parliament, § 56.
58. Registrars to be appointed for Districts to be formed by Lord Lieutenant, § 57.
59. A Register Office to be provided in each District, § 58.
60. Appointments, &c. exempt from Stamp Duty, § 59.
61. Register Boxes to be provided, § 60.
62. All Books, &c. to be transferred on Removal of Registrars, § 61.
63. Register Books to be provided, § 62.
64. Registrars to furnish Marriage Register Books and Forms for certified Copies, § 63.
65. Marriage Registers to be kept in Duplicate, § 64.
66. Duplicates and certified Copies of Registers of Marriages to be sent to Registrar, § 65.
67. Registrar

67. Registrar to register all Marriages solemnized before him in Books to be sent by the Registrar General, § 66.
68. Registrars to send certified Copies of Registers to the General Register Office, § 67.
69. Searches may be made and Certificates given by the Persons keeping the Registers. Fees, § 68.
70. Indexes to be made at every Registrar's Office, and Persons allowed to search them. Fees, § 69.
71. Indexes to be kept at General Register Office, Searches allowed, and certified Copies given. Fees, § 70.
72. Certified Copies given at General Registry Office to be sealed, § 71.
73. Clergymen, &c. may ask Parties married the Particulars required, § 72.
74. Penalty for wilfully giving false Information, § 73.
75. Penalty for not duly registering Marriages, or for losing or injuring the Registers, § 74.
76. Penalty for destroying or falsifying Register Books, § 75.
77. Accidental Errors may be corrected, § 76.
78. Recovery of Penalties, § 77.
79. Limitation as to summary Convictions, § 78.
80. Appeal, § 79.
81. No Certiorari, § 80.
82. Not to affect Right of Officiating Minister to Fees, § 81.
83. Registrar General to furnish Notices to Guardians of Unions, &c. specifying Acts required to be done by Parties registering, § 82.
84. Certain Marriages celebrated in *Ireland* to be the same in Law as if solemnized by Clergymen of the Established Church, § 83.
85. Extent of Act, § 84.

See Parishes.

Maynooth College, See Education.

Notaries, See *General Index*, Stamps.

Parishes.

1. To amend the Laws in force in *Ireland* for Unions and Divisions of Parishes; for the Settlement of the Patronage thereof, and the Celebration of Marriages in the same, 8 & 9 *Vict. c.* 54.
2. The Lord Lieutenant and Privy Council in *Ireland*, with the Consent of the Archbishop, Bishop, and Patrons, may unite Parts of One or more Parishes to any other Parish or Parishes, § 1.
3. When new Unions are created, the Lord Lieutenant and Council, with the Assent of the Archbishop, Bishop, and Patrons, may make a Settlement of the Patronage. The Consent of the Crown as Patron may be given by the Lord Lieutenant, § 2.
4. In Cases of Divisions of Parishes, &c. Power to apportion Charges for Improvements on Glebes, &c., § 3.
5. The Division of the Union of *Burnchurch* shall, if so ordered by the Lord Lieutenant and Council, take effect forthwith, § 4.
6. Providing for Celebration of Marriages, until a Parish Church is erected in any disunited or newly erected Parish, § 5.

Public Works, See Constables.

Presentments, See Grand Jury Presentments.

Processions.

1. To continue until the First Day of *June* One thousand eight hundred and forty-five an Act of the Second and Third Years of His late Majesty, for restraining for Five Years, in certain Cases, Party Processions in *Ireland*, 7 & 8 *Vict. c.* 63.
2. 2 & 3 *W.* 4. *c.* 118. continued until 1st *June* 1845, § 1.

Purchasers.

1. For the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Commissions of Bankruptcy; and for providing One Office for the registering of all Judgments in *Ireland*; and for amending the Laws in *Ireland* respecting Bankrupts and the Limitation of Actions, 7 & 8 *Vict. c.* 90.
2. Judgments, in order to be valid as against Purchasers, &c., not to be re-docketed or revived under Provisions of recited Acts after 1st of *November* 1844. Re-docketing and Revival Books to be handed over to Officers under this Act, and to be deemed Books under this Act. Judgments re-docketed or revived under 9 *G.* 4. *c.* 35. to operate against Purchasers from Dates of re-docketing and entering, as if registered under this Act, § 1.
3. Memorandum of Particulars of Judgments to be left with Officer under this Act, and by him registered, otherwise invalid as against Purchasers, &c. Fee for Entry, § 2.
4. Decrees, Orders, &c. to be entered by Officer under this Act; and Books to be transferred to his Office. Entries under recited Act to be deemed to be made under this Act, and to operate from Dates of Entry, § 3.
5. Rules and Orders, &c. to be void against Purchasers, unless entered with Officer under this Act. Fee for Entry, § 4.
6. The Date when Memorandum of Particulars is left with Officer to be entered in the Book, § 5.
7. Judgments, Decrees, Orders, &c. after Twenty Years to be void against Purchasers, unless fresh Memorandum is left with Officer. Fee for re-entering, § 6.
8. An original Entry to be deemed binding upon Purchasers, &c. claiming under any Deed executed within Twenty Years re-docketing or registering; but to affect any Purchaser, &c. whose Deed shall be executed after Twenty Years from the Date of the original Entry, every Judgment must be registered. Proviso, § 7.
9. Judgments, Decrees, &c. not to affect Purchasers more extensively than they would have done previous to the Act of 3 & 4 *Vict. c.* 105.—§ 8.
10. Act not to revive Judgments which are barred, or affect them as between the Parties, § 9.
11. Lis Pendens not to affect Purchasers, &c., unless duly registered under this Act. Fee for entering Lis Pendens, § 10.
12. Recognizances, Crown Bonds, &c. not to affect Purchasers, &c. unless duly registered under this Act. Fee for Entry. Searches, § 11.
13. An Index of Recognizances, Crown Bonds, &c. to be made out, and handed over to Officer under this Act, § 12.
14. Quietus to Debtors and Accountants to be registered. Fee for Entry, § 13.
15. Purchasers of Lands from Crown Debtors may in certain Cases obtain a Discharge of the purchased Lands from Crown Debts and a Certificate of such Discharge, § 14.
16. Such Discharge not to affect any Claim of the Crown on other Lands liable, § 15.

17. Requisition for negative Search, § 16.
18. Registrar to file Requisition, and give Certificate. Registrar liable in Damages for Fraud, &c. Search to be made only at Office established under this Act, § 17.
19. Requisition for Common Search, § 18.
20. Register to file Requisition, and give a Certificate, § 19.
21. Certificates to be liable to Law Fund Duty, § 20.
22. Duplicate Books may be made out, if necessary, § 21.
23. A Registrar of Judgments to be appointed for Purposes of this Act. Duties of Registrar. Two Assistant Clerks to be appointed. Their Duties, § 22.
24. Registrar may appoint Searching Clerks. First Appointment, § 23.
25. Salaries to Searching Clerks, § 24.
26. Application for Fees provided for. Salaries. Registrar to lodge Balances quarterly; and to account yearly. Account to be audited, § 25.
27. Registrar to pay Twenty Pounds *per Centum* on Balances not lodged, &c., § 26.
28. Registrar to obtain Receipt for Balance lodged, and to produce same before Account audited, § 27.
29. Additional Clerks may, if necessary, be appointed, § 28.
30. Power to abolish and reduce Fees, § 29.
31. Registrar or any Assistant Clerk may be removed for Misconduct, &c., § 30.
32. Provisions of this Act not to abridge Right of Action against Officers, &c. under former Acts, § 31.
33. Duties to be performed in Person. Deputy may in certain Cases be appointed, § 32.
34. Registrar and Clerks not to practise as Barristers, Attorney, &c., § 33.
35. Provision for Compensation to Secondary of the Exchequer, § 34.
36. Compensations to other Officers, § 35.
37. Conveyances, Contracts, &c. with Bankrupts protected, where no Notice of Act of Bankruptcy, and made *bonâ fide*, § 36.
38. Also even with Notice of Act of Bankruptcy, unless Commission sued out within Twelve Months, § 37.
39. No Judgment signed or Execution issued on a Cognovit signed after Declaration filed, &c. or Judgment by Default, &c., shall be deemed within the Provisions of the 6 & 7 *W.* 4. *c.* 14.—§ 38.
40. The Act 8 *Geo.* 1. (*I.*) to be deemed to have been repealed, § 39.
41. Lists of Fees to be placed up in Office, § 40.

Real Property.

1. To explain and amend an Act of the last Session of Parliament, intituled *An Act for extending to* Ireland *the Provisions not already in force there of an Act of the Third and Fourth Years of the Reign of the late King* William *the Fourth, intituled 'An Act for the Limi-'tation of Actions and Suits relating to Real Property, 'and for simplifying the Remedies for trying the Rights 'thereto;' and to explain and amend the said Act,* 7 & 8 *Vict. c.* 27.
2. 6 & 7 *Vict. c.* 54. recited. Recited Act not to affect any Action, &c. commenced before 1st *January* 1845 relating to any Right to Presentation, § 1.
3. Where Actions within prescribed Limits are abated by Deaths of Parties new Actions may be commenced, § 2.

Roman Catholics, See Education.

Schools.

1. To facilitate the Recovery, by summary Process, of small Sums due to the Teachers of Schools in *Ireland*, 7 & 8 *Vict. c.* 8.
2. 54 *G.* 3. *c.* 116. recited. Sums due to Teachers of Schools recoverable as Wages under recited Act, § 1.
3. Act to extend only to *Ireland*, § 2.

Spirits.

1. To amend certain Regulations respecting the Retail of Spirits in *Ireland*, 8 & 9 *Vict. c.* 64.
2. 6 & 7 *W.* 4. *c.* 38. So much of the Act as is recited repealed, and all Excise Licences for the Retail of Spirits in *Ireland* to be granted as if such Regulation had not been enacted, § 1.
3. Justices of the Peace, Constables, or Overseers authorized to enter the Houses of Persons licensed to retail Spirits to be consumed elsewhere than on the Premises, § 2.
4. Bond required of Spirit Retailers by the 3 & 4 *W.* 4. *c.* 68. not to be subject to Stamp Duty, § 3.
5. Commencement of Act, § 4.

See Excise.

Stamp Duties.

1. To continue for Three Years the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and to make Regulations for collecting and managing the same, until the Tenth Day of *October* One thousand eight hundred and forty-five, 8 & 9 *Vict. c.* 2.
2. Duties continued for Three Years, § 1.
3. Acts continued in force, § 2.

See Licences to let Horses.

Taxing Master in Chancery.

1. For the Appointment of a Taxing Master for the High Court of Chancery in *Ireland*, 8 & 9 *Vict. c.* 115.
2. The Taxation of Costs in the Court of Chancery, *Ireland*, to be conducted by One Taxing Master, who shall discharge the Duties in Person, § 1.
3. Lord Chancellor to appoint the Taxing Master, § 2.
4. Appointment of Deputy in case of Absence, § 3.
5. Taxing Master may administer Oaths and take Affirmations, § 4.
6. Persons swearing before Taxing Master subject to Penalties for Perjury, § 5.
7. Salary of Taxing Master. Taxing Master may appoint and remove Clerks and fill up Vacancies, § 6.
8. Taxing Master and Clerks not to take Gratuities, § 7.
9. Persons employed under this Act not to practise as Barristers, &c. Solicitors, &c., accepting Office, to be struck off the Rolls, § 8.
10. Orders may be made for carrying Act into execution, § 9.
11. Orders under this Act may be varied, § 10.
12. Act not to affect other Powers of Lord Chancellor, § 11.
13. Offices to be procured for the Taxing Master in the *King's Inns*, or to be rented or hired, § 12.
14. The Stamp Duties imposed by the 4 *G.* 4. *c.* 78. in respect of Taxation of Costs in Chancery to be paid as heretofore, § 13.

15. Salaries, &c. to grow due from Day to Day, but to be payable quarterly out of the Consolidated Fund, § 14.
16. Interpretation of "Lord Chancellor," § 15.

Tralee Harbour.

1. To extend the Time limited by an Act passed in the Fourth and Fifth Years of Her present Majesty, empowering the Commissioners for the Issue of Exchequer Bills for Public Works to complete the Works for improving the Navigation and Harbour of *Tralee* in the County of *Kerry*, 7 & 8 *Vict. c.* 99.
2. 9 *G.* 4. *c.* 118., 6 & 7 *W.* 4. *c.* 114., 4 & 5 *Vict. c.* 46., 6 *G.* 4. *c.* 35. recited. The Time limited by the last-recited Act for the Execution of the Works extended for Three Years, § 1.
3. The Powers given by the first-recited Act to cease at the End of the said Term, save as to Works certified by Justices of *Kerry* to have been completed, § 2.

Turnpike Roads.

1. To continue until the Thirty-first Day of *July* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*, 7 & 8 *Vict. c.* 36.
2. Acts for making or repairing Turnpike Roads in *Ireland* further continued, § 1.
3. Local Turnpike Act 3 *G.* 4. *c.* cviii. not continued by this Act, except, &c., § 2.
4. To continue until the Thirty-first Day of *July* One thousand eight hundred and forty-six, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*, 8 & 9 *Vict. c.* 125.
5. Expiring Acts for making or repairing Turnpike Roads in *Ireland* further continued, § 1.

Unlawful Oaths.

1. To continue for One Year an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in* Ireland, 7 & 8 *Vict. c.* 78.
2. 2 & 3 *Vict. c.* 74. continued for One Year, § 1.
3. To continue for Two Years, and to the End of the then next Session of Parliament, and to amend, an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in* Ireland, 8 & 9 *Vict. c.* 55.
4. 7 & 8 *Vict. c.* 78. continued for One Year, as hereby amended, § 1.
5. So much of 7 & 8 *Vict. c.* 78. as enacts that Persons having in possession Copies of Passwords, &c. shall be deemed guilty of unlawful Combination, &c., repealed, § 2.

Isle of Man.

1. To amend the Laws relating to the Customs in the *Isle of Man*, 7 & 8 *Vict. c.* 43. [Repealed by 8 & 9 *Vict. c.* 84.]
2. Commencement of Act, § 1.
3. Duties in Table to be levied on Goods imported into the *Isle of Man*, except on Corn, Grain, Meal, or Flour, § 2.
4. Power to the Lords of the Treasury to remit and to re-impose the Duties levied on unenumerated Articles. Orders to be published in the Gazette, and laid before Parliament, § 3.
5. Schedule of Licence Goods in recited Act repealed, § 4.
6. Certain Goods importable only under Licence. Lords of the Treasury may permit the Importation of additional Quantities, § 5.
7. Provisions of former Act to continue in force with respect to Licences, &c., § 6.
8. Corn, Grain, Meal, and Flour may be warehoused in the Island, § 7.
9. Provisions of the Act 3 & 4 *W.* 4. *c.* 37. to extend to the *Isle of Man* in respect of Corn, Grain, Meal, and Flour, § 8.
10. Trade between the *Isle of Man* and the United Kingdom to be deemed Coastwise, except as to Articles liable to Duty, § 9.
11. 3 & 4 *W.* 4. *c.* 57. *s.* 44. repealed, § 10.
12. Warehouse Goods may be removed into the *Isle of Man*, under certain Regulations, § 11.
13. Act not to affect Regulation as to Excise Drawbacks, § 12.
14. Sugar on which Bounty has been allowed may be removed to the *Isle of Man*, § 13.
15. Bond to be given not to re-land such Sugar, § 14.
16. Foreign Goods, except Corn, not to be brought from the *Isle of Man* to the United Kingdom, § 15.
17. Sugar and Rum, other than that described in the Table of Duties, prohibited, § 16.
18. Goods imported, carried or brought contrary to the Act, to be forfeited. Forfeiture of Vessels. Penalty, § 17.
19. Management of Duties. Duties to be paid into the Exchequer. Parts of Duties may be retained for Expences of the Government, § 18.
20. Harbour Duties under 54 *G.* 3. *c.* 43. repealed, § 19.
21. Annual Sum of 2,300*l.* to be paid from Duties under this Act to Harbour Commissioners, § 20.
22. Prohibition to import Spirits over Hydrometer Proof repealed, § 21.
23. *Manx* Vessels of Fifty Tons registered Burden to be entitled to the Privileges of Vessels of Sixty Tons, § 22.
24. For the regulating the Trade of the *Isle of Man*, 8 & 9 *Vict. c.* 94.
25. Commencement of Act, § 1.
26. Duties in Table to be levied on Goods imported into the *Isle of Man*, except on Corn, Grain, Meal, or Flour, § 2.
27. Power to the Lords of the Treasury to remit and to re-impose the Duties levied on unenumerated Articles. Orders to be published in the Gazette and laid before Parliament, § 3.
28. Certain Goods importable only under Licence. Lords of the Treasury may permit the Importation of additional Quantities, § 4.
29. Application for Licence to be delivered to Officers at *Douglas* between 5th *May* and 5th *July*, § 5.
30. Governor to allot Quantities; and report to Treasury and Commissioners of Customs, § 6.

31. Commissioners of Customs to grant Licences according to Report of Governor, § 7.
32. Before Delivery of Licences Bond to be given. Licence not taken up may be transferred by Governor, § 8.
33. Parties not importing the whole of the Goods for which they have obtained a Licence disqualified from having a Licence the following Year, § 9.
34. Counterfeiting or falsifying Licence. Penalty 500*l.*, § 10.
35. Licence Goods not to be re-exported, nor to be carried Coastwise unless in Vessels of Fifty Tons. Wine removed Inland, &c., § 11.
36. Trade with the *Isle of Man* to be a Coasting Trade. Goods subject to Duty when brought from the United Kingdom to be so brought subject to the same Law as Goods imported from Foreign Parts, § 12.
37. Corn, Grain, Meal, and Flour may be warehoused in the Island, § 13.
38. Provisions of Warehousing Act to extend to the *Isle of Man* in respect of Corn, Grain, Meal, and Flour. Publication of Notice, § 14.
39. Warehoused Goods may be removed into *Isle of Man*, under certain Regulations, § 15.
40. Act not to affect Regulation as to Excise Drawbacks, § 16.
41. Sugar on which Bounty has been allowed may be removed to the *Isle of Man*, § 17.
42. Bond to be given not to re-land such Sugar, § 18.
43. Foreign Goods, except Corn, not to be brought from the *Isle of Man* to the United Kingdom, § 19.
44. Goods prohibited to be imported into the *Isle of Man*, § 20.
45. Goods imported, exported, or carried Coastwise contrary to the Act forfeited. Penalty, § 21.
46. Limiting the Quantity of Spirits, Tea, and Tobacco for Use of Seamen; in decked Vessels; in open Boats, § 22.
47. Certificate for Goods the Produce of the *Isle of Man*, § 23.
48. Management of Duties. Duties to be paid into the Exchequer. Part of Duties may be retained for Expences of the Government, § 24.
49. Annual Sum of 2,300*l.* to be paid from Duties under this Act to Harbour Commissioners, § 25.
50. *Manx* Vessels of Fifty Tons registered Burden to be entitled to the Privileges of Vessels of Sixty Tons, § 26.

J.

Jews.

1. For the Relief of Persons of the *Jewish* Religion elected to Municipal Offices, 8 & 9 *Vict. c.* 52.
2. Persons professing the *Jewish* Religion, on accepting the Office of Mayor, &c. to make a Declaration, § 1.
3. Declaration to be as valid as that of 9 *G.* 4. *c.* 17.—§ 2.

Joint Stock Banks.

1. To regulate Joint Stock Banks in *England*, 7 & 8 *Vict. c.* 113.
2. No Joint Stock Bank established after 6th *May* last to carry on Business unless by virtue of Letters Patent granted according to this Act; but Companies previously established not restrained from carrying on Business until Letters Patent have been granted, § 1.
3. Company to petition for Charter, § 2.
4. Charter to be granted on Report of Board of Trade, § 3.
5. Deed of Settlement, § 4.
6. No Company to commence Business till Deed executed and all Shares subscribed for, and at least Half the Amount paid up, § 5.
7. Company to be incorporated, § 6.
8. Incorporation not to limit the Liability of the Shareholders, § 7.
9. Actions by or against Shareholders, § 8.
10. Decree or Judgment to be enforced against Company and Shareholders, § 9.
11. Execution against Company to precede Execution against present or former Shareholders. Extent of Liability of former Shareholders, § 10.
12. Reimbursement of individual Shareholders, § 11.
13. Individuals paying under Execution to recover against the Company, § 12.
14. How such Execution is to be had, § 13.
15. Contribution to be recovered from other Shareholders, § 14.
16. Further Remedy in case of Bankruptcy, &c. of Company's Shareholders, § 15.
17. Memorial to be registered, § 16.
18. Memorials of occasional Changes, § 17.
19. Form of Memorials, § 18.
20. Evidence of Memorials, § 19.
21. Commissioners of Stamps to give certified Copies on Payment of Ten Shillings, § 20.
22. Existing Liabilities to continue till new Memorials, § 21.
23. Bills and Notes to be signed by One Director or Manager. Manager not personally liable, § 22.
24. Transfers of Shares to be registered, &c., § 23.
25. Transfer not to be made until all Calls paid, § 24.
26. Closing of Transfer Books, § 25.
27. Transmission of Shares by other Means than Transfer to be authenticated by a Declaration, § 26.
28. Proof of Transmission by Marriage, Will, &c., § 27.
29. Notices to joint Proprietors of Shares, § 28.
30. Receipts for Money payable to Minors, &c., § 29.
31. Company not bound to regard Trusts, § 30.
32. Power to make Calls, § 31.
33. Interest on Calls unpaid, § 32.
34. Enforcement of Calls by Action, § 33.
35. Declaration in Action for Calls, § 34.
36. Matter to be proved in Action for Calls, § 35.
37. Proof of Proprietorship, § 36.
38. Forfeiture of Shares for Nonpayment of Calls, § 37.
39. Notice of Forfeiture to be given before Declaration thereof, § 38.
40. Forfeiture to be confirmed by a General Meeting. Sale of forfeited Shares, § 39.
41. Evidence as to Forfeiture of Shares, § 40.
42. No more Shares to be sold than sufficient for Payment of Calls, § 41.
43. On Payment of Calls forfeited Shares to revert, § 42.
44. Service of Notice on the Company, § 43.
45. Existing Companies may continue their Trades until Twelve Months after the passing of this Act, § 44.
46. Existing Companies may be brought under this Act, § 45.
47. Agreements entered into with Companies after their Incorporation to be enforced as if made before Incorporation, § 46.
48. Existing Companies to have the Powers of suing and being sued, § 47.
49. Banking Companies to be deemed Trading Companies, § 48.
50. Interpretation of Act, § 49.

Joint Stock Companies.

1. For the Registration, Incorporation, and Regulation of Joint Stock Companies, 7 & 8 *Vict. c.* 110.
2. *General Provisions.* Operation of Act as to Time, § 1.
3. Operation of Act as to Companies. Application of Term "Joint Stock Company." Future Companies. Companies for executing Parliamentary Works. Incorporated Companies, § 2.
4. Construction of Words. General Provisions, § 3.
5. *Registration of Companies.* Provisional Registration :—Returns by Promoters of Companies. Certificate of provisional Registration, § 4.
6. Penalty as to delaying Registration, § 5.
7. Relief from Penalties to Promoters by the Appointment of a Solicitor to make Returns. Return of Appointment and Acceptance. Penalty on Solicitor failing to make Returns, § 6.
8. Complete Registration :—Constitution of Companies. Provisions of Deeds of Settlements. Covenant to pay Instalments on Shares, &c. Provision in Deed for Purposes in Schedule (A.) Execution of Deeds of Settlement. Authentication of Deed. Registration of Deed. Supplementary Deed, § 7.
9. Notification of Incompleteness of Deeds of Settlement, § 8.
10. Companies for executing Parliamentary Works to register Copies of Documents required to be deposited by the Standing Orders. Certificate of complete Registration, § 9.
11. Further Registration :—Returns of further Deeds and Changes. Penalty, § 10.
12. Half-yearly Returns of Changes and Additions of Members. Penalty, § 11.
13. Returns made by Request, § 12.
14. Restriction of Rights of Shareholders by Non-registration of Shares transferred. Continuance of Liability of Shareholder transferring, § 13.
15. Periodical Registration of Companies. Penalty, § 14.
16. Returns generally :—Evidence of Registration. Registration of Companies. Certificates of Registration. Effect of Certificate as Evidence, § 15.
17. Authentication of Returns, § 16.
18. Regulations as to Returns. Regulations to apply to all Companies, § 17.
19. Inspection of Returns at Registry Office. Certified Copies or Extracts. Legal Effect thereof, § 18.
20. Office for Registration. Appointment of Registrar, &c. of Joint Stock Companies. Assistant Registrar. Leave of Absence, § 19.
21. Registrar's Office. Attendance, § 20.
22. Fees of Registration. Commissioners of Treasury may fix other Fees. Balance to go to Consolidated Fund. Regulation of Fees. Return of Three Fourths of the Fee on Capital to Companies obtaining Acts of Parliament. Repayment by Treasury, § 21.
23. Extortion a Misdemeanor, § 22.
24. *Powers and Privileges of Companies.* On provisional Registration :—Effect of provisional Registration, § 23.
25. Proceedings of Companies before Registration, and while a Company is not deemed to be provisionally registered. 25*l.* Penalty against Persons offending, § 24.
26. On complete Registration :—Powers and Privileges obtained thereby. Incorporation. Without Restriction of Liability. Company empowered to act. Restriction of Powers of Companies for executing Parliamentary Works before obtaining an Act. Power to obtain Act of Parliament. Regulation of Company under such Act, § 25.
27. Shareholders :—Restriction of Rights prior to Execution of Deed of Settlement. Rights thereafter. Restriction on Disposal of Shares. 10*l.* Penalty. Contents of Certificates of Shares. Penalty as to false Certificate, § 26.
28. *Regulation of Companies.* Directors :—Powers of Directors. Restriction as to lending Money, § 27.
29. Pecuniary Qualification of Directors, Patrons, &c., § 28.
30. Disqualification of Directors. As to Contracts. Approval of General Meeting of Shareholders. As to Shares, &c., § 29.
31. Validity of Acts of Directors, § 30.
32. Acts of Fraud or wilful Omission by Directors or Officers a Misdemeanor, § 31.
33. Authentication and legal Effect of Books of Record, § 32.
34. Inspection of Books of Registry, § 33.
35. Account Books, § 34.
36. Balancing of Books. Examination of Balance Sheet, § 35.
37. Production of the Balance Sheet, § 36.
38. Inspection of Accounts by Shareholders. Occasional Inspection, § 37.
39. Auditors :—Appointment of Auditors by Company. By Board of Trade. Salary of such Auditor, § 38.
40. Delivery of Accounts to Auditors. Auditors to receive and examine Accounts, § 39.
41. Powers of Auditors. Assistance to Auditors, § 40.
42. Report by Auditors, § 41.
43. Publication of Reports, § 42.
44. Balance Sheet and Auditors Report to be registered, § 43.
45. Contracts :—Requisites of Contracts. Report to Secretary. Liability, § 44.
46. Requisites of Bills and Notes by Company. Signatures of Two Directors. Countersign of Secretary. Endorsation. Report and Entry thereof. Liability. Directors and Officers not personally liable. Liability of Company and Members, § 45.
47. Deeds, &c. to be signed by Two Directors, § 46.
48. Bye Laws :—Form of Bye Laws. Registration and Publication thereof, § 47.
49. Bye Laws to be Evidence, § 48.
50. Capital :—Register of Shareholders, § 49.
51. Inspection of Register of Shareholders, § 50.
52. Requisites of Certificates of Shares. Fee for Certificate. Form of Certificate, § 51.
53. Legal Effect of Certificate as Evidence, § 52.
54. Renewal of Certificate. Substituted Certificate. Entry thereof, § 53.
55. Transfer of Shares. Deed to be registered. Endorsement of Transfer. Effect of Nondelivery of Transfer. No Transfer if Shares are not paid up, § 54.
56. Proceedings to recover Instalments of Capital. Form of Declaration for Instalments. Evidence. Recovery of Instalments and Interest, § 55.
57. Notification to joint Proprietors, § 56.
58. Deeds of Settlement :—Publication thereof. Inspection thereof on Demand. Penalty, § 57.
59. Existing Companies :—Registration of existing Companies. Returns of Matters for Registration. Certificate of Registration *gratis.* Penalty, § 58.
60. Privileges of future Companies under this Act extended to existing Companies fully constituted ; or existing Companies fully complying. Effect of Certificate of complete Registration. Incorporation. Alteration of Deeds of

of Settlement in compliance with this Act. Fees for Certificates of complete Registration for existing Companies, § 59.

61. Registration of Companies begun or formed after the passing of this Act, § 60.
62. Effect of Incorporation of existing Companies in respect of their Obligations, § 61.
63. Modification of Conditions and Regulations as to Companies. Board of Trade to receive and decide Applications. Return to Parliament by Board of Trade, § 62.
64. Act not to extend to certain Partnerships for working Mines, &c., § 63.
65. Nor to *Irish* Anonymous Partnerships, § 64.
66. *Prevention of fraudulent Companies.* Punishment for Pretences as to Patronage, &c., § 65.
67. *Legal Proceedings.* Effect of Judgments against a Company and Shareholders. Former Shareholders. No Execution against former Shareholders beyond Three Years after ceasing to be a Shareholder, § 66.
68. Reimbursement of Shareholders against whom Execution issued. Contribution by other Shareholders, § 67.
69. Proceedings in Execution against the Person or Property of a Shareholder. Alteration of Orders by the Court. Notice, § 68.
70. Recovery of Penalties :—Proceedings before Two Justices, § 69.
71. Appropriation of Penalties, § 70.
72. Summons in the Recovery of Penalties. Proceedings, § 71.
73. Compulsory Attendance of Witnesses, § 72.
74. Limitation of Proceedings for Penalties, § 73.
75. Appeal to Quarter Sessions. Proceedings, § 74.
76. Informalities. No Certiorari, § 75.
77. Recovery of Penalties by Action. Specification of Amount, § 76.
78. Actions, &c. for Penalties to be in the Name and with the Consent of the Attorney General; otherwise void, § 77.
79. *Miscellaneous.* Authentication of Acts by Committee of Privy Council for Trade, § 78.
80. Annual Report to Parliament, § 79.
81. For facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, 7 & 8 *Vict. c.* 111.
82. If any incorporated commercial or trading Company, or any other Body of Persons associated together for commercial or trading Purposes, as herein described, shall commit any Act which is hereby deemed an Act of Bankruptcy on the Part of such Company, a Fiat in Bankruptcy may issue against the same, and be prosecuted in like Manner as against other Bankrupts, subject to the Provisions herein-after made, § 1.
83. Bankruptcy of Company not to be construed to be the Bankruptcy of any Member individually, § 2.
84. Service of Adjudication of Bankruptcy on Company, and Surrender, how to be made, § 3.
85. Declaration of Insolvency in pursuance of a Resolution of the Boards of Directors under the Common Seal of the Company, or signed by the Chairman, and attested by the Solicitor of the Company, and filed in the Office of the Secretary of Bankrupts, to be an Act of Bankruptcy, § 4.
86. Company not paying, securing, or compounding for a Judgment Debt, upon which the Plaintiff might sue out Execution, within Fourteen Days after Notice requiring Payment, an Act of Bankruptcy, § 5.
87. Company disobeying Order of any Court of Equity, &c. for Payment of Money after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy, § 6.
88. Creditor filing an Affidavit of Debt in one of the Superior Courts, and issuing a Writ of Summons thereon, if the Company do not, within a Month, pay, secure, or compound to the Satisfaction of the Creditor, or satisfy a Judge of their Intention to defend on the Merits, and enter an Appearance to the Action, an Act of Bankruptcy, § 7.
89. Assignees of the Estate of a Company may maintain Action to recover a Debt, and any Person may claim under a Fiat against a Company any Debt due on the Balance of Accounts, § 8.
90. Members Share not to be set off against a Demand which the Assignees of the Estate and Effects of a Company adjudged bankrupt may have against such Member, § 9.
91. No Action, &c. by a Creditor of a Company, so far as concerns his Recourse against the Person or Property of any individual Member, to affect his Right to issue or prove under a Fiat against the Company for any Debt remaining unsatisfied; and a Fiat, or a Proof or Proceeding thereon, not to affect any Action by a Creditor, so far as concerns his Recourse to the Person or Property of any individual Member, § 10.
92. The Law and Practice in Bankruptcy to extend, so far as applicable, to Fiats under this Act, § 11.
93. The Court may order the Directors of a Company adjudged bankrupt, &c., to prepare and file a Balance Sheet and Accounts, and to make Oath of the Truth thereof; and the Court may make Allowance out of the Estate for the Preparation thereof, § 12.
94. Persons ordered by the Court to prepare the Balance Sheet to be under the like Obligation to surrender at the last Examination under the Fiat, and to submit to be examined, &c., and to incur such Danger or Penalty for not conforming, &c., as is now provided against a Bankrupt, § 13.
95. And to have the same Freedom from Arrest, § 14.
96. The Court, before Adjudication, may summon any Person, whether a Member of the Company or not, to give Evidence as to the Trading and any Act of Bankruptcy, and, after Adjudication, the Court may summon and examine any Person who is suspected to have Property of the Company in his Possession, or to be indebted to the Company, &c. and to compel him to produce Books, &c., § 15.
97. As to Costs where a Person summoned under a Fiat against a Company was a Member thereof, § 16.
98. Penalty on Members (other than those who are ordered to prepare the Balance Sheet), and on other Persons, wilfully concealing the Estate of the Company, 100*l.* and Double the Value of the Estate concealed; and Allowance to Persons, other than Members of the Company, for making Discovery thereof, § 17.
99. The Court, after Adjudication, may order any Treasurer, &c., or Solicitor or Agent, of the Bankrupt to deliver to the Official Assignee, or to the Bank of *England*, all Monies and Securities in his Custody or Power, which he is not by Law entitled to retain as against the Bankrupt or his Assignees, § 18.
100. If any Person disobey any Rule or Order of the Court duly made, the Court to commit him to Prison, there to remain until he conform, or until the Court or Lord Chancellor shall otherwise order, § 20.
101. The Court may direct the Assignees of the Estate of a Company

Company adjudged Bankrupt to petition the Court of Chancery for Directions for winding up the Affairs of the Company, upon which Petition an Order of Reference may be made, and Accounts taken, and upon the Confirmation of the Master's Report a Receiver may be appointed, § 20.

102. The Court of Chancery may make Order in individual Claims of Members in respect of the Transactions of the Company, § 21.

103. The Lord Chancellor, with the Advice and Consent of the Master of the Rolls and Vice Chancellors, to make Rules and Orders as to the Form and Mode of Proceeding for settling and enforcing Contribution to be made by Members of Company, and the Practice to be observed by the Court of Chancery and the Members in such Proceedings, § 22.

104. The Act 41 *G.* 3. (U. K.) *c.* 90. to extend to Decrees or Orders made by the Court of Chancery in any Suit under this Act, § 23.

105. Decrees or Orders made under this Act by the Court of Chancery may be registered in *Scotland*, and Execution may be had as upon a Decree interponed upon a Bond, with a Clause of Registration, § 24.

106. Previous to passing the last Examination the Court shall inquire into the Cause of the Failure of a Company, and after the last Examination shall cause a Copy of the Balance Sheet to be transmitted to the Board of Trade, and certify the Cause of the Failure, and any special Circumstances, and annex a Copy of any Examinations deemed material, § 25.

107. After the Court shall have certified to the Board of Trade the Cause of the Failure of such Company, the Queen, upon the Recommendation of the Board of Trade, may revoke and make void any Privileges granted to the Company, and determine the Company, § 26.

108. After the Court shall have certified to the Board of Trade the Cause of the Failure of any Company adjudged bankrupt, the Board may institute Prosecutions in certain Cases, § 27.

109. Until Determination of Company by the Crown, it shall be considered as subsisting for the original Purposes, and, notwithstanding such Determination, shall be considered as subsisting so far as necessary for winding up, § 28.

110. Notwithstanding Determination of Company in any other Manner, the same to be considered as subsisting so long as any Matters remain unsettled, § 29.

111. Any Member of a Company adjudged bankrupt, with Knowledge of or in contemplation of a Bankruptcy, destroying or falsifying Books, &c. of the Company, or making false Entries, &c., guilty of a Misdemeanor, § 30.

112. Construction of the Act, § 31.

113. Commencement of Act, § 32.

See *Incorporated Companies.*

Justice, See Administration of Justice.

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Labour in Factories, See Factories.

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1. To appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes, 7 & 8 *Vict. c.* 79.
2. Appointment of additional Commissioners, § 1.
3. Powers of former Acts extended to this Act, § 2.

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3. Interpretations in this Act, § 2.
4. Interpretations in this and the special Act, § 3.
5. Short Title of the Act, § 4.
6. Form in which Portions of this Act may be incorporated with other Acts, § 5.
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8. Parties under Disability enabled to sell and convey, § 7.
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10. Amount of Compensation in case of Parties under Disability to be ascertained by Valuation, and paid into the Bank, § 9.
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13. Power to purchase Lands required for additional Accommodation, § 12.
14. Authority to sell and re-purchase such Lands, § 13.
15. Restraint on Purchase from incapacitated Persons, § 14.
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24. Compensation exceeding 50*l.* to be settled by Arbitration or Jury, at the Option of the Party claiming Compensation, § 23.
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31. If either Arbitrator refuse to act the other to proceed *ex parte*, § 30.
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2. 3 & 4 *Vict.* *c.* 110. continued as above, § 1.
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2. *Waveney* River.—Improving Navigation of, 7 & 8 *Vict.* *c.* ix.
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5. *Newquay.*—Improving Pier and Harbour, 7 & 8 *Vict.* *c.* xxiii.
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9. *Swansea* Harbour.—Improving, 7 & 8 *Vict.* c. xliv.
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11. *Newport* Dock Company.—Raising further Money, 7 & 8 *Vict.* c. lxxviii.
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13. *Nottingham* Canal.—Amending Act, 7 & 8 *Vict.* c. lvii.
14. *Birkenhead.*—Constructing Tidal Basins, Dock, &c., 7 & 8 *Vict.* c. lxxix.
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16. *Wells.*—Improving Harbour and Quay, 7 & 8 *Vict.* c. xciii.
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14. *Foulmire.*—Inclosing, 8 & 9 *Vict. c.* 2.
15. *Saint Mary Leicester.*—Freemen's Allotments, 8 & 9 *Vict. c.* 6.
16. *Saint Mary Nottingham.*—Inclosing, 8 & 9 *Vict. c.* 7.
17. *Clun.*—Inclosing, 8 & 9 *Vict. c.* 8.
18. *Winwick.*—Dividing Rectory, 8 & 9 *Vict. c.* 9.
19. *Kidwelly.*—Inclosing, 8 & 9 *Vict. c.* 11.

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1. From *Sidmouth* to *Collumpton* and also to *Hele, Devon.*—Making Road, 7 & 8 *Vict. c.* xlix.
2. From *Flint Lane* to *Holmfrith*, and thence to the *Huddersfield* and *Woodhead* Road, and from *Bents* to *Dunford Bridge, Yorkshire.*—Repairing and making new Road, 7 & 8 *Vict. c.* lxxii.
3. From *Market Harborough* to *Coventry.*—Repairing Road, 7 & 8 *Vict. c.* lxxiii.
4. From *Sparrows Herne* to *Aylesbury.*—Repairing Road, 8 & 9 *Vict. c.* ix.
5. From *Stanford Bridge, Worcestershire*, to Road from *Clifton* to *Worcester.*—Making Road, 8 & 9 *Vict. c.* x.
6. *Glasgow, Parkhead*, and *Woodend.*—Completing Roads, 8 & 9 *Vict. c.* xiv.
7. *Stokenchurch* and *Woodstock.*—Repairing Road, 8 & 9 *Vict. c.* xxx.
8. From *Shepley Lane Head* to *Barnesley* and *Grange Moor Road.*—Making Road, 8 & 9 *Vict. c.* clx.
9. From *Harwell* to *Streatley, Berks.*—Repairing Road, 8 & 9 *Vict. c.* cl.
10. From *Glasgow* to *Yoker Bridge.*—Improving Road, 8 & 9 *Vict. c.* cxcv.

RAILWAY AND OTHER COMPANIES.

1. *Bolton and Preston* Railway.—To effectuate Sale of, 7 & 8 *Vict. c.* ii.
2. *Great Western, Cheltenham and Great Western Union*, and *Oxford* Railways.—To amend Acts, 7 & 8 *Vict. c.* iii.
3. *Yarmouth and Norwich* Railway. — To amend Acts, 7 & 8 *Vict. c.* iv.
4. From *South-western* to *Guildford.*—Making Railway, 7 & 8 *Vict. c.* v.
5. *Durham* Coal Company.—To regulate legal Proceedings by and against, 7 & 8 *Vict. c.* xiv.
6. *Norwich* to *Brandon.*—Making Railway, 7 & 8 *Vict. c.* xv.
7. From *Manchester and Leeds* Railway to *Heywood.*—Making Railway, 7 & 8 *Vict. c.* xvi.
8. *Manchester and Birmingham* Railway Company. — Enabling, to vary Line of Branch to *Macclesfield*, 7 & 8 *Vict. c.* xvii.
9. *North Midland, Midland Counties*, and *Birmingham and Derby Junction.*—Consolidating, 7 & 8 *Vict. c.* xviii.
10. *Eastern Counties.*—Rectifying Mistake as to Proceedings on Bill, 7 & 8 *Vict. c.* xix.
11. ——— Leasing the *Northern and Eastern* to, 7 & 8 *Vict. c.* xx.
12. *Leeds and Selby.*—Vesting, in the *York and North Midland*, 7 & 8 *Vict. c.* xxi.
13. *Furness* Railway.—Making, 7 & 8 *Vict. c.* xxii.
14. *South-eastern* Company.—Enabling, to make a Railway to *Canterbury, Margate*, and *Ramsgate*, 7 & 8 *Vict. c.* xxv.
15. *Pontop and South Shields* Company.—Enabling, to widen their Railway, 7 & 8 *Vict. c.* xxvi.
16. *Durham Junction* Railway.—Authorizing Sale of, &c., 7 & 8 *Vict. c.* xxvii.
17. New *British* Iron Company.—Granting certain Powers to, 7 & 8 *Vict. c.* xxx.
18. *Northern* Coal Mining Company.—Enabling, to raise Money, 7 & 8 *Vict. c.* xxxi.
19. From *Blackburn* to the *North Union* Railway.—Making Railway, 7 & 8 *Vict. c.* xxxiv.
20. *Northern and Eastern* Company.—Enabling, to make Deviations, &c. 7 & 8 *Vict. c.* xxxv.
21. *Maryport and Carlisle* Railway. — Amending Act, 7 & 8 *Vict. c.* xxxvi.
22. From *Lancaster* to *Carlisle.* — Making Railway, 7 & 8 *Vict. c.* xxxvii.
23. *Leeds* New Gas Company.—Amending Act, 7 & 8 *Vict. c.* xxxviii.
24. *Globe* Insurance Company.—Altering Deed of Settlement, 7 & 8 *Vict. c.* xxxix.
25. *Sheffield* Gas Light Companies.—Uniting, 7 & 8 *Vict. c.* xlv.
26. *British* Iron Company.—Facilitating the Settlement of their Affairs, 7 & 8 *Vict. c.* xlvi.
27. *Cwm Celyn* and *Blaina* Iron Company. — Enlarging Powers of 2 *Vict. Sess.* 2.—7 & 8 *Vict. c.* xlvii.

28. *European* Life Assurance Company.—Regulating legal Proceedings by or against, 7 & 8 *Vict.* *c.* xlviii.
29. *Edinburgh and Glasgow* Railway.—Extending, 7 & 8 *Vict.* *c.* lviii.
30. From *Leeds* to *Bradford.*—Making Railway, 7 & 8 *Vict.* *c.* lix.
31. *Manchester, Bury, and Rossendale* Railway.—Making, 7 & 8 *Vict.* *c.* lx.
32. From *York* to *Scarborough.*—Making Railway, 7 & 8 *Vict.* *c.* lxi.
33. From *Newport* to *Ely*, &c.—Making Railway, 7 & 8 *Vict.* *c.* lxii.
34. From the *South-western* to *Salisbury.*—Making Railway, 7 & 8 *Vict.* *c.* lxiii.
35. From *Whitehaven* to *Maryport.*—Making Railway, 7 & 8 *Vict.* *c.* lxiv.
36. From *Chester* to *Holyhead.*—Making Railway, 7 & 8 *Vict.* *c.* lxv.
37. From *Edinburgh* to *Berwick.*—Making Railway, 7 & 8 *Vict.* *c.* lxvi.
38. From *Shoreham* to *Chichester.*—Making Railway, 7 & 8 *Vict.* *c.* lxvii.
39. From *Exeter* to *Plymouth.*—Making Railway, 7 & 8 *Vict.* *c.* lxviii.
40. *South-eastern* Company.—Enabling, to make a Branch to *Folkestone*, &c., 7 & 8 *Vict.* *c.* lxix.
41. *Edinburgh and Glasgow* and *Slamannan* Railways.—Connecting, 7 & 8 *Vict.* *c.* lxx.
42. From *Stratford, Essex*, to the *Thames.*—Making Railway, &c., 7 & 8 *Vict.* *c.* lxxi.
43. *York* Gas Light Company and *York* Union Gas Light Company.—Uniting, &c., 7 & 8 *Vict.* *c.* lxxiv.
44. *Edinburgh, Leith, and Newhaven* Railway.—Altering Acts, &c., 7 & 8 *Vict.* *c.* lxxxi.
45. From *Manchester and Leeds* Railway to *Ashton-under-Lyne* and *Stalybridge.*—Making Railway, 7 & 8 *Vict.* *c.* lxxxii.
46. *Sheffield, Ashton-under-Lyne, and Manchester* Railway Company.—Enabling, to make a Branch to *Ashton-under-Lyne* and *Stalybridge*, 7 & 8 *Vict.* *c.* lxxxiii.
47. *Taff Vale* Railway.—Amending Acts, &c., 7 & 8 *Vict.* *c.* lxxxiv.
48. From *Colchester* to *Ipswich.*—Making Railway, 7 & 8 *Vict.* *c.* lxxxv.
49. *South-western* Railway.—Amending Acts, &c. 7 & 8 *Vict.* *c.* lxxxvi.
50. *Garnkirk and Glasgow* Railway.—Extending Line, 7 & 8 *Vict.* *c.* lxxxvii.
51. From *Mellorn* to *Blackrock, Cornwall.*—Making Railway, 7 & 8 *Vict.* *c.* lxxxviii.
52. Parish of *Necton, Norfolk.*—Rectifying Apportionment of Tithe Rent-charge, 7 & 8 *Vict.* *c.* lxxxix.
53. *Gaspé* Fishery and Coal Mining Company, *Canada.*—Extending Act, 7 & 8 *Vict.* *c.* xc.
54. From *London and Brighton* Railway to *Lewes* and *Hastings.*—Making Railway, 7 & 8 *Vict.* *c.* xci.
55. *Croydon* to *Epsom.*—Making Railway, 7 & 8 *Vict.* *c.* xcii.
56. *London* Gas Light Company.—Incorporating, 7 & 8 *Vict.* *c.* xcv.
57. Mariners and General Life Assurance Company.—Regulating Proceedings by and against, 7 & 8 *Vict.* *c.* xcvi.
58. *London and Croydon* Railway Company.—Continuing and extending Powers of, 7 & 8 *Vict.* *c.* xcvii.
59. *Wishaw and Coltness* Railway Company.—Altering and in part repealing Acts, 7 & 8 *Vict.* *c.* xcviii.
60. *North Wales* Mineral Railway.—Making, 7 & 8 *Vict.* *c.* xcix.
61. From *Dublin* to *Cashel*, with a Branch to *Carlow.*—Making, 7 & 8 *Vict.* *c.* c.
62. Enabling Corporation of *London* to raise Money to pay off Charges on Tolls, 8 & 9 *Vict.* *c.* i.
63. *London* Orphan Asylum.—Incorporating, 8 & 9 *Vict.* *c.* vii.
64. Amicable Society.—Enabling to lend Money on Mortgage, &c., 8 & 9 *Vict.* *c.* viii.
65. Royal Naval School and Patriotic Fund.—Effecting Arrangement between, 8 & 9 *Vict.* *c.* xxii.
66. North *British* Insurance Company.—Enabling, to purchase Annuities, 8 & 9 *Vict.* *c.* xxviii.
67. *Glasgow, Garnkirk, and Coatbridge* Railway.—Enabling, to improve Gauge of Rails, 8 & 9 *Vict.* *c.* xxxi.
68. *Kendal and Windermere* Railway.—Making, 8 & 9 *Vict.* *c.* xxxii.
69. *Chester and Holyhead* Railway.—Completing, 8 & 9 *Vict.* *c.* xxxiii.
70. *York and Scarborough* Railway.—Altering Line, 8 & 9 *Vict.* *c.* xxxiv.
71. *Manchester, Bury, and Rossendale* Railway.—Extending to *Blackburn*, &c., 8 & 9 *Vict.* *c.* xxxv.
72. From *Leeds* to *Huddersfield.*—Making Railway, 8 & 9 *Vict.* *c.* xxxvi.
73. From *Dunstable* to *Leighton Buzzard.*—Making Railway, 8 & 9 *Vict.* *c.* xxxviii.
74. From *Reading* to *Newbury* and *Hungerford.*—Making Railway, 8 & 9 *Vict.* *c.* xl.
75. *Yarmouth and Norwich* and *Norwich and Brandon* Railways.—Consolidating, 8 & 9 *Vict.* *c.* xli.
76. From *Shrewsbury* to *Ruabon.*—Making Railway, 8 & 9 *Vict.* *c.* xlii.
77. From *Bedford* to *Bletchley.*—Making Railway, 8 & 9 *Vict.* *c.* xliii.
78. From *Blackburn* to *Bolton.*—Making Railway, 8 & 9 *Vict.* *c.* xliv.
79. From *Lowestoft* to *Reedham.*—Making Railway, 8 & 9 *Vict.* *c.* xlv.
80. *Monkland and Kirkintilloch* Railway.—Improving Gauge of Rails, 8 & 9 *Vict.* *c.* xlvi.
81. From *North Shields* to *Tynemouth.*—Making Railway, 8 & 9 *Vict.* *c.* xlvii.
82. From *Ely* to *Huntingdon.*—Making Railway, 8 & 9 *Vict.* *c.* xlviii.
83. From *Nottingham* to *Newark* and *Lincoln.*—Extending *Midland* Railway, 8 & 9 *Vict.* *c.* xlix.
84. From *Bole* to *Great Grimsby.*—Making Railway, 8 & 9 *Vict.* *c.* l.
85. From *Hull and Selby* Railway to *Bridlington.*—Making Branch, 8 & 9 *Vict.* *c.* li.
86. *Brighton, Lewes, and Hastings* Railway.—Making Branch to *Keymer*, 8 & 9 *Vict.* *c.* lii.
87. *Wilts, Somerset, and Weymouth* Railway.—Making, 8 & 9 *Vict.* *c.* liii.
88. *Manchester and Leeds* Railway.—Amending Acts, 8 & 9 *Vict.* *c.* liv.
89. From *Lynn* to *Ely.*—Making Railway, 8 & 9 *Vict.* *c.* lv.
90. From *Syston* to *Peterborough.*—Making Railway, 8 & 9 *Vict.* *c.* lvi.
91. *Whitby and Pickering* Railway.—Selling, 8 & 9 *Vict.* *c.* lvii.
92. From *Seamer* to *Bridlington.*—Making Branch, 8 & 9 *Vict.* *c.* lviii.
93. *Vauxhall* and *Southwark* Water Companies.—Uniting, 8 & 9 *Vict.* *c.* lxix.

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94. Standard Life Assurance Company Act.—Extending, 8 & 9 *Vict. c.* lxxv.
95. Edinburgh Life Assurance Company. — Conferring Privileges on, 8 & 9 *Vict. c.* lxxvi.
96. Watermen's Company. — Enabling, to invest Funds on Mortgage, &c., 8 & 9 *Vict. c.* lxxviii.
97. *Greenwich* Railway.—Leasing, 8 & 9 *Vict. c.* lxxx.
98. From *Belfast* to *Ballymena.* — Making Railway, 8 & 9 *Vict. c.* lxxxi.
99. *Edinburgh and Dalkeith* Railway. — Purchase of, 8 & 9 *Vict. c.* lxxxii.
100. *Lancaster and Carlisle* Railway. — Altering Line, 8 & 9 *Vict.* c. lxxxiii.
101. From *York and North Midland* Railway to *Harrogate.* —Making Railway, 8 & 9 *Vict. c.* lxxxiv.
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103. *Guildford Junction* Railway. — Sale of, 8 & 9 *Vict. c.* lxxxvi.
104. From *Exeter* to *Crediton.*—Making Railway, 8 & 9 *Vict. c.* lxxxvii.
105. *Sheffield and Rotherham* with *Midland* Railways. — Consolidating, 8 & 9 *Vict. c.* xc.
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107. *Brandling Junction* Railway.—Purchase of, 8 & 9 *Vict. c.* xcii.
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113. From *Londonderry* to *Enniskillen.*—Making Railway, 8 & 9 *Vict. c.* xcviii.
114. *Chester and Birkenhead* Railway.—Extending, 8 & 9 *Vict. c.* xcix.
115. *Whitehaven and Furness Junction* Railway.—Making, 8 & 9 *Vict. c.* c.
116. *Manchester, Bury, and Rossendale.*—Amending Act, 8 & 9 *Vict. c.* ci.
117. *Great North of England and Richmond* Railway.—Making, 8 & 9 *Vict. c.* cii.
118. *Blackburn and Preston* Railway. — Altering Line, 8 & 9 *Vict. c.* ciii.
119. From *Leeds* to *Thirsk.*—Making a Railway, 8 & 9 *Vict. c.* civ.
120. From *Stalybridge* to *Kirkheaton.*—Making a Railway, 8 & 9 *Vict. c.* cv.
121. *North Wales* Railway.—Making a Railway, 8 & 9 *Vict. c.* cvi.
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123. *Manchester and Birmingham* and *Sheffield, Ashton, and Manchester* Railways.—Connecting, 8 & 9 *Vict. c.* cviii.
124. *Ashton, Staylybridge, and Liverpool Junction* Railway.—Amending Act, 8 & 9 *Vict. c.* cix.
125. *Eastern Counties* Railway.—Making Deviation between *Ely* and *Peterborough,* 8 & 9 *Vict. c.* cx.
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128. From *London and Brighton* Railway to *Horsham.*— Making Branch, 8 & 9 *Vict. c.* cxiii.
129. *Ulster* Railway.—Amending Act, 8 & 9 *Vict. c.* cxiv.
130. *North Wales* Mineral Railway.—Extending, to *Ruabon,* 8 & 9 *Vict. c.* cxv.
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132. *Sankey Brook* Navigation.—Uniting, with the *Saint Helen's and Runcorn Gap* Railway, 8 & 9 *Vict. c.* cxvii.
133. *Great North of England, Clarence, and Hartlepool Junction* Railway. — Making Branch, 8 & 9 *Vict. c.* cxviii.
134. From *Dublin* to *Mullingar* and *Longford.* — Making Railway, 8 & 9 *Vict. c.* cxix.
135. From *Cockermouth* to *Workington.*—Making Railway, 8 & 9 *Vict. c.* cxx.
136. *Richmond* (*Surrey*) Railway. — Making Railway, 8 & 9 *Vict. c.* cxxi.
137. From *Cork* to *Bandon.*—Making Railway, 8 & 9 *Vict. c.* cxxii.
138. *Liverpool and Manchester* Railway. — Extending, 8 & 9 *Vict. c.* cxxiii.
139. *Great Southern and Western* Railway.—Extending, 8 & 9 *Vict. c.* cxxiv.
140. *Preston and Wyre* Railway. — Amending Acts, 8 & 9 *Vict. c.* cxxv.
141. From *Lynn* to *East Dereham.* — Making Railway, 8 & 9 *Vict. c.* cxxvi.
142. From *Middlesbro'* to *Redcar.* — Making Railway, 8 & 9 *Vict. c.* cxxvii.
143. From *Dublin and Drogheda* Railway to *Howth.*— Making Branch, 8 & 9 *Vict. c.* cxxviii.
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145. From *Drogheda* to *Portadown.* — Making Railway, 8 & 9 *Vict. c.* cxxx.
146. From *Waterford* to *Limerick.* — Making Railway, 8 & 9 *Vict. c.* cxxxi.
147. Corporation of *Quinborowe.*—Providing for Payment of their Debts, 8 & 9 *Vict. c.* cxliv.
148. Reversionary Interest Society. — Regulating legal Proceedings, 8 & 9 *Vict. c.* cxlvi.
149. Agricultural and Commercial Bank of *Ireland.* — Winding up Affairs of, 8 & 9 *Vict. c.* cxlvii.
150. *Wear* Valley Railway.—Making, 8 & 9 *Vict. c.* clii.
151. *Aberdeen* Railway.—Making, 8 & 9 *Vict. c.* cliii.
152. *Norwich and Brandon* Railway. — Altering Line, 8 & 9 *Vict. c.* cliv.
153. *Bristol and Exeter* Railway. — Amending Acts, 8 & 9 *Vict. c.* clv.
154. *London and Birmingham* Railway.—Enabling, to take Lease of *West London* Railway, 8 & 9 *Vict. c.* clvi.
155. *Dundee and Perth* Railway. — Making, 8 & 9 *Vict. c.* clvii.
156. *Edinburgh and Northern* Railway.—Making, 8 & 9 *Vict. c.* clviii.
157. *Aberdare* Railway.—Making, 8 & 9 *Vict. c.* clix.
158. *Clydesdale Junction* Railway. — Making, 8 & 9 *Vict. c.* clx.
159. *Scottish Central* Railway.—Making, 8 & 9 *Vict. c.* clxi.
160. *Caledonian* Railway.—Making, 8 & 9 *Vict. c.* clxii.
161. The *Newcastle and Berwick* Railway. — Making, 8 & 9 *Vict. c.* clxiii.
162. From the *Edinburgh and Hawick* Railway to *Hawick* —Making, 8 & 9 *Vict. c.* clxiv.

163. *London and South-western* Railway.—Amending Acts, 8 & 9 *Vict.* c. clxv.
164. From *Liverpool* to *Wigan, Bolton, and Bury.*—Making Railway, 8 & 9 *Vict.* c. clxvi.
165. From *South-eastern* Railway to *Tunbridge Wells.*—Making Branch, 8 & 9 *Vict.* c. clxvii.
166. *Monmouthshire* Canal Company.—Enabling, to make a Railway from *Newport* to *Pontypool*, 8 & 9 *Vict.* c. clxix.
167. From *Perth* to *Forfar.*—Making Railway, 8 & 9 *Vict.* c. clxx.
168. *Manchester and Leeds* Railway.—Raising further Money, 8 & 9 *Vict.* c. clxxi.
169. From *Manchester and Leeds* Railway to *Pontefract* and *Goole.*—Making Railway, 8 & 9 *Vict.* c. clxxii.
170. *Leeds and Bradford* Railway Act.—Rectifying Mistake in, 8 & 9 *Vict.* c. clxxxi.
171. *Glasgow Junction* Railway.—Making, 8 & 9 *Vict.* c. clxxxii.
172. *Birmingham and Gloucester* Railway.—Making Extension Lines and Branches, 8 & 9 *Vict.* c. clxxxiii.
173. From *Oxford* to *Worcester* and *Wolverhampton.*—Making Railway, 8 & 9 *Vict.* c. clxxxiv.
174. *London and South-western* Railway.—Amending Acts, 8 & 9 *Vict.* c. clxxxv.
175. *South-eastern* Railway.—Widening *Greenwich* Railway, 8 & 9 *Vict.* c. clxxxvi.
176. From *Londonderry* to *Coleraine.*—Making Railway, 8 & 9 *Vict.* c. clxxxvii.
177. From *Oxford* to *Rugby.*—Making Railway, 8 & 9 *Vict.* c. clxxxviii.
178. From *Sawley* to *Alfreton.*—Making Railway, 8 & 9 *Vict.* c. clxxxix.
179. *South Wales* Railway.—Making Railway, 8 & 9 *Vict.* c. cxc.
180. From *Monmouth* to *Hereford.*—Making Railway, 8 & 9 *Vict.* c. cxci.
181. *Glasgow, Barrhead, and Neilston* Railway.—Making Railway, 8 & 9 *Vict.* c. cxcii.
182. *London and Croydon* Railway.—Widening, 8 & 9 *Vict.* c. cxcvi.
183. *South-eastern* Railway.—Making Branch to *Deal*, &c., 8 & 9 *Vict.* c. cxcvii.
184. *Bolton and Leigh, Kenyon and Leigh*, &c. Railways.—Consolidating, 8 & 9 *Vict.* c. cxcviii.
185. From *Brighton and Chichester* Railway to *Portsmouth.*—Making Railway, 8 & 9 *Vict.* c. cxcix.
186. From *Bulverhithe* to *Ashford.*—Making Railway, 8 & 9 *Vict.* c. cc.
187. From *Cambridge* to *Huntingdon.*—Making Railway, 8 & 9 *Vict.* c. cci.
188. From *Stepney* to *Eastern Counties* Railway.—Making Railway, 8 & 9 *Vict.* c. cciii.

Lotteries.

1. To amend an Act of the Seventh Year of King *William* the Fourth, for preventing the advertising of Foreign and other illegal Lotteries; and to discontinue certain Actions commenced under the Provisions of the said Act, 8 & 9 *Vict.* c. 74.
2. 6 & 7 *W.* 4. c. 66. Persons sued before the passing of this Act for Penalties incurred under the recited Act may apply to the Court or a Judge to stay Proceedings on certain Conditions, § 1.
3. Not to extend to Actions in which Judgment has been obtained, &c., § 2.
4. Penalties incurred under said Act to go wholly to Her Majesty, § 3.
5. Fines, &c, may be sued for in the Name of the Attorney or Solicitor General in *England* or *Ireland*, or Her Majesty's Advocate for *Scotland*, &c., § 4.

Lunatics.

1. For the Regulation of the Care and Treatment of Lunatics, 8 & 9 *Vict.* c. 100.
2. The following Acts repealed, except as they repeal other Acts: 2 & 3 *W.* 4. c. 107. 3 & 4 *W.* 4. c. 64. 5 & 6 *W.* 4. c. 22. 1 & 2 *Vict.* c. 73. 5 *Vict.* c. 4. 5 & 6 *Vict.* c. 87. Proviso that present Visitors and Clerk shall act under this Act till new ones are appointed; and that Licences heretofore granted shall remain in force, unless, &c. § 1.
3. Commissioners in Lunacy under 5 & 6 *Vict.* c. 84. to be henceforth called "The Masters in Lunacy," § 2.
4. Appointment of "The Commissioners in Lunacy," § 3.
5. In case of Death, Disqualification, Refusal, or Inability of Commissioners, others to be appointed, § 4.
6. Provision for retiring Pension to incapacitated Commissioners, § 5.
7. Commissioners to take the following Oath, § 6.
8. Commissioners to have a Common Seal, § 7.
9. Commissioners to elect a permanent Chairman, § 8.
10. Appointment of Secretary, § 9.
11. Provision for Retiring Pension to Secretary, § 10.
12. Power for the Commissioners to appoint Two Clerks, § 11.
13. Secretary and Clerks to take an Oath, § 12.
14. Clerk of the Metropolitan Commissioners to deliver all Documents to the Commissioners under this Act, § 13.
15. Jurisdiction within which Commissioners are to grant Licences, and termed their immediate Jurisdiction, defined, § 14.
16. Commissioners to hold Quarterly and Special Meetings for granting Licences, § 15.
17. Provision for summoning Special Meetings, § 16.
18. Justices of the Peace in all other Parts of *England* to license Houses for the Reception of Lunatics, and to appoint Visitors, § 17.
19. For Appointment of a Visitor in the place of one dying, being unable, &c., § 18.
20. Lists of Visitors to be published in a Newspaper, and to be sent to the Commissioners. Penalty for Default, § 19.
21. Every Visitor, being a Physician, &c., to be remunerated, § 20.
22. Clerk of the Peace, or some other Person, to be appointed to be Clerk to Visitors; his Duties and Remuneration, § 21.
23. Provision for Assistants to the Clerk of the Visitors. Oath of Assistant, § 22.
24. Persons interested in any licensed House, or being Medical Attendant on any Patient therein, disqualified to act as Commissioner, Visitor, Secretary, Clerk, or Assistant. Disqualified Persons acting a Misdemeanor. Physicians, &c. contravening, Penalty 10*l.*, § 23.
25. Fourteen Days previous Notice of intended Application for and Plan of licensed House to be given to the Commissioners or Clerk of the Peace, § 24.
26. No Licence to include more than One House, but detached Buildings, in certain Cases, to be considered Part of the House, § 25.

27. Notice

27. Notice of all Additions and Alterations to be given to the Commissioners or Clerk of the Peace, § 26.
28. Untrue Statement a Misdemeanor, § 27.
29. A Copy of every Licence granted by Justices to be sent to the Commissioners, § 28.
30. Every Person applying for the Renewal of a Licence to furnish a Statement of the Number and Class of Patients then detained, § 29.
31. Licences to be made out in a given Form, &c., and to be for not more than Thirteen Months, § 30.
32. Licences, &c. in Boroughs, § 31.
33. Charge for Licences to be granted in pursuance of this Act. Power to reduce the Charge for the Licence in certain Cases, § 32.
34. Application of Monies received for Licences by the Secretary of the Commissioners, § 33.
35. Secretary of the Commissioners to make out an annual Account, to be laid before the Lords of the Treasury, of all Receipts and Payments by him under this Act, § 34.
36. Balance of Payments over Receipts may be paid out of the Consolidated Fund, § 35.
37. Application of Monies received for Licences by Clerks of the Peace, § 36.
38. Clerks of the Peace to make out annual Accounts, to be laid before the Justices in Session, of all Receipts and Payments, § 37.
39. Balance of Payments over Receipts may be paid out of the Funds of the County or Borough, § 38.
40. Provision in case of the Incapacity or Death of the Person licensed, § 39.
41. In case of a licensed House being taken for public Purposes, or accidentally rendered unfit, or of the Keeper wishing to transfer his Patients to a new House, § 40.
42. Power of Revocation of Licences granted by Justices, § 41.
43. Power of Revocation and of Prohibition of Renewal of Licences granted by the Commissioners or by Justices, § 42.
44. Hospitals receiving Lunatics to have their Regulations printed, and a resident Medical Attendant, and to be registered, § 43.
45. No House to be kept for the Reception of Two or more Lunatics without a Licence, § 44.
46. No Person (not a Pauper) to be received without an Order and Medical Certificate, § 45.
47. Medical Practitioner signing such Certificate to specify Facts upon which Opinion formed, § 46.
48. Proviso that in certain Cases a Person may be received on a Certificate signed by One Medical Practitioner only, § 47.
49. No Pauper to be received into any House or Hospital for Lunatics without a certain Order and Certificate, § 48.
50. No Medical Practitioner who is interested in or attends a licensed House or Hospital to sign a Certificate for Admission of a Patient into such Place, § 49.
51. Every Person receiving a Person as a Lunatic into any House or Hospital to make an Entry thereof in a certain Form, § 50.
52. Form of Patient's Disorder to be entered in "The Book of Admissions," § 51.
53. Every Person receiving a Patient into any House or Hospital to transmit a Notice thereof to the Commissioners, and if within the Jurisdiction of any Visitors, then also to the Clerk of such Visitors, § 52.
54. Notices to be given in case of the Escape of any Patient, and of his being brought back, § 53.
55. Entry to be made, and Notice given, in case of the Death, Discharge, or Removal of any Patient, § 54.
56. On Death of a Patient, the Cause of Death to be transmitted to the Commissioners, and, if within the Jurisdiction of any Visitors, to the Clerk of the Visitors also, § 55.
57. Abuse or Ill-treatment or (in certain Cases) Neglect of a Patient to be a Misdemeanor, § 56.
58. Houses having One hundred Patients to have a resident Medical Attendant, and Houses having less to be visited by a Medical Attendant, § 57.
59. Number of Medical Visits may be reduced in Houses licensed for less than Eleven Persons, § 58.
60. A Book to be kept, to be called "The Medical Visitation Book," in which a weekly Entry is to be made, showing the Condition of the House and of the Patients, § 59.
61. A Medical Case Book to be kept, § 60.
62. All licensed Houses and Hospitals to be visited by the Commissioners, § 61.
63. Licensed Houses not within the immediate Jurisdiction of the Commissioners to be inspected Four Times a Year at least by the Visitors, § 62.
64. The Proprietor or the Superintendent of every House and Hospital to show every Part and every Patient to the Visiting Commissioners and Visitors, § 63.
65. Inquiries to be made by the Commissioners and Visitors on their Visitations, § 64.
66. Books and Documents to be produced to Visiting Commissioners and Visitors, § 65.
67. A Book to be kept, called "The Visitors Book," for the Result of Inspection and Inquiries; and a Book, called "The Patients Book," for Observations, § 66.
68. Proprietor or Resident Superintendent to transmit all Entries by Visitors and Visiting Commissioners to the Clerk of the Visitors and to the Commissioners, § 67.
69. Commissioners visiting a House licensed by Justices to make an Entry in the Patients Book as to the State of Mind of any doubtful Patient, and the same to be sent to the Clerk of the Visitors, who are thereupon to visit such Patient, § 68.
70. Visiting Commissioners to report on every Hospital within their Jurisdiction, § 69.
71. Power for the Commissioners or any Five of them to make Rules, § 70.
72. Power in certain Cases to visit by Night, § 71.
73. Discharge of private Patient by Person who ordered his Reception, § 72.
74. Provision for the Discharge of a private Patient when the Person who signed the Order for his Reception is incapable, § 73.
75. Mode of Removal or Discharge of Pauper Patients, § 74.
76. No Patient to be removed under any of the preceding Powers if certified to be dangerous, unless the Commissioners or Visitors consent, or for the Purpose of Transfer to some other Asylum, § 75.
77. Commissioners may discharge any Patient confined in a House licensed by themselves, § 76.
78. Special Visits for Discharge of any Patient in a House licensed by Justices or in an Hospital, § 77.
79. Similar Powers for Two Visitors as to Houses within their Jurisdiction, § 78.
80. Every Order for the Discharge of a Patient under the last preceding Powers to be signed by the Persons exercising them, and to be subject to certain Restrictions, § 79.
81. The last preceding Powers to be exercised under certain other Restrictions, § 80.

82. Pre-

82. Preceding Powers not to extend to Persons found lunatic by Inquisition, &c., § 81.
83. Power for Visitors and Visiting Commissioners to regulate the Dietary of Pauper Patients, § 82.
84. Power for any Visitor to give an Order to the Clerk of the Visitors to search and give Information, § 83.
85. Power for any Commissioner to give an Order to the Secretary of the Commissioners to search and give Information whether any particular Person is or has been within Twelve Months confined in any House or Hospital, § 84.
86. Any One Commissioner or Visitor may give an Order for the Admission to any Patient of any Friend or Relation, or any Person named by a Friend or Relation, § 85.
87. Proprietor or Superintendent, with Consent of Two Commissioners or Visitors, may take or send a Patient to any Place for his Health, § 86.
88. In case of the Removal of a Patient, or of his Escape and Recapture within Fourteen Days, the original Order for his Reception to remain in force, § 87.
89. Commissioners to report to the Lord Chancellor periodically, § 88.
90. Constitution of the Private Committee, § 89.
91. No Person (except a Person deriving no Profit, or a Committee,) to take charge of a single Lunatic, except upon such Order and Medical Certificates as aforesaid, and under certain Obligations, § 90.
92. Copy of the Order and Certificates, &c. with respect to Lunatics received into an unlicensed House to be entered in a private Register, § 91.
93. Members of the Private Committee to visit unlicensed Houses receiving a single Patient, and report, § 92.
94. The Lord Chancellor on such Report, and the Representation of the Private Committee, may order a Lunatic to be removed, § 93.
95. Commissioners to report if Property of Lunatics be not duly protected or applied, § 94.
96. The Lord Chancellor to direct the Master in Lunacy to report as to the Lunacy of any Person detained as a Lunatic, and to appoint Guardians of his Person and Estate, and direct the Application of his Income, § 95.
97. Masters in Lunacy to have all necessary Powers of Inquiry, and to make Inquiries referred to them, § 96.
98. Lord Chancellor to make Orders and Regulations, and fix Fees, § 97.
99. Masters Expences how to be paid, § 98.
100. Proprietors, Superintendents, and other authorized Persons may plead the Order and Certificates for receiving any Lunatic in bar of all Proceedings at Law, § 99.
101. Commissioners and Visitors may summon Witnesses to give Evidence, with a Penalty for Non-compliance, § 100.
102. Provision for the Payment of Witnesses Expences, § 101.
103. Upon Complaint made of any Offence against this Act, Justices to require the Attendance of the Person charged, and adjudicate thereon. Recovery of Penalties, and Application thereof, § 102.
104. Form of Conviction before Justices, § 103.
105. Appeal to Quarter Sessions, § 104.
106. Actions to be commenced within Twelve Calendar Months. Act may be given in Evidence, § 105.
107. Offenders to be prosecuted, and Penalties sued for by the Secretary of the Commissioners and the Clerk of any Visitors, and by no Person without the Authority of the Commissioners or Visitors, § 106.
108. Offenders against the Provisions of any of the repealed Acts may be prosecuted under this Act, § 107.
109. No Person to be punishable for omitting to send any Copy, &c., if proved to have been put in the Post, or left at the proper Office, § 108.
110. Costs incurred by the Commissioners to be paid by their Secretary, and Costs incurred by Visitors by the Clerk of the Peace, § 109.
111. Commissioners to visit Asylums and Gaols, § 110.
112. Commissioners to visit Workhouses, § 111.
113. Provision for the Visitation of Lunatics under the Care of Committees, and also of State and Criminal Lunatics, and other Lunatics not comprised in the preceding Provisions, § 112.
114. Power for the Lord Chancellor and Secretary of State for the Home Department to authorize a special Visitation of any Place where a Lunatic is represented to be confined, § 113.
115. Interpretation Clause, § 114.
116. Boroughs and Counties to comprise all Places therein not having separate Commission of the Peace, § 115.
117. Act not to extend to *Bethlehem Hospital*, § 116.
118. Act to be confined to *England* and *Wales*, § 117.

Lunatic Asylums.

1. To amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics, in *England*, 8 & 9 *Vict.* c. 126.
2. Repeal of 9 *G.* 4. *c.* 40. Proviso for Asylums commenced under the repealed Act, § 1.
3. Justices of the Peace of every County and Borough not having a Lunatic Asylum to provide one, § 2.
4. The Justices of every County and the Recorder of every Borough not having a Lunatic Asylum to give Notice, on or before the Sessions next after the 20th *December* 1845, of their Intention to appoint a Committee to superintend the providing of an Asylum, § 3.
5. Justices of every County and Borough not having a Lunatic Asylum to appoint a Committee to superintend the providing one. Every Borough not having Six Justices, besides the Recorder, to be annexed to the County or one of the Counties in which it is situate, for the Purposes of this Act. Proviso for Asylums established by voluntary Contributions, § 4.
6. Subscribers to any Lunatic Asylum authorized to appoint a Committee to treat with Committee of Justices for uniting such Asylum with a County or Borough Asylum, § 5.
7. Committees of Justices and Subscribers, if they unite, to enter into an Agreement in the Form in Schedule (A.), § 6.
8. Committee of Justices to report and deliver a Copy of the Agreement at the then next Sessions, § 7.
9. Justices of every County and Borough having a Lunatic Asylum, but of insufficient Accommodation, to provide an additional Asylum or Accommodation, § 8.
10. Power for the Visitors of existing County and Borough Asylums to unite, under the Powers of this Act, with the Visitors of any other County or Borough, § 9.
11. Boroughs now contributing to a County Asylum to be deemed to have an Asylum. Any Borough, upon Notice, may separate itself from a County Asylum, § 10.
12. Present Visitors to remain in Office till the Sessions next after the 20th *December* 1845, § 11.
13. For the Appointment of future Visitors, § 12.

14. Former

14. Former Visitors to remain in Office in case of the Omission of an Election, or of filling up a Vacancy, § 13.
15. Meetings of Visitors. Every Committee to elect a Chairman; Number of Members to constitute a Meeting; Questions how to be decided. Visitors to appoint a Clerk, § 14.
16. The Chairman, or Two Visitors, or the Clerk, may convene Meetings of Visitors in certain Cases, § 15.
17. Visitors may sue and be sued in the Name of their Clerk, whose Removal shall not abate Actions, § 16.
18. When an Asylum, &c. is required, the Visitors to procure and determine on Plans and Estimates, and to contract for the Purchase of Lands and Buildings, and for erecting, &c. the necessary Buildings. Contractors to give Security. Contracts and Orders to be entered in a Book to be deposited, and to be open to Inspection. Lands purchased to be conveyed in trust for the Purposes of this Act. Visitors to report, § 17.
19. Power to Visitors to purchase in consideration of a Rent reserved, § 18.
20. Power for Visitors to take a Lease of a Rent, § 19.
21. Power for incapacitated Persons to convey and exchange, § 20.
22. Application of Money on a Sale by or an Exchange with any incapacitated Person, § 21.
23. Persons in possession to be deemed entitled till the contrary be shown, § 22.
24. Court of Chancery may order Expences to be paid by Visitors, § 23.
25. Provisions for the Enfranchisement of Copyhold and Customary Hereditaments, § 24.
26. Assessments to Rates and Taxes not to be increased after Purchases for the Purposes of this or any former Act, § 25.
27. Visitors to order all ordinary Repairs of Asylums. No Order for Payment of Money exceeding 400*l.* to be made unless Notice has been given of the Meeting, § 26.
28. To prevent Exclusion from Asylums of curable Lunatics, separate Provision to be made for chronic Lunatics, § 27.
29. All Proposals, Agreements, and Plans, to be submitted to the Commissioners in Lunacy, and all Contracts and Estimates to be approved of by the Secretary of State, § 28.
30. Visitors empowered to contract with the Owners of licensed Houses for the Care and Maintenance of Pauper Lunatics, subject to the Approval of the Secretary of State. Such Contract not to exempt any County or Borough from the Obligation of providing an Asylum, § 29.
31. Power for Visitors to dissolve Unions, § 30.
32. Power for Visitors, with Consent of the Secretary of State, to sell Lands and Buildings. Application of Purchase Monies, § 31.
33. No Visitor to have any Interest in any Contract or Agreement, § 32.
34. Provisions for raising Monies required for the Purposes of this Act by County and Borough Rates, § 33.
35. Power for Justices of Counties and Councils or Boroughs to raise Money by Mortgage of the Rates, § 34.
36. Justices and Council may apply to Commissioners of Consolidated Fund for Public Works under Act *5 & 6 Vict. c.* 9., for Advance of Money, § 35.
37. Provisions for Payment of the Interest on the Mortgages, and of a Portion of the Principal in each Year, § 36.
38. Provision to be made for paying Money borrowed within a limited Time not exceeding Thirty Years, § 37.
39. Power to raise Money to pay off Sums already borrowed, § 38.
40. Asylum may be erected beyond the Limits of any County or Borough; and Justices of such County or Borough may notwithstanding act therein, § 39.
41. Visitors to submit general Rules to the Secretary of State, and, subject to such general Rules, to make Regulations and to appoint and dismiss Officers, and fix a weekly Rate for each Lunatic, § 40.
42. If the Rate be found insufficient, Justices in Session may increase it, § 41.
43. Visitors to appoint a Chaplain, Medical Officer, and a Clerk. Patients allowed the Visits of any Minister of their own Persuasion. Medical Officer to visit Asylum Three Times a Week, and examine Patients, § 42.
44. Justices may grant Annuity to the Superintendent, &c. not exceeding Two Thirds of their Salaries, § 43.
45. Clerk of the Asylum to keep Account of Monies paid and received, and send Copies thereof annually to the Secretary of State and Commissioners in Lunacy, § 44.
46. Three Visitors at least to visit Once in every Three Months every Asylum, § 45.
47. Lists of Pauper Lunatics in every Asylum to be made half-yearly, and laid before the Visitors, and Copies transmitted to the Clerk of the Peace and to the Secretary of the Commissioners in Lunacy. A List of all private Patients in any Asylum to be sent half-yearly to the Commissioners, § 46.
48. Clerks of Boards of Guardians, and Overseers where no Guardians, to make annual Returns of Pauper Lunatics, § 47.
49. Medical Officer to give Notice of any chargeable Pauper deemed to be lunatic to Parish Officers, who are to have every Lunatic whom they shall know of, by such Notice or otherwise, examined and sent to an Asylum, § 48.
50. Provisions as to wandering Lunatics, and Lunatics not chargeable, and not under proper Care, § 49.
51. Penalties on Medical Officers, Overseers, &c., omitting to give Notice as aforesaid, § 50.
52. No Paupers to be received into any Asylum without a certain Order and Certificate, § 51.
53. No Person, not being a Pauper, to be received into an Asylum without an Order and Two Medical Certificates, § 52.
54. A Medical Practitioner signing untrue Certificate guilty of a Misdemeanor, § 53.
55. Every Pauper to be in the first place taken to the principal Asylum of the County or Borough, if Circumstances admit, § 54.
56. Every Pauper Lunatic, not being in an Asylum or House licensed for the Purpose, shall be visited Once in every Three Months by a Medical Man, and returned in a List to the Clerk of the Peace and the Commissioners in Lunacy, § 55.
57. Power to Visitors to remove Paupers to an Hospital for chronic Lunatics, and to provide further Room, if necessary, for curable Lunatics, § 56.
58. Every Pauper Lunatic to be deemed to be settled in the Parish from which he shall have been sent till he be adjudged to be settled in some other Parish, § 57.
59. Two Justices may inquire into and adjudge the Settlement of a Lunatic, § 58.
60. Mode of determining that a Pauper Lunatic is chargeable to a County, § 59.
61. In Cases of Inquiries and Appeals, Guardians and Officers interested to have Access to the Lunatic, § 60.
62. Justices to make an Order upon the Officers of Unions and Parishes for Maintenance of Lunatics, § 61.

63. If Lunatic adjudged to belong to some other Parish, Justices to make Orders upon such other Parish, or the Union to which he belongs, for his Maintenance, § 62.
64. If it is ascertained that a Lunatic is chargeable to a County, the Justices to make Order upon the Treasurer of such County for his Maintenance, § 63.
65. Provision for the Reimbursement to a County of Monies paid on account of a Lunatic afterwards adjudged to belong to any Parish, § 64.
66. Visitors may discharge a Lunatic on the Undertaking of a Relative or Friend that he shall be no longer chargeable, and shall be taken care of, § 65.
67. Justices to make Orders out of their respective Jurisdictions, § 66.
68. Persons aggrieved by an Order or Refusal may appeal to the Sessions, § 67.
69. Money ordered to be paid by any Clerk, Overseer, Relieving Officer, or Treasurer to be levied (in case of Neglect to pay) by Distress, § 68.
70. Power for Medical Persons, Guardians, and Overseers of Unions and Parishes to visit Pauper Patients of such Unions and Parishes confined in any Asylum, § 69.
71. When any Asylum can accommodate more than the Lunatics of the County or Borough, Visitors or Justices may order the Admission of other Lunatics, § 70.
72. Discharge and Removal of Lunatics from Asylums. Penalty on Officers, &c. allowing them to escape, or be at large without Permission, § 71.
73. Expences of the Removal or Discharge of a Pauper, § 72.
74. Every Clerk receiving a Lunatic into an Asylum to make an Entry thereof in a certain Form. Copies of all Orders and Certificates of Admission, with an additional Medical Certificate, to be transmitted to the Commissioners in Lunacy, § 73.
75. Weekly Medical Journal and Case Book to be kept in every Asylum, § 74.
76. In case of the Death of a Lunatic, the Cause of Death to be stated, and sent to the Clerk of the Peace and the Commissioners in Lunacy, § 75.
77. Entries to be made of the Death, Discharge, or Removal of every Lunatic, § 76.
78. Penalty on Officers or Servants ill-treating Lunatics, § 77.
79. Recovery of Penalties, and Application thereof, § 78.
80. Form of Conviction before Justices, § 79.
81. Power of Appeal to the Quarter Sessions, § 80.
82. Every City, Town, Liberty, &c., not being a Borough within the Meaning of this Act, to be annexed to and rated as Part of the County within which the same is situate, § 81.
83. Council of every Borough to exercise the same Duties, &c. of erecting Asylums as are conferred upon Justices, &c., § 82.
84. Committee appointed by Council to have same Powers as Committee of Visitors, § 83.
85. Interpretation of Act, § 84.
86. Act not to extend to *Bethlehem* Hospital, § 85.
87. Act to extend only to *England* and *Wales*, § 86.

M.

Manchester and Salford.

To amend 53 *G.* 3. *c.* 72. for appointing a Stipendiary Magistrate, 8 *&* 9 *Vict. c.* 21.

See *Local Acts; Warehousing.*

Manorial Rights.

1. To amend and explain the Acts for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights; and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure, 7 *&* 8 *Vict. c.* 55.
2. Provisions of former Acts as to Recovery of Expences, Costs, &c. to extend to Cases where there shall not be an Apportionment, § 1.
3. Persons having a limited beneficial Interest only may charge Expences on the Lands, &c., § 2.
4. Where Trustee is Tenant, and not beneficially interested, the Person beneficially interested at the Date of Confirmation of Commutation, &c. shall be deemed beneficially interested, § 3.
5. Provisions for charging and securing of the Consideration Money of any Enfranchisement to extend to Cases in which there shall not be an Apportionment, &c., § 4.
6. Commutations or Enfranchisements may be made in consideration of the Conveyance of Lands, &c. not Parcel of the Manor, but subject to the same Uses as those commuted, § 5.
7. For supplying Vacancies, § 6.
8. Extending Provisions of recited Act to Rent-charges under this Act, § 7.
9. This Act to be construed as a Part of the recited Acts, § 8.

Marines.

For the Regulation of Her Majesty's Royal Marine Forces while on shore, 7 *&* 8 *Vict. c.* 11. and 8 *&* 9 *Vict. c.* 9.

Marriages.

1. Concerning Banns and Marriages in certain District Churches or Chapels, 7 *&* 8 *Vict. c.* 56.
2. Where a District is assigned under 3 *&* 4 *Vict. c.* 60. the Church Building Commissioners or the Bishop to decide as to Banns and Marriages, § 1.
3. Proceedings in Cases where it shall be determined that Banns may be published and Marriages solemnized, § 2.
4. The Validity of Marriages in certain Chapels with Districts assigned to them not to be questioned, § 3.
5. Omissions to authorize Marriages to Chapels may be cured by supplemental Order, § 4.
6. In any Representation to the Queen in Council, &c. the Number of the Section of the Act under which such Representation, &c. is made need only be recited, § 5.
7. Every Order in Council under the Church Building Acts to be inserted in the *London Gazette*, and registered with a Map and Description of Boundaries, but the Map not required to be enrolled in Chancery. Not to affect 6 *&* 7 *W.* 4. *c.* 85. as to licensing Churches, &c. for Solemnization of Marriages, § 6.

Meeting Houses (Suits relating to).

1. For the Regulation of Suits relating to Meeting Houses and other Property held for religious Purposes by Persons dissenting from the United Church of *England* and *Ireland*, 7 *&* 8 *Vict. c.* 45.
2. 1 *W. & M. Sess.* 1. *c.* 18., 19 *G.* 3. *c.* 44., 53 *G.* 3. *c.* 160., 6 *G.* 1. (*I.*), 57 *G.* 3. *c.* 70., as well as all Deeds relating to

to such Meeting Houses, &c., to be construed as if the Acts had been in force at the Time of the Foundation of such Meeting Houses, &c., § 1.

3. The religious Doctrines or Opinions for the Preaching or Promotion of which the Meeting House may be held, to be collected from 25 Years Usage, where not expressly stated in the Deed of Trust, § 2.
4. Act not to affect any Judgment, &c. of a Court of Law or Equity, and Court may give Defendants the Benefit of Act in Suits now pending, § 3.

Merchant Seamen.

1. To amend and consolidate the Laws relating to Merchant Seamen; and for keeping a Register of Seamen, 7 & 8 *Vict. c.* 112.
2. The *Act 5 & 6 W.* 4. *c.* 19. repealed from and after 1st *Jan.* 1845, except, &c., § 1.
3. No Seaman to be taken to Sea without a written Agreement, or without a Register Ticket being obtained from such Seaman. Agreement to be read over and explained to Seamen, § 2.
4. Regulations respecting Form of Agreements, and how to be disposed of. No Ship to be cleared Inwards until Receipt for Agreement is produced. Agreements in Form of Schedule (B.) not to extend beyond 30th *June* and 31st *December*. Owner or Master to deliver such Agreements or Copies thereof half yearly. Vessel not to receive Transire, &c. until Receipt for such Agreements be produced. Masters of Vessels under Eighty Tons in Coasting or Fishing Trade to receive Tickets from Seamen, § 3.
5. Penalty for Default, § 4.
6. Seamen not to be deprived of legal Remedies. No Agreement contrary to the Act, or to forego Salvage, to be valid; and certified Copy of Agreement to be Evidence. Seamen not bound to produce Agreement, § 5.
7. Seamen refusing to join, or to proceed in the Ship, or absenting themselves, may be committed to Gaol, or be sent on board. When Seaman committed to Prison his Ticket to be delivered to Gaoler, § 6.
8. Forfeiture for temporary Absence from or Refusal to perform his Duty. Proviso, § 7.
9. How Amount of Forfeiture is to be ascertained when Seamen contract for the Voyage, § 8.
10. Forfeiture for Desertion, § 9.
11. Penalty for harbouring Deserters. No Debt exceeding 5*s.* recoverable from a Seaman until Voyage is ended. Seaman's Effects not to be detained under Pretence of Debt. Penalty, § 10.
12. The Period within which Wages are to be paid, § 11.
13. Payment of Wages or Salvage to be deemed valid, notwithstanding Bill of Sale, &c. Allowance for short Provisions, § 12.
14. Masters to give Seamen their Certificates on their Discharge. Penalty for Default, § 13.
15. For obtaining immediate Payment of Wages in certain Cases, § 14.
16. Summary Mode of recovering Wages, § 15.
17. Masters to have same Remedies for Wages as a Seaman. As to Suits for Recovery of Wages, § 16.
18. When Ship is sold at Foreign Port, the Crew to be sent home at the Expence of the Master or Owner, and Ticket and Certificate of Discharge to be given. Wages to be paid in case of Wreck, § 17.
19. A Supply of Medicines, Lime Juice, Sugar, and Vinegar, &c. to be kept on board, and Seaman hurt in the Service of the Ship to be provided with Advice, &c. *gratis*. What Ships to carry Surgeons, § 18.
20. Maintenance of a general Register and Record Office of Seamen, § 19.
21. Register Tickets to be procured. Masters to bring Indentures and Apprentices to the Registrar to obtain Tickets, § 20.
22. Altering, &c. a Register Ticket, Misdemeanor. Penalty of 20*l.* if Ticket be not transmitted, § 21.
23. When Register Ticket is lost. Penalty. False Answer a Misdemeanor, § 22.
24. Register Tickets of Parties dead, § 23.
25. List of cancelled Tickets to be prepared by Registrar, and published half-yearly, and Copies given thereof on Application. Penalty for using cancelled Ticket, &c., § 24.
26. Papers and Documents to be recorded. Certified Copies to be Evidence, § 25.
27. Masters of Ships trading abroad to deliver Lists of their Crews on their Departure and Return. Vessels not to be cleared Inwards until List be rendered, § 26.
28. Masters of Ships in the Home and Fishing Trade to return Lists half-yearly. Vessels not to receive Transire until Lists be delivered. Owners of Vessels unemployed, or not requiring Customs Document, to notify same. Penalty for Default, § 27.
29. Return to be made in case of Ship lost or sold abroad, § 28.
30. Lists, &c. to be transmitted to the Registrar. Penalty on the Owner or Master for Neglect, § 29.
31. Lists, &c, in the Case of Pleasure Yachts to be transmitted to the Registrar, § 30.
32. As to the Disposal of the Effects of any Seaman dying abroad, § 31.
33. Parish Boys may be put out Apprentices to the Sea Service. No Apprenticeship binding after Apprentice shall have attained Twenty-one. Apprenticeships to continue until the Return of the Ship, and Apprentice to be paid Wages, § 32.
34. Parish Apprentice may be turned over to the Sea Service, § 33.
35. Indentures may be assigned on the Death of the Master, § 34.
36. Parish Officers to prepare Indentures. Constable to convey the Apprentice. Guardians or Overseers to provide Clothing, &c., § 35.
37. How Indentures to be attested, § 36.
38. Every Ship, except Pleasure Yachts, to have Apprentices according to her Tonnage. To be Subjects of Her Majesty. Their Age and Term of Apprenticeship. Penalty for Deficiency of Apprentices, &c., § 37.
39. The cancelling of Indentures, and Death or Desertion of Apprentices, to be notified. Penalty. Consents necessary in cancelling Indentures, § 38.
40. Indentures and Assignments of Parish Apprentices to be registered. Apprentices to appear personally when Indentures or Assignments registered, § 39.
41. Indentures and Assignments of other Apprentices to be registered. As to Assignment of Indentures of Apprentices. Assignments to be registered, § 40.
42. Apprentices exempted from Contributions. Documents exempted from Duty, § 41.
43. Penalty on Masters neglecting to register, &c. Indentures. And for suffering Apprentices to quit their Service, § 42.
44. Justices to determine Complaints, § 43.
45. Common Assaults may be summarily punished by Two Justices, § 44.

 46. Masters

46. Masters entitled to receive the Wages, &c. of Apprentices entering into the Navy, § 45.
47. No Seaman to be discharged abroad, nor to be abandoned, or left behind, without Sanction of Consul, &c., § 46.
48. Forcing Seamen on Shore, &c. a Misdemeanor. Where Misdemeanors may be prosecuted, § 47.
49. If any of the Crew are left behind, the Proof of Sanction or Authority to be upon the Master, § 48.
50. Seamen, when allowed to be left behind, to be paid their Wages, § 49.
51. Act not to extend to prevent Seamen from entering into the Navy, § 50.
52. Upon Entry of Seamen into the Navy from any Ships, they shall be entitled to the immediate Delivery up of their Clothes, Register Tickets, and Payment of any Wages that may be due, § 51.
53. Power for Her Majesty to sue for the Amount advanced for the Relief of Seamen left abroad, § 52.
54. Ship's Agreement, Indentures, and Assignments of Apprenticeship and Register Tickets, on Arrival at a Foreign Port, to be deposited with the Consul, and at a Colony with the Officers of Customs. Consuls to make Endorsements on Agreements. Penalty on Masters for Neglect, &c., § 53.
55. No Seaman to be shipped at a Foreign Port without the Sanction of the Consul, § 54.
56. Masters to produce Agreement, &c. to the Officers of Queen's Ships. Penalty, § 55.
57. Consuls, Registrar, and Officers of Customs empowered to require Production of the Agreement, Muster Roll, &c. Penalty on Master refusing to produce, § 56.
58. Survey of Provisions, &c. If Provisions are found insufficient, &c., § 57.
59. As to Offences committed at Foreign Ports, § 58.
60. For the safe Custody and Conveyance of Offenders to *England*, § 59.
61. As to the Conveyance of Offenders and Witnesses to *England*, § 60.
62. As to Ships belonging to *British* Colonies, § 61.
63. Recovery of Penalties. Application of Forfeitures, § 62.
64. For the Protection of Seamen entering on board Merchant Ships, 8 & 9 *Vict. c.* 116.
65. The Board of Trade may license Persons to procure Seamen for Merchant Ships, § 1.
66. Manner of granting and revoking Licence, § 2.
67. No Person not duly licensed or interested in the Ship to be concerned in procuring Seamen to be entered, § 3.
68. No Person interested in the Ship shall knowingly receive Seamen hired contrary hereto, § 4.
69. Penalty on every Person guilty of any of the Offences above described, § 5.
70. Unlicensed Persons not to be employed for the Purpose of engaging Seamen, § 6.
71. No Advance Note or Wages to be given or paid to any Seaman until after the Ship's Articles have been duly signed, § 7.
72. Penalty for receiving Remuneration for hiring Seamen from any other than the Owner, Master, &c., § 8.
73. Persons not to be admitted on board Merchant Vessels before their Arrival in Dock or at the Place of Discharge without Permission, § 9.
74. Penalty for soliciting Sailors to become Lodgers in Houses of unlicensed Persons, or removing Sailors Effects from on board, § 10.
75. Penalty for receiving Remuneration for Board of Sailors for longer Period than is due, or for neglecting to return Monies or Effects belonging to Seamen, § 11.
76. Recoveries and Applications of Penalties, § 12.
77. Form of Conviction, § 13.
78. No Certiorari, &c., § 14.
79. Explanatory Clause, § 15.
80. Commencement of Act, § 16.

Metropolitan Buildings.

1. For regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood, 7 & 8 *Vict. c.* 84.
2. Extension of Limits, and Amendment of Law. Improvement of Drainage. Securing a sufficient Width of Streets, &c. Improper Use of Buildings. Regulation of explosive Works. Regulation of deleterious Works. Execution of Act, and Superintendence thereof. *General Provisions.* Operation of Act. Statutes repealed, § 1.
3. Construction of Terms, § 2.
4. Extent of Operation of Act in reference to Localities, § 3.
5. Power to extend the Limits of Act. Publication of Notice of Intention to extend to Limits of Act, § 4.
6. *Buildings, new and old.* Regulation of Buildings. Rates of Buildings, and Thicknesses of Walls and Footings, and Rules concerning Buildings, § 5.
7. Buildings under Supervision of Official Referees, § 6.
8. Special Supervision of exempted Buildings, § 7.
9. Buildings not within Rates, § 8.
10. Modification of Building Contracts. Reference to the Surveyor, or on Appeal to the Official Referees, § 9.
11. Modification of Building Leases. Application of Official Referees. Proceedings thereon, § 10.
12. Commissioners of Works and Buildings empowered to modify Rules generally. Report of Official Referees. Extent of Modification. Representation by Parties. Order thereupon, § 11.
13. Power to modify Provisions of this Act as to existing Buildings to be rebuilt, § 12.
14. *Builders.* Works to be executed. Notice to Surveyors. 20*l.* Penalty for Neglect to give Notice, &c. 20*l.* Penalty for not giving fresh Notices. Penalty for beginning without Notice; or Refusal to admit Surveyor. Emergency, § 13.
15. *Buildings generally.* Supervision of Works. Notice of Irregularities to Builders and others. To cut into Works. Amendment of Works. Proceedings thereon by Official Referees. Costs, § 14.
16. Special Supervision of First-rate Buildings of Second Class, and of Buildings of Third Class. Notice to Official Referees. Survey. Approval. Disapproval. Amendment of Defects. Notice of Completion. New Survey. Certificate. Prohibition of Use. Penalty. Justices to consider Circumstances, § 15.
17. Special Supervision of Buildings in Schedule (B.) Part I. Survey by Official Referees. Occasional Inspection. Notice of Deficiences. Amendment of Defects. Approval by Official Referees. Notice of Completion. New Survey. Certificate. Prohibition of Use. Penalty. Justices to consider Circumstances, § 16.
18. Entry on Premises. Refusal to permit Inspection. Forcible Entry, § 17.
19. All Buildings not according to this Act declared a Nuisance. Summons before Justices. Compulsory Appearance. Recognizances to pull down and amend. Imprisonment. Removal of Buildings declared Nuisances. Expences, § 18.

20. Fifty Shillings Penalty on Workmen offending. Imprisonment, § 19.
21. *Adjoining Properties.—Party Walls, Party Fences, Intermixed Buildings.* Execution of Works, § 20.
22. Consent of or Notice to adjoining Owner, § 21.
23. Modification of Work to suit adjoining Owner. Modification of Operations. Application to Official Referees. Authority to build, § 22.
24. Delay of Work to suit adjoining Owner. Delay of Operations. Application to Official Referees. Authority to build, § 23.
25. Supplying Want of Consent of adjoining Owners. Notice of Inspection by Surveyor. Notice to Parties. Confirmation by Official Referees. Proceedings on Appeal against Certificate. Notice by Official Referees. Survey. Award. Works authorized, § 24.
26. Reparation and rebuilding at joint Expence, § 25.
27. Rebuilding of Party Walls, § 26.
28. Rebuilding a Party Wall. Building of an external Wall against a Party Wall, § 27.
29. Damage arising from Erection of external Wall against a Party Wall. Cutting into Footings and Chimneys, § 28.
30. Making good such Damage. Survey. Damage from Carelessness. Rebuilding, § 29.
31. Rebuilding of sound Party Walls. Reference to Official Referees, § 30.
32. Raising of future Buildings. Existing Buildings. Chimneys of adjoining Buildings. Use of raised Buildings, § 31.
33. Repairing and rebuilding of Party Fence Walls. Deficient Party Fence Wall. Reimbursement of Expence of Operations. Limitation of Height of Screen Walls, § 32.
34. Pulling down Party Timber Partitions, § 33.
35. Pulling down intermixed Buildings, § 34.
36. Inns of Court, Chambers, &c., § 35.
37. Power of Entry on Premises to effect Works. Opening Doors and Removal of Goods, &c. Continuance of Entry. Penalty for Hindrance, § 36.
38. Stopping of Openings in external Walls abutting on other Premises. Stoppage thereof. Costs of stopping up. Certificate of Official Referees. Recovery of Costs, § 37.
39. Building of Party Walls next vacant Ground. Consent of adjoining Owner, § 38.
40. Building of Chimney Breasts, &c. in new Party Wall for adjoining Owner. Instructions by adjoining Owner. Reimbursement of Expences, § 39.
41. *Ruinous Buildings.* Repairing and rebuilding. Application to Official Referees. Survey. Notice to Lord Mayor, &c. and to Overseers. Shoring and Erection of Hoards, and Notice to Parties. Repairs. Appeal against Survey. Demolition, § 40.
42. Disposal of Materials to pay Costs. Payment of Surplus on Demand. If no Demand City of *London* or Overseers to refund within Six Years, § 41.
43. If a Deficiency, to be paid by the Owner; or levied by Warrant of Distress; or Occupier to pay and deduct from Rent; or by Distress on Occupier. Payment of Money to Chamberlain or to the Overseers, § 42.
44. Repair of ruinous Chimneys, &c. Notice. Repairs. Certification of Expences. Recovery from Owner or Occupier. Penalty. Expences and Fees. Reimbursement of Occupier, § 43.
45. Injury by the Fall of Chimneys, &c. Compensation, § 44.
46. Court of Mayor and Aldermen, § 45.
47. *Expences of Works.* Repayment of Expences of Works in certain Cases. Recovery of Expence from adjoining Owners. Delay of Payment, § 46.
48. Recovery of Costs of building. Account. Data of Account. Examination of Accounts by Official Referees. Disapproval. Approval, and Demand of Payment. Recovery of Amount, § 47.
49. Reimbursement of Costs of Works to Occupiers. Discharge, and Repayment, § 48.
50. Recovery of Expences of Buildings. Differences. Determination by Official Referees. Charges. Receipt of Rents. Recovery of Rents. Limitation of Distress. Continuance of Distress until Payment made, § 49.
51. Official Referees to determine Contributions. Proportion of Contributions. Decision of Official Referees. Recovery of Excess paid by any Contributor, § 50.
52. *Drainage of Houses.* Making of Drains according to Schedule (H.) Penalties. Communications with Sewers. Saving Powers, &c. of Commissioners of Sewers, § 51.
53. *Streets and Alleys.* Width thereof. Penalties, § 52.
54. *Buildings, Use thereof.* Occupation of Cellars or Rooms unfit for Dwellings. Penalty. Report by Overseers of Poor as to Number and Situation of Dwellings. Notice thereon by Official Referees to Owners and Occupiers. District Surveyors to observe Directions of Official Referees, § 53.
55. Buildings near dangerous Businesses as to Fire. Distance from Buildings. New Businesses. Prohibition after Twenty Years. 50*l.* Penalty, and Costs. Costs. Distress; or Imprisonment, § 54.
56. Buildings near noxious Businesses as regards Health. Distance from Buildings. New Businesses. Prohibition after Thirty Years. 50*l.* Penalty, and Costs. Distress; or Imprisonment, § 55.
57. The Penalty herein-before imposed to be enforceable only at a Special Sessions. Use of Means to mitigate Noxiousness of Businesses. Adoption of Means to mitigate after Conviction. Mitigation of Penalty by Superior Courts, § 56.
58. Conviction and Appeal as to certain Trades not specified. Recognizances. Sessions. Proceedings, § 57.
59. Trial by Jury at Quarter Sessions. Summoning of a Jury. Witnesses. View of the Premises. Verdict of Jury. Judgment according to Verdict; and Judgment to be binding, § 58.
60. Appeals to Quarter Sessions for *Surrey* and *Kent*; to Sessions at *Southwark;* to Sessions at *Greenwich.* Further Meetings. Adjournments, § 59.
61. Common Law and statutory Remedies not affected, § 60.
62. Regulation or Removal of Trades deemed Nuisances by Purchase. Memorial to Queen in Council. Order for Removal. Compensation. Unlawful to continue such Trades after Purchase, § 61.
63. Funds for defraying Compensation. Levy of Rate, § 62.
64. Exemption of public Gas Works. Extension or Substitution of Works. Distilleries, § 63.
65. *Surveyors, their Districts and Duties.* Appointment of Districts, § 64.
66. Appointment of Surveyors, § 65.
67. Practical Qualifications of Surveyors:—Examiners. Examiners to prescribe Rules. Production of Certificates of Examination, § 66.
68. Tenure of Office, § 67.
69. Functions generally, § 68.

70. Dis-

70. Disqualifications, § 69.
71. Continuance of present Surveyors. Subject to this Act, § 70.
72. Declaration of official Fidelity. Penalty for acting before Declaration made, § 71.
73. Regulation of Duties:—Offices. Attendance. Return of Name and Residence, § 72.
74. Surveyor *pro tempore*. Duty of Deputy. Fees, § 73.
75. Vacancies. Occasional Services. Fees for Services, § 74.
76. Regulation of Business. Assistant Surveyors. Duties of Assistants, § 75.
77. Superintendence of Surveyors, § 76.
78. Surveyor's Fees. Refusal of Payment. Fees to be paid only for Work done agreeably to Act. Refunding Fees, § 77.
79. Surveyors Returns. District Surveyors. Inspection of Returns. Authentication and Effect of Returns, § 78.
80. Penalty for Extortion, Negligence, or Unfaithfulness. Complaint to Justices. Proceedings thereon. Decision. Incapacitation of Surveyor, § 79.
81. *Official Referees.* Appointment of Two Official Referees. Tenure of Office. Not to act as Surveyors. Temporary Official Referee, § 80.
82. Their Functions generally, § 81.
83. Matters of Reference. One Referee may act, § 82.
84. Award and Powers of Referees. Legal Effects of Awards. Effect as to Persons, § 83.
85. Revocation of Authority of Official Referee. Not to affect their Award, § 84.
86. Taking of Evidence by the Official Referees. Appointment of Time and Place. Compensation for Attendance. Production of Documents. Administration of Oaths. Penalty for false Evidence, § 85.
87. Effect of Awards as Evidence, § 86.
88. Declaration of official Fidelity, § 87.
89. Regulation of Business of the Official Referees. Official Referees may delegate Powers, § 88.
90. *Registrar of Metropolitan Buildings.* Appointment of Registrar. Tenure of Office. Rules of Office. Seal of Office. Use of Seal of Office. Report of Objections by Registrars. Authority of Commissioners of Works. Interim Registrar, § 89.
91. Declaration of official Fidelity, § 90.
92. Custody and Inspection of Records of Official Referees. Copies of Awards, Certificates, &c. Authentication of Copy, and Fees therefor, § 91.
93. Office of Registrar, and Regulation of Business, § 92.
94. Registration of Awards, &c., § 93.
95. Remuneration of Official Referees and Registrar, § 94.
96. Disqualification of Official Referees and Registrar. Offices vacant, § 95.
97. Funds for defraying Expences of the Official Referees and Registrar. Nature of Levy, § 96.
98. Payments of Official Referees and Registrar out of Consolidated Fund, § 97.
99. Fees of Office, and Application thereof. Balance to Consolidated Fund. Regulations as to Receipt, Custody, and Accounts. List of Fees to be hung up, § 98.
100. *Officers generally.* Appointments of Officers subject to Regulation by any future Act, § 99.
101. *Legal Proceedings.* Informalities in Distress. Action for Damages, § 100.
102. Tender of Amends. Payment of Compensation into Court, § 101.
103. Recovery of Money under Awards. Distress. Imprisonment, § 102.
104. Prosecution of Offences. Complaint. Summons. Compulsory Appearance. Distress. Imprisonment, § 103.
105. Removal of Orders, &c. into Superior Courts. Certiorari, § 104.
106. Appeal from Convictions as to Penalties. Proceedings thereon. Legal Proceedings, § 105.
107. Limitation of Actions for Penalties, § 106.
108. Recovery of Penalties. Appropriation, § 107.
109. Regulation of Actions against Persons acting under this Act. Limitation of Action. Notice of Action. Venue in *London*. Venue in *Middlesex*. Plea and Evidence. Verdict. Costs, § 108.
110. Security for Costs, § 109.
111. Prosecutions for preventing Neglect or Evasion of this Act. Notice of Action, § 110.
112. *Miscellaneous.* Liability of Owners and Occupiers for Expences, &c. under this Act, § 111.
113. Notifications:—Married Females. Infants, Idiots, or Lunatics. Owners unknown. Buildings unoccupied. Immediate Landlord. Part Ownership. Service of Notices. Damage arising from defective Service. Requisites of Notice, § 112.
114. Mode of Service upon Occupier, § 113.
115. Mode of Service upon Owners by Delivery. Effect of Notice, § 114.
116. Mode of Service upon Owners by Transmission, § 115.
117. Notices for Surveyors and Official Referees, § 116.
118. Consents by incapacitated Persons, § 117.
119. Exemption from Stamp Duty, § 118.
120. Public Act, § 119.

Middlesex (Justices of).

1. To alter and amend the Laws enabling Justices of the Peace in certain Cases to borrow Money on Mortgage of the County Rates, so far as the same relate to the County of *Middlesex*, 8 & 9 *Vict.* c. 32.
2. So much of 4 *G.* 4. c. 64., 5 *G.* 4. c. 85., 6 *G.* 4. c. 40., 48 *G.* 3. c. 96., 7 *G.* 4. c. 63., 9 *G.* 4. c. 40., 4 & 5 *Vict.* c. 49., and 5 & 6 *Vict.* c. 98. as authorizes the borrowing of Money on Mortgage of the Rates repealed, so far as relates to the County of *Middlesex*, § 1.
3. Justices for the County of *Middlesex* empowered to borrow Money on Security of the County Rate, for building or repairing Gaols, &c., § 2.
4. And to charge the County Rate with the Interest, and so much more as will repay the Principal in Thirty Years, § 3.
5. Expences of Act, § 4.
6. Public Act, § 5.

Middlesex, See Administration of Justice, 13—30.

Militia.

1. To suspend until the Thirty-first Day of *August* One thousand eight hundred and forty-five the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom, 7 & 8 *Vict.* c. 35.
2. To defray until the First Day of *August* One thousand eight hundred and forty-five the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants,

tants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers, 7 & 8 *Vict. c.* 75.
3. To suspend until the First Day of *October* One thousand eight hundred and forty-six the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom, 8 & 9 *Vict. c.* 58.
4. To defray until the First Day of *August* One thousand eight hundred and forty-six the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers, 8 & 9 *Vict. c.* 82.

Military Savings Banks.

1. To amend the Act to establish Military Savings Banks, 8 & 9 *Vict. c.* 27.
2. Secretary at War to direct certain Monies to be paid to the Account of the Commissioners for the Reduction of the National Debt, and carried to the Account of the Military Savings Banks, § 1.
3. Investment of such Monies, § 2.
4. Secretary at War may direct Monies invested in Annuities to be transferred to Account of Paymaster General, § 3.
5. Commissioners for Reduction of National Debt empowered to sell, § 4.
6. Account to be annually laid before Parliament, § 5.
7. The Funds exempted from Provisions of Acts relating to Savings Banks, § 6.
8. Alteration of Act, § 7.

Misdemeanors.

1. To stay Execution of Judgment for Misdemeanors upon giving Bail in Error, 8 & 9 *Vict. c.* 68.
2. Execution on Judgments for Misdemeanors stayed or suspended by Writ of Error and Bail thereon, § 1.
3. Certificate of Recognizance being duly filed, § 2.
4. Time of Imprisonment how reckoned, § 3.
5. Payment and Recovery of a Fine not to prevent Imprisonment till Fine again paid, § 4.
6. Writ of Error to be quashed in case of Delay or Neglect to prosecute it, § 5.

Municipal Corporations, See Barristers.

Museums.

1. For encouraging the Establishment of Museums in large Towns, 8 & 9 *Vict. c.* 43.
2. Town Councils of certain Municipal Boroughs may purchase Lands and erect thereon Museums of Art and Science, § 1.
3. Town Councils may borrow Money for Purchase of Lands, &c., § 2.
4. Such Lands, &c., to vest in Town Council, § 3.
5. Rates of Admission to Public. Regulations for preserving Contents, &c., § 4.

Mutiny, See Soldiers; Marines.

N.

Naval Medical Supplemental Fund.

1. To authorize until the End of the next Session of Parliament an Alteration of the Annuities and Premiums of the Naval Medical Supplemental Fund Society, 8 & 9 *Vict. c.* 123.
2. Amount of Annuities payable by the Society to Widows or other Claimants may be varied, § 1.
3. Duration of Act, § 2.
4. Act to be deemed a Public Act, § 3.

New South Wales.

1. To clear up Doubts as to the Regulation and Audit of the Accounts of the Customs in *New South Wales,* 7 & 8 *Vict. c.* 72.
2. Charges and Expences incident to the Collection of the Imports and Exports to be audited in such Manner as shall be directed by the Treasury, § 1.
3. To explain and amend the Act for the Government of *New South Wales* and *Van Diemen's Land,* 7 & 8 *Vict. c.* 74.
4. Defining Extent of Convict Establishment. Proviso, § 1.
5. Repeal of Part of 5 & 6 *Vict. c.* 76. *s.* 13.—§ 2.
6. Declaration of Qualification to be made in the Council, § 3.
7. Repealing Provision in recited Act as to Payment of Sums to be levied, § 4.
8. Enabling Treasurer to pay Amount named in the Warrant, § 5.
9. Defining Colony, § 6.
10. Extending the Governor's Powers as to giving or withholding the Royal Assent, § 7.
11. Defining "Governor," § 8.
12. Commencement of Act, § 9.

O.

Offences on the High Seas.

1. For the more speedy Trial of Offences committed on the High Seas, 7 & 8 *Vict. c.* 2.
2. Justices of Oyer and Terminer may try Offences committed on the High Seas, § 1.
3. Venue in Indictments, § 2.
4. Where Offenders shall be tried, § 3.

Officers of Courts of Law.

1. To provide for the Payment of Compensation Allowances to certain Persons connected with the Courts of Law in *England,* for Loss of Fees and Emoluments, 8 & 9 *Vict. c.* 78.
2. Commissioners of Her Majesty's Treasury to investigate Claims of certain Officers, and award Compensation to them out of the Consolidated Fund, § 1.

Offices and Employments, See Indemnity, 5.

P.

Parish Clerks, See Lecturers.

Parish Constables.

1. To extend the Powers of the Act for the Appointment and Payment of Parish Constables, 7 & 8 *Vict. c.* 52.
2. 5 & 6 *Vict. c.* 109. extended to all Liberties having a Commission, § 1.
3. Confirming previous Appointments, § 2.
4. Horses, &c. in Service of Superintendent Constables exempted from Toll, § 3.
5. Exempting such Parts of Parishes as lie within Boroughs exempted by 5 & 6 *Vict. c.* 109.—§ 4.

Parishes (Populous).

1. To explain and amend an Act for making better Provision for the Spiritual Care of populous Parishes, 7 & 8 *Vict. c.* 94.
2. Crown may nominate Ministers by Warrant under Sign Manual, § 1.
3. Bishop may license, as to any existing Perpetual Curacy, § 2.
4. Warrant without Fee. Fee for Licence, § 3.
5. How Scheme to be served where Incumbent or Patron absent from *England*, § 4.
6. How where Incumbent incapacitated or Benefice sequestered, § 5.
7. How where Patrons numerous, § 6.
8. Construction of certain Terms in 6 & 7 *Vict. c.* 37.—§ 7.
9. Original Map or Plan may be registered, § 8.
10. Bounds of Districts may be varied within limited Time, § 9.
11. Until Minister licensed, cure of Souls not affected, § 10.
12. Form of Grant or Conveyance, § 11.

Piers, See Local Acts.

Plate, See Gold and Silver Wares.

Poaching, See Game.

Policies of Sea Insurance, See Stamps.

Poor.

1. To secure the Terms on which Grants are made by Her Majesty out of the Parliamentary Grant for the Education of the Poor; and to explain the Act of the Fifth Year of the Reign of Her present Majesty, for the Conveyance of Sites for Schools, 7 & 8 *Vict. c.* 37.
2. The Terms and Conditions upon which Parliamentary Aid has been given towards the building of Schools secured upon the Site, § 1.
3. The Terms upon which Aid shall be granted to Trustees of ancient endowed Schools, § 2.
4. Death of Donor within Twelve Calendar Months not to avoid Grant, § 3.
5. Site may be granted to the Minister and Churchwardens, § 4.
6. Rector, Vicar, or Perpetual Curate may grant to the Minister and Churchwardens, or to the Minister, Churchwardens, and Overseers of his Parish, § 5.
7. To continue until the First Day of *October* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor, 7 & 8 *Vict. c.* 40.
8. 3 & 4 *Vict. c.* 89. continued, § 1.
9. To continue until the First Day of *October* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, Two Acts relating to the Removal of poor Persons born in *Scotland* and *Ireland*, and chargeable to Parishes in *England*, 7 & 8 *Vict. c.* 42.
10. 3 & 4 *W.* 4. *c.* 40. and 7 *W.* 4. & 1 *Vict. c.* 10. continued as in Title, § 1.
11. For the further Amendment of the Laws relating to the Poor in *England*, 7 & 8 *Vict. c.* 101.
12. Powers of making Order on putative Father to cease, § 1.
13. The putative Father to be summoned to Petty Sessions, on Application of Mother of Bastard, § 2.
14. Justices in Petty Sessions may make an Order on the putative Father for Maintenance and Costs, and enforce the same by Distress and Commitment. Proviso, § 3.
15. Applications to be made within Forty Days. Appeal to Quarter Sessions for the putative Father, § 4.
16. Money under the Order to be paid to the Mother or to a Person appointed by the Justices. Time of Cessation of Order, § 5.
17. Mother punishable for Neglect or Desertion of her Bastard Child, § 6.
18. Officers of Parishes or Unions not to receive Money under the Order, or to interfere in any respect. Proceedings against putative Father in case of Death or Incapacity of Mother, § 7.
19. Penalties for promoting Marriage of a Mother of a Bastard improperly, misapplying Monies, or maltreating a Bastard Child, § 8.
20. Existing Orders, &c. not to be affected. Orders made before 14th *August* 1834 to cease on the 1st *January* 1849, § 9.
21. Orders made by Justices acting in Two adjoining Counties to be valid although not made in the County in which the Parish is situate, § 10.
22. Clerks to Justices annually to make a Return of Summonses, Orders, &c. to the Clerks of the Peace, who shall transmit Copies thereof to the Secretary of State, with Lists of Appeals, § 11.
23. Poor Law Commissioners to prescribe the Duties of poor Apprentices, and Masters neglecting to fulfil them liable to Penalty. Guardians to bind poor Children Apprentices instead of Overseers, § 12.
24. Compulsory Apprenticeship abolished. Repeal of 43 *Eliz. c.* 2.; 8 & 9 *W.* 3. *c.* 3.—§ 13.
25. Repeal of so much of 4 & 5 *W.* 4. *c.* 76. as relates to Number of Votes of Owners and Rate-payers. Owners of Property and Ratepayers to vote according to the Scale herein set forth, § 14.
26. Regulations as to Votes of Owners and of Proxies, § 15.
27. So much of 4 & 5 *W.* 4. as relates to not voting only to to extend to Poor's Rates, § 16.
28. Annual Election of Guardians to take place within Forty Days after the Twenty-fifth of *March*, § 17.
29. Number of Guardians may be altered with reference to Population, &c., § 18.

30. Parishes

30. Parishes may be divided into Wards, § 19.
31. Qualifications of Guardians in Wards, § 20.
32. Voting in Wards, § 21.
33. Restriction as to separate Overseers for Townships, § 22.
34. Orders of Poor Law Commissioners valid, notwithstanding separate Appointment of Overseers, § 23.
35. Justices who reside in extra-parochial Places or Parishes within Unions to be *ex officio* Guardians, § 24.
36. Relief of Married Women in certain Cases to be subject to the same Conditions as if they were Widows, § 25.
37. Relief to Widows in certain Cases. Proviso, § 26.
38. Expences incurred for Insane Paupers may be levied off their Estates, § 27.
39. Guardians under local Acts to have Powers with respect to Insane Poor, § 28.
40. Guardians to apply Money raised for Emigration, § 29.
41. Cost of obtaining Site of Workhouses in the Metropolitan Police District, &c., § 30.
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54. Powers and Duties of District Boards, § 43.
55. Powers of District Board for purchasing and Hire of Land, &c. Sums to be raised for providing Schools or Asylums not to exceed One Fifth Part of the average annual Rates, § 44.
56. District Board to hold Property of the District as a Corporation, § 45.
57. Payment of Contributions to District Boards, § 46.
58. Distribution of Charges for Schools, § 47.
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60. Appointment of Auditors for District Boards, § 49.
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63. Repeal of the Acts 7 *G.* 3. *c.* 39. and 2 *G.* 3. *c.* 22.—§ 52.
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70. Costs of certain Civil and Criminal Proceedings to be paid out of Poor Rates, § 59.
71. Expences of Jury Lists and Boundaries of Parishes may be paid out of Poor Rates, § 60.
72. Collectors appointed by Guardians may be appointed to perform the Duties of Assistant Overseers, § 61.
73. Poor Law Commissioners, on Application of Board of Guardians, may direct Appointment of paid Collector of Poor Rates, § 62.
74. Penalty on Overseers neglecting to obtain a Supply of Funds for the Relief of the Poor, § 63.
75. In what Manner Guardians under Local Acts shall conduct their Proceedings. Parishes under Local Acts, with a Population exceeding 20,000, not to be united without Consent of Guardians. Exception as to Vagrant and Audit Districts, § 64.
76. Parishes, with a Population exceeding 20,000, under Local Acts, having adopted the Provisions of 1 & 2 *W.* 4. *c.* 60., and Parishes in the Metropolitan District having Auditors, not to be included in any District for Audit of Accounts, § 65.
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78. Repeal of 55 *G.* 3. *c.* 137. *s.* 7. as to Notices of Contracts for supplying Workhouses, § 67.
79. Clerks and Officers may conduct Proceedings before Justices at Petty Sessions on behalf of Boards of Guardians, although not certified Attornies, § 68.
80. Guardians, &c. may make a certain Certificate, which may be received in Evidence, &c., § 69.
81. Justices at Petty Sessions, or out of Sessions, may summon Witnesses, and compel them to attend and give Evidence, § 70.
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88. To make certain Provisions for Proceedings in Bastardy, 8 & 9 *Vict.* *c.* 10.
89. Proceedings in Bastardy according to the Forms in the Schedule hereto valid, § 1.
90. Mother, when Order has been quashed for Defect in Form, may apply again within Six Calendar Months, § 2.
91. Form of Recognizance to be given by the putative Father, § 3.
92. Provision as to the Mode of Proceeding in Cases of Applications by Women who are pregnant, § 4.
93. Putative Father may abandon his Appeal, and his Recognizance shall not be estreated, § 5.
94. The Mother of the Bastard Child to be examined by the Court of Quarter Sessions, on Appeal against the Order in Bastardy; but no Order to be confirmed unless her Evidence is corroborated, § 6.
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96. Default of sufficient Distress within the Jurdisdiction of the Justices to warrant the Commitment to Prison, § 8.
97. "Petty Sessional Division," what to include, § 10.
98. Interpretation of the Word "Recorder," § 11.

99. To continue until the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then Session of Parliament, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor, 8 & 9 *Vict. c.* 79.
100. 3 & 4 *Vict. c.* 89. continued as in Title, § 1.
101. To amend the Laws relating to the Removal of poor Persons born in *Scotland*, *Ireland*, the Islands of *Man*, *Scilly*, *Jersey*, or *Guernsey*, and chargeable in *England*, 8 & 9 *Vict. c.* 117.
102. Repeal of 11 *G.* 4. & 1 *W.* 4. *c.* 65., 3 & 4 *W.* 4. *c.* 40.—§ 1.
103. Provision for Removal of Natives of *Scotland*, *Ireland*, and the Isles of *Man*, *Scilly*, *Jersey*, and *Guernsey*, § 2.
104. Persons executing Warrants of Removal to have the Authority of Constables, § 3.
105. Justices of the Peace to make new Regulations for Removal of *Scottish* and *Irish* Poor, &c. to their respective Places of Birth or Residence, § 4.
106. Expences of certain Parishes to be repaid out of County Rates, § 5.
107. Appeals against such Removals may be lodged at the Instance of Boards of Guardians in *Ireland*, and of Kirk Session, Heritors, or Borough Magistrates in *Scotland*, § 6.
108. The Poor Law Amendment Act and this Act to be construed as One Act, § 7.
109. Forms in the Schedule may be used in Proceedings under this Act, § 8.

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2. Commencement of Act, § 1.
3. Importation and Exportation of Goods confined to Free Ports. Her Majesty may appoint other Ports to be Free Ports. Proviso for Articles from *Guernsey*, &c. for the Fisheries, § 2.
4. Her Majesty may appoint Ports for limited Purposes, § 3.
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6. This Act not to affect 4 *G.* 4. *c.* 77. and 5 *G.* 4. *c.* 50. for regulating the Trade of Foreign Ships, § 5.
7. Establishing Prohibitions as *per* Table. Goods imported contrary hereto forfeited, § 6.
8. Coffee, Sugar, and Rum may be imported into the *British* Possessions in the *West Indies* and *South America* and the *Mauritius* in certain Cases, § 7.
9. Coffee, &c., though *British*, deemed Foreign in certain Cases, § 8.
10. Foreign Reprints of Books under Copyright prohibited, § 9.
11. Foreign Manufactures with *British* Marks, § 10.
12. Import Duties imposed, § 11.
13. Commissioners of Customs may make necessary Regulations, § 12.
14. Import Duty on Sugar refined in Bond, § 13.
15. Crown Goods sold after Importation to be charged with Duty, § 14.
16. Duties imposed by this Act to be increased in certain Cases, § 15.
17. Power to Her Majesty, by Order in Council, to exempt certain Articles from Duty, § 16.
18. Money levied under this Act to be Sterling Money of *Great Britain*. Duties to be levied according to Imperial Weights and Measures. To be under Management of Commissioners of Customs, § 17.
19. Net Produce of Duties, how to be applied, § 18.
20. Goods from the Channel Islands, § 19.
21. All *British* Vessels shall be subject to equal Duties in the Colonies, except Coasting Vessels, § 20.
22. Ship and Cargo to be reported on Arrival. Particulars of Report. Penalty for false Report, § 21.
23. Entry Outwards of Ship for Cargo. Particulars of Entry. Penalty 50*l.* Content of the Cargo to be delivered before Departure. Clearance of Ship for the Voyage. Penalty for not clearing, 100*l.*, § 22.
24. Goods not stated to be Produce of *British* Possessions to be deemed of Foreign Production, § 23.
25. Clearing Officers to ascertain and certify that the Cargo of certain Ships is below Deck. Captains of such Ships not to sail without Certificate, § 24.
26. No Part of the Cargo of such Ship to be placed on Deck. Proviso for Removal of Cargo in Cases of Leakage or Damage. Stores not taken to be Cargo, § 25.
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28. Certain Produce of the State of *Maine* to be treated as the Produce of *New Brunswick*, § 27.
29. *Newfoundland* Fishing Certificates in lieu of Clearance during the Fishing Season. At the End of the Season the Certificate to be delivered up. Ships trading to forfeit their Certificate, § 28.
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31. Commissioners of Customs may declare Trade between neighbouring Colonies a Coasting Trade, § 30.
32. Particulars of Entry of Goods Inwards and Outwards, § 31.
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36. If Importer refuse to pay such Duty, the Goods may be sold, § 35.
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57. Goods may be sorted and repacked. Duty due on first Quantity. Whole Packages may be abandoned for Duty, § 56.
58. Goods warehoused may be delivered for Removal without Payment of Duty, § 57.
59. All Goods to be cleared within Two Years or sold. Further Time may be granted. Foreign salted Beef or Pork may be shipped as Stores. Surplus of such Stores may be delivered into Charge of Searcher to be re-shipped, § 58.
60. Bond on Entry for Exportation, § 59.
61. Power to appoint other Ports, § 60.
62. Goods from *Mauritius* liable to same Duties and Regulations as *West India* Goods, § 61.
63. *Cape of Good Hope* within Limits of the Company's Charter, § 62.
64. Colonial Laws repugnant to any Act of Parliament to be null and void, § 63.
65. Exemption to extend only to Duties by Act of Parliament, § 64.
66. Officers may board Ships in Port or hovering on Coast, § 65.
67. Forfeiture of Vessels, Carriages, &c. receiving Goods liable to Forfeiture, § 66.
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88. Security to abide an Appeal from Decree of Vice Admiralty Court, § 87.
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2. Rates of Postage established by the Postmaster General to be deemed authorized by recited Acts, § 1.
3. The Postmaster General may establish Posts in the Colonies, § 2.
4. Commissioners of the Treasury may establish Rates of Postage, and alter them from Time to Time, § 3.
5. Warrants establishing Rates of Postage to be published in *London Gazette*, § 4.
6. Colonial Rates of Postage to be paid over to Postmaster General, § 5.
7. Postage Mark to be Evidence of Amount of Postage, § 6.
8. Repeal of certain Provision in 3 & 4 *Vict.* *c.* 96.—§ 7.
9. Defining the Term "Colonial Letters," § 8.
10. Commissioners of the Treasury may extend Provisions of Post Office Acts to other Colonies, § 9.
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Pottinger, Sir Henry.

To settle an Annuity on Sir *Henry Pottinger* Baronet, in consideration of his eminent Services, 8 & 9 *Vict.* *c.* 49.

Print Works, (*Labour in.*)

1. To regulate the Labour of Children, young Persons, and Women, in Print Works, 8 & 9 *Vict. c.* 29.
2. Commencement of Act, § 1.
3. Interpretation Clause: "Print Work:" "Incidental printing Process:" "Child:" "Young Person:" "Parent:" "Masculine Gender" and "Singular Number:" "Employment:" "Inspector" and "Sub-Inspector:" "Agent:" "Month:" "Day:" "Night:" Exception to the Term "Print Work." Exception in favour of Mechanics, § 2.
4. Inspectors and Sub-Inspectors, § 3.
5. Power of Inspectors and Sub-Inspectors, § 4.
6. Inspectors to report, § 5.
7. Owners of Print Works to send Particulars connected therewith to Inspectors of Factories, § 6.
8. Appointment of certifying Surgeons, § 7.
9. Form of Surgical Certificate, § 8.
10. Certificates not given by certifying Surgeon must be by Persons duly authorized, and countersigned by a Magistrate, § 9.
11. Surgical Certificates to be given at the Print Work, § 10.
12. Agreement between Occupier of a Print Work and certifying Surgeon, § 11.
13. Inspector may fix Surgeon's Fees, § 12.
14. Inspectors and Sub-Inspectors may annul Certificates, § 13.
15. Certificates of real Age may be obtained, § 14.
16. Certificates to be obtained before the Person is employed, and to serve only for One Print Work, § 15.
17. Surgical Certificates may be dispensed with for Seven or Thirteen Days, § 16.
18. Surgical Certificate to be Proof of Age, § 17.
19. Proof of Age of Persons alleged to be Sixteen, § 18.
20. Children under Eight Years not to be employed, § 19.
21. Surgical Certificates for Children, § 20.
22. Surgical Certificates for young Persons, § 21.
23. Children and Females not to be employed in the Night, § 22.
24. Children to attend School, § 23.
25. Registry of School Attendance, § 24.
26. Occupiers of Print Works to obtain Certificates of Children's School Attendance, § 25.
27. Inspector may by Notice annul the Certificate of any Schoolmaster found unfit. Appeal, § 26.
28. Registers to be kept in every Print Work, § 27.
29. For ensuring Regularity in the Observance of Time, § 28.
30. An Abstract of this Act, and certain Notices, to be hung in every Print Work, § 29.
31. Occupier of the Print Work to be liable for Offences against this Act in the first instance, § 30.
32. When Complaints to be preferred, § 31.
33. Proceedings under this Act may be had before any Justices. Penalties may be recovered as in 5 *G.* 4. *c.* 18. Power of distraining Goods in Print Work where Occupier is convicted, § 32.
34. Issue of Summons for Offences against this Act, § 33.
35. Compelling Parties to appear and bring Register, § 34.
36. Inspectors and Sub-Inspectors competent Witnesses, § 35.
37. Justices may enforce Attendance of Witnesses, § 36.
38. Inspectors and Sub-Inspectors may summon Offenders and Witnesses § 37.
39. What shall be deemed sufficient for Summons and Service thereof, § 38.
40. Penalty for illegally employing Children, young Persons, and Women, § 39.
41. Penalty on Parents and others interested for conniving at illegal Employment, § 40.
42. Penalty for obstructing Inspectors in Execution of their Duty, § 41.
43. Penalty for obstructing Inspectors at Night, § 42.
44. Penalty for giving or using untrue Certificates, § 43.
45. Penalty in Cases where no special Penalty is provided, § 44.
46. Offences against Directions in Schedules, § 45.
47. Penalty for Second Offence, § 46.
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49. Application of Penalties, § 48.
50. How former Conviction may be proved, § 49.
51. Convictions to be filed amongst the Records of the County, § 50.
52. No Appeal from Convictions except in certain Cases, § 51.
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54. Who are to exercise the Powers of Justices, § 53.

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2. *William Orme*, deceased.—Dividing Estates of, 7 & 8 *Vict.* c. 9.
3. *Blythswood* Estate, *Lanarkshire.*—Re-entailing, &c., 7 & 8 *Vict. c.* 10.
4. Marquess of *Ailsa.*—Raising Money, &c., 7 & 8 *Vict. c.* 11.
5. *Francis H. Rigby*, deceased.—Selling Estates of, 7 & 8 *Vict. c.* 12.
6. *A. F. Irvine.*—Selling Estates of, 7 & 8 *Vict. c.* 13.
7. *John Stone*, deceased.—Selling Estates of, 7 & 8 *Vict. c.* 14.
8. Earl of *Guilford.*—Selling Estates of, 7 & 8 *Vict. c.* 15.
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10. *Seaforth* Estate.—Selling, 7 & 8 *Vict. c.* 17.
11. *Pierce Morton.*—Selling settled Estates of, 7 & 8 *Vict. c.* 18.
12. *Willenhall Chapel, Staffordshire.*—Selling Estates and Mines, 7 & 8 *Vict. c.* 19.
13. *H. K. Peach*, Guardians of.—Selling Presentation to *Idlicote, Warwickshire*, 7 & 8 *Vict. c.* 20.
14. Sir *J. Ramsden*, deceased.—Leasing Estates of, 7 & 8 *Vict. c.* 21.
15. *J. Passingham*, deceased.—Leasing Estates of, 7 & 8 *Vict. c.* 22.
16. *W. H. B. J. Wilson.*—Selling settled Estates of, 7 & 8 *Vict. c.* 23.
17. *W. Harris*, deceased.—Selling settled Estates of, 7 & 8 *Vict. c.* 24.
18. Lord *Le Despencer.*—Compromising Suit and selling Estates of, 7 & 8 *Vict. c.* 25.
19. Lord *Lovat.*—Borrowing Money, 7 & 8 *Vict. c.* 26.
20. Sir *G. W. T. Gervis*, deceased.—Conveying and endowing a Church at *Bournemouth, Hants*, 7 & 8 *Vict. c.* 27.
21. *W. A. Bowyer*, deceased.—Leasing Estates of, 7 & 8 *Vict. c.* 28.
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23. Bishop of *London* and others.—Confirming Agreement between, 7 & 8 *Vict. c.* 30.

24. *William Devaynes*, deceased. — Selling Estates of, 7 & 8 *Vict. c.* 31.
25. See of *Down, Connor*, and *Dromore.*—Annexing *Down* and *Connor* House to, 7 & 8 *Vict. c.* 32.
26. *J. W. Ladbroke.*—Confirming Contracts for Leases made by, 7 & 8 *Vict. c.* 33.
27. Lord *Rochford*, deceased.—Explaining Act for Sale of his Estates, 7 & 8 *Vict. c.* 34.
28. *Charles Calvert*, Esquire. — Disposing of his Estates, 8 & 9 *Vict. c.* 1.
29. Duke of *Argyll.* — Empowering to charge Portions, 8 & 9 *Vict. c.* 3.
30. *William Molyneux*, Esquire.—Amending Act for Partition of his Estates, 8 & 9 *Vict. c.* 4.
31. *Percy Barrington* and *Louisa Higgins.*—Enabling them to make a Settlement on their Intermarriage, 8 & 9 *Vict. c.* 5.
32. *William Trevor*, deceased.—Granting Building Leases of his Estates, 8 & 9 *Vict. c.* 10.
33. *Morden* College.—Extending Act, 8 & 9 *Vict. c.* 12.
34. *John Hawkins*, Esquire, deceased.—Granting Building Leases of his Estates, 8 & 9 *Vict. c.* 13.
35. Misses *Ellerker.*—Selling their settled Estates, 8 & 9 *Vict. c.* 14.
36. Lord *Monson*, deceased.—Leasing his Estates in *Surrey*, 8 & 9 *Vict. c.* 15.
37. *F.* and *J. Geldart*, deceased. — Selling their Estates, 8 & 9 *Vict. c.* 16.
38. Sir *T. White's* Charity. — Selling Estates, 8 & 9 *Vict. c.* 17.
39. *R. Ellison*, Esquire. — Leasing *Fossdyke* Navigation, 8 & 9 *Vict. c.* 18.
40. Vicar of *Rochdale.*—Amending Act for leasing Glebe, 8 & 9 *Vict. c.* 19.
41. *Winchester* College.—Selling Estates, 8 & 9 *Vict. c.* 20.
42. Sir *T. Coxhead*, deceased.—Selling Estates, 8 & 9 *Vict. c.* 21.
43. *W. H. Robinson*, Esq.—Mortgaging Estates, 8 & 9 *Vict. c.* 22.
44. Sir *R. K. Dick.*—Selling Estates, 8 & 9 *Vict. c.* 23.
45. *T. B. Molyneux.*—Selling Estates, 8 & 9 *Vict. c.* 24.
46. *J. R. Fletcher*, Esquire.—Selling Estates, 8 & 9 *Vict. c.* 25.
47. Earl of *Strathmore*, deceased.—Selling Estates, 8 & 9 *Vict. c.* 26.
48. *Blue Coat* School, *Birmingham.*—Vesting Estates in new Trustees, 8 & 9 *Vict. c.* 27.
49. *John Michael Severne*, Esquire.—Effecting Partition of his Estates, 8 & 9 *Vict. c.* 28.
50. Duke of *Bridgwater*, deceased,—Enabling Trustees of, to raise Money, 8 & 9 *Vict. c.* 29.
51. *T. Sampson*, Esq., deceased.—Selling Estates, 8 & 9 *Vict. c.* 30.
52. Marquis of *Donegall.*—Selling settled Estates, 8 & 9 *Vict. c.* 31.
53. Sir *W. Paston's* Free School.—Selling Estates, 8 & 9 *Vict. c.* 32.
54. Marquess of *Westminster*, deceased. — Enlarging the Power in his Will to grant Building Leases, 8 & 9 *Vict. c.* 33.

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Property Tax.

1. To exempt from the Payment of Property Tax the Dividends on certain Annuities of Three Pounds Ten Shillings *per Centum per Annum* payable for the Quarter of the Year ending the Tenth Day of *October* One thousand eight hundred and forty-four, 7 & 8 *Vict. c.* 39.
2. No Deduction for Property Tax shall be made on Dividends payable on 10th *October* 1844, § 1.
3. To continue for Three Years the Duties on Profits arising from Property, Professions, Trades, and Offices, 8 & 9 *Vict. c.* 4.
4. The Rates and Duties granted by 5 & 6 *Vict. c.* 35. continued for Three Years, § 1.
5. The several Acts continued in force, § 2.
6. Assessments under Schedules (A.) and (B.) for the Year 1845 to be in force for Three Years, § 3.
7. Power to compound for Duties under Schedule (D.) continued, § 4.

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Q.

Queen and Royal Family.

1. To enable the Council of His Royal Highness *Albert Edward* Prince of *Wales* to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of *Cornwall;* to purchase other Lands; and for other Purposes, 7 & 8 *Vict. c.* 65.
2. The Council of His Royal Highness empowered to sell Lands, &c., § 1.
3. Mode of carrying Sales into effect, § 2.
4. Power to enfranchise Copyhold or Customary Lands, § 3.
5. Corporations empowered to purchase Rents charged on their own Lands. Trustees for incapacitated Persons empowered to purchase Rents and to enfranchise Lands, § 4.
6. But if the Purchase Money exceeds 200*l.*, with Sanction of a Court of Equity, § 5.
7. Tenant of particular Estates authorized to raise Money to redeem Quit Rents, Manorial Rights, &c., and for the Purchase of Enfranchisements; but if the Money raised shall exceed 200*l.*, with the Sanction of a Court of Equity, § 6.
8. The Council may exchange Lands, § 7.
9. Power to give or receive Money for Equality of Exchange, § 8.
10. Council may purchase Lands, &c., § 9.
11. The Council may purchase Leases, § 10.
12. Leases purchased under the Authority of this Act may either be merged or kept on foot, § 11.
13. Powers of Sale and Exchange to extend to Leases purchased, § 12.
14. Incorporated Persons empowered to sell, § 13.
15. Application of Purchase Money in case of Purchase from Persons incapacitated, § 14.
16. Similar Provision as to Monies to be received for Equality of Exchange, § 15.
17. Persons in possession to be deemed entitled till the contrary be shown, § 16.

18. The

18. The Council to cause all Sums received by the Receiver General, &c. under this Act to be paid into the Bank, § 17.
19. Application of the Monies to arise from Sales, &c., § 18.
20. Payments to be made by Drafts on the Bank of *England*, and such Drafts to be an Authority to the Bank, § 19.
21. Sums arising from Sales, and not immediately wanted, to be invested in the Three *per Cents.*, § 20.
22. Application of Dividends of Stocks, § 21.
23. Stock may be sold when wanted, § 22.
24. Transfers may be made by Power of Attorney, § 23.
25. The Council may apply the ordinary Revenues of the Duchy for the general Purposes of the Act, § 24.
26. His Royal Highness may grant Licences to Copyholders to improve their Tenements, and to demise the same, § 25.
27. His Royal Highness may make Grants of Land for Sites for Churches, &c., § 26.
28. Sales, &c. not to be made except under Warrant from the Treasury, § 27.
29. Purchasers, &c. not to be bound to see that Provisions of the Act have been complied with, § 28.
30. Nor to see to the Application of the Purchase Money, § 29.
31. Deeds, &c. relating to Lands, &c. to be enrolled, § 30.
32. Keeper of the Records to enrol all Deeds, &c. in due Order of Time, and to certify the same, § 31.
33. Exception as to Conveyances on Sales under 100*l.*, § 32.
34. Deeds, &c. so enrolled not to require any Enrolment in Courts of Law, &c., § 33.
35. Enrolments to be received as Evidence, § 34.
36. The Council may authorize Enrolments to be made *nunc pro tunc*, § 35.
37. The Act not to affect Fees on Enrolments, &c., the Amounts whereof to be fixed by the Council, § 36.
38. For the Enforcement of certain Covenants in existing Leases, § 37.
39. An Officer of the Duchy to be appointed to control Execution of Leases, § 38.
40. As to the Performance of Duties imposed on certain Officers, § 39.
41. For securing the Use of certain Rooms in or belonging to the Town Hall of *Truro* for the Vice Warden and Officers of the Court of Stannaries of *Cornwall*, § 40.
42. Her Majesty may exercise the Powers vested in the Prince by this Act, § 41.
43. Contracts, &c. may be made by any Three Members of the Council, § 42.
44. Certain Licences to search for Minerals not subject to Stamp Duty, § 43.
45. Interpretation of Act, § 44.

R.

Railways in general.

1. To attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways, 7 & 8 *Vict. c.* 85.
2. If, after 21 Years from the passing of the Act for the Construction of any future Railway, the Profits shall exceed Ten Pounds *per Cent.*, the Treasury may revise the Scale of Tolls, and fix a new Scale. Proviso, § 1.
3. Option of Purchase of future Railways. Proviso, § 2.
4. Existing Railways not to be subjected to the Options, § 3.
5. Reservation to Parliament of the Consideration of future Policy in regard to the said Option, § 4.
6. Accounts to be kept, and to be open to Inspection, § 5.
7. Companies to provide One cheap Train each Way daily, § 6.
8. Penalty for Non-compliance, § 7.
9. Board of Trade to have a discretionary Power of allowing alternative Arrangements, § 8.
10. When no Tax to be levied, § 9.
11. Where Companies run Trains on the *Sunday* cheap Trains to be likewise provided, § 10.
12. Railway Companies to afford additional Facilities for the Transmission of the Mails, § 11.
13. Certain Companies to convey Military and Police Forces at certain Charges, § 12.
14. Companies to allow Lines of Electrical Telegraph to be established, § 13.
15. Electrical Telegraph established by private Parties to be open to the Public, § 14.
16. Appointment of Inspectors by Board of Trade, § 15.
17. Repealing Provision of 3 & 4 *Vict. c.* 97.—§ 16.
18. If Railway Companies contravene or exceed the Provisions of their Acts, or of any general Act, the Board of Trade to certify the same to the Attorney General, &c., who shall proceed against them, § 17.
19. Notice to be given to the Company. Prosecutions to be under the Sanction of the Board of Trade, and within One Year after the Offence, § 18.
20. Issue of Loan Notes and other illegal Securities by Railway Companies prohibited. Loan Notes already issued may be renewed, § 19.
21. Loan Notes already issued to be paid when due, § 20.
22. Register of Loan Notes, § 21.
23. Remedy for Recovery of Tithe Rent-charge on Railway Land, § 22.
24. Communications to and from Board of Trade, Service of Notices, &c., § 23.
25. Penalties, § 24.
26. Interpretation of Act, § 25.
27. For consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways, 8 & 9 *Vict. c.* 20.
28. Operation of this Act confined to future Railways, § 1.
29. Special Act, § 2.
30. Interpretations in this and the special Act, § 3.
31. Short Title of the Act, § 4.
32. Form in which Portions of this Act may be incorporated in other Acts, § 5.
33. *Construction of Railway.* The Construction of the Railway to be subject to the Provisions of this Act and the Lands Clauses Consolidation Act, § 6.
34. Errors and Omissions in Plans to be corrected, § 7.
35. Works not to be proceeded with until Plans of all Alterations authorized by Parliament have been deposited, § 8.
36. Clerks of the Peace, &c. to receive Plans of Alterations, and allow Inspection, § 9.
37. Copies of Plans, &c. to be Evidence, § 10.
38. Limiting Deviation from Datum Line described on Sections, &c., § 11.
39. Public Notice to be given previous to making greater Deviations. Power to the Owners of adjoining Lands to appeal to the Board of Trade against such Deviation, § 12.

40. Arches, Tunnels, &c. to be made as marked on deposited Plans, § 13.
41. Limiting Deviations from Gradients, Curves, &c., § 14.
42. Lateral Deviations, § 15.
43. Works to be executed. Inclined Planes, &c. Alteration of Course of Rivers, &c. Alterations and Repairs. General Power. Proviso as to Damages, § 16.
44. Works below High-water Mark not to be executed without the Consent of the Lords of the Admiralty, § 17.
45. Alteration of Water and Gas Pipes, &c., § 18.
46. Company not to disturb Pipes until they have laid down others, § 19.
47. Pipes not to be laid contrary to any Act, and Eighteen Inches Surface Road to be retained, § 20.
48. Company to make good all Damage, § 21.
49. When Railway crosses Pipes, Company to make a Culvert, § 22.
50. Penalty for obstructing Supply of Gas or Water, § 23.
51. Penalty for obstructing Construction of Railway, § 24.
52. *Drainage of Lands.* The Company from Time to Time to *submit* to the Drainage Commissioners in *Ireland* Plans, &c. of the Portion of the Railway which they are about to execute, § 25.
53. Such Commissioners to investigate and report on the Works necessary for Drainage, § 26.
54. Summary Application to the Court of Chancery to enforce the Execution of such Works, § 27.
55. Saving of the Powers of the Drainage Commissioners, § 28.
56. The Drainage Commissioners in *Ireland* to have Power to decide Questions as to the Execution of Works, or to execute Works for carrying Watercourses across the Railway, § 29.
57. *Temporary Use of private Roads.* Company may occupy temporarily private Roads within Five hundred Yards of the Railway, § 30.
58. Power to Owners and Occupiers of Road and Land to object that other Roads should be taken, § 31.
59. Power to take temporary Possession of Land without previous Payment of Price, § 32.
60. Company to give Notice previous to such temporary Possession, § 33.
61. Service of Notices on Owners and Occupiers of Lands, § 34.
62. Power to Owner to object that other Lands ought to be taken, § 35.
63. Power to Two Justices to order that the Lands and Materials shall not be taken, § 36.
64. Power to Justices to order other Lands to be taken, § 37.
65. Power to the Justices to summon other Owners before them, § 38.
66. The Company to give Sureties, if required, § 39.
67. Company to separate the Lands before using them, § 40.
68. Lands taken for getting Materials, &c. to be worked as the Surveyor of Owner may direct, § 41.
69. Owners of Lands may compel Company to purchase Lands so temporarily occupied, § 42.
70. Compensation to be made for temporary Occupation, § 43.
71. Compensation to be ascertained under the Lands Clauses Act, § 44.
72. *Lands for additional Stations.* Land to be taken for additional Stations, &c., § 45.
73. *Crossing of Roads, and Construction of Bridges.* Crossing of Roads, § 46.
74. Provision in Cases where Roads are crossed on a Level, § 47.
75. As to crossing of Turnpike Roads adjoining Stations, § 48.
76. Construction of Bridges over Roads, § 49.
77. Construction of Bridges over Railway, § 50.
78. The Width of the Bridges need not exceed the Width of the Road in certain Cases, § 51.
79. Existing Inclinations of Roads crossed or diverted need not be improved, § 52.
80. Before Roads interfered with, others to be substituted, § 53.
81. Penalty for substituting a Road, § 54.
82. Party suffering Damage from Interruption of Road to recover in an Action on the Case, § 55.
83. Period for Restoration of Roads interfered with, § 56.
84. Penalty for failing to restore Road, § 57.
85. Company to repair Roads used by them, § 58.
86. Proceedings on Application to Justices to consent to level Crossings of Bridleways and Footways, § 59.
87. Appeal against the Determination of the Justices, § 60.
88. Company to make sufficient Approaches and Fences to Bridleways and Footways crossing on the Level, § 61.
89. Justices to have Power to order Approaches and Fences to be made to Highways crossing on the Level, § 62.
90. Screens for Roads to be made, if required, by the Board of Trade, § 63.
91. Penalty for failing to construct, § 64.
92. *Construction of Bridges.* Justices to have Power to order Repair of Bridges, § 65.
93. Board of Trade empowered to modify the Construction of certain Roads, Bridges, &c., where a strict Compliance with the Act is impossible or inconvenient, § 66.
94. Authentication of Certificates of the Board of Trade, Service of Notices, &c., § 67.
95. *Works for Protection and Accommodation of Lands.* Gates, Bridges, &c., § 68.
96. Differences as to Accommodation Works to be settled by Justices, § 69.
97. Execution of Works by Owners on default by the Company, § 70.
98. Power to Owners of Land to make additional Accommodation Works, § 71.
99. Such Works to be constructed under the Superintendence of the Company's Engineer, § 72.
100. Accommodation Works not to be required after Five Years, § 73.
101. Owners to be allowed to cross until Accommodation Works are made, § 74.
102. Penalty on Persons omitting to fasten Gates, § 75.
103. *Branch Railways.* Power to Parties to make private Branch Railways communicating with the Railway, § 76.
104. *Working of Mines.* Company not to be entitled to Minerals, § 77.
105. Mines lying near the Railway not to be worked if the Company willing to purchase them, § 78.
106. If Company unwilling to purchase, Owner may work the Mines, § 79.
107. Mining Communications, § 80.
108. Company to make Compensation for Injury done to Mines, § 81.
109. And also for any Airway or other Work made necessary by the Railway, § 82.
110. Power to Company to enter and inspect the working of Mines, § 83.

111. Penalty

111. Penalty for Refusal to inspect, § 84.
112. If Mines improperly worked, the Company may require Means to be adopted for the Safety of the Railway, § 85.
113. *Passengers and Goods on Railway.* Company to employ locomotive Power, Carriages, &c., § 86.
114. Company empowered to contract with other Companies, § 87.
115. Contracts not to affect Persons not Parties thereto, § 88.
116. Company not to be liable to a greater Extent than Common Carriers, § 89.
117. Power to vary Tolls. Tolls to be charged equally under like Circumstances, § 90.
118. How Tolls to be calculated where Railways amalgamated, § 91.
119. Railway to be free on Payment of Tolls, § 92.
120. List of Tolls to be exhibited on a Board, § 93.
121. Milestones, § 94.
122. Tolls to be taken only whilst Board exhibited, and Milestones set up, § 95.
123. Tolls to be paid as directed by the Company, § 96.
124. In default of Payment of Tolls, Goods, &c. may be detained and sold, § 97.
125. Account of Lading, &c. to be given, § 98.
126. Penalty for not giving Account of Lading, § 99.
127. Disputes as to Amount of Tolls chargeable, § 100.
128. Differences as to Weights, &c., § 101.
129. Toll Collector to be liable for wrongful Detention of Goods, § 102.
130. Penalty on Passengers practising Frauds on the Company, § 103.
131. Detention of Offenders, § 104.
132. Penalty for bringing dangerous Goods on the Railway, § 105.
133. Delivery of Matters in Possession or Custody of Toll Collector at Removal, § 106.
134. Annual Account to be made up, and a Copy transmitted to the Clerk of the Peace, &c., § 107.
135. *Bye Laws.* Company to regulate the Use of the Railway, § 108.
136. Power to make Regulations by Bye Laws, § 109.
137. Publication of such Bye Laws, § 110.
138. Such Bye Laws to be binding on all Parties, § 111.
139. *Leasing of Railway.* Exercise of Power to lease the Railway, § 112.
140. Powers vested in the Company may be exercised by the Lessees, § 113.
141. *Carriages and Engines.* Engines to consume their Smoke, § 114.
142. Engines to be approved by the Company, and Certificate of Approval given. Unfit Engines to be removed, § 115.
143. Penalty for using improper Engines, § 116.
144. Carriages to be constructed according to Company's Regulations, § 117.
145. Regulations to apply also to Company's Carriages, § 118.
146. Penalty for using improper Carriages, § 119.
147. Owner's Name, &c. to be registered, and exhibited on Carriages, § 120.
148. On Noncompliance Carriage may be removed, § 121.
149. Carriages improperly loaded, or suffered to obstruct the Road, may be unloaded or removed, § 122.
150. Company not to be liable for Damage by such unloading, &c., § 123.
151. Owners liable for Damage by their Servants, § 124.
152. Owners may recover from Servants, § 125.
153. *Arbitration.* Appointment of Arbitrators when Questions are to be determined by Arbitration, § 126.
154. Vacancy of Arbitrator to be supplied, § 127.
155. Appointment of Umpire, § 128.
156. Board of Trade empowered to appoint an Umpire, on Neglect of the Arbitrators, § 129.
157. In case of Death of single Arbitrator the Matter to begin *de novo*, § 130.
158. If either Arbitrator refuse to act the other to proceed *ex parte*, § 131.
159. If Arbitrators fail to make their Award within Twenty-one Days, the Matter to go to the Umpire, § 132.
160. Power for Arbitrators to call for Books, &c., § 133.
161. Arbitrator and Umpire to make Declaration, § 134.
162. Costs to be in the Discretion of the Arbitrators, § 135.
163. Submission to Arbitration may be made a Rule of Court, § 136.
164. The Award not to be set aside for Matter of Form, § 137.
165. Service of Notices upon Company, § 138.
166. Tender of Amends, § 139.
167. *Recovery of Damages and Penalties.* Provision for Damages not otherwise provided for, § 140.
168. Distress against the Treasurer, § 141.
169. Method of proceeding before Justices in Questions of Damages, &c., § 142.
170. Publication of Penalties, § 143.
171. Penalty for defacing Boards used for such Publication, § 144.
172. Penalties to be summarily recovered before Two Justices, § 145.
173. Penalties to be levied by Distress, § 146.
174. Imprisonment in default of Distress, § 147.
175. Distress how to be levied, § 148.
176. Distress not unlawful for Want of Form, § 149.
177. Application of Penalties, § 150.
178. Penalties to be sued for within Six Months, § 151.
179. Damage to be made good in addition to Penalty, § 152.
180. Penalty on Witnesses making default, § 153.
181. Transient Offenders, § 154.
182. Form of Conviction, § 155.
183. Proceedings not to be quashed for Want of Form, &c., § 156.
184. Parties allowed to appeal to Quarter Sessions on giving Security, § 157.
185. Court to make such Order as they think reasonable, § 158.
186. Receiver of Metropolitan Police District to receive Penalties incurred within his District, § 159.
187. Persons giving false Evidence liable to Penalties of Perjury, § 160.
188. Money paid into the Bank of *Ireland* to be exempt from Usher's Poundage, § 161.
189. *Access to special Act.* Copies of special Act to be kept and deposited, and allowed to be inspected, § 162.
190. Penalty on Company failing to keep or deposit such Copies, § 163.
191. Act not to extend to *Scotland*, § 164.
192. To restrict the Powers of selling or leasing Railways contained in certain Acts of Parliament relating to such Railways, 8 & 9 *Vict. c.* 96.
193. No Railway Company to grant or accept a Lease or Transfer of any Railway unless under a distinct Provision of an Act specifying the Parties, § 1.

Railways (*Particular*), See Local Acts.

Real Property.

1. To amend the Law of Real Property, 8 & 9 *Vict.* *c.* 106.
2. Repeal of so much of 7 & 8 *Vict.* *c.* 76. as abolishes Contingent Remainders as from the Commencement. Residue from 1st *October* 1845, § 1.
3. Freehold of corporeal Tenements to lie in Grant. Stamp Duty on Grants thereof, § 2.
4. Feoffments, Partitions, Exchanges, Leases, Assignments, and Surrenders required (subject to certain Exceptions) to be by Deed, § 3.
5. Feoffments not to operate by Wrong, nor Exchanges, &c. to imply any Condition, or "give" and "grant" any Covenant, § 4.
6. Strangers may take immediately under an Indenture, &c., § 5.
7. Contingent and other like Interests, also Rights of Entry made alienable by Deed, saving Estates in Tail; and as regards married Women enjoining Conformity to 3 & 4 *W.* 4. *c.* 74. § 6.
8. Capacity of married Women to disclaim Estates by Deed extended to *England*, § 7.
9. Contingent Remainders protected as from 31st *December* 1844, &c., § 8.
10. When the Reversion on a Lease is gone the next Estate to be deemed the Reversion, § 9.
11. Extent of Act, § 10.
12. To facilitate the Conveyance of Real Property, 8 & 9 *Vict.* *c.* 119.
13. Where the Words of Column I. of the Second Schedule are employed, the Deed to have the same Effect as if the Words in Column II. were inserted, § 1.
14. Deed to include all Houses, &c., and the Reversion and all the Estate, § 2.
15. Stamp Duty on Deed to be same as on Lease, &c. for a Year, § 3.
16. Remuneration for Deed under the Act not to be by Length only, § 4.
17. Deed failing to take effect by this Act to be as valid as if Act not made, § 5.
18. Construction of Act, § 6.
19. Schedules, &c. to form Part of Act, § 7.
20. Commencement of Act, § 8.
21. Not to extend to *Scotland*, § 9.

Registering of Vessels.

1. For the registering of *British* Vessels, 8 & 9 *Vict.* *c.* 89.
2. Commencement of Act, § 1.
3. No Vessel to enjoy Privileges until registered. Form of Certificate of Registry, § 2.
4. Persons authorized to make Registry, &c. in United Kingdom and *Isle of Man:* in *Guernsey*, &c.: in Colonies in *Asia*, *Africa*, and *America:* in Territories of *East India* Company: in other Places within Limits of the Charter of the *East India* Company: in *Malta*, *Gibraltar*, &c.: Limitation as to Vessels registered at *Malta*, *Gibraltar*, or *Heligoland*. Certain Powers of Collectors and Comptrollers, by whom to be exercised in certain Cases. Powers of Commissioners of Customs in United Kingdom given to Governors, &c. abroad, § 3.
5. Ships exercising Privileges before Registry to be forfeited; but not to affect Vessels under previous Acts, § 4.
6. What Ships are entitled to be registered, § 5.
7. *Mediterranean* Pass may be issued at *Malta* or *Gibraltar* for certain Ships only, § 6.
8. Ships disqualified if Foreign Repairs exceed Twenty Shillings *per* Ton; unless the Necessity of such Repairs be proved to Commissioners of Customs, § 7.
9. Ships declared unseaworthy to be deemed Ships lost or broken up, § 8.
10. *British* Ships captured not to be again entitled to Registry; but Ships condemned in Courts of Admiralty may be registered, § 9.
11. Ships shall be registered at the Port to which they belong; Commissioners of Customs may permit Registry at other Ports. Books of Registers to be kept, and Accounts to be transmitted to Commissioners, § 10.
12. Port to which Vessels shall be deemed to belong. Change of subscribing Owner to require Registry *de novo*. If Registry *de novo* cannot be made, Ship may go One Voyage with Permission endorsed on Certificate of Registry. Ships built in Foreign Possessions for Owners resident in United Kingdom may have a Certificate from the Collector, &c. to trade for Two Years or until Arrival in United Kingdom, § 11.
13. Foreigners and Persons residing in Foreign Countries may not be Owners, unless Members of *British* Factories, or Agents for or Partners in *British* Houses, § 12.
14. Declaration to be made by subscribing Owners previous to Registry. Form of Declaration. Declaration by Corporation, § 13.
15. Addition to Declaration in case the required Number of Owners do not attend, § 14.
16. *Survey.* Vessels to be surveyed previous to Registry. Certificate of Survey to be given. Owner or Master concurring therein, § 15.
17. The Rule by which Tonnage of Vessels is to be ascertained, § 16.
18. Mode of ascertaining Tonnage of Steam Vessels, § 17.
19. Length and Cubical Contents of Engine Room to be set forth in Description of Steam Vessel, § 18.
20. Rule for measuring Ships with Cargoes on board, § 19.
21. Amount of registered Tonnage to be carved on Main Beam, § 20.
22. Not to alter Tonnage of Vessels already registered, § 21.
23. Tonnage when so ascertained to be ever after deemed the Tonnage, § 22.
24. Bond to be given at the Time of Registry. Conditions that the Certificate shall be solely made use of for the Service of the Vessel, or given up to be cancelled in certain Cases. If Ships at the Time of Registry be at any other Port than that of Registry, the Master may there give Bond, § 23.
25. When Master is changed, new Master to give similar Bond, and his Name to be endorsed on Certificate of Registry, § 24.
26. Bonds liable to same Duties as Bonds for Customs, § 25.
27. Certificate of Registry to be given up by all Persons as directed by the Bond, § 26.
28. Name of Vessel which has been registered never afterwards to be changed, and to be painted on the Stern. Penalty for Omission 100*l.*, § 27.
29. Builder's Certificate of Particulars of Ship. Declaration to be made thereto. Power to Commissioners of Customs to dispense with Builder's Certificate, § 28.
30. Certificate of Registry lost or mislaid. Commissioners may permit Registry *de novo*, or grant Licence, § 29.

31. Person detaining Certificate of Registry to forfeit 100*l.*, § 30.
32. Ship altered in certain Manner to be registered *de novo*, § 31.
33. Vessels condemned as Prize, or for Breach of Laws against Slave Trade, Certificate of Condemnation to be produced, § 32.
34. Prize Vessels not to be registered at *Guernsey*, *Jersey*, or *Man*, but at certain Ports, § 33.
35. Transfer of Interest to be made by Bill of Sale, § 34.
36. Property in Ships to be divided in Sixty-four Parts or Shares, § 35.
37. Only Thirty-two Persons to be Owners of any Ship at One Time. Joint Stock Companies. Trustees may apply to have Registry made, § 36.
38. Bills of Sale not effectual until produced to Officers of Customs, and entered in the Book of Registry or of intended Registry, § 37.
39. Entry of Bill of Sale to be valid, except in certain Cases, § 38.
40. When a Bill of Sale has been entered for any Shares, Thirty Days shall be allowed for endorsing the Certificate of Registry before any other Bill of Sale for the same shall be entered. Nature of the Property intended in this Act. Provision in case Certificate be mislaid, § 39.
41. Bills of Sale may be produced after Entry at other Ports than those to which Vessels belong, and Transfers endorsed on Certificate of Registry. Previous Notice to be given to Officers at the Port of Registry, § 40.
42. If upon Registry *de novo* any Bill of Sale shall not have been recorded, it shall then be produced, § 41.
43. Upon Change of Property Registry *de novo* to be granted if desired, although not required by this Act, § 42.
44. Copies of Declarations, &c., and of Extracts from Books of Registry admitted in Evidence, § 43.
45. If Vessels or Shares sold in the Absence of Owners, without formal Powers, Commissioners may permit Record of such Sales or Registry *de novo*, as the Case may require; and also in other Cases where Bills of Sale cannot be produced; Security being given to produce legal Powers, or abide future Claims, § 44.
46. Transfer by way of Mortgage. Mortgagee not to be deemed an Owner, § 45.
47. Transfers of Ships for Security of Debts being registered. Rights of Mortgagee not affected by any Act of Bankruptcy of Mortgagor, &c., § 46.
48. Governors of Colonies, &c. may cause Proceedings in Suits to be stayed, § 47.
49. Penalty for making false Declaration or falsifying any Document, § 48.
50. Owners of *British* Vessels to give Notice to Collectors of Customs at the Port of Registry of the Loss, &c. of such Vessels, § 49.
51. Or if Vessels absent from the Port of Registry for Three Years, to state the Cause, § 50.
52. Failing to give such Notices, &c., to forfeit 5*l.*, § 51.
53. How Penalties are to be recovered; and Officers Shares, § 52.

Regrating, See Forestalling, &c.

Revenue.

1. To apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-four, 7 & 8 *Vict.* *c.* 6.
2. For raising the Sum of Eighteen millions four hundred and seven thousand three hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and forty-four, 7 & 8 *Vict.* *c.* 14.
3. To apply a Sum out of the Consolidated Fund and certain other Sums to the Service of the Year One thousand eight hundred and forty-four, and to appropriate the Supplies granted in this Session of Parliament, 7 & 8 *Vict.* *c.* 104.
4. To apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-five, 8 & 9 *Vict.* *c.* 1.
5. For raising the Sum of Nine millions three hundred and seventy-nine thousand six hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and forty-five, 8 & 9 *Vict.* *c.* 23.
6. For raising the Sum of Nine millions and twenty-four thousand nine hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-five, 8 & 9 *Vict.* *c.* 129.
7. To apply the Sum of Ten millions eight hundred sixty-nine thousand two hundred and thirty-nine Pounds One Shilling and Seven-pence out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-five, and to appropriate the Supplies granted in this Session of Parliament, 8 & 9 *Vict.* *c.* 130.

Rivers, See Local Acts.

Roman Catholics.

1. To repeal certain Penal Enactments made against Her Majesty's Roman Catholic Subjects, 7 & 8 *Vict.* *c.* 102.
2. Certain Acts and Parts of Acts repealed, § 1.

See *Statutes repealed.*

Rothwell Gaol.

1. To render it unnecessary to keep up *Rothwell* Gaol, in the Honor of *Pontefract*, in the West Riding of the County of *York*, 8 & 9 *Vict.* *c.* 72.
2. On and after 1st *February* 1846, no Person to be committed to *Rothwell* Gaol, § 1.
3. Prisoners from Courts at *Westminster* to be removed to *York Castle*, by Warrant of the Lord Chief Justice of the Queen's Bench, § 2.
4. Not necessary to keep up *Rothwell* Gaol, § 3.
5. Sheriff of *York* may enter the Liberty of *Pontefract* to execute against the Person, § 4.
6. All Commitments within the said Honor may be made to *York Castle*, and Keeper thereof to receive such Persons into Custody, § 5.
7. Provisions of 2 & 3 *Vict.* *c.* 85. to extend to Commitments from Court Baron under this Act, § 6.
8. Act not to affect Rights of Her Majesty in respect of the Honor, § 7.
9. Act not to affect 2 & 3 *Vict.* *c.* 85. except as expressly mentioned, § 8.

S.

Satisfied Terms.

1. To render the Assignment of satisfied Terms unnecessary, 8 & 9 *Vict.* *c.* 112.
2. On 31st *December* 1845 satisfied Terms of Years attendant on Inheritance, &c. of Land, to cease, except, &c., § 1.

3. Satisfied Terms now subsisting, &c., to cease on becoming attendant upon Inheritance, &c. of Lands, § 2.
4. Construction of Act, § 3.
5. Not to extend to *Scotland*, § 4.

Savings Banks.

1. To amend the Laws relating to Savings Banks, and to the Purchase of Government Annuities through the Medium of Savings Banks, 7 & 8 *Vict. c.* 83.
2. From and after 20th *November* 1844, the Interest payable to Trustees of Savings Banks shall be at the Rate of 3*l.* 5*s. per Cent.*, § 1.
3. After 20th *November* 1844 Interest to Depositors not to exceed 3*l.* 0*s.* 10*d. per Cent.*, § 2.
4. Depositors on making first Deposit to sign a Declaration, and a Copy thereof to be annexed to Deposit Book, § 3.
5. Punishment of Actuary, &c. receiving Deposits and not paying over same to Managers, &c., § 4.
6. Depositor to produce his Book at Institution, § 5.
7. Limiting Responsibility of Trustees and Managers, § 6.
8. Trust Accounts. Repayment of Trust Deposits, § 7.
9. Annuities not to exceed 30*l.*, § 8.
10. Amount payable on Purchase of Annuity, § 9.
11. Where Deposits and Interest do not exceed 50*l.* exclusive of Interest, if Will, &c. not proved within a Month, Money may be paid to Widow or to Party entitled to Effects of deceased, § 10.
12. Payment on Death of Depositor, being illegitimate and dying intestate, § 11.
13. Payment to married Women of Deposits made by them, when declared to be void, § 12.
14. Time for making out half-yearly Receipts and annual Statement, § 13.
15. Settlement of Disputes, § 14.
16. On reference, Barrister may inspect Books and administer Oath to Witnesses, § 15.
17. Bonds given under 9 *G.* 4. *c.* 92. and 3 & 4 *W.* 4. *c.* 14. to be sent to Commissioners for Reduction of National Debt. When Bonds may be delivered up to be cancelled, § 16.
18. Treasurer and other Officers intrusted with Receipt or Custody of Money, &c. to give Security. Security to be given by Bond to Comptroller General. Trustees may sue upon Bond. Bond not liable to Stamp Duty, § 17.
19. Repeal of Part of 9 *G.* 4. *c.* 92. as to Deposit of Rules with Clerk of the Peace, § 18.
20. Two written or printed Copies of Rules, &c. to be submitted to Barrister for his Certificate. Barrister to return one Copy to Institution, and transmit the other Copy to Commissioners, § 19.
21. Adaptation of Provisions of this Act to the Law of *Scotland*, § 20.
22. Provisions of this Act to apply to Purchasers of Annuities, § 21.
23. Extent of Act, § 22.

See *Military Savings Banks.*

Schools, See Poor 1—6.

SCOTLAND.

Arrestment of Wages.

1. To amend the Law of Arrestment of Wages in *Scotland*, 8 & 9 *Vict. c.* 39.
2. Arrestment of Wages not competent on Dependence of Action, § 1.

Bank Notes.

1. To regulate the Issue of Bank Notes in *Scotland*, 8 & 9 *Vict. c.* 38.
2. Bankers claiming to be entitled to issue Bank Notes to give Notice to Commissioners of Stamps and Taxes. Commissioners to certify existing Banks of Issue and Limitation of Issue, § 1.
3. Provision for united Banks, § 2.
4. Duplicate of Certificate to be published in the Gazette. Gazette to be Evidence, § 3.
5. In case Banks become united, Commissioners to certify the Amount of Bank Notes which each Bank was authorized to issue, § 4.
6. Issue of Notes for fractional Parts of a Pound prohibited, § 5.
7. Limitation of Bank Notes in Circulation, § 6.
8. Issuing Banks to render Accounts weekly, § 7.
9. What shall be deemed to be Bank Notes in Circulation, § 8.
10. Commissioners of Stamps and Taxes to make a monthly Return, § 9.
11. Mode of ascertaining the average Amount of Bank Notes of each Banker in Circulation, and Gold Coin, during the first Four Weeks after 31st *December* 1845, § 10.
12. In taking the Account of Coin held by Bankers, Silver Coin not to exceed the Proportion of One Fourth of Gold, § 11.
13. Commissioners of Stamps and Taxes empowered to cause the Books of Bankers containing Accounts of their Bank Notes in Circulation, and of Gold Coin, to be inspected. Penalty for refusing to allow such Inspection, § 12.
14. All Bankers to return their Names once a Year to the Stamp Office, § 13.
15. Penalty on Banks issuing in excess, § 14.
16. Bank of *England* Notes not a legal Tender in *Scotland*. Proviso, § 15.
17. Notes for less than 20*s.* not negotiable in *Scotland*, § 16.
18. Notes of 20*s.*, or above, and less than 5*l.*, to be drawn in certain Form, § 17.
19. Penalty for Persons, other than Bankers hereby authorized, issuing Notes payable on demand for less than 5*l.*, § 18.
20. Penalty for Persons, other than Bankers hereby authorized, uttering or negotiating Notes, Bills of Exchange, &c. transferable, for Payment of 20*s.* or less than 5*l.*, § 19.
21. Not to prohibit Checks on Bankers, § 20.
22. Mode of recovering Penalties, § 21.
23. Interpretation of Act, § 22.

Companies, See Incorporated Companies.

Constables.

1. For the Appointment of Constables or other Officers for keeping the Peace near public Works in *Scotland*, 8 & 9 *Vict. c.* 3.

2. Additional Constables or Officers may be appointed by the Sheriff, § 1.
3. Expence thereof to be paid by the Companies or Parties carrying on such Works, § 2.
. Remuneration may be recovered by Distress, § 3.

Edinburgh (City of).

To amend an Act of the First and Second Years of Her present Majesty, for securing the Debt due by the City of *Edinburgh* to the Public, 7 & 8 *Vict.* *c.* 20.
2. *Leith* Harbour Commissioners incorporated, § 1.
3. Vesting Harbour and Works in the Commissioners when incorporated, § 2.
4. Securities and Deeds, § 3.

Fish.

1. To prevent fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in *Scotland*, 8 & 9 *Vict.* *c.* 26.
2. Prohibiting fishing for Trout, &c. by means of Nets in any Rivers, &c. in *Scotland*, § 1.
3. Penalty for trespassing on any Ground or River to fish with Net, § 2.
4. Possession of Nets, Evidence of Intent, § 3.
5. Persons trespassing may be seized, § 4.
6. Justices and Proprietors not to be disqualified, § 5.
7. For the Recovery of Penalties, § 6.
8. Appeal, § 7.
9. Application of Penalties, § 8.
10. Limitation of Actions, § 9.
11. Interpretation of Act, § 10.
12. Saving the Laws regarding the Salmon Fisheries, § 11.
13. Alteration of Act, § 12.

Heritable Securities.

1. To facilitate the Transmission and Extinction of Heritable Securities for Debt in *Scotland*, 8 & 9 *Vict.* *c.* 31.
2. Heritable Securities to be transferred in the Form prescribed. When Conveyance of Heritable Security is contained in a general Deed of Conveyance, the whole of such Deed need not be recorded, § 1.
3. Completion of Title of Heir by Writ of Acknowledgment from Proprietor, § 2.
4. Adjudgers to complete their Title by recording the Abbreviate of Adjudication, § 3.
5. Heir or General Disponee may complete Title by notarial Instrument recorded, § 4.
6. Assignations, Conveyances, &c. to be registered forthwith, § 5.
7. Assignations or Conveyances to be registered at any Time, § 6.
8. In all Questions under the Bankrupt Acts in *Scotland*, the Dates of the Registration of Assignations, &c. to be held to be the Dates of the Instruments, § 7.
9. How any Bond or Disposition in Security may be renounced or discharged, § 8.
10. Parties may use the present Forms if they see fit, § 9.
11. Fees to be taken by existing Town Clerks of Royal Burghs and Keepers of Registers during their respective Rights of Office, &c., § 10.
12. Fees may be regulated by the Court of Session, § 11.
13. Interpretation Clause, § 12.
14. Commencement of Act, § 13.

Heritable Property. See Infeftment.

Highways, Bridges, and Ferries.

1. For amending the Laws concerning Highways, Bridges, and Ferries in *Scotland*, and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money, 8 & 9 *Vict.* *c.* 41.
2. This Act to apply to all Statute Service, Roads, Bridges, &c., § 1.
3. The Word "Trustees" to include Justices, &c., § 2.
4. Regulation of Meetings, § 3.
5. Officers to be appointed and Security to be taken, § 4.
6. Trustees may pursue and be pursued in the Name of their Clerk, &c., § 5.
7. Books of Minutes and Accounts to be kept and audited, § 6.
8. Permission to inspect Accounts, § 7.
9. Proceedings for Recovery of Conversion to commence within Six Months, § 8.
10. Mode of recovering Conversion Money, § 9.
11. No Person liable to work or pay who does not possess Lands, &c. valued at 2*l.* yearly, § 10.
12. Power to exempt Persons who do not possess Lands, &c. valued above 5*l.*, § 11.
13. Proprietors in certain Cases to be assessed instead of Tenants, § 12.
14. Assessments ceasing by this Act may be levied in any County upon all Lands, &c. not herein-before exempted, § 13.
15. Levying of Conversion Money as a Toll Tax to cease, § 14.
16. Trustees to ascertain the annual Value of Lands, &c. assessed, § 15.
17. Proprietors not exempt from Debts due to Trustees under any other Act, § 16.
18. Wadsetters, &c. to be held Proprietors, § 17.
19. Power to get Materials. Satisfaction. Notice to be given before Materials are taken from inclosed Lands, § 18.
20. Penalty on taking away Materials provided for repairing Highways, Bridges, or Ferries, § 19.
21. Power to use adjoining Ground as a temporary Road, § 20.
22. Trustees to make Side Drains, § 21.
23. Trustees may make Ditches, § 22.
24. Timber, Stone, &c. left on Roads may be seized, § 23.
25. Penalties on Persons making Encroachments, § 24.
26. Parishes to defray Damages to Parapets, &c. committed by Persons undiscovered, § 25.
27. Penalty on Persons committing Nuisances, &c., § 26.
28. Regulation of Drivers, § 27.
29. As to One Driver taking Charge of Two or more Carts, &c., § 28.
30. Children not to drive Carts, &c., § 29.
31. Persons opening up Roads for laying Pipes for Water, &c. must repair them, § 30.
32. Surveyors, &c. not to leave Materials unnecessarily on the Roads, § 31.
33. Proprietors to fence Pits made near the Roads, § 32.
34. No Animal to be pastured on the Roads, § 33.
35. Side Ridges to be made in uninclosed Lands, § 34.
36. Gates to open inwards, § 35.
37. Weeds to be cut by Trustees, § 36.
38. Owners of Waggons, Carriages, &c. shall cause their Names to be painted thereon, § 37.
39. Trustees may prosecute before Sheriff and Justices at the Expence of the Trust, § 38.

40. Proceedings for recovering Penalties, &c., § 39.
41. Summary Process, § 40.
42. Attendance of Witnesses, § 41.
43. For securing Transient Offenders, § 42.
44. Appeal. Judgment of Sheriff or Quarter Sessions to be final, § 43.
45. Warrants, &c. may be enforced in any other County, § 44.
46. Existing Causes not to be affected hereby, nor the Powers of Sheriffs, § 45.
47. Prosecutions to be brought within Six Months, § 46.
48. Not to extend to Middle District, *Edinburgh*, § 47.

Incorporated Companies.

1. For consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature in *Scotland*, 8 & 9 *Vict. c.* 17.
2. Act to apply to all Companies incorporated by Acts hereafter to be passed, § 1.
3. Interpretations in this Act: "The special Act," § 2.
4. Interpretations in this and the special Act, § 3.
5. Short Title of the Act, § 4.
6. Form in which Portions of this Act may be incorporated with other Acts, § 5.
7. *Distribution of Capital.* Capital to be divided into Shares, § 6.
8. Shares to be Personal Estate, § 7.
9. Shareholders, § 8.
10. Registry of Shareholders, § 9.
11. Addresses of Shareholders, § 10.
12. Certificates of Shares to be issued to the Shareholders, § 11.
13. Certificate to be Evidence, § 12.
14. Certificate to be renewed when destroyed, § 13.
15. *Transfer of Shares.* Transfer of Shares to be by Deed duly stamped, § 14.
16. Regulating the Form of Transfers of Shares, § 15.
17. Transfers of Shares to be registered, &c., § 16.
18. Transfers not to be made until all Calls paid, § 17.
19. Closing of Transfer Books, § 18.
20. Transmission of Shares by other Means than Transfer to be authenticated by a Declaration, § 19.
21. Proof of Transmission by Marriage, Will, &c., § 20.
22. Company not bound to regard Trusts, § 21.
23. *Payment of Calls.* Subscriptions to be paid when called for, § 22.
24. Power to make Calls, § 23.
25. Interest to be paid on Calls unpaid, § 24.
26. Power to allow Interest on Payment of Subscriptions before Call, § 25.
27. Enforcement of Calls by Action, § 26.
28. Averment in Action for Calls, § 27.
29. Matter to be proved in Action for Calls, § 28.
30. Proof of Proprietorship, § 29.
31. *Nonpayment of Calls.* Forfeiture of Shares for Nonpayment of Calls, § 30.
32. Notice of Forfeiture to be given before Declaration thereof, § 31.
33. Forfeiture to be confirmed by a General Meeting, § 32.
34. Sale of forfeited Shares, § 33.
35. Evidence as to Forfeiture of Shares, § 34.
36. No more Shares to be sold than sufficient for Payment of Calls, § 35.
37. On Payment of Calls before Sale the forfeited Shares to revert, § 36.
38. Limiting Responsibility of Shareholders, § 37.
39. Execution against Shareholders to the Extent of their Shares in Capital not paid up, § 38.
40. Reimbursement of such Shareholders, § 39.
41. Company may borrow on Mortgage or Bond, § 40.
42. Power to re-borrow, § 41.
43. Evidence of Authority for borrowing, § 42.
44. Mortgages and Bonds to be by Deed duly stamped, § 43.
45. Rights of Mortgagees, § 44.
46. Application of Calls, notwithstanding Mortgage, § 45.
47. Mortgages to be Personal Estate, § 46.
48. Rights of Obligees, § 47.
49. Register of Mortgages and Bonds, § 48.
50. Transfers of Mortgages and Bonds to be stamped, § 49.
51. Transfers of Mortgages and Bonds to be registered, § 50.
52. Payment of Interest on Monies borrowed, § 51.
53. Transfers of Interest to be stamped, § 52.
54. Repayment of Money borrowed at a Time fixed, § 53.
55. Repayment of Money borrowed where no Time fixed, § 54.
56. Interest to cease on Expiration of Notice to pay off Mortgage or Bond, § 55.
57. Arrears of Interest, when to be enforced by Appointment of a Judicial Factor. Arrears of Principal and Interest, § 56.
58. Appointment of Judicial Factor, § 57.
59. Access to Account Books by Mortgagees, § 58.
60. *Loans.* Power to convert Loan into Capital, § 59.
61. New Shares to be considered same as original Shares, § 60.
62. If old Shares at Premium, new Shares to be offered to original Shareholders, § 61.
63. Shares to vest in the Parties accepting, otherwise to be disposed of by the Directors, § 62.
64. If not at a Premium, to be issued as Company think fit, § 63.
65. *Consolidation of Shares.* Power to consolidate Shares into Stock, § 64.
66. Proprietors of Stock may transfer the same, § 65.
67. Register of Stock, § 66.
68. Proprietors of Stock entitled to Dividends, § 67.
69. Application of Capital, § 68.
70. *General Meetings.* Ordinary Meetings to be held half-yearly, § 69.
71. Business at Ordinary Meetings, § 70.
72. Extraordinary Meetings, § 71.
73. Business at Extraordinary Meetings, § 72.
74. Extraordinary Meetings may be required by Shareholders to be convened, § 73.
75. Notice of Meetings, § 74.
76. Quorum for a General Meeting, § 75.
77. Chairman at General Meetings, § 76.
78. Business at Meetings and Adjournments, § 77.
79. Votes of Shareholders, § 78.
80. Manner of voting, § 79.
81 Regulations as to Proxies, § 80.
82. Votes of joint Shareholders, § 81.
83. Votes of Lunatics and Minors, &c., § 82.
84. Proof of a particular Majority of Votes only required in the Event of a Poll being demanded, § 83.
85. *Appointment and Rotation of Directors.* Number of Directors, § 84.
86. Power to vary the Number of Directors, § 85.
87. Election of Directors, § 86.
88. Existing Directors continued, on Failure of Meeting for Election of Directors, § 87.

89. Quali-

89. Qualification of Directors, § 88.
90. Cases in which Office of Director shall become vacant, § 89.
91. Shareholder of an incorporated Joint Stock Company not disqualified by reason of Contracts, § 90.
92. Rotation of Directors, § 91.
93. Supply of occasional Vacancies in Office of Directors, § 92.
94. *Powers of Directors.* Powers of the Company to be exercised by the Directors, § 93.
95. Powers of the Company not to be exercised by the Directors. § 94.
96. Proceedings of Directors. Meetings of Directors, § 95.
97. Permanent Chairman of Directors, § 96.
98. Occasional Chairman of Directors, § 97.
99. Committees of Directors. Powers of Committees, § 98.
100. Meetings of Committees, § 99.
101. Contracts by Committee or Directors, how to be entered into, § 100.
102. Proceedings to be entered in a Book, and to be Evidence, § 101.
103. Informalities in Appointment of Directors not to invalidate Proceedings, § 102.
104. Directors not to be personally liable. Indemnity of Directors, § 103.
105. *Auditors.* Election of Auditors, § 104.
106. Qualification of Auditors, § 105.
107. Rotation of Auditors, § 106.
108. Vacancies in Office of Auditor, § 107.
109. Failure of Meeting to elect Auditor, § 108.
110. Delivery of Balance Sheet, &c. by Directors to Auditors, § 109.
111. Duty of Auditors, § 110.
112. Powers of Auditors, § 111.
113. *Accountability of Officers.* Security to be taken from Officers intrusted with Money, § 112.
114. Officers to account on demand, § 113.
115. Summary Remedy against Parties failing to account, § 114.
116. Officers refusing to deliver up Documents, &c. to be imprisoned, § 115.
117. Where Officer about to abscond, a Warrant may be issued in the first instance, § 116.
118. Securities not to be discharged, § 117.
119. Accounts to be kept, § 118.
120. Books to be balanced, § 119.
121. Inspection of Accounts by Shareholders at stated Times, § 120.
122. Balance Sheet to be produced at the Meeting, § 121.
123. Book-keeper to allow Inspection of the Accounts at appointed Times, § 122.
124. *Dividends.* Previously to Declaration of Dividends a Scheme to be prepared, § 123.
125. Dividend not to be made so as to reduce Capital, § 124.
126. Power to Directors to set apart a Fund for Contingencies, § 125.
127. Dividend not to be paid unless all Calls paid, § 126.
128. *Bye Laws.* Power to make Bye Laws for the Officers of the Company, § 127.
129. Fines for Breach of such Bye Laws, § 128.
130. Bye Laws to be so framed as that Penalties may be mitigated, § 129.
131. Evidence of Bye Laws, § 130.
132. Appointment of Arbitrators when Questions are to be determined by Arbitration, § 131.
133. Vacancy of Arbitrator to be supplied, § 132.
134. Appointment of Umpire, § 133.
135. Board of Trade empowered to appoint an Umpire, on Neglect of the Arbitrators, § 134.
136. Power of Arbitrator to call for Books, &c., § 135.
137. Costs to be in the Discretion of the Arbitrators, § 136.
138. *Notices.* Service of Notices upon Company, § 137.
139. Service by Company on Shareholders, § 138.
140. Notices to joint Proprietors of Shares, § 139.
141. Notice by Advertisement, § 140.
142. Authentication of Notices, § 141.
143. Proof of Debts in Bankruptcy, § 142.
144. Tender of Amends, § 143.
145. *Recovery of Damages and Penalties.* Provision for Damages not otherwise provided for, § 144.
146. Distress, &c. against the Treasurer, § 145.
147. Method of proceeding before the Sheriff or Justices in Questions of Damages, &c., § 146.
148. Publication of Penalties, § 147.
149. Penalty for defacing Boards used for such Publication, § 148.
150. Penalties to be summarily recovered before the Sheriff or Two Justices, § 149.
151. Penalties to be levied by Distress, § 150.
152. Imprisonment in default of Distress, § 151.
153. Distress, &c. how to be levied, § 152.
154. Distress, &c. not unlawful for Want of Form, § 153.
155. Application of Penalties, § 154.
156. Penalties to be sued for within Six Months, § 155.
157. Damage to be made good in addition to Penalty, § 156
158. Penalty on Witnesses making Default, § 157.
159. Transient Offenders, § 158.
160. Proceedings by Sheriff need not be in Writing, § 159.
161. Form of Conviction, § 160.
162. Proceedings not to be quashed for Want of Form, nor removed by Suspension, § 161.
163. Power of Appeal to Sheriff, § 162.
164. Parties allowed to appeal from Justices to Quarter Sessions, on giving Security, § 163.
165. Court to make such Order as they think reasonable, § 164.
166. *Access to special Act.* Copies of special Act to be kept and deposited, and allowed to be inspected, § 165.
167. Penalty on Company failing to keep or deposit such Copies, § 166.

Infeftment in Heritable Property.

1. To simplify the Form and diminish the Expence of obtaining Infeftment in Heritable Property in *Scotland* 8 & 9 *Vict. c.* 35.
2. How Sasine to be given in future, § 1.
3. Instruments of Sasine to be entered and recorded, § 2.
4. May be recorded at any Time, but the Date of the Presentment to be the Date of the Infeftment, § 3.
5. In case of Error or Defect, another Instrument may be recorded, § 4.
6. Forms of the Precept and Instrument of Sasine, § 5.
7. Precept from Chancery to be issued to Notaries upon Payment of Retour Duties and Casualties. Fees to be paid to Sheriffs and Sheriff Clerks for a limited Period, § 6.
8. Forms of Burgage Sasines to continue as at present, § 7.
9. Instruments of Resignation ad remanentiam regulated, § 8.
10. Instruments of Resignation in favorem abolished, § 9.

Lands Clauses consolidating.

1. For consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature in *Scotland*, 8 & 9 *Vict.* *c.* 19.
2. This Act to apply to all Undertakings authorized by Acts hereafter passed, § 1.
3. Special Act, § 2.
4. Interpretations in this and the special Act, § 3.
5. Short Title of the Act, § 4.
6. Form in which Portions of this Act may be incorporated with other Acts, § 5.
7. *Purchase of Lands by Agreement.* Power to purchase Lands by Agreement, § 6.
8. Parties under Disability enabled to sell and convey, § 7.
9. Parties under Disability may exercise other Powers, § 8.
10. Amount of Compensation, in case of Parties under Disability, to be ascertained by Valuation, and paid into the Bank, § 9.
11. Where Vendor absolutely entitled Lands may be sold on Feu Duties, &c., § 10.
12. Payment of which to be charged on Tolls, § 11.
13. Power to purchase Lands required for additional Accommodation, § 12.
14. Authority to sell and repurchase such Lands, § 13.
15. Restraint on Purchase from incapacitated Persons, § 14.
16. Capital to be subscribed before compulsory Powers of Purchase put in force, § 15.
17. A Certificate of the Sheriff to be Evidence that the Capital has been subscribed, § 16.
18. *Purchase of Lands otherwise than by Agreement.* Notice of Intention to take Lands, § 17.
19. Service of Notices on Owners and Occupiers of Lands, § 18.
20. If Parties fail to treat or in case of Dispute, Question to be settled as after mentioned, § 19.
21. Disputes as to Compensation may be referred to Arbitration, § 20.
22. If Claim does not exceed 50*l.* to be settled by the Sheriff, § 21.
23. Method of proceeding for settling Disputes as to Compensation by Sheriff, § 22.
24. Where Compensation claimed exceeds 50*l.*, it may be settled by Arbitration if Claimant so desire, § 23.
25. Appointment of Arbiters when Questions are to be determined by Arbitration, § 24.
26. Vacancy of Arbiter to be supplied, § 25.
27. Appointment of Oversman, § 26.
28. Lord Ordinary empowered to appoint an Oversman on Neglect of the Arbiters, § 27.
29. In case of Death of single Arbiter, the Matter to begin *de novo*, § 28.
30. If either Arbiter refuse to act, the other to proceed *ex parte*, § 29.
31. If Arbiters fail to make their Award within 21 Days, the Matter to go to the Umpire, § 30.
32. Power of Arbiters to call for Books, &c., § 31.
33. Costs of Arbitration how to be borne, § 32.
34. Award to be delivered to the Promoters of the Undertaking, § 33.
35. Award not to be set aside for Error in Form, § 34.
36. If Arbitration or Award not made within a limited Time, Compensation to be settled by a Jury, § 35.
37. Party claiming Compensation may require a Jury to be summoned, § 36.
38. Promoters of the Undertaking to give Notice before summoning a Jury, § 37.
39. Petition for summoning Jury to be addressed to the Sheriff, § 38.
40. Jurymen to be summoned, § 39.
41. Notice of Inquiry, § 40.
42. Jury to be impannelled, § 41.
43. Sheriff to preside; Jury may view, § 42.
44. Penalty on Jury for Default, § 43.
45. Witnesses to be summoned, § 44.
46. Penalty on Witnesses making default, § 45.
47. If the Party make default the Inquiry not to proceed, § 46.
48. Jury to be sworn, § 47.
49. Sums to be paid for Purchase of Lands and for Damage to be assessed separately, § 48.
50. Verdict and Judgment to be recorded, § 49.
51. Expences of the Inquiry how to be borne, § 50.
52. Particulars of the Expences, § 51.
53. Payment of Expences, § 52.
54. Special Jury to be summoned at the Request of either Party, § 53.
55. Deficiency of Special Jurymen, § 54.
56. Other Inquiries before same Special Jury by Consent, § 55.
57. Compensation to absent Parties to be determined by a Valuator, appointed by the Sheriff, § 56.
58. Sheriff to nominate a Valuator, § 57.
59. Declaration to be made by the Valuator, § 58.
60. Valuation, &c. to be produced to the Owner of the Lands on demand, § 59.
61. Expence to be borne by the Promoters, § 60.
62. Purchase Money and Compensation how to be estimated, § 61.
63. Compensation may be apportioned among different Parties, § 62.
64. Where Compensation to absent Party has been determined by a Valuator the Party may have the same submitted to Arbitration, § 63.
65. Question to be submitted to the Arbiters, § 64.
66. If further Sum awarded, Promoters to pay or deposit same within Fourteen Days, § 65.
67. Expences of the Arbitration, § 66.
68. *Application of Compensation.* Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank. Application of Monies deposited, § 67.
69. Order for Application, and Investment meanwhile, § 68.
70. Sums from 20*l.* to 200*l.* to be deposited, or paid to Trustees, § 69.
71. Sums not exceeding 20*l.* to be paid to Parties, § 70.
72. All Sums payable under Contract with Persons not absolutely entitled to be paid into the Bank, § 71.
73. Court of Session may direct Application of Money in respect of Leases or Reversions as they may think just, § 72.
74. On the Purchase of Lands to be entailed, not necessary to insert the Provisions *verbatim*, § 73.
75. Upon Deposit being made, the Owners of the Lands to convey, or in default the Lands to vest in the Promoters of the Undertaking, upon a notarial Instrument being executed, § 74.
76. Where Parties refuse to convey, or do not show Title, or cannot be found, the Purchase Money to be deposited, § 75.
77. Upon Deposit being made, a Receipt to be given and the Lands to vest, upon a notarial Instrument being executed, § 76.

78. Application of Monies so deposited, § 77.
79. Party in possession to be deemed to be the Owner, § 78.
80. Expences in Cases of Money deposited, § 79.
81. Form of Conveyances, § 80.
82. Expences of Conveyances, § 81.
83. Taxation of Expences of Conveyances, § 82.
84. *Entry on Lands.* Payment of Price to be made previous to Entry, except to Survey, &c., § 83.
85. Promoters to be allowed to enter on Lands before Purchase, on making Deposit by way of Security and giving Bond, § 84.
86. Deposit to be paid into Bank, and Cashier to give a Receipt, § 85.
87. Deposit to remain as a Security, and to be applied under the Direction of the Court, § 86.
88. Penalty on the Promoters of the Undertaking entering upon Lands without Consent, before Payment of the Purchase Money, § 87.
89. Decision of Sheriff not conclusive as to the Right of the Promoters, § 88.
90. Proceedings in case of Refusal to deliver Possession of Lands, § 89.
91. Parties not to be required to sell Part of a House, § 90.
92. Power to Owners of intersected Lands to insist on Sale, § 91.
93. Power of Promoters of the Undertaking to insist on Purchase where Expence of Bridges, &c. exceeds the Value, § 92.
94. Proceedings in regard to Lands in Commonty, &c., § 93.
95. Meeting to appoint a Committee, § 94.
96. Committee to agree with Promoters of the Undertaking, § 95.
97. Disputes to be settled as in other Cases, § 96.
98. If no Committee be appointed, the Amount to be determined by a Valuator, § 97.
99. Upon Payment of Compensation payable to Commoners, the Lands to vest, § 98.
100. *Lands in Mortgage.* Power to redeem Heritable Securities, § 99.
101. Deposit of Money on Refusal to accept Redemption, § 100.
102. Sum to be paid when Security exceeds Value of Lands, § 101.
103. Deposit of Money when refused on Tender, § 102.
104. Sum to be paid where Part only of Lands under Security taken, § 103.
105. Deposit of Money when refused on Tender, § 104.
106. If Sums secured paid off before the stipulated Time, Promoters to pay Expences incidental to Re-investment, § 105.
107. Compensation in respect of Loss of Interest, § 106.
108. *Lands subject to Rent-charges.* Company to continue the Payment of Feu Duties, &c., § 107.
109. Discharge of Lands from such Charge, § 108.
110. Discharge of Part of Lands from Charge, § 109.
111. Deposit in case of Refusal to discharge, § 110.
112. Charge to continue on Lands not taken, § 111.
113. *Lands subject to Leases.* Where Part only of Lands under Lease taken, the Rent to be apportioned, § 112.
114. Tenants to be compensated, § 113.
115. Compensation to be made to Tenants for a Year, &c., § 114.
116. Where greater Interest claimed than from Year to Year the Lease or Missive to be produced, § 115.
117. Limit of Time for compulsory Purchase, § 116.
118. *Interests omitted to be purchased.* Promoters of the Undertaking empowered to purchase Interests in Lands the Purchase whereof may have been omitted by Mistake, § 117.
119. How Value of such Lands to be estimated, § 118.
120. Promoters of the Undertaking to pay the Expences of Litigation as to such Lands, § 119.
121. *Sale of superfluous Lands.* Lands not wanted to be sold, or in default to vest in Owners of adjoining Lands, § 120.
122. Lands to be offered to Owner of Lands from which they were severed, or to adjoining Owners, § 121.
123. Right of Pre-emption to be claimed within Six Weeks, § 122.
124. Differences as to Price to be settled by Arbitration, § 123.
125. Lands to be conveyed to the Purchasers, § 124.
126. Effect of Word "dispone" in Conveyances, § 125.
127. Superiorities not to be affected, § 126.
128. Land Tax and Poor's Rates to be made good, § 127.
129. Service of Notices upon the Promoters of the Undertaking, § 128.
130. Tender of Amends, § 129.
131. Penalties to be summarily recovered before the Sheriff or Two Justices, § 130.
132. Penalties to be levied by Poinding and Sale, § 131.
133. Poinding, &c. against the Treasurer, § 132.
134. Poinding, &c. how to be levied, § 133.
135. Poinding not unlawful for Want of Form, § 134.
136. Application of Penalties, § 135.
137. Penalties to be sued for within Six Months, § 136.
138. Form of Conviction, § 137.
139. Proceedings not to be quashed for Want of Form, &c., § 138.
140. Power of Appeal from Sheriff Substitute to Sheriff, § 139.
141. Parties allowed to appeal from Justices to Quarter Sessions, on giving Security, § 140.
142. Court to make such Order as they think reasonable, § 141.
143. *Access to special Act.* Copies of special Act to be kept and deposited, and allowed to be inspected, § 142.
144. Penalty on Company failing to keep and deposit Act, § 143.

Parishes.

1. To facilitate the disjoining or dividing of extensive or populous Parishes, and the erecting of new Parishes, in that Part of the United Kingdom called *Scotland*, 7 & 8 *Vict. c.* 44.
2. So much of recited Act as requires the Consent of Three Parts of the Heritors repealed. Consent of Majority of Heritors to be sufficient, §1.
3. Largeness of the Population to be a Reason for Division of Parish, § 2.
4. Non-consent of Heritors not to be deemed valid Objection to Process for disjoining Parishes, § 3.
5. Where Proof is given that a sufficient Church Accommodation exists in the new Parish, Lords of Council may allow Process to proceed, § 4.
6. Patronage in new Parishes, § 5.
7. In certain Cases a Parish, though divided, may remain as one Parish for Purposes of Poor, § 6.
8. Division of a Parish not to affect Law as to Roads, § 7.
9. Where a Church is built and endowed, a District may be attached thereto. Endowment of Minister, § 8.
10. Sittings, § 9.

11. Sites for Churches may be granted, § 10.
12. Lands may be burdened for Endowments, § 11.
13. For administering Religious Service in the *Gaelic* Language, § 12.
14. A separate Parish may be formed for that Purpose, § 13.
15. For forming certain Highland Churches into Parishes, § 14.
16. Charge of Church, &c. thenceforth to lie on Parties liable thereto by Law of *Scotland*, § 15.
17. Provisions of 50 *G.* 3. *c.* 84. and 5 *G.* 4. *c.* 72. not to extend to Parishes erected under the present Act, § 16.

Parish Schoolmasters.

1. For amending an Act for making Provision for Parish Schoolmasters in *Scotland*, 8 & 9 *Vict. c.* 40.
2. On Failure of Election of Schoolmaster, and of Application to Convener, the Commissioners of Supply to appoint, § 1.

Prisons and Prison Discipline.

1. To amend and continue until the First Day of *September* One thousand eight hundred and sixty-one, and to the End of the then next Session of Parliament, the Law with respect to Prisons and Prison Discipline in *Scotland*, 7 & 8 *Vict. c.* 34.
2. 5 & 6 *Vict. c.* 67. repealed, § 1.
3. Part of 2 & 3 *Vict. c.* 42. repealed, § 2.
4. Sheriffs of *Edinburgh* and *Perth* to be Members of the General Board, § 3.
5. General Board empowered to classify Prisoners, § 4.
6. General Board may issue Declarations as to the General Prison being open for Reception of Prisoners of certain Descriptions, § 5.
7. None but such Prisoners to be sent to the General Prison, § 6.
8. Prisoners for a Year may be sentenced to another Prison, § 7.
9. General Board may remove Prisoners from the General Prison to the Local Prison from which they have been removed, § 8.
10. Removals by Prison Officers, § 9.
11. Return of Sentences of Imprisonment to be transmitted to the General Board, § 10.
12. Sheriffs may authorize the Removal of Sick Persons, § 11.
13. Certain Provisions in 2 & 3 *Vict. c.* 42. extended to Insane or Lunatic Prisoners, § 12.
14. Sheriffs may dispose of Applications for Aliment and Liberation of Civil Prisoners, § 13.
15. Penalty for introducing prohibited Articles into Prisons, § 14.
16. *Orkney* and *Zetland* separate Counties for the Purposes of Prisons, § 15.
17. Union of Counties, § 16.
18. Meetings of County Prison Boards. Vacancies may be supplied in County Boards, § 17.
19. County Boards may dismiss Officers, and establish a Retiring Fund, § 18.
20. County Boards may hold Property, &c., § 19.
21. County Boards may give up Parts of Prison Grounds or Buildings for Court Rooms, § 20.
22. Table of Assessment on Population and Crime may be altered, and last Census used, § 21.
23. Power to reduce Estimate of Population in Burghs, § 22.
24. Burghs may consent to additional Assessment at other Meetings than in *April*, § 23.
25. General Board may apportion additional Assessment consented to by Three Fourths, § 24.
26. County Boards may determine current Expences at other Meetings than in *September*, § 25.
27. Prolongation of Time for Repayment of additional Assessments, § 26.
28. New Valuations to be made when deemed necessary by Commissioners of Supply, § 27.
29. Property under Two Pounds may be exempted from annual Assessment, § 28.
30. Interpretation of "Property" in Burghs, § 29.
31. Further Continuance of 2 & 3 *Vict. c.* 42.—§ 30.
32. Assessment for raising 20,000*l.* not to exceed 1,200*l.* in any One Year, § 31.
33. This Act to be in force for same Time and to be construed with former Act, § 32.

Poor.

1. For the Amendment and better Administration of the Laws relating to the Relief of the Poor in *Scotland*, 8 & 9 *Vict. c.* 83.
2. Interpretation of Words and Expressions used in the Act. "Burgh:" "Sheriff:" "Lands and Heritages:" "Oath:" "Owner:" "Persons", § 1.
3. Board of Supervision for Relief of the Poor established, § 2.
4. Members of Board to derive no Emolument. Their Expences to be paid, § 3.
5. One paid Member and Secretary to the Board, § 4.
6. Meetings of the Board. Paid Member of Board of Supervision to attend regularly, § 5.
7. Board may name Committees, § 6.
8. Board may make General Rules, § 7.
9. Board to record their Proceedings, and make annual Reports on the State of the Poor, § 8.
10. Powers of the Board of Supervision to require Returns and examine Witnesses, § 9.
11. Board may authorize special Inquiries to be made, § 10.
12. Board may appoint Commissioners for conducting special Inquiries, § 11.
13. Board may allow Expences of Witnesses, &c., § 12.
14. Penalties on Parties giving false Evidence, or refusing to obey Summons of the Board, § 13.
15. Power of Board to appoint Clerks, &c., § 14.
16. Members of Board of Supervision may attend Meetings of Parochial Boards, § 15.
17. Parishes may be combined. Board of Supervision may add other Parishes, § 16.
18. Parochial Board of Managers of the Poor in Burghal Parishes or Combinations, § 17.
19. Board of Supervision to fix the Day for the first Election of Managers, § 18.
20. Mode of voting in Burghal Parishes or Combinations, § 19.
21. Board of Supervision may divide Burghal Parishes or Combinations into Wards or Divisions for Elections, § 20.
22. Right of voting how to be ascertained, § 21.
23. Parochial Board in Parishes not burghal or combined, § 22.
24. Elected Members, § 23.
25. Elected Members how to be appointed, § 24.

26. In Cases of Corporations or Joint Stock Companies, who entitled to vote, § 25.
27. Husbands may vote in right of their Wives, § 26.
28. Disputes as to Elections how to be determined, § 27.
29. Party returned may act in the meantime, § 28.
30. Penalty on Officer making false Return, § 29.
31. Meetings of Parochial Boards and Committees, § 30.
32. Parochial Board to elect a Chairman annually, § 31.
33. Parochial Boards to meet and make up Roll of the Poor; and appoint an Inspector of the Poor, § 32.
34. Parochial Boards may resolve that the Funds shall be raised by Assessment, § 33.
35. Modes of imposing Assessment, § 34.
36. Assessment may be imposed according to local Act or established Usage, § 35.
37. Parochial Boards may classify Lands, § 36.
38. Annual Value defined, § 37.
39. Roll of Persons liable to Assessment to be made up, § 38.
40. Amount of Assessment payable by each Person to be intimated, § 39.
41. Parochial Boards to fix annually the Amount of Assessment, and make up Roll of Ratepayers. Power to correct Errors, § 40.
42. And impose additional Assessments, § 41.
43. Power to Parochial Boards to exempt on the ground of Inability, § 42.
44. Power to levy from Tenants the Assessment on Owners, § 43.
45. Long Leaseholders to be considered Owners, § 44.
46. Canals and Railways how to be assessed, § 45.
47. The same Property not to be assessed in Two Parishes, § 46.
48. Companies or Individuals to be assessed in certain Cases. Means and Substance not to be assessed in more than One Parish, § 47.
49. Means and Substance under 30*l.* not to be assessed, § 48.
50. Stipends may be assessed, § 49.
51. Certain Privileges of Exemption to cease, § 50.
52. Assessment not to be void from Error or Misnomer, § 51.
53. Parish Property vested in new Parochial Boards, § 52.
54. Funds to be invested, § 53.
55. Church Collections in assessed Parishes, § 54.
56. Duties of Inspector of the Poor. Assistant Inspectors in populous Parishes, § 55.
57. Board of Supervision may dismiss or suspend Inspectors, § 56.
58. Inspectors may pursue and defend Actions, § 57.
59. Actions transferred, § 58.
60. Lunatic Paupers to be placed in Asylums. Board of Supervision may direct Removal in certain Cases, § 59.
61. Provisions as to Poorhouses, § 60.
62. Parishes may unite for the Purpose of the Poorhouses, § 61.
63. Power to borrow Money for building Poorhouses, § 62.
64. Plans for Poorhouses to be approved by Board of Supervision, § 63.
65. Parochial Boards to frame Rules for Regulation of Poorhouses, § 64.
66. Poor Persons from other Parishes may be received into Poorhouses, § 65.
67. Medical Attendance in Poorhouses, § 66.
68. Parishes may subscribe to Hospitals, &c., § 67.
69. Funds raised by Assessment applicable to Relief of occasional Poor, § 68.
70. Medical Relief, Clothing, and Education, § 69.
71. Destitute Persons to be relieved, although having no Settlement in the Parish to which they apply, § 70.
72. Expences may be recovered from Parish of Settlement, § 71.
73. Where Parishes do not provide for Removal of their Poor from other Parishes after Notice, § 72.
74. Party refused may apply to Sheriff, § 73.
75. Proceedings when Amount of Relief considered inadequate, § 74.
76. No Action to lie relative to Relief, unless by Consent of Board of Supervision, § 75.
77. Settlement by Residence for Five Years, § 76.
78. Removal of *English* and *Irish* Paupers, § 77.
79. Removing Officer to have Powers of a Constable, § 78.
80. Persons again becoming chargeable to be punished, § 79.
81. Punishment for Desertion of Wives, and Refusal to maintain illegitimate Children, § 80.
82. Penalties how to be recovered, § 81.
83. Application of Penalties. To be prosecuted for within Six Months, § 82.
84. Rate-payers competent Witnesses, § 83.
85. Penalty on Witnesses making default, § 84.
86. Informalities, § 85.
87. Limitation of Actions. Tenders of Amends, § 86.
88. Provision for Refusal or Neglect of Parochial Boards, § 87.
89. Assessments for the Poor may be recovered summarily as Land and Assessed Taxes, § 88.
90. Parochial Board may borrow Money on Security of Assessment remaining due, § 89.
91. Notices how to be given, § 90.
92. Former Acts repealed which are at variance with this Act, § 91.

Railways in general.

1. For consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways in *Scotland*, 8 & 9 *Vict. c.* 33.
2. Operation of the Act confined to future Railways, § 1.
3. Interpretations in this Act. "Special Act," § 2.
4. Interpretations in this and the special Act, § 3.
5. Short Title of the Act, § 4.
6. Form in which Portions of this Act may be incorporated in other Acts, § 5.
7. The Construction of the Railway to be subject to the Provisions of this Act and the Lands Clauses Consolidation (*Scotland*) Act, § 6.
8. Errors and Omissions in Plans to be corrected, § 7.
9. Works not to be proceeded with until Plans of all Alterations authorized by Parliament have been deposited, § 8.
10. Sheriff Clerks, &c. to receive Plans of Alterations, and allow Inspection, § 9.
11. Copies to be Evidence, § 10.
12. Limiting Deviation from Datum Line described on Sections, &c., § 11.
13. Previous Notice of such Deviation to be given, § 12.
14. Arches, Tunnels, &c. to be made as marked on deposited Plans, § 13.
15. Limiting Deviations from Gradients, Curves, &c., § 14.
16. Lateral Deviations, § 15.
17. Works to be executed. Inclined Planes, &c. Alteration of Course of Rivers, &c. Alterations and Repairs. General Power. Proviso as to Damages, § 16.

18. Works

18. Works on the Shore of the Sea, &c. not to be constructed without the Authority of the Commissioners of Woods and Forests and Commissioners of the Admiralty, § 17.
19. Alteration of Water and Gas Pipes, &c., § 18.
20. Company not to disturb Pipes until they have laid down others, § 19.
21. Pipes not to be laid contrary to Act of Parliament, and Eighteen Inches Surface Road to be retained, § 20.
22. Company to make good all Damage, § 21.
23. When Railway crosses Pipes, Company to make a Culvert, § 22.
24. Penalty for obstructing Supply of Gas or Water, § 23.
25. Penalty for obstructing Construction of Railway, § 24.
26. *Temporary Use of Lands.* Company may occupy temporarily private Roads within Five hundred Yards of the Railway, § 25.
27. Power to Owners and Occupiers of Road and Land to object that other Roads should be taken, § 26.
28. Power to take temporary Possession of Land without previous Payment of Price, § 27.
29. Company to give Notice previous to such temporary Possession, § 28.
30. Service of Notices on Owners and Occupiers of Lands, § 29.
31. Power to Owner to object that other Lands ought to be taken, § 30.
32. Power to the Sheriff to summon other Owners before him, § 31.
33. The Company to give Sureties, if required, § 32.
34. Company to separate the Lands before using them, § 33.
35. Stone Quarries, &c. to be worked as Surveyor or Owner shall direct, § 34.
36. Owners of Lands may compel Company to purchase Lands so temporarily occupied, § 35.
37. Compensation to be made for temporary Occupation, § 36.
38. Compensation to be ascertained under the Lands Clauses Act, § 37.
39. *Lands for additional Stations.* Land to be taken for additional Stations, &c., § 38.
40. *Crossing of Roads, and Construction of Bridges.* Crossing of Roads, § 39.
41. Provision in Cases where Roads are crossed on a Level, § 40.
42. As to crossing of Turnpike Roads adjoining Stations, § 41.
43. Construction of Bridges over Roads, § 42.
44. Construction of Bridges over Railway, § 43.
45. The Width of the Bridges need not exceed the Width of Road in certain Cases, § 44.
46. Existing Inclinations of Roads crossed or diverted need not be improved, § 45.
47. Before Roads interfered with others to be substituted, § 46.
48. Penalty for not substituting a Road, § 47.
49. Party suffering Damage from Interruption of Road to recover in an Action on the Case, § 48.
50. Period for Restoration of Roads interfered with, § 49.
51. Penalty for failing to restore Road, § 50.
52. Company to repair Roads used by them, § 51.
53. Company to make sufficient Approaches and Fences to Bridleways and Footways crossing on the Level, § 52.
54. Proceedings on Application to Sheriff or Justices to consent to level Crossings of Bridleways and Footways, § 53.
55. Sheriff or Justices to have Power to order Approaches and Fences to be made to Highways crossing on the Level, § 54.
56. *Screens for Turnpike Roads.* Screen for Turnpike Road to be made, if required by the Board of Trade, § 55.
57. Penalty for failing to construct, § 56.
58. *Construction or Reparation of Bridges.* Sheriff or Justices to have Power to order Repair of Bridges, &c. § 57.
59. Board of Trade empowered to modify the Construction of certain Roads, Bridges, &c. where a strict Compliance with the Act impossible or inconvenient, § 58.
60. Authentication of Certificates of the Board of Trade. Service of Notices, &c., § 59.
61. *Works for Accommodation and Protection of Lands.* Works to be erected for the Accommodation of adjoining Lands. Gates, Bridges, &c., § 60.
62. Differences as to Accommodation Works to be settled by Sheriff or Justices, § 61.
63. Execution of Works by Owners on Default by the Company, § 62.
64. Power to Owners of Land to make additional Accommodation Works, § 63.
65. Works to be constructed under the Superintendence of the Company's Engineer, § 64.
66. Accommodation Works not to be required after Five Years, § 65.
67. Owners to be allowed to cross until Accommodation Works made, § 66.
68. Materials, &c. to vest in Company for Purposes of Prosecution, § 67.
69. Penalty on Persons omitting to fasten Gates, § 68.
70. *Branch Railways.* Power to Parties to make private Branch Railways communicating with the Railway. Restrictions and Conditions, § 69.
71. Promoters of the Undertaking not to be entitled to Minerals, § 70.
72. Mines lying near the Railway not to be worked if the Company willing to purchase them, § 71.
73. If Company unwilling to purchase Owner may work the Mines, § 72.
74. Mining Communications, § 73.
75. Company to make Compensation for Injury done to Mines, § 74.
76. And also for any Airway or other Work made necessary by the Railway, § 75.
77. Power to the Company to enter and inspect the working of Mines, § 76.
78. Penalty for Refusal to allow Inspection, § 77.
79. If Mines improperly worked Supports to be made, § 78.
80. *Passengers and Goods on Railway.* Company to employ locomotive Power, Carriages, &c., § 79.
81. Company empowered to contract with other Companies, § 80.
82. Contract not to affect Persons not Parties to it, § 81.
83. Company not to be liable to a greater Extent than Common Carriers, § 82.
84. Power to vary Tolls under like Circumstances. Tolls to be charged equally under like Circumstances, § 83.
85. How Tolls to be calculated where Railways are amalgamated, § 84.
86. Railway to be free on Payment of Tolls, § 85.
87. *Collection of Tolls.* List of Tolls to be exhibited on a Board, § 86.
88. Milestones, § 87.
89. Tolls to be taken only whilst Board exhibited and Milestones set up, § 88.
90. Tolls to be paid as directed by the Company, § 89.
91. In default of Payment of Tolls, Goods, &c. may be detained and sold, § 90.
92. Account of lading, &c. to be given, § 91.

93. Penalty for not giving Account of lading, § 92.
94. Disputes as to Amount of Tolls chargeable, § 93.
95. Differences as to Weights, &c., § 94.
96. Toll Collector to be liable for wrongful Detention of Goods, § 95.
97. Penalty on Passengers practising Frauds on the Company, § 96.
98. Detention of Offenders, § 97.
99. Penalty for bringing dangerous Goods on Railway, § 98.
100. Delivery of Matters in possession or custody of Toll Collector at Removal, § 99.
101. Annual Account to be made up, and a Copy transmitted to the Sheriff Clerk, § 100.
102. *Bye Laws.* Company to regulate the Use of the Railway, § 101.
103. Power to make Regulations by Bye Laws, § 102.
104. Publication of such Bye Laws, § 103.
105. Such Bye Laws to be binding on all Parties, § 104.
106. *Leasing of Railway.* Exercise of Power to lease Railway, § 105.
107. Powers vested in Company to be exercised by Lessees, § 106.
108. *Carriages and Engines.* Engines to consume their Smoke, § 107.
109. Engines to be approved by the Company, and Approval given. Unfit Engines to be removed, § 108.
110. Penalties on Persons using improper Engines, § 109.
111. Carriages to be constructed according to Company's Regulations, § 110.
112. Regulations to apply also to Company's Carriages, § 111.
113. Penalty for using improper Carriages, § 112.
114. Owner's Name, &c. to be registered and exhibited on Carriages, § 113.
115. On Non-compliance Carriage may be removed, § 114.
116. Carriages improperly loaded, or suffered to obstruct the Way, may be unloaded or removed, § 115.
117. Company not to be liable for Damage by unloading, &c., § 116.
118. Owners liable for Damage by Servants, § 117.
119. Owners to recover from Servants, § 118.
120. *Arbitration.* Where Questions are to be determined by Arbitration, Arbiters to be appointed within Fourteen Days after Notice, § 119.
121. Vacancy of Arbiter to be supplied, § 120.
122. Appointment of Oversman, § 121.
123. Lord Ordinary to appoint an Oversman on Neglect of Arbiters, § 122.
124. In case of Death of single Arbiter, Matter to begin *de novo*, § 123.
125. If either Arbiter refuse to act, the other to proceed *ex parte*, § 124.
126. If Arbiters fail to make their Award within Twenty-one Days the Matter to go to the Umpire, § 125.
127. Power of Arbiters to call for Books, &c., § 126.
128. Expences to be in the Discretion of the Arbiters, § 127.
129. Awards to be in Writing, and recorded, § 128.
130. Not to be set aside for Matter of Form, § 129.
131. Services of Notices upon Company, § 130.
132. Tender of Amends, § 131.
133. *Recovery of Damages and Penalties.* Provision for Damages not otherwise provided for, § 132.
134. Distress, &c. against the Treasurer, § 133.
135. Method of Proceeding before the Sheriff or Justices in Questions of Damages, § 134.
136. Publication of Penalties, § 135.
137. Penalty for defacing Boards used for such Publication, § 136.
138. Penalties to be summarily recovered before the Sheriff or Two Justices, § 137.
139. Penalties may be levied by Poinding and Sale, § 138.
140. Imprisonment in default of sufficient Poinding, § 139.
141. Poinding and Sale, how to be made, § 140.
142. Poinding not unlawful for Want of Form, § 141.
143. Application of Penalties, § 142.
144. Penalties to be sued for within Six Months, § 143.
145. Damage to be made good in addition to Penalty, § 144.
146. Penalty on Witnesses making default, § 145.
147. Transient Offenders, § 146.
148. Proceedings by Sheriff need not be in Writing, § 147.
149. Form of Conviction, § 148.
150. Proceedings not to be quashed for Want of Form, &c., § 149.
151. Power of Appeal to Sheriff, § 150.
152. Parties allowed to appeal from Justices to Quarter Sessions on giving Security, § 151.
153. Court to make such Order as they think reasonable, § 152.
154. *Special Act.* Copies of special Act to be kept and deposited, and allowed to be inspected, § 153.
155. Penalty on Company failing to keep or deposit Act, § 154.

Railways in particular Places, See Local Acts.

Salmon Fisheries.

1. To amend an Act of the Ninth Year of King *George* the Fourth for the Preservation of the Salmon Fisheries in *Scotland*, 7 & 8 *Vict. c.* 95.
2. Persons fishing for Salmon within One Mile of the Shore, not having a legal Right or Permission, liable to Penalty, § 1.
3. Provisions of 9 *G.* 4. *c.* 39. extended to this Act, § 2.
4. Saving Rights of Proprietors, § 3.
5. Saving Rights of the Crown, § 4.

Schoolmasters, See Parish Schoolmasters.

Seal Office, See Courts of Queen's Bench and Common Pleas.

Settled Estates.

1. To alter and amend an Act passed in the Third and Fourth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to enable the Owners of Settled Estates to defray the Expences of draining the same by way of Mortgage*, 8 & 9 *Vict. c.* 56.
2. 3 & 4 *Viet. c.* 55. repealed, § 1.
3. Proceedings now pending may be completed under this Act, § 2.
4. Tenants by Curtesy, Trustees, &c. may petition for Leave to make permanent Improvements in Lands in their Possession, § 3.

5. Such

5. Such Petition to be referred to the Master, who shall report thereupon, § 4.
6. Master's Report to be filed, and on Confirmation thereof by the Court Improvements may be made. Certificate to be issued by the Master, § 5.
7. After Endorsement of Master's Certificate Inheritance to become charged with Expences incurred. Registry of Memorial of Certificate, § 6.
8. Certificate to be filed in the Report Office, and Duplicate to be Evidence, § 7.
9. Money advanced to bear Interest not exceeding Five *per Cent.*, § 8.
10. Principal to be repaid by equal annual Instalments, § 9.
11. Person in possession of Lands charged bound to pay Interest, &c. during Continuance of his Title, § 10.
12. Works, &c. for Irrigation to be kept in repair by Tenant for Life, &c., § 11.
13. Lord Chancellor, &c. to make Orders for facilitating Proceedings, § 12.
14. Assent of Occupier requisite for Improvement of Lands held by him, § 13.
15. Appointment of Surveyors and other Officers. Chief Baron of Exchequer in *Dublin* to have the Powers hereby given to Lord Chancellor of *Ireland*, § 14.

Slander, See Defamatory Words.

Slaughtering Horses, See Horses.

Sheriffs in Wales.

1. For assigning Sheriffs in Wales, 8 & 9 *Vict. c.* 11.
2. Sheriffs to be appointed in *Wales* as in *England*, § 1.

Shipping and Navigation.

1. For the Encouragement of *British* Shipping and Navigation, 8 & 9 *Vict. c.* 88.
2. Commencement of Act, § 1.
3. Ships in which only enumerated Goods of *Europe* may be imported, § 2.
4. Places from which only Goods of *Asia*, *Africa*, or *America* may be imported, § 3.
5. Ships in which only Goods of *Asia*, *Africa*, or *America* may be imported. Proviso, § 4.
6. Manufacture deemed Produce, § 5.
7. From *Guernsey*, &c., § 6.
8. Exports to *Asia*, &c., and to *Guernsey*, &c., § 7.
9. Coastwise, § 8.
10. Between *Guernsey*, *Jersey*, &c., § 9.
11. Between *British* Possessions in *Asia*, &c., § 10.
12. Imports into *British* Possessions in *Asia*, &c., § 11.
13. Her Majesty may, by Order in Council, declare that Foreign Goods may be imported into *Hong Kong* in any Vessels, § 12.
14. No Ship *British* unless registered and navigated as such, § 13.
15. But Vessels under Fifteen Tons Burden admitted in Navigation upon Rivers, &c., although not registered. Vessels under Thirty Tons for *Newfoundland* Fishery, &c., need not be registered, § 14.
16. *Honduras* Ships to be as *British* in Trade with United Kingdom and Colonies in *America*, § 15.
17. Ship of any Foreign Country to be of the Build of or Prize to such Country, or *British* built and owned and navigated by Subjects of the Country, § 16.
18. Master and Seamen not *British*, unless natural born or naturalized, or Denizens, or Subjects by Conquest or Cession, or having served in Her Majesty's Ships of War. Natives of *India* not to be *British* Seamen. One *British* Seaman to Twenty Tons sufficient to constitute a proper Crew, § 17.
19. Foreigners having served Two Years on board Her Majesty's Ships during War, § 18.
20. *British* Ship not to depart *British* Port unless duly navigated, &c., § 19.
21. Penalty for Excess of Foreign Seamen, § 20.
22. Proportion of Seamen may be altered by Proclamation, § 21.
23. Goods prohibited only by Navigation Law may be imported for Exportation, § 22.
24. Her Majesty may, by Order in Council, appoint Ports in the *British* Possessions abroad, wherein any Goods imported in any Vessel may be warehoused, § 23.
25. Forfeitures how incurred, § 24.
26. Recovery of Forfeitures, § 25.

Ships.

1. To exempt Ships carrying Passengers to *North America* from the Obligation of having on board a Physician, Surgeon, or Apothecary, 8 & 9 *Vict. c.* 14.
2. So much of 7 & 8 *Vict. c.* 112. as requires Ships carrying Passengers to the East Coast of *North America* to have Surgeons, &c. on board when the Number of Persons amount to 100 repealed, § 1.
3. Proceedings for Recovery of Penalties shall be stayed, § 2.
4. To make perpetual and amend an Act of the Fifth and Sixth Years of Her present Majesty for preventing Ships clearing out from any Port in *British North America* or in the Settlement of *Honduras* from loading any Part of their Cargo of Timber upon Deck, 8 & 9 *Vict. c.* 45. [Repealed by 8 & 9 *Vict. c.* 84.]
5. 5 & 6 *Vict. c.* 17., except so much as is hereby repealed, to be made perpetual, § 1.
6. Repealing so much of the Act as prohibits the lading of Cargo upon Deck or the sailing without Certificate, and as imposes a Penalty therefor, § 2.
7. Clearing Officers to ascertain and certify that the Cargo of certain Ships is below Deck. Captains of such Ships not to sail without Certificate, § 3.
8. No Part of the Cargo of such Ships to be placed on Deck. Proviso for Removal of Cargo in Cases of Leakage or Damage. Stores not to be taken to be Cargo, § 4.
9. Penalty for Offences against this Act, § 5.
10. Provisions of recited Act respecting Indictments and Proceedings applied to Indictments and Proceedings under this Act, § 6.

See *Registering.*

Shrewsbury and Holyhead Road.

1. To enable the Commissioners of Her Majesty's Woods and Works to apply certain Monies now in their Hands towards discharging the Incumbrances affecting the *Shrewsbury* and *Holyhead* Road, 8 & 9 *Vict. c.* 73.
2. Balance of Monies granted for *London* and *Holyhead* Road to be applied in paying off Mortgage Charges upon *Shrewsbury* and *Holyhead* Road, § 1.

Silk Weavers.

1. To make further Regulations respecting the Tickets of Work to be delivered to Silk Weavers in certain Cases, 8 & 9 *Vict. c.* 128.
2. Manufacturer to deliver with Warp a Ticket of Work, § 1.
3. Ticket to be Evidence in Cases of Dispute, § 2.
4. And Work to be produced in order to Adjudication, § 3.
5. Power of summoning Witnesses, § 4.
6. Service of Summons, § 5.
7. Levying and Application of Penalty, § 6.
8. Recovery of Wages and Sums due for Work, § 7.
9. No Certiorari to be allowed, § 8.

Silver Wares, See Gold and Silver Wares.

Slave Trade.

1. For authorizing Her Majesty to carry into immediate Execution, by Orders in Council, any Treaties for the Suppression of the Slave Trade, 7 & 8 *Vict. c.* 26.
2. Her Majesty empowered to direct, by Orders in Council, that all Treaties, &c. concluded with Foreign Powers for the Suppression of the Slave Trade shall be carried into immediate Execution, § 1.
3. To amend an Act, intituled *An Act to carry into execution a Convention between His Majesty and the Emperor of* Brazil, *for the Regulation and final Abolition of the* African *Slave Trade*, 8 & 9 *Vict. c.* 122.
4. Mixed Commissions to proceed up to the 13th *Sept.* 1845 in Adjudication of Vessels taken before the 13th of *March* 1845, § 1.
5. Certain Decrees and Sentences of Mixed Commissions to be valid, § 2.
6. Part of 7 & 8 *G.* 4. *c.* 74. repealed, § 3.
7. Vessels engaged in the Slave Trade contrary to the said Convention to be tried by Courts of Admiralty, § 4.
8. Indemnity to Persons acting in execution of this Act, § 5.
9. Vessels condemned to be sold for Her Majesty's Service or broken up, § 6.
10. Reports of Vessels condemned to be laid before Parliament, § 7.
11. Extending Provisions of 5 *G.* 4. *c.* 113., 11 *G.* 4. & 1 *W.* 4. *c.* 55., 1 & 2 *Vict. c.* 47., and 5 & 6 *Vict. c.* 91. to Vessels seized under this Act, § 8.

Small Debts.

1. For the better securing the Payment of Small Debts, 8 & 9 *Vict. c.* 127.
2. Creditor obtaining Judgment or Order in respect of a Debt not exceeding 20*l.* may summon the Debtor before a Commissioner of Bankrupts or Court of Requests, &c. On Debtor appearing he may be examined by the Commissioner or Court. Creditor may also be examined. If Debtor fail to attend, or to make satisfactory Answer, or shall appear to have been guilty of Fraud, &c., he may be committed, § 1.
3. How Order shall be executed, § 2.
4. Imprisonment not to extinguish the Debt; but on Payment thereof, or of the Instalment payable, and the Costs, &c. the Debtor to be discharged, § 3.
5. Certain Courts to have the like Powers in original Suits, § 4.
6. Where several Courts exist in the same Town, &c., Business not to be transferred from one to the other, § 5.
7. Application to Commissioners, &c. need not be made by Counsel or Attorney, § 6.
8. Affidavits in Bankruptcy and Insolvency may be sworn before Keepers of Prisons, § 7.
9. Actual Necessaries of Judgment Debtors not to be seized, § 8.
10. Jurisdiction of Courts may be altered, § 9.
11. Removal of Judges of Inferior Courts for Misbehaviour or Incapacity, § 10.
12. Who shall be competent to hold the Court, § 11.
13. Appointing of a Deputy to act during the Absence of the Judge, § 12.
14. Execution of Process in *Westminster* and *Southwark*, § 13.
15. Power for Judge to frame a Table of Fees, § 14.
16. Fees in Courts of Bankruptcy, § 15.
17. Fees, &c. payable under any existing Acts not to be affected, § 16.
18. Poundage to be demanded from Suitors upon Sums claimed, § 17.
19. Summonses to Witnesses, § 18.
20. Lists of unclaimed Suitors Money to be made out and put up in the Court, § 19.
21. All Suitors Money paid into Court and unclaimed for Six Years, to go into the Court Fund, § 20.
22. Power to remove Suits exceeding 10*l.* into Superior Courts, § 21.
23. Power to execute Warrants and levy Executions out of Jurisdiction, § 22.
24. Powers of 7 & 8 *Vict. c.* 96. applicable to this Act, § 23.
25. Interpretation of Terms in the Act, § 24.
26. Act to apply only to *England*, § 25.

Smuggling.

1. For the Prevention of Smuggling, 8 & 9 *Vict. c.* 87.
2. Commencement of Act, § 1.
3. *Vessels and Boats.* Certain Vessels belonging to Her Majesty's Subjects, or whereof Half the Persons on board are Subjects of Her Majesty, and Foreign Vessels found within certain Distances of the Coast of the United Kingdom, or of the Islands of *Guernsey, Jersey, Alderney, Sark*, or *Man*, with certain Goods on board, forfeited, together with the Goods, § 2.
4. Any Vessel or Boat arriving within any Port of the United Kingdom, or of the *Isle of Man*, having prohibited Goods on board or attached thereto, forfeited. Proviso, § 3.
5. Certain Cases in which Vessels shall not be forfeited for having on board Tobacco, Snuff, Spirits, Tea, or Cigars, § 4.
6. Vessels belonging to Her Majesty's Subjects, or having One Half of the Persons on board Subjects of Her Majesty, throwing overboard any Goods during Chase, forfeited, and Persons escaping deemed Subjects, § 5.
7. Certain Vessels from which Goods are thrown overboard to prevent Seizure to be forfeited, § 6.
8. Vessels to bring to on being chased by Vessels or Boats of the Navy or in Preventive Service; not bringing to, may be fired into, § 7.
9. Vessels in Port with a Cargo, and afterwards found in Ballast and Cargo unaccounted for, forfeited, § 8.

10. Regu-

10. Regulations as to Vessels sailing from *Guernsey*, *Jersey*, &c., § 9.
11. None of Her Majesty's Subjects to hoist in their Vessels the Union Jack, or any Pendants, &c., usually worn in Her Majesty's Ships, and prohibited to be worn by Proclamation of 1st *January* 1801, under a Penalty not exceeding 500*l.*, § 10.
12. Vessels and Boats used in Removal of run Goods to be forfeited, § 11.
13. Boats of Vessels to have thereon the Name of Vessel, Port, and Master, § 12.
14. Boat not belonging to Ships to have Name of Owner and Port thereon, § 13.
15. Vessels and Boats used in piloting or fishing to be painted Black, and not to be painted like Preventive Boats, § 14.
16. *British* Vessels having secret Places for concealing or Devices for running Goods, and Foreign Vessels not square-rigged having Goods in secret Places, forfeited, § 15.
17. Vessels requiring a Licence, § 16.
18. Vessels and Boats belonging to Her Majesty's Subjects, or whereof Half the Persons on board are Subjects of Her Majesty, not to be navigated with a greater Number of Persons than herein mentioned, unless licensed, § 17.
19. Certain Particulars to be inserted in Licences for Vessels and Boats, § 18.
20. The Owner to give Security by Bond, with the Condition herein mentioned, § 19.
21. Penalty of Bond not to exceed 1,000*l.*, § 20.
22. Licence Bonds given by Minors to be valid, § 21.
23. Vessels not to be used in any Manner not mentioned in the Licence, which is to be produced when demanded, § 22.
24. Certain Vessels, Boats, and Luggers not required to be licensed, § 23.
25. Penalty for counterfeiting or falsifying Licences, or making Use thereof, § 24.
26. How long Bonds are to be in force, § 25.
27. Licences and Bonds granted previous to this Act to continue valid, § 26.
28. Provisions as to Licences to extend to *Guernsey*, &c., § 27.
29. *Vessels and Goods.* Goods unshipped without Payment of Duty, and prohibited Goods, liable to Forfeiture, with the Horses, &c. used in Removal, § 28.
30. Goods concealed on board a Vessel forfeited, and all Goods packed therewith, § 29.
31. Spirits and Tobacco found removing without a Permit to be deemed run, § 30.
32. Restricted Goods to be deemed run Goods for the Purpose of proceeding for Forfeiture or Penalty, § 31.
33. Prohibited Goods shipped or waterborne with Intent to be exported, &c. forfeited, with all Goods packed therewith, § 32.
34. Vessels, Boats, and Goods may be seized by Officers and Persons herein mentioned, and must be delivered to the proper Officer, § 33.
35. Powers given to Officers of Excise by 1 & 2 *W.* 4. *c.* 55. as to Seizure of private Stills, &c., extended to Officers of Customs, § 34.
36. Penalty on Officers and Persons making collusive Seizures, or taking Bribes, and on Persons offering them, § 35.
37. Vessels may be searched within the Limits of the Ports, as also Persons on board, or who may have landed from them, if the Officers have Reason to suspect Goods are concealed about their Persons, § 36.
38. Before Persons are searched, they may require to be taken before a Justice or a Superior Officer of Customs, who shall determine whether there are reasonable Grounds of Suspicion, § 37.
39. Penalty on Officers for Misconduct with respect to Search, § 38.
40. Penalty on Persons on board denying having Foreign Goods about them, § 39.
41. Officers authorized by Writ of Assistance, and having a Peace Officer, may search Houses for uncustomed or prohibited Goods, and break open Doors and Packages to seize such Goods, § 40.
42. Duration of Writs of Assistance, § 41.
43. Officers of Customs or Excise may on probable Cause stop Carts, &c., and search for Goods, § 42.
44. Police Officers seizing Goods to carry them to the Custom House Warehouse, § 43.
45. Goods stopped by Police Officers may be retained until Trial of Persons charged with stealing them, § 44.
46. Commissioners of Treasury, or Commissioners of Customs or Excise, may restore Seizures, and mitigate or remit Punishments and Penalties, § 45.
47. *Penalties.* Persons unshipping, harbouring, or having Custody of any prohibited or uncustomed Goods to forfeit the Value, or 100*l.*, § 46.
48. How Value is to be ascertained, § 47.
49. Persons insuring the Delivery of prohibited or uncustomed Goods to forfeit 500*l.*, § 48.
50. Penalty on Persons offering Goods for Sale under Pretence of being run or prohibited, § 49.
51. Persons found or discovered to have been on board Vessels liable to Forfeiture for being found within certain Limits of the Coast, subject to be committed to any House of Correction, § 50.
52. Persons unshipping or concerned in the carrying away or concealing Spirits or Tobacco, to forfeit 100*l.*, and may be detained, § 51.
53. Persons carrying, &c. Tea or manufactured Silk, to forfeit Treble the Value, and to be liable to Detention, § 52.
54. Persons found or discovered to have been on board Vessels found within a Port of the United Kingdom or the *Isle of Man* with certain contraband Articles on board, subject to a Penalty of 100*l.* and to Detention, § 53.
55. Parties not liable to Penalties or Detention unless concerned in bringing in the Goods, § 54.
56. Persons in Her Majesty's Naval Service detained under Revenue Laws to be secured on board until a Justice's Warrant procured, § 55.
57. Persons assembled, to the Number of Three or more, to run Spirits, Tea, Tobacco, or Silk; or procuring others to assemble to run Goods; or obstructing Officers in the Execution of their Duty, to be sent to House of Correction to hard Labour, § 56.
58. Authorizing Magistrates to proceed to Conviction of Smugglers in certain Cases without an Order from the Board of Customs, § 57.
59. Where Persons are taken before a Justice for any Offence under any Act relating to the Customs, such Justice may order them to be detained a reasonable Time, § 58.
60. Any Person liable to be arrested making his Escape may afterwards be detained by any Officer of the Customs, § 59.
61. Persons making Signals to Smuggling Vessels at Sea may be detained, and, on Conviction, to forfeit 100*l.* or be kept to hard Labour for One Year, § 60.
62. Proof of a Signal not being intended to lie on the Defendant, § 61.

63. Any

63. Any Person may prevent Signals, and enter upon Lands for that Purpose, § 62.
64. *Felonies.* Three or more armed Persons assembled to assist in the illegal landing of any Goods, or in the rescuing of Goods seized, to be deemed guilty of Felony, § 63.
65. Persons shooting at any Boat belonging to the Navy, or in the Service of the Revenue, deemed guilty of Felony, § 64.
66. Any Person in company with more than Four others having Goods liable to Forfeiture, or with One other armed or disguised, guilty of Felony, § 65.
67. Persons assaulting Officers by Force or Violence may be transported, § 66.
68. Commanding Officers of Vessels in the Service may haul their Vessels on shore without being liable to any Action for so doing, § 67.
69. Officers of the Army, &c. may patrol the Coasts of the United Kingdom without being liable to Action, § 68.
70. Officers, if wounded in the Service of the Customs, to be provided for, &c., § 69.
71. Vessels and Goods seized may be disposed of as Commissioners of Customs direct, § 70.
72. *Rewards.* Rewards to Officers for detaining Smugglers, § 71.
73. Rewards to Officers where pecuniary Penalties are recovered, § 72.
74. Rewards to Officers making Seizures, § 73.
75. The Treasury or the Commissioners of Customs to fix the Value of Spirits and Tobacco. Rewards subject to Deduction, § 74.
76. All Rewards and Seizures payable to Officers of Army, Navy, or Marines to be regulated by Her Majesty's Orders in Council, § 75.
77. Commissioners may distribute Officers Shares of Seizure in certain Cases, so as to reward Persons not actually present, § 76.
78. In case Officers act negligently or collusively, the Seizure to be applied to Her Majesty's Use, § 77.
79. No Subject of Her Majesty, except Officers, to take up Spirits in small Casks sunk or floating upon the Sea, § 78.
80. Rewards to Persons giving Information of Goods floating upon or sunk in the Sea, § 79.
81. Allowance to poor Persons confined for Offences against Laws of Customs or Excise, § 80.
82. Actual Expences incurred by the Commitment of Smugglers to hard Labour to be paid out of Consolidated Customs, § 81.
83. *Jurisdiction.* Penalties and Forfeitures how to be sued for, § 82.
84. Justices may summon Offender, and the Summons may be left at his last Place of Residence, or on board any Ship to which he belongs, § 83.
85. Two Justices may, upon the Appearance or Default of the Party, proceed to the Hearing and Conviction. Power to commit, § 84.
86. Warrants, § 85.
87. Justices empowered to mitigate Penalty in certain Cases, § 86.
88. As to Persons committed for Penalties under 100*l.*, § 87.
89. Persons detained for the Offences herein mentioned may be convicted by Justices, and committed for Non-payment of Penalty, or to hard Labour, § 88.
90. Justices may order Imprisonment in default of Payment of Penalty with hard Labour, § 89.
91. Justices of limited Jurisdiction not having Houses of Correction to commit to the one nearest to them, § 90.
92. Justices may commute the Sentence of hard Labour to Imprisonment only where the Offender is a Female, or is incapable of hard Labour from Age or Sickness, § 91.
93. Period of Confinement may, after Commitment, be extended, with hard Labour, in case of Discovery of a prior Conviction for a similar Offence, § 92.
94. Amended Warrant, § 93.
95. Married Women may be committed to Prison, § 94.
96. Offences on the High Seas deemed to have been committed at the Place into which the Offender is brought, or in which he is found, § 95.
97. As to Jurisdiction in Boroughs, &c., § 96.
98. A Magistrate of an adjoining County, with One of the County where the Offence committed, may hear Informations, § 97.
99. Mode of proceeding before Justices for Condemnation of seized Goods, § 98.
100. All Vessels, Boats, and Goods seized under any Laws of Customs, and ordered to be prosecuted, shall be deemed to be condemned, unless the Owner gives Notice that he intends to claim, § 99.
101. Powers of Justices to be exercised by Governor or Deemsters or Justices of the *Isle of Man*, § 100.
102. Writs of Certiorari and Writs of Habeas corpus not to be issued except on an Affidavit. Any Justice may amend Informations, Warrants of Commitment, and Convictions, § 101.
103. Writ of Habeas corpus not to issue without Notice to the Solicitor for the Customs, § 102.
104. Informations to be in the Words of the Act. Parties not to be discharged upon Defects in Warrants, provided Conviction took place upon good Grounds, § 103.
105. Several Persons concerned in the same Offence may be sued by One Information, § 104.
106. Persons having been before convicted of an Offence against the Customs may, upon a Verdict passing against them, be imprisoned in House of Correction, § 105.
107. Persons previously convicted may be held to Bail for full Amount of Penalty, § 106.
108. Informations, Convictions, &c. to be in Form, &c. in Schedule, § 107.
109. Penalties and Forfeitures to be paid to Commissioners of Customs or Excise, and applied as the Law directs, § 108.
110. Capias may issue against Persons sued under this Act who are to give Bail, § 109.
111. Persons in Gaol not appearing or pleading to the Information, Judgment may be entered by default, § 110.
112. Persons not worth 5*l.* may defend Suits *in formâ pauperis*, § 111.
113. Sheriff to grant special Warrant, on Writ of Capias being endorsed by the Solicitor for the Customs, § 112.
114. Sheriff indemnified from Escapes in Cases where Warrants are granted at the Request of Solicitor for the Customs, or any Person acting in his Behalf, and Gaolers required to receive Offenders, § 113.
115. No Claim or Appearance to be entered to any Information for the Forfeiture of seized Goods, unless in the Name of the Owners, and Oath made to the Property, § 114.
116. Owners to give Security for Costs occasioned by the Claim or Appearance, § 115.
117. If Suit brought on account of Seizure, and the Judge shall certify there was probable Cause, Plaintiff to have 2*d.* Damages, and Defendant fined not more than 1*s.*, § 116.

118. No

118. No Process to be sued out against any Officer making Seizure until One Calendar Month next after Notice given, § 117.
119. No Evidence to be adduced but what is contained in the Notice, § 118.
120. Officer may tender Amends, § 119.
121. Officer neglecting to tender Amends may pay Money into Court, § 120.
122. Action to be commenced within Six Months next after Cause of Action has arisen, § 121.
123. Judges of the Queen's Bench may issue Warrants for apprehending Offenders prosecuted by Indictment or Information. Persons neglecting to give Bail may be committed to Gaol. Indictments or Informations may be served on the Gaoler, and if Offender neglect to appear, &c. the Prosecutor may enter plea Not Guilty. If upon Trial the Party is acquitted, the Judge may discharge him out of Custody, § 122.
124. When Recognizance is given, and the Party shall not plead, a Copy of the Information or Indictment may be delivered to his Attorney. If the Party does not appear, a Plea of Not Guilty may be entered, § 123.
125. Certain Articles herein mentioned not to be landed Coastwise until the Dues of the City of *London* are paid, § 124.
126. When Offenders are arrested, and give Bail to the Sheriff, the Bail Bond to be assigned to Her Majesty, § 125.
127. Indictments to be preferred by Order of the Commissioners, and Suits to be in the Name of the Attorney General or Lord Advocate, or of some Officer, § 126.
128. The Attorney General or Lord Advocate may sign a Nolle prosequi, § 127.
129. Proof of Payment of Duties or of the lawful Importation of Goods to be on the Owner, § 128.
130. No Justice connected with the Collection of the Revenue to interfere, § 129.
131. Averment of certain Matters to be sufficient unless the contrary is proved, § 130.
132. Persons employed for Prevention of Smuggling to be deemed duly employed, § 131.
133. *Vivâ voce* Evidence may be given that a Party is an Officer. Witness competent, although entitled to Part of Seizure or to Reward, § 132.
134. What shall be deemed sufficient Evidence of an Order of the Treasury or of the Commissioners of Customs or Excise, § 133.
135. Within what Time Suits, Indictments, or Informations are to be exhibited, § 134.
136. Information in certain Cases may be exhibited any Time after Six Months, § 135.
137. Indictments or Informations may be tried in any County in *England*, *Scotland*, or *Ireland* respectively, § 136.
138. Summonses, &c. in Customs or Excise Proceedings may be served within the Police District by the Officers of Customs or Excise, § 137.

Soap, See Excise, 11, 12.

Soldiers.

For punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, 7 & 8 *Vict. c.* 9. and 8 & 9 *Vict. c.* 8.

See *Militia.*

South Sea Company.

1. For completing the Guarantee Fund of the *South Sea* Company, for advancing for the Public Service Part of the unclaimed Stock and Dividends in the Hands of the said Company, and for regulating the Allowance to be paid for the Management of the *South Sea* Stock and Annuities, 7 & 8 *Vict. c.* 80.
2. Guarantee Fund to be completed, § 1.
3. Annuities on which Dividends are unclaimed for Ten Years to be transferred to Commissioners for Reduction of National Debt, § 2.
4. Duplicate Register to be kept, § 3.
5. Unclaimed Dividends and Balances of Repayments to be invested by the Commissioners, § 4.
6. By whom Transfers shall be made, § 5.
7. Annuities may be re-transferred to Claimants, § 6.
8. Indemnity against new Claims, § 7.
9. Relief for new Claimants, § 8.
10. Balances of unclaimed Dividends to be paid into the Bank, § 9.
11. Charge for Management, § 10.

Spirits.

1. To determine the countervailing Duties payable on Spirits of the Nature of plain *British* Spirits, the Manufacture of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, imported into the United Kingdom; and to prohibit the Importation of rectified or compound Spirits from the said Islands, 8 & 9 *Vict. c.* 65.
2. Countervailing Duties imposed by this Act, § 1.
3. Duties to be under the Management of the Commissioners of Excise, § 2.
4. Spirits of the Nature of plain *British* Spirits, manufactured in the Islands, and imported into the United Kingdom, to be denominated plain *British* Spirits, and imported under the same Regulations of Excise as Spirits removed from *Scotland* or *Ireland*, &c. When so imported to be dealt with as Spirits the Manufacture of that Part of the United Kingdom into which imported, § 3.
5. Plain Spirits the Manufacture of the Islands aforesaid to be made from the same Materials as in the United Kingdom. The Declaration and Certificate of Produce to certify the same, under Pain of Forfeiture for any false Certificate, § 4.
6. Spirits of the Nature of *British* Brandy, or Compounds the Manufacture of any of the said Islands, prohibited to be imported, § 5.
7. All Channel Island Spirits may be entered to be warehoused for Exportation, § 6.
8. Act to commence from 8th *August* as to all prohibited Spirits which have been imported since that Date and are now in Bond, § 7.

Stamps.

1. To reduce the Stamp Duties on Polices of Sea Insurance and on certain other Instruments, and to repeal the Duties on certain Bonds, and the Law requiring Public Notaries in *Ireland* to deliver Accounts of Bills and Notes noted by them, 7 & 8 *Vict. c.* 21.
2. Stamp Duties on Policies of Sea Insurance, and on certain Agreements, and also on certain Instruments for appointing Proxies, repealed, except as to Arrears, § 1.
3. New Duties granted in lieu of Duties repealed, § 2.

4. Powers and Provisions of former Acts to be applied to the Duties granted by this Act, § 3.
5. Penalty for evading the Duties on Insurances. The *London* Assurance and the *Royal Exchange* Assurance Corporations allowed to make Agreements on unstamped Slips, on certain Conditions, § 4.
6. Agreements chargeable with Duty under this Act may be stamped within Fourteen Days after the making thereof without Penalty. Penalty on stamping the same afterwards 10*l.*, § 5.
7. Instruments of Proxy to be available for voting at One Meeting, or at any Adjournment thereof, § 6.
8. Commissioners not to stamp Instruments appointing Proxies after the signing thereof. Penalty for signing Instruments appointing Proxies not being duly stamped, or for voting under such Instruments, § 7.
9. Stamp Duty on Bonds given for obtaining Drawbacks of Duties of Customs or Excise repealed, § 8.
10. Enactment in 55 *G.* 3. *c.* 101. *s.* 30. requiring Public Notaries in *Ireland* to deliver Accounts of Bills and Notes noted by them, and to pay the Stamp Duties as for Protests thereof, repealed, § 9.
11. To increase the Stamp Duty on Licences to Appraisers; to reduce the Stamp Duties on Registry Searches in *Ireland;* to amend the Law relating to the Duties on Legacies; and also to amend an Act of the last Session of Parliament, for regulating the Issue of Bank Notes in *England,* 8 & 9 *Vict. c.* 76.
12. Stamp Duty on Appraisers Licences repealed, and an increased Duty thereon granted in lieu, § 1.
13. Stamp Duties payable in *Ireland* on Registry Searches repealed, and reduced Duties granted in lieu thereof, § 2.
14. Powers and Provisions of former Acts to be applied to the Duties granted by this Act, § 3.
15. Certain Gifts by Will or Testamentary Instrument to be deemed Legacies. Proviso, § 4.
16. Provision for Recovery and Application of Penalties under 7 & 8 *Vict. c.* 32.—§ 5.

See *Assessed Taxes; Gold and Silver Wares.*

Statutes repealed.

I. *Statutes relating to the* Customs, *repealed by* 8 & 9 Vict. c. 84.

William IV.
3 & 4 W. 4. c. 5.
3 & 4 W. 4. c. 52.
3 & 4 W. 4. c. 53.
3 & 4 W. 4. c. 54.
3 & 4 W. 4. c. 55.
3 & 4 W. 4. c. 56.
3 & 4 W. 4. c. 57.
3 & 4 W. 4. c. 58.
3 & 4 W. 4. c. 59.
3 & 4 W. 4. c. 60.
3 & 4 W. 4. c. 61.
4 & 5 W. 4. c. 13.
4 & 5 W. 4. c. 89.
5 & 6 W. 4. c. 56.
5 & 6 W. 4. c. 66.
6 & 7 W. 4. c. 60.

Victoria.
1 & 2 Vict. c. 13.
5 & 6 Vict. c. 47.
5 & 6 Vict. c. 49.
5 & 6 Vict. c. 56.
6 & 7 Vict. c. 84.
7 & 8 Vict. c. 16.
7 & 8 Vict. c. 43.
8 & 9 Vict. c. 12.
8 & 9 Vict. c. 45.

II. *Statutes relating to* Forestalling, Regrating, and Engrossing, *wholly or in part repealed by* 7 & 8 Vict. c. 24.

Henry III.
51 Hen. 3. Judicium Pilloriæ (in part)

Temp. Hen. 3.
— Edw. 1.
— Edw. 2. c. 7. (in part), c. 10.

Edward II.
12 Edw. 2. c. 6. (in part)

Edward III.
23 Edw. 3. c. 6.
25 Edw. 3. stat. 4. c. 3.
27 Edw. 3. stat. 1. c. 3.
27 Edw. 3. stat. 2. c. 11. (in part)
31 Edw. 3. stat. 2., stat. 3.
35 Edw. 3.
37 Edw. 3. c. 5. (in part)
37 Edw. 3. c. 15.

Richard II.
2 Ric. 2. stat. 1. c. 2.
13 Ric. 2. stat. 1. c. 8. (in part)

Henry IV.
4 Hen. 4. c. 25. (in part)

Edward IV.
4 Edw. 4. c. 2.

Henry VIII.
25 Hen. 8. c. 2. (in part)
28 Hen. 8. c. 14. (in part)
37 Hen. 8. c. 2.

Edward VI.
3 & 4 Edw. 6. c. 19.
3 & 4 Edw. 6. c. 21. (in part)
5 & 6 Edw. 6. c. 15.
1503. c. 38.
1535. c. 26.
1540. cc. 16, 18, and 32.
1555. c. 35.
1579. c. 26.
1592. c. 70.
1661. c. 280.

Elizabeth.
11 Eliz. c. 4.

Anne.
2 Ann. c. 15. and 9 Ann. c. 7. (in part)

George I.
10 G. 1. c. 10. s. 1. (in part)

George II.
15 G. 2. c. 9.
31 G. 2. c. 8.

George III.
13 & 14 G. 3. c. 22. s. 73. (in part)
27 G. 3. c. 46. s. 3. (in part)

III. *Statutes relating to* Butter and Cheese, *repealed by* 7 & 8 Vict. c. 48.

William & Mary.
4 W. & M. c. 7.

George III.
36 G. 3. c. 86.
38 G. 3. c. 73.

IV. *Statutes relating to* Charitable Donations and Bequests in Ireland, *repealed by* 7 & 8 Vict. c. 97.

George III.
3 G. 3. & 40 G. 3. (I.)

V. *Statutes relating to* Controverted Elections, *wholly or in part repealed by* 7 & 8 Vict. c. 103.

George III.
42 G. 3. c. 106. (in part)
47 G. 3. c. 14. (in part)

George IV.
9 G. 4. c. 22.

VI. *Statutes relating to* Grand Jury Presentments in the County of Dublin, *wholly or in part repealed by* 7 & 8 Vict. c. 106.

George III.
26 G. 3. (I.) (in part)
43 G. 3. c. xxv.
50 G. 3. c. lx.
51 G. 3. c. xxxvi. (in part)

VII. *Statutes relating to* Roman Catholics, *wholly or in part repealed by* 7 & 8 Vict. *c.* 102.

Edward VI.
5 & 6 Edw. 6. c. 1.

Elizabeth.
1 Eliz. c. 1.
1 Eliz. c. 2.
5 Eliz. c. 1.
23 Eliz. c. 1.
27 Eliz. c. 2.
29 Eliz. c. 6.
35 Eliz. c. 1.
35 Eliz. c. 2.

James.
1 Jac. 1. c. 4.
3 Jac. 1. c. 1.
3 Jac. 1. c. 4.

3 Jac. 1. c. 5.
7 Jac. 1. c. 6.

CHARLES I.
3 Car. 1. c. 2.
3 Car. 1. c. 4.
16 Car. 1. c. 4.

CHARLES II.
13 & 14 Car. 2. c. 4.
25 Car. 2. c. 2.

WILLIAM & MARY.
1 W. & M. c. 8.
1 W. & M. c. 9.
1 W. & M. c. 15.
1 W. & M. c. 17.

VIII. *Statutes relating to* Aliens, *in part repealed by* 7 & 8 Vict. c. 66.

WILLIAM III.
12 & 13 W. III. c. 2.

GEORGE III.
14 G. 3. c. 84.

GEORGE I.
1 G. 1. Sess. 2. c. 4.

IX. *Statutes relating to* Lunatics, *repealed by* 8 & 9 Vict. c. 100.

WILLIAM IV.
2 & 3 W. 4. c. 107.
3 & 4 W. 4. c. 64.
5 & 6 W. 4. c. 22.

VICTORIA.
1 & 2 Vict. c. 73.
5 Vict. c. 4.
5 & 6 Vict. c. 87.

X. *Statutes relating to the* Poor, *repealed by* 8 & 9 Vict. c. 117.

GEORGE IV. and WILLIAM IV.
11 G. 4. & 1 W. 4. c. 5.
3 & 4 W. 4. c. 40.

XI. *Statutes relating to* Miscellaneous Subjects, *wholly or in part repealed.*

Acts repealed.	Relating to	Repealed by
GEORGE II.		
9 G. 2. (I.) and 23 G. 2. (I.)	Marriages.	7 & 8 Vict. c. 81.
GEORGE III.		
13 G. 3. c. 59. and 38 G. 3. c. 69., § 7.	Gold and Silver Wares.	7 & 8 Vict. c. 22.
59 G. 3. c. 95.	Coroners.	7 & 8 Vict. c. 92.
14 G. 3. c. 78. (in part) and 50 G. 3. c. 75.	Buildings in the Metropolis.	7 & 8 Vict. c. 84.
7 G. 3. c. 30. and 2 G. 3. c. 82.	The Poor.	7 & 8 Vict. c. 101.
GEORGE IV.		
1 G. 4. c. 40.	Lunatics.	8 & 9 Vict. c. 126.
9 G. 4. c. 92. (in part)	Savings Banks.	7 & 8 Vict. c. 83.
3 G. 4. c. 126. (in part)	Turnpikes.	7 & 8 Vict. c. 91.
WILLIAM IV.		
3 & 4 W. 4. c. 103. (in part)	Factories.	7 & 8 Vict. c. 15.
5 & 6 W. 4. c. 66. (in part)	Coffee.	7 & 8 Vict. c. 16.
5 & 6 W. 4. c. 47. (in part)	Clerk of Crown in Chancery.	7 & 8 Vict. c. 77.
3 & 4 W. 4. c. 80. (in part)	Turnpikes.	7 & 8 Vict. c. 91.
5 & 6 W. 4. c. 19.	Merchant Seamen.	7 & 8 Vict. c. 112.
6 & 7 W. 4. c. 38.	Spirits in *Ireland*.	8 & 9 Vict. c. 38.
VICTORIA.		
1 & 2 Vict. c. 59.	International Copyright.	7 & 8 Vict. c. 12.
3 & 4 Vict. c. 40.	The *West Indies*.	7 & 8 Vict. c. 17.
3 & 4 Vict. c. 85.	Buildings in the Metropolis.	7 & 8 Vict. c. 84.
5 & 6 Vict. c. 67. and Part of 2 & 3 Vict. c. 42.	Prisons in *Scotland*.	7 & 8 Vict. c. 34.
5 & 6 Vict. c. 76. (in part)	*New South Wales*.	7 & 8 Vict. c. 7.
3 & 4 Vict. c. 55.	Draining.	8 & 9 Vict. c. 56.
7 & 8 Vict. c. 76. (in part)	Transfer of Property.	8 & 9 Vict. c. 106.

Stock, See Bequests of Stock.

Sudbury, Borough of.

For Disfranchisement of the Borough of *Sudbury*, 7 & 8 *Vict. c.* 53.

Sugar.

1. For granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-five, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty-four, 7 & 8 *Vict. c.* 28.
2. Duties imposed by 6 & 7 *W.* 4. *c.* 26. and 3 & 4 *Vict. c.* 17. continued till 10th *Nov.* 1844. Duties from 10th *Nov.* 1844 to 5th *July* 1845, § 1.
3. Collection of Duties, § 2.
4. Power to Her Majesty by Order in Council to declare the Sugars of other Countries to be admissible as not being the Produce of Slave Labour, § 3.
5. Certificates and Declarations required, § 4.
6. Certificate required in respect of Sugar from *China*, &c., § 5.
7. Certificate required in respect of such Sugar if imported from *British* Possessions abroad, § 6.
8. Power to Her Majesty by Order in Council to declare that the Sugars of Countries with which Her Majesty has Treaties of Reciprocity as to Duties to be admissible at 34*s. per* Cwt., and 5 *per Cent.* additional, § 7.
9. If such Treaty be conditional, Order in Council to state Fulfilment of Condition, § 8.
10. Bounties on certain Descriptions of refined Sugar, § 9.
11. Her Majesty may allow the Importation of Sugar the Growth of certain *British* Possessions at the lower Rate of Duty, § 10.
12. Order in Council may be revoked, § 11.
13. Order in Council to be published, § 12.
14. Copies of Order in Council to be laid before Parliament, § 13.
15. Separate Accounts to be kept in the Exchequer of the Duties arising in *Great Britain*. Duties arising in *Ireland* to be paid into the Exchequer there, § 14.
16. The Treasury may direct Exchequer Bills to be made out not exceeding 3,000,000*l.*, § 15.
17. Powers of 48 *G.* 3. *c.* 1., 4 & 5 *W.* 4. *c.* 15., 5 & 6 *Vict. c.* 66. extended to this Act, § 16.
18. Exchequer Bills to bear an Interest, § 17.
19. Bank of *England* may advance Money on the Credit of this Act, § 18.
20. Bills to be delivered to the Bank of *England* as Security for Advances, § 19.
21. Exchequer Bills to be charged on the Duties granted by this Act, § 20.

22. Money due to be paid out of next Aids, § 21.
23. Surplus Monies to be carried to Consolidated Fund, § 22.
24. Treasurer to allow necessary Charges of making forth new Exchequer Bills, § 23.
25. Monies issued to be replaced out of first Supplies, § 24.
26. For granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-six, certain Duties on Sugar imported into the United Kingdom, 8 & 9 *Vict. c.* 5.
27. Duties imposed by 7 & 8 *Vict. c.* 28. repealed. Duties imposed in lieu thereof, § 1.
28. Power to Her Majesty, by Order in Council, to declare the Sugars of other Countries to be admissible as not being the Produce of Slave Labour, § 2.
29. Certificates and Declarations required, § 3.
30. Certificate required in respect of Sugar from *China*, &c., § 4.
31. Certificate required in respect of such Sugar if imported from *British* Possessions abroad, § 5.
32. Her Majesty, by Order in Council, may declare the Sugars of Countries with which Her Majesty has Treaties of Reciprocity as to Duties to be admissible at 28*s.* and 23*s.* 4*d. per* Cwt. respectively, § 6.
33. As to such Treaty being conditional, § 7.
34. Importation of Sugar and Molasses may be allowed at the lower Duty from *British* Possessions within the Company's Charter in which Foreign Sugar is prohibited, § 8.
35. Such Sugar and Molasses to be entered at the lower Rates of Duty, upon the Conditions on which *Bengal* Sugar was admissible under 6 & 7 *W.* 4. *c.* 26.—§ 9.
36. Bounties on certain Descriptions of Refined Sugar, § 10.
37. Collection of Duties, § 11.
38. Commissioners of Customs to provide Standard Samples of White, Clayed, &c., Sugar, § 12.
39. Orders in Council may be revoked, § 13.
40. Orders in Council to be published, § 14.
41. Copies of Order in Council to be laid before Parliament, § 15.
42. To repeal the Duties of Excise on Sugar manufactured in the United Kingdom, and to impose other Duties in lieu thereof, 8 & 9 *Vict. c.* 13.
43. Repeal of the Excise Duties on Sugar manufactured in the United Kingdom, § 1.
44. New Excise Duty on such Sugar of 14*s. per* Cwt., § 2.
45. New Duty to be raised and levied in the same Manner as other Excise Duties; and Powers and Penalties of all Excise Acts to apply to this Act, § 3.

Suits relating to Meeting Houses, &c., See Meeting Houses.

T.

Three and a Half per Cent. Annuities.

1. For transferring Three Pounds Ten Shillings *per Centum per Annum* Annuities One thousand eight hundred and eighteen into Annuities of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities, 7 & 8 *Vict. c.* 4.
2. For transferring certain Annuities of Three Pounds Ten Shillings *per Centum per Annum* and Government Debentures into Annuities of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities, 7 & 8 *Vict. c.* 5.
3. To provide for paying off such of the Three Pounds Ten Shillings *per Centum* Annuities and Government Debentures which are to be paid off under Two Acts passed in the present Session of Parliament, 7 & 8 *Vict. c.* 64.

Tickets of Work.

1. To make further Regulations respecting the Tickets of Work to be delivered to Persons employed in the Manufacture of Hosiery, in certain Cases, 8 & 9 *Vict. c.* 77.
2. Manufacturer to deliver with Materials a Ticket of Work, § 1.
3. Ticket to be Evidence, § 2.
4. When Dispute arises as to imperfect Execution the Work to be produced, § 3.
5. Penalty on Manufacturer for Non-delivery of Ticket, § 4.
6. Power of summoning Witnesses, § 5.
7. Service of Summons, § 6.
8. Levying and Application of Penalty, § 7.
9. No Certiorari allowed, nor Distress unlawful for Want of Form, § 8.
10. Interpretation of Act, § 9.

See *Silk Weavers.*

Transfer of Property.

1. To simplify the Transfer of Property, 7 & 8 *Vict. c.* 76. [Repealed in part by 8 & 9 *Vict. c.* 106.]
2. Meaning of Words defined: "Land:" "Freehold:" "Conveyance:" "Person:" Number and Gender, § 1.
3. Freehold Land may be conveyed by Deed, without Livery of Seisin or prior Bargain and Sale, § 2.
4. Partitions, Exchanges, and Assignments to be by Deed, § 3.
5. Leases and Surrenders in Writing to be by Deed, § 4.
6. Contingent Interests may be conveyed by Deed, § 5.
7. No implied Warranty to be created by "Grant" or "Exchange," § 6.
8. No Conveyances to operate by Wrong, or have greater Effect than a Release, § 7.
9. Contingent Remainders abolished. Executory Devises or Estates. Existing contingent Remainders to continue, § 8.
10. Executor or Administrator of Mortgagee empowered, on Discharge of Mortgage, to convey the legal Estate vested in the Heir or Devisee, § 9.
11. Receipts of Trustees to be effectual Discharges, § 10.
12. Indenting a Deed unnecessary, § 11.
13. The Remedies for the Rent and Covenants in a Lease not to be extinguished by the Merger of the immediate Reversion, § 12.
14. Act to commence from 31st *December* 1844, § 13.

See *Real Property; Leases; Satisfied Terms.*

Turnpike Roads in general.

1. To continue until the First Day of *August* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, certain Turnpike Acts, 7 & 8 *Vict. c.* 41.

2. To

2. To continue to the First Day of *October* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, certain Turnpike Acts, 8 & 9 *Vict. c.* 53.

Turnpike Roads (*Particular*), See Local Acts.

Turnpike Trusts in South Wales.

1. To consolidate and amend the Laws relating to Turnpike Trusts in *South Wales*, 7 & 8 *Vict. c.* 91.
2. Appointment of Commissioners. Duration of Commission, § 1.
3. Style and Powers of Commissioners; to have a Common Seal. Orders, &c. of Commissioners to be binding, and not to be removed by Certiorari, § 2.
4. Secretary, &c. to be appointed, § 3.
5. Salaries and Allowances to Commissioners and their Officers, § 4.
6. Commissioners to proceed through *South Wales*. Notice to be given by Advertisement. Inquiry to be made by Commissioners into Circumstances of all Trusts, their Debts, &c., § 5.
7. Commissioners to summon Witnesses and call for Papers, § 6.
8. Penalty for giving false Evidence, § 7.
9. Commissioners to record their Proceedings, § 8.
10. Commissioners to ascertain and estimate all Debts; and to award the Sums and Names of Persons to whom due, § 9.
11. Sums due to Infants and Lunatics may be awarded to Guardians and Committees, &c., § 10.
12. Persons dissatisfied with Award how to appeal, § 11.
13. Commissioners to appoint Time and Place for Arbitration, § 12.
14. Arbitrators how to be selected, § 13.
15. If Arbitrator shall die, another to be appointed, § 14.
16. If Arbitrator differ, an Umpire to be named, § 15.
17. Powers of Arbitrators, § 16.
18. Award of Arbitrators, § 17.
19. Expences of Arbitration how to be borne, § 18.
20. Awards, Advertisements, and other Instruments to be free of Stamp Duty, § 19.
21. Provision in case of Creditors not applying within Time limited. Creditors after Twelve Months to be barred, § 20.
22. Commissioners to report Result of Awards to Secretary of State, § 21.
23. Sums awarded to be paid by Public Works Loan Commissioners, § 22.
24. Sum not exceeding 225,000*l.* to be charged upon the Consolidated Fund for the Purposes of this Act, § 23.
25. Commissioners for the Reduction of National Debt to be Trustees of *South Wales* Turnpike Trust Fund, and to cause separate Account to be opened at the Bank of *England* for the Purpose, § 24.
26. Bank of *England* to open Account with Public Works Loan Commissioners under this Act, § 25.
27. Money paid into Bank to the Account of Public Works Loan Commissioners under this Act to make Part of Consolidated Fund, § 26.
28. Amount of Monies to be paid by Public Works Loan Commissioners under this Act to be certified to the Commissioners for the Reduction of the National Debt, § 27.
29. Commissioners for the Reduction of the National Debt to furnish annual Account of Fund for Audit, § 28.
30. Amount paid by Public Works Loan Commissioners under this Act, with Interest, to be repaid by half-yearly Annuity for Thirty Years, § 29.
31. When Powers of the Commissioners have ceased, the Charge to be executed by Secretary of State, § 30.
32. Charges to be in such Form as Public Works Loan Commissioners shall direct, § 31.
33. Mortgages of Tolls held by Public Works Loan Commissioners to be paid in full, § 32.
34. Monies advanced under 5 *Vict. c.* 9. may be paid into Consolidated Fund on account of Monies issued thereout under this Act, § 33.
35. All Local Acts to be repealed from a Day to be declared by Commissioners, § 34.
36. Justices in Quarter Sessions to elect Members of County Roads Board, § 35.
37. Certain Persons in each County to be *ex-officio* Members of County Roads Boards, § 36.
38. Style and Powers of County Roads Boards, § 37.
39. Provisions of General Turnpike Acts how far to be applicable, § 38.
40. Existing Officers of Trust to account, § 39.
41. Provision as to existing Leases of Tolls, § 40.
42. Debts due to Trust to be vested in County Roads Boards, § 41.
43. Roads and Property of Trusts vested in County Roads Boards, § 42.
44. Materials to be the Property of the County to which they shall be adjudged by Commissioners to belong. Property how to be laid in Indictments, § 43.
45. County Roads Boards to take Possession of Roads and other Property, § 44.
46. Mortgagees not to take possession of Tolls, § 45.
47. Mortgagees in possession to deliver up possession, and to account to County Roads Boards, § 46.
48. Lands or Persons liable to Repair of any Roads to continue liable, § 47.
49. County Roads Boards may continue existing Toll Gates, § 48.
50. County Roads Boards may remove Toll Gates, § 49.
51. Rates of Toll to be taken under this Act. Equal Tolls to be taken at all Gates in same County, § 50.
52. Distinction as to Breadth of Wheels to be abolished, § 51.
53. Toll once paid to clear Seven Miles in same or Two in an adjacent County, § 52.
54. Where any Toll payable within the specified Distance is a higher one, the Difference only to be paid, § 53.
55. Provision as to Stage Coaches and Stage Waggons, § 54.
56. Post Horses to be charged on every fresh Hiring, § 55.
57. Exemptions from Toll, § 56.
58. Exemptions of General Turnpike Acts explained and extended, § 57.
59. Exemptions not to be defeated on account of Regulations as to Breadth of Wheels, or as to Weight, § 58.
60. Lime to be charged Half Toll, § 59.
61. Toll not to be taken within Limits of Towns, § 60.
62. Toll Tables to be affixed at all Gates. Penalty for want of Toll Table, § 61.
63. County Roads Boards empowered to reduce Tolls in Schedule, § 62.
64. Meetings of County Roads Boards. Power of Adjournment. Three to be Quorum when Tolls are to be let, § 63.
65. Tolls may be let at any Meeting without putting them up at the Sum before realized, § 64.

66. Repeal

66. Repeal of Part of 3 *G.* 4. *c.* 126.—§ 65.
67. Repeal of Part of 3 *& 4 W.* 4. c. 86.—§ 66.
68. Annual General Meeting of County Roads Boards, § 67.
69. Business to be transacted at annual General Meeting, § 68.
70. General Superintendent of County Roads to be appointed, § 69.
71. His Office and Duties; to overlook Management of Roads; to attend Meetings of County and District Boards; to examine Accounts at annual Meetings; to prepare Statements and Estimates; to transmit Statements and Estimates to Commissioners; and to report from Time to Time, § 70.
72. Books to be kept, and to be open to Inspection, § 71.
73. First Meeting of County Roads Boards when to be held, § 72.
74. Chairman and Vice Chairman of County Roads Boards to be appointed, § 73.
75. Clerk and Treasurer to be appointed, § 74.
76. County Roads Boards to fix Times of Meeting, and make other Regulations, § 75.
77. County Roads Board to report upon County Roads, and make Recommendations respecting them; what shall be Turnpike Roads; what shall cease to be maintained by County; Division of County into Districts, § 76.
78. Commissioners to make Orders respecting Distribution and Arrangement of County Roads, § 77.
79. Plan of County Roads to be made by Authority of Commissioners. Plan may be amended, § 78.
80. Roads rejected by Commissioners to become Highways, § 79.
81. County Roads Boards to make special Reports in certain Cases, § 80.
82. Restrictions on borrowing by County Roads Boards, § 81.
83. Local Boards to be appointed, called "District Roads Boards." How to be constituted, § 82.
84. If Commissioners deem it expedient they may appoint additional Members. Manner of choosing additional Members, § 83.
85. Persons hereafter chosen as Members of District Boards shall cease to be Members by Rotation, and their Vacancies to be filled up, § 84.
86. Declaration to be made by Members of District Boards, § 85.
87. County Roads Boards to appoint Officers of District Boards, § 86.
88. Powers and Duties of District Boards, § 87.
89. Money and Materials to be placed at the Disposal of District Boards, § 88.
90. First and other Meetings of District Boards, § 89.
91. District Boards to appoint Chairman and Vice Chairman, § 90.
92. District Boards to elect Two of their own Members to serve on County Board, § 91.
93. Members of County and District Boards not to be interested in Contracts, § 92.
94. Members of County and District Boards may act as Justices, § 93.
95. Application of Tolls, § 94.
96. If County Roads Fund prove insufficient for the Purposes required, County Roads Board shall certify the Amount required to Quarter Sessions, § 95.
97. Justices in Quarter Sessions to make a Rate to supply the Amount required, § 96.
98. Provision for levying Road Rate in Places not contributing to County Rate, § 97.
99. Justices of any Liberty or Franchise to make a Rate upon the same, § 98.
100. In case of Default, or if there is no Rate applicable within such Liberty or Franchise, Justices of the County empowered to act, § 99.
101. Power to inspect Rates and Returns, § 100.
102. Occupier paying Road Rate may deduct it from Rent paid to his Landlord, § 101.
103. Road Rate to be paid over by County Treasurer to Treasurer of County Roads Board, § 102.
104. County Roads Board may make Orders on Parishes to carry or draw Materials for Turnpike Roads, § 103.
105. Surveyor of Turnpike Roads to pay for Work done in drawing Materials, and to be repaid out of Highway Rate, § 104.
106. Disputes respecting Carriage of Materials to be referred to Two Justices. Penalty, § 105.
107. *Llandilo Rhynws* Bridge and *Towey* Suspension Bridge to become County Bridges, § 106.
108. *Wych Tree* Bridge to become a County Bridge, § 107.
109. Commissioners to treat the *Wych Tree* Trusts as if heretofore consolidated with the *Swansea* District, § 108.
110. *Loughor* Bridge to be maintained as a County Bridge between the Counties of *Glamorgan* and *Caermarthen* jointly, § 109.
111. Part of the Debt of *Rumney* Bridge Trust to be borne by the *Newport* Turnpike Trust. *Rumney* Bridge to be maintained as a County Bridge between the Counties of *Glamorgan* and *Monmouth* jointly, § 110.
112. Act not to apply to *Hay* Bridge, nor to *Haverfordwest* or *Boughrood* Bridges, § 111.
113. Provision as to Portion of Road in *Rhayader* and *Llangerrig* Trust, § 112.
114. Recovery and Application of Penalties, § 113.
115. Interpretation of Act, § 114.
116. To make certain further Provisions for the Consolidation of Turnpike Trusts in *South Wales*, 8 *& 9 Vict. c.* 61.
117. Certain Roads to become County Roads, § 1.
118. Provision for Roads partly situated in different Counties, § 2.
119. Power to make new Branch Road in *Brecknockshire*, authorized by 11 *G.* 4. *& 1 W.* 4. *c.* xxviii. to be made by certain Trustees therein named, § 3.
120. Awards and Charges made by Commissioners under former Act confirmed, § 4.
121. Provision for facilitating Payments by Exchequer Loan Commissioners. Former Payments confirmed, § 5.
122. Interest at Three *per Cent.* may be charged by Exchequer Loan Commissioners from Time of Payment until Accounts are made up, § 6.
123. Commissioners to appoint Trustees of Monies secured upon charitable and religious Trusts, § 7.
124. Trustees to invest the Monies awarded to them for the Benefit of the Trust, § 8.
125. Secretary of State empowered to extend or vary the Limits of Towns after the Commission has terminated, § 9.
126. Repeal of Part of 7 *& 8 Vict. c.* 91. *s.* 52. respecting Toll for passing or repassing through any Gate within a Mile from Boundary of County, § 10.
127. Waggons on Springs not to be liable to Toll as Caravans, § 11.
128. County Roads Board for *Carmarthen* may carry out a certain Agreement under 11 *G.* 4. *& 1 W.* 4. *c.* 16.—§ 12.
129. County Roads Boards may dispose of their vested Interest in Toll Houses, § 13.
130. As to Interpretation of Act, § 14.

U.

Unclaimed Stock and Dividends.

1. To make further Provisions as to Stock and Dividends unclaimed, 8 & 9 *Vict. c.* 62.
2. When any Dividends on Stock have remained unclaimed for Ten Years, the same to be paid to the Commissioners for the Reduction of National Debt. Payment of such Dividends to Claimants to be directed as in other Cases, § 1.
3. Notice to be given by Advertisement before Re-transfer or Payment of any Stock or Dividends to any Claimant, § 2.
4. Application may be made to Court of Chancery to rescind Order for Transfer, &c., § 3.
5. The Sum of 3,663*l.* 13*s.* 8*d.* arisen from unclaimed Dividends on *East India* Annuities to be paid to Commissioners for the Reduction of the National Debt, § 4.
6. Lords of the Treasury may authorize Inquiries into the Circumstances of unclaimed Stocks and Dividends. Payment of Expences, &c., § 5.
7. Interpretation of Act, § 6.

V.

Van Diemen's Land.

1. To exempt *Van Diemen's Land* from the Provisions of an Act, intituled *An Act for regulating the Sale of Waste Land belonging to the Crown in the* Australian *Colonies*, 8 & 9 *Vict. c.* 95.
2. Act not to take effect in the Colony of *Van Diemen's Land* so long as Felons are transported there, § 1.
3. Commencement of Act, § 2.

See *New South Wales*, 3—12.

Vinegar, See Customs; Excise.

Wagers, See Games and Wagers.

W.

Warehousing.

1. For the warehousing of Foreign Goods for Home Consumption at the Borough of *Manchester* in the County of *Lancaster*, 7 & 8 *Vict. c.* 31.
2. Borough of *Manchester* to be a Place for warehousing Goods for Home Consumption, subject to the Provisions and Limitations herein-after contained, § 1.
3. Act not to require Commissioners of Customs to provide Warehouses for Deposit of Tobacco in *Manchester*, § 2.
4. Provisions of recited Act to apply to Warehouses in which Goods are deposited under this Act, § 3.
5. Account of Expences incurred by the Customs under this Act to be sent to the Council of the Borough, § 4.
6. Commissioners of Customs may distrain if Expences of Collection, &c. not paid within certain Times, § 5.
7. Treasury may suspend warehousing of Goods unless Expences paid, § 6.
8. Council empowered to charge on each Package, § 7.
9. Power to Council to levy a Warehouse Rate, § 8.
10. Rates where Warehouses are let to several Tenants, § 9.
11. Council to appoint Officers, § 10.
12. Council empowered to include in the Borough Rate the Expences of carrying this Act into execution, § 11.
13. Power to Council to purchase Property. Conveyance, § 12.
14. Parties under Disability to sell and convey, § 13.
15. Consideration to be in a gross Sum, § 14.
16. Acceptance of Compensation for Price of Land, § 15.
17. Amount of Compensation to be ascertained by Valuation in case of Parties under Disability, § 16.
18. Purchase of Lands on Chief Rents, § 17.
19. Payment of such Rents to be charged on the Borough Fund, § 18.
20. Forms of Conveyances, § 19.
21. Costs of Conveyances, § 20.
22. Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of *England*. Application of Monies deposited, § 21.
23. Order of Application, § 22.
24. Sums from 20*l.* to 200*l.* to be deposited or vested in Trustees, § 23.
25. Sums not exceeding 20*l.* to be paid to Parties, § 24.
26. Court of Chancery may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c. or Reversions, § 25.
27. Party in possession deemed to be the Owner, § 26.
28. Costs in Cases of Money deposited, § 27.
29. Council not to sell, &c. without the Approbation of the Treasury, § 28.
30. Power to borrow Money on Rates and Warehouses, § 29.
31. Mortgages may be either concurrent or with Priority as agreed on, § 30.
32. Application of Monies raised or received under Act, § 31.
33. Application of Monies borrowed or produced by Sale of Lands, § 32.
34. Council to make Bye Laws, § 33.
35. Bye Laws not to take effect until submitted to Treasury and published, § 34.
36. Extending Provisions of Municipal Corporations Acts to this Act in certain respects, § 35.
37. Interpretation of Act, § 36.
38. For the warehousing of Goods, 8 & 9 *Vict. c.* 91.
39. Commencement of Act, § 1.
40. Treasury to appoint warehousing Ports. Commissioners to appoint Warehouses, and require Bond, § 2.
41. Warehouses of special Security by Appointment; of special Security without Appointment, § 3.
42. Bonds given previous to Act to continue in force, § 4.
43. Commissioners to provide Warehouses for Tobacco, and Treasury to fix Rent, § 5.
44. Power to revoke or alter Appointment, § 6.
45. Publication of Appointment in Gazette, § 7.
46. Warehouse Keeper may give general Bond, if willing, or Importer give particular Bond, § 8.
47. Sale of Goods in Warehouse by Proprietor to be valid, although they remain there. Transfer of such Goods to be entered in a Book, § 9.
48. Stowage in Warehouse to afford easy Access, § 10.
49. Occupiers of Warehouses to produce, on demand, Goods to Officers of Customs, or to forfeit 5*l.*, § 11.
50. Goods fraudulently concealed or removed. Penalty on opening the Warehouse, § 12.
51. Persons

51. Persons assisting in the removing of Goods entered for the Warehouse, and not deposited there, subjected to Penalties, § 13.
52. Examination on Entry and Landing. Marking Package, § 14.
53. Goods to be carried to Warehouse under Authority of Officer of Customs, § 15.
54. Goods to be cleared in Three Years; Ships Stores in One Year; if not cleared to be sold. Purchaser allowed Three Months, § 16.
55. In case of Accident in landing or shipping Goods, Duty to be remitted, § 17.
56. Duties on Goods destroyed by Accident remitted, and certain Goods to be charged on Quantity delivered, § 18.
57. Entry for Exportation or Home Use. Goods permitted to be shipped from the Warehouse Duty-free, as Ships Stores, § 19.
58. Rum for Stores and surplus Stores may be shipped without Entry, if borne on Victualling Bill, or entered for private Use, § 20.
59. Duties to be paid on original Quantities, except in certain Cases. If for Exportation or Removal, Duties on Deficiencies to be paid. How Value ascertained, § 21.
60. Duties on Tobacco, Sugar, and Spirits to be charged on Quantities delivered, except in certain Cases. No Allowance for Leakage, § 22.
61. Allowances for natural Deficiency on Corn or Grain in Warehouse, § 23.
62. Importer may enter Goods for Home Use or for Exportation, although not actually warehoused, § 24.
63. Goods may be removed to other Ports to be re-warehoused; and on Notice given, Officers to prepare them for Removal. Tobacco for Use of Navy may be removed to certain Ports, § 25.
64. Entry of Goods for Removal. Account sent to other Ports. Entry at Port of Arrival to re-warehouse. Forms of Entries. Examination of Officers. Certificate of Arrival sent to Port of Removal, § 26.
65. Bond to re-warehouse, which may be given at either Port, § 27.
66. Bond how to be discharged, § 28.
67. Goods re-warehoused held on Terms of first warehousing, § 29.
68. On Arrival, after Forms of re-warehousing, Parties may enter to export, or take for Home Use, without first carrying to the Warehouse, § 30.
69. Removal in the same Port, § 31.
70. Goods and Parties subject to original Conditions, § 32.
71. Goods sold, new Owner may give Bond, and release the original Bonder, § 33.
72. Bond of Remover to be in force in new Warehouse until fresh Bond be given by new Owner, § 34.
73. To sort, separate, and repack in same or equal Packages; to bottle off Wine or Rum for Exportation; to draw off Rum for Stores; to mix Brandy with Wine; to fill up or rack off Casks of Wine; to take Samples, § 35.
74. No Alteration to be made in Goods or Packages, but according to Regulations, § 36.
75. Re-packing in proper Packages. After re-packing damaged Parts may be destroyed. Disposal of Surplus Quantity. Quantities in new Packages to be marked, and Deficiency to be apportioned. Abandonment of Goods for the Duty, § 37.
76. No Foreign Casks, &c., to be used unless Duties paid, § 38.
77. Goods may be delivered out of Warehouse for such Purposes as the Commissioners may direct, § 39.
78. Goods in Bulk delivered, § 40.
79. Packages to be marked before Delivery, § 41.
80. Commissioners of Her Majesty's Customs may approve of Premises for refining Sugar for Exportation, § 42.
81. On Approval thereof, Officers empowered to deliver Sugars Duty-free, to be there refined for Exportation only. Order of Approval may be revoked, § 43.
82. Refiner to give Bond, § 44.
83. Decrease and Increase may be ascertained and allowed, under Regulations of the Treasury. No Duty on Deficiency of Goods exported from Warehouses declared of special Security, § 45.
84. Allowances for natural Waste of Wine, Spirits, &c. in Warehouses not of special Security, on Exportation, § 46.
85. In case of Embezzlement and Waste through Misconduct of Officers, Damages to be made good to the Proprietor, § 47.
86. On Entry Outwards, Bond for due shipping and landing shall be given, § 48.
87. Goods removed from Warehouse for Shipment under Care of Customs Officers, § 49.
88. Tonnage of Ships for exporting such Goods, § 50.
89. Goods landed in Docks liable to Claims for Freight as before landing, § 51.

Westminster.

To empower the Commissioners of Her Majesty's Woods to appropriate to building Purposes the Area of *Darby Court* in the Parish of *Saint James Westminster*, 8 & 9 *Vict.* *c.* 104.

See *Local Acts.*

West India Relief Commissioners.

1. To facilitate the Recovery of Loans made by the *West India* Relief Commissioners, 8 & 9 *Vict.* *c.* 50.
2. If default be made in Payment of Loans or Interest, the mortgaged Premises may be sold on certain Conditions, § 1.
3. Commissioners may transfer Portions of Securities, § 2.
4. Commissioners may compound Debts with Consent of Treasury, § 3.
5. Three Commissioners may act, § 4.
6. Provisions of recited Acts to extend to this Act, § 5.

West Indies, See Colonies and Plantations.

Western Australia.

1. To continue until the Thirty-first Day of *December* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, an Act of the Tenth Year of King *George* the Fourth, for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*, 7 & 8 *Vict.* *c.* 57.
2. 10 *G.* 4. *c.* 22. continued till 31st *December* 1846, § 1.

Wheat.

1. To continue until the Thirty-first Day of *August* One thousand eight hundred and forty-eight, and to the End of the next Session of Parliament, and to amend, an Act of the Fifth and Sixth Year of Her present Majesty, for permitting Wheat to be delivered from the Warehouse

or the Vessel Duty-free, upon the previous Substitution of an equivalent Quantity of Flour or Biscuit in the Warehouse, 8 & 9 *Vict. c.* 103.
2. 5 & 6 *Vict. c.* 92. (except as altered or repealed by this Act) continued for Three Years, § 1.
3. Same Period allowed for entering Wheat from a Vessel as from the Warehouse, § 2.
4. Commissioners of Customs to provide Standard Samples of Biscuit, § 3.
5. Repeal of certain Penalties imposed by the said Act, § 4.
6. Penalties for depositing Articles of inferior Quality, § 5.
7. Flour not to be taken out of Bond for Four Weeks, § 6.

Woods, Forests, &c.

1. To amend an Act of the Tenth Year of His late Majesty King *George* the Fourth, for consolidating and amending the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; and for other Purposes relating to the said Land Revenue, 8 & 9 *Vict. c.* 99.
2. Commissioners of Woods, &c. may demise or lease any Portion of the Shore of the Sea, or navigable Rivers, or Lands derelict or gained from the Sea, for Ninety-nine Years, where Lessee shall covenant to embank or to construct Docks, &c., thereon, § 1.
3. When any Persons have erected Buildings on Crown Lands, in ignorance of Title of the Crown, Commissioners to grant such Leases as by recited Acts is provided, § 2.
4. Leases heretofore granted of Ground intended to be applied for Building Purposes, reserving different Rents for different Portions of the Term, instead of one uniform Rent, confirmed, § 3.
5. Commissioners, in future Exercise of Powers given of granting Leases for Ninety-nine Years, to reserve either one uniform Rent or separate Rents for separate Parts of the Term, § 4.
6. Where any Licence or Waiver of Forfeiture reserved in any Lease of the Land Revenues of the Crown shall be given by the Commissioners, such Licence, &c. shall extend only to the Breach of the particular Covenant, § 5.
7. Commissioners may accept any Surrender of any Lease, and grant separate Leases, and apportion the Rent reserved by the surrendered Lease, § 6.
8. And Surrender be made for the Purpose of a new Lease, the new Lease to be a Renewal of the surrendered Lease, § 7.
9. Commissioners may relieve Tenants from Forfeiture by reason of Non-compliance with their Covenants to insure Buildings in Names of the Commissioners for the Time being; and may designate in Writing any Persons in whose Names such Insurance is to be made instead of the Names of the Commissioners; or any such Insurance may be made in Name of Commissioners, as if they were a Corporation, or jointly with other Names; and such an Insurance shall be deemed a Compliance with the Covenant, § 8.
10. Where a Tenant of Crown Lands has transferred or may hereafter transfer any Stock for Redemption or Purchase of Land Tax on such Lands in ignorance of the Exception in 38 *G.* 3., the Commissioners may transfer to such Tenant so much Stock as shall be a Compensation for the Stock transferred by such Tenant, § 9.
11. Such Parts of an Estate near *Milbank, Westminster*, now vested in Her Majesty, as have not been required for Purposes of the Penitentiary, to be under the Management of Commissioners of Woods, &c., and Grants, &c. already made confirmed, § 10.
12. Commissioners of Woods, &c., empowered to purchase the *Grapes* Tavern at *Kensington*, for the Purpose of Improvements, § 11.
13. Powers in 10 *G.* 4. *c.* 50. (as far as applicable) to extend to the said Premises, § 12.
14. Monies paid by the Commissioners for said Premises, and for certain Houses in *High Street, Kensington*, and Costs of forming Roads, &c., to be recouped to Commissioners before any Surplus shall be applicable for Purposes of that Act, § 13.

Works of Art.

1. For the better Protection of Works of Art, and Scientific and Literary Collections, 8 & 9 *Vict. c.* 44.
2. Punishment for malicious Injury to Works of Art, &c. § 1.
3. Malice to be implied, § 2.
4. Apprehension of Offenders, § 3.
5. Act not to affect the Right to recover Damages, § 4.
6. Accessories punishable as Principals, § 5.
7. Act not to extend to *Scotland*, § 6.

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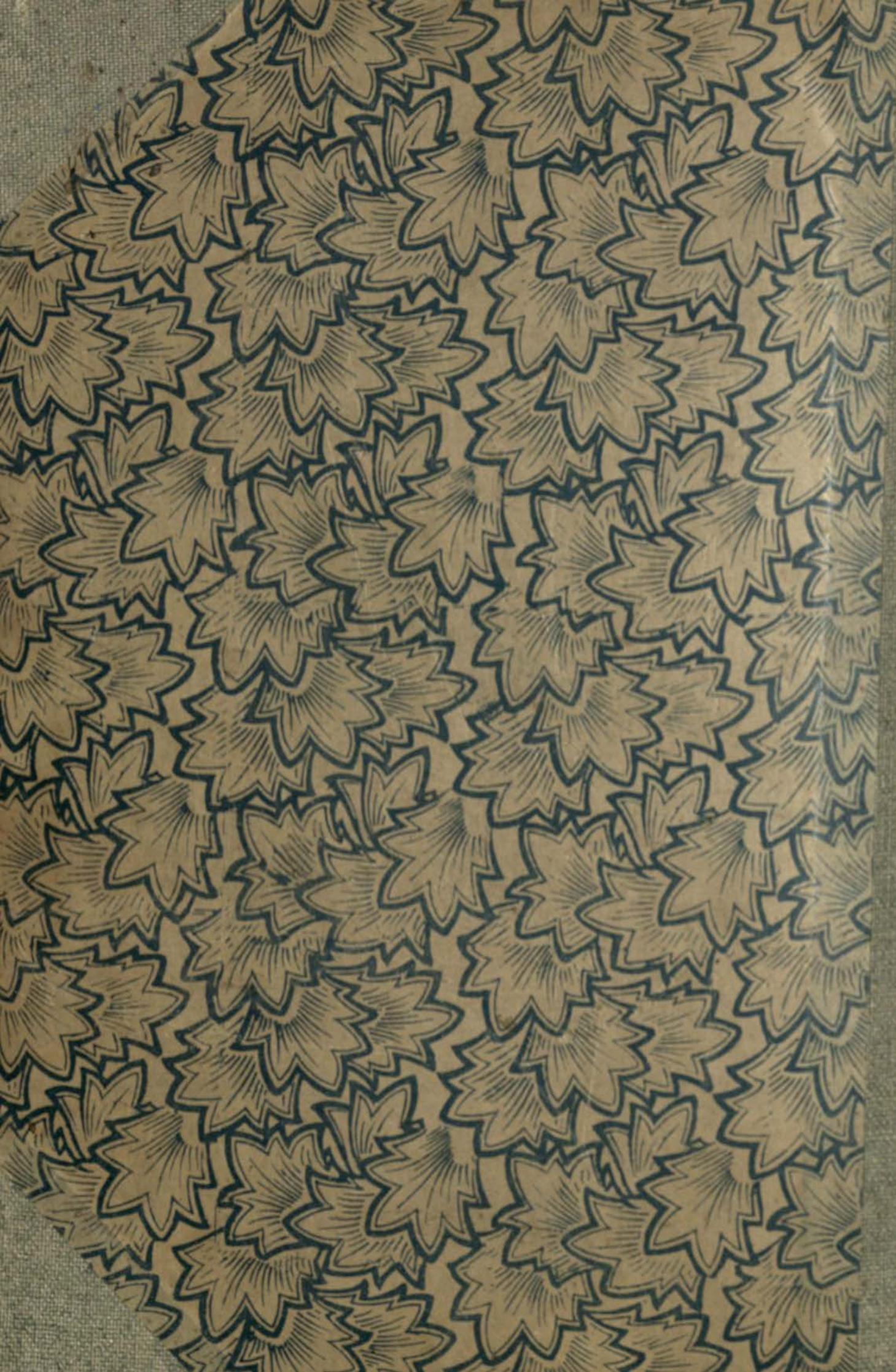
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